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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 17, 2015

EPA Docket Center (EPA/DC)
U.S. Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Re: Docket No. EPA-HQ-OAR-2008-0699
Federal Register, Vol. 79, No. 242, December 17, 2014, National Ambient Air Quality Standards for Ozone, Proposed Rule

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA's) proposed revisions to the National Ambient Air Quality Standards (NAAQS) for ozone. The following is a brief overview of our comments.

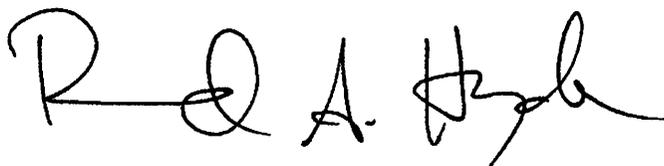
- **The Primary Standard:** The TCEQ recommends that the current ozone NAAQS level of 0.075 parts per million (ppm) be maintained, and levels lower than 0.075 ppm should not be considered because the scientific evidence does not support it. This recommendation is based on our assessment of the scientific evidence and risk assessment that demonstrates multiple flaws in the underlying studies being relied upon by the EPA to support lowering the ozone NAAQS, as described in detail below. These flaws are significant, and therefore it is irrational for the EPA to give these studies and evidence significant weight in evaluating the extent to which human health and public welfare effects are likely at lower ozone exposures.
- **The TCEQ does not agree with the EPA's statement that methane and carbon monoxide should be included as ozone precursors for purposes of ozone formation.**
- **The Secondary Standard:** The TCEQ reviewed the evidence presented in the proposal regarding revising the secondary ozone standard and concludes that it is insufficient to support lowering the secondary standard below the level set in 2008. The TCEQ urges the EPA to leave the secondary standard at the level established in 2008 until more definitive relationships between ozone concentration and welfare effects can be established. However, if a distinct cumulative exposure (W126-based) secondary ozone standard is promulgated, the EPA should involve states in the development of implementation guidance.
- **Ambient Monitoring Requirements:** The EPA's proposal of a range of standards, as well as ambient air monitoring network changes with an inadequate level of detail, precludes meaningful review and evaluation of potential impacts. Also, the proposed changes to the photochemical assessment monitoring station (PAMS) requirements will not necessarily save

money or resources, as the EPA suggests in the proposed rule. The EPA should address concerns regarding the clarity of proposed changes to ambient monitoring requirements, specifically those related to moving or decommissioning monitors, mixing height data, meteorological parameters at PAMS, and data selection criteria.

- **Exceptional Events:** The EPA should propose revisions to the Exceptional Events Rule in a timely manner and provide states with either more time for exceptional event analysis and documentation or more detailed guidance on approvable exceptional event demonstrations. The final rule for the revised standard, if promulgated, should establish deadlines for completion of the EPA's review of exceptional event documentation.
- **Background Levels:** The EPA must clearly define and describe methods by which areas can account for the effects of background ozone, especially from foreign emission sources and clarify how states are to address the significant implementation challenges associated with attaining an ozone standard at or near background levels.
- **Prior Standards:** The EPA should complete redesignation of areas that have demonstrated attainment with the 2008 and 1997 ozone standards and then revoke them prior to adopting a new standard.
- **Implementation:** The EPA should commit to firm deadlines for the proposed and final implementation rule for addressing the revised 2015 ozone NAAQS in order to provide timely guidance for state implementation plan (SIP) development and ensure that the effective date of the designations aligns appropriately with the end of ozone season for all areas.
- **Support for EPA Actions:** The TCEQ supports the EPA's conclusion that defining a separate form for the secondary standard (W126 or similar cumulative index) is unnecessary; the option for states to submit infrastructure SIP revisions for a distinct secondary NAAQS separately and at a later date than infrastructure SIP revisions for the primary NAAQS; and the proposed Prevention of Significant Deterioration (PSD) grandfathering provisions.

Enclosed please find our detailed comments. If you have questions, please contact Mr. Steve Hagle, P.E., Deputy Director, Office of Air, at 512-239-1295 or steve.hagle@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde". The signature is written in a cursive, flowing style with a large initial "R".

Richard A. Hyde, P.E., Executive Director
Texas Commission on Environmental Quality

Enclosure