

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 20, 2012

U.S. Environmental Protection Agency
Attn: Docket ID No. EPA-HQ-OAR-2012-0313
EPA Docket Center, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Section 610 Review of Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the U.S. Environmental Protection Agency's (EPA) request for comments published in the October 31, 2012 edition of the *Federal Register* regarding its review of the Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements rule pursuant to Section 610 of the Regulatory Flexibility Act (5 U.S.C. 610).

The TCEQ supports the continuation of the Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements rule as promulgated by the EPA in 2001. This rule provided significant further reductions in the exhaust emissions from 2007 and newer heavy-duty highway engines and vehicles when compared to the previously adopted emissions standards. The rule also significantly lowered the maximum sulfur content of highway diesel fuel from 500 to 15 parts per million to enable the use of exhaust emission control technologies that could be used by engine and vehicle manufacturers to achieve the lowered exhaust emissions standards.

The Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements rule continues to ensure improvements to air quality as older engines and vehicles are retired and replaced with newer engines and vehicles certified to the rule's stricter exhaust emissions standards. The TCEQ has incorporated the air quality benefits from the implementation of this rule into the state implementation plan (SIP) for the state's ozone nonattainment areas. The outcome of the EPA's Section 610 review of this rule could have a major impact on the SIP if the EPA determines to withdraw or significantly modify the rule to relax any of its requirements.

If there are any questions concerning TCEQ's comments, please contact Mr. David Brymer, Director, Air Quality Division, Office of Air, at 512-239-1725 or david.brymer@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar".

Zak Covar
Executive Director

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