

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 31, 2016

Environmental Protection Agency
Air Docket
Mail Code: 2822T
1301 Constitution Ave., NW
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OAR-2014-0464

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to provide comment on the United States Environmental Protection Agency's (EPA) February 16, 2016, 120-day letter announcing intended designations for specified areas under the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS).

The TCEQ understands that the EPA's notice of comment availability published in the March 1, 2016 *Federal Register* is intended to allow the public to comment on the EPA's proposed designations for the 2010 SO₂ NAAQS, while state responses to the EPA regarding its proposed modifications are due April 19, 2016. The TCEQ submits these initial comments for the EPA's consideration and requests that the EPA include in the regulatory docket the TCEQ's detailed response to the 120-day letter, which will be submitted to the EPA by the April 19, 2016 deadline.

The TCEQ agrees with the EPA's intended designations for five of the 15 counties listed. The unclassifiable/attainment designations for Atascosa, Goliad, Lamb, Limestone, and Robertson Counties are consistent with the recommendations submitted on September 18, 2015 by Governor Abbott. The EPA's modifications for the remaining Texas areas scheduled for July 2016 designation are not appropriate, and we respectfully request that the EPA change its proposed designations for McLennan, Milam, Potter, and Fort Bend Counties, and portions of Freestone, Anderson, Rusk, Gregg, Panola, and Titus Counties.

The attainment designations recommended in the recommendation submitted by Governor Abbott for McLennan and Gregg Counties were based on quality-assured 2012 through 2014 ambient air monitoring data. The EPA's proposed designations of unclassifiable for McLennan County and nonattainment for a portion of Gregg County disregard the monitoring data in those counties. The nonattainment area EPA proposed for Gregg County includes the TCEQ's Longview SO₂ monitor (EPA Air Quality Systems site number 48-183-0001), which has continuously monitored attainment of the 2010 SO₂ NAAQS since the NAAQS was promulgated. The EPA should revise its proposed designation for Gregg County to attainment to comply with

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federal regulations, specifically 40 Code of Federal Regulations (CFR) Section 50.17(b)¹, and to reflect the observed air quality data from the regulatory monitor located in that portion of the county. Further, McLennan County should not be designated at this time because Sandy Creek Power Station's 2012 actual emissions are below the emissions threshold established in the EPA's consent decree.

The nonattainment designations that the EPA proposes for portions of Freestone, Anderson, Rusk, Gregg, Panola, and Titus Counties appear to have been based solely on third-party, non-peer reviewed, modeling that has errors and clearly overestimates actual SO₂ concentrations as evidenced by the actual monitoring data in the proposed Gregg County nonattainment area. The TCEQ also disagrees with the proposed nonattainment designations for portions of Anderson and Panola Counties. Anderson and Panola Counties' SO₂ emissions contributions to their respective proposed nonattainment areas are negligible, and therefore including portions of these counties is unnecessary to control additional SO₂ sources and should be designated as unclassifiable/attainment.

For Fort Bend, Milam, and Potter Counties, the recommended unclassifiable/attainment designations are more appropriate than the EPA's unclassifiable designation because no SO₂ monitoring data exists for Fort Bend and Milam Counties and the regulatory monitor in Potter County does not have three complete years of data but has been monitoring well below the standard.

Based on information provided above and the forthcoming detailed response to the 120-day letter, the TCEQ urges the EPA to reconsider making any modifications to Texas' recommended designations.

If there are any questions concerning the TCEQ's comments, 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 that reads "Richard A. Hyde". The signature is written in a cursive, flowing style.

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

cc: Mr. Guy Donaldson, EPA R6

¹ 40 CFR 50.17(b): "The 1-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of this part."