

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 19, 2015

Mr. Guy Donaldson  
Air Planning Section (6PD-L)  
Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: Docket No. EPA-R06-OAR-2014-0536

*Federal Register*, Vol. 80, No. 31, February 17, 2015 Determination of Nonattainment and Reclassification of the Dallas-Fort Worth 1997 Eight Hour Ozone Nonattainment Area; Texas

Dear Mr. Donaldson:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA's) proposed determination that the Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area did not attain the 1997 National Ambient Air Quality Standard by June 15, 2013, the attainment deadline set forth in the Code of Federal Regulations (CFR) for a serious ozone nonattainment area under this standard. This action also proposes the reclassification of the DFW area for the 1997 eight-hour ozone standard from serious to severe.

### DFW Monitors Attainment for 1997 Ozone Standard

The TCEQ submits the following additional information regarding DFW's current ozone status. While the proposal's *Section II. EPA's Evaluation of the DFW Area's 1997 8-Hour Ozone Data* adequately summarizes ozone design values 2010-2012, it is appropriate to acknowledge recent improvements in air quality.

The DFW area is currently measuring attainment of the 1997 eight-hour ozone standard. Based upon data from 2010, 2012, and subsequent years, the area would likely have attained the ozone standard by the attainment date but for the 2011 measurements, which appear to be outliers.

Under the 1997 eight-hour ozone standard of 84 parts per billion (ppb), the DFW area had an attainment deadline of June 15, 2013 based on monitoring data collected from the 2010, 2011, and 2012 ozone seasons. At the end of the 2012 ozone season, only two of the 17 monitors in the DFW 1997 ozone nonattainment counties had design values above the 84 ppb standard. The remaining 15 monitors all had significant decreases in their respective ozone design values since 2003. For example, the Fort Worth Northwest monitor readings dropped 17 ppb, from 96 ppb in 2003 to 79 ppb in 2012.

Based on 2012, 2013, and 2014 monitoring data, the current peak ozone design value for the DFW area is set by the Denton Airport South monitor at 81 ppb. No monitor in the region measured a fourth high in 2014 above the 1997 ozone standard of 84 ppb, and only two had 2014 fourth high readings above the 2008 ozone standard of 75 ppb. The TCEQ has submitted certified ambient

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monitoring data for 2014 to the EPA along with an attainment determination request for the DFW area for the 1997 eight-hour ozone standard.

The fourth highest readings during the 2011 ozone season had a very significant impact on the DFW ozone design value for the calendar years of 2011, 2012, and 2013. The fourth high at Keller in 2011 was 97 ppb, while the fourth high at Denton Airport South was 95 ppb.

When 2012, 2013, and 2014 data are compared to 2011, there is a strong suggestion that the fourth highest levels from 2011 are outliers in the area's downward trend. The trend in decreasing ozone measurements in the DFW area was interrupted in 2011; however, readings at those levels had not been observed since 2006 and have not been observed again since.

The ongoing reduction in ozone levels throughout the DFW area has been most pronounced in the five ozone monitors in the northwest corner of the area that have historically measured the highest readings: Denton Airport South, Eagle Mountain Lake, Fort Worth Northwest, Grapevine Fairway, and Keller.

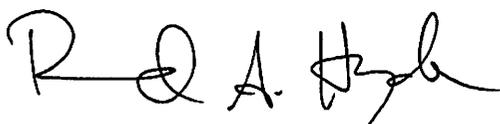
#### Ensure Revocation

The TCEQ urges the EPA to ensure that revocation of the 1997 eight-hour ozone standard is effective prior to adoption of this reclassification so that resources can be focused on attaining the more stringent 2008 ozone standard. The implementation rule for the 2008 eight-hour ozone standard, which revokes the 1997 eight-hour ozone standard, was published in the *Federal Register* on March 6, 2015, however it is not considered final for purposes of removing the obligation to reclassify until its effective date, which is 30 days after its *Federal Register* publication. Upon revocation of the 1997 standard, the EPA would not be obligated to reclassify for the 1997 ozone standard (78 FR 34178, 34236; proposed 40 CFR 51.1105(d)(2)(ii)).

#### Provide Regulatory Certainty

Provision 5(b) of the consent decree resolving *Sierra Club v. McCarthy*, Case No. 1:14-cv-00833-ESH (D.D.C.), imposes specific conditions that must occur in conjunction with the EPA's decision to revoke the 1997 ozone standard in order for the EPA to be released from its obligation to make a final determination regarding whether or not an area failed to attain the standard. These conditions are overly prescriptive and inappropriately limit the Administrator's discretion in the revocation of the 1997 ozone standard. Additionally, the proposed consent decree is silent regarding how these provisions would be interpreted in the event that the final rule revoking the 1997 ozone standard is challenged or overturned. The EPA should ensure that the revocation is completed in a manner that satisfies all the conditions in the consent decree.

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](mailto:steve.hagle@tceq.texas.gov).  
Sincerely,



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