

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 28, 2015

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

Re: Docket No. EPA-R06-OAR-2012-0098; *Federal Register*, Vol. 80, 23487, April 28, 2015

Dear Mr. Donaldson:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA) proposed determination that the Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area is attaining the 1997 National Ambient Air Quality Standard via a "Clean Data Determination (CDD)." The TCEQ supports the EPA's CDD, which acknowledges that the DFW area is currently attaining the 1997 ozone standard based on the most recent three years of quality-assured monitoring data (2012 through 2014). The DFW area monitors have all had significant decreases in their ozone values. For example, the Fort Worth Northwest monitor readings dropped 17 parts per billion (ppb), from 96 ppb in 2003 to 79 ppb in 2014. The TCEQ supports the determination of attainment and agrees that there is no need for the submission of an attainment demonstration, a reasonable further progress plan, contingency measures, and other requirements relevant to the 1997 ozone standard since the DFW area is attaining the 1997 ozone standard.

The EPA action also proposes disapproval of certain elements of the attainment demonstration state implementation plan (SIP) for the DFW 1997 eight-hour ozone nonattainment area, as submitted by the TCEQ on January 17, 2012. The disapproval is based on failure to attain the 1997 eight-hour ozone standard by June 15, 2013, the deadline for a serious nonattainment area. The EPA states that "...if EPA finalizes a CDD for the area within the 18 months, the sanctions clocks will be tolled so long as the area remains clean. If the deficiency is not corrected within such timeframe and no CDD is finalized, the first sanction would apply 18 months after the EPA's disapproval of the SIP is effective." The deficiency according to the EPA is not having a fully approvable attainment demonstration for a NAAQS that has been revoked. This statement is not tied to any particular timeframe and could therefore either require an additional attainment demonstration development and EPA review and approval or sanctions for the revoked 1997 eight-hour ozone standard. Especially given the requirements in the final 2008 eight-hour ozone SIP requirements rule that do not obligate the EPA to issue a finding of failure to attain or bump up for the standard, the TCEQ does not support a SIP disapproval for a revoked standard. The disapproval is unnecessary and may result in future obligations for that revoked standard and expenditure of limited state and federal resources for no true air quality benefit.

Mr. Guy Donaldson

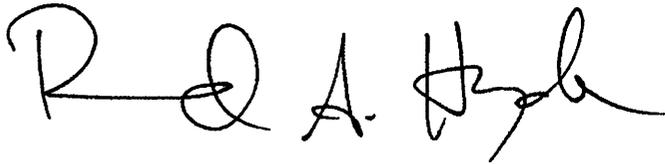
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If you have questions, please contact Mr. Steve Hagle, P.E., Deputy Director, Office of Air, at 512-239-1295 or steve.hagle@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hyde". The signature is written in a cursive style with a large, prominent "R" and "H".

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