# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:**

***Federal Register*, Vol.** 84, No. 121, June 24, 2019;

EPA–R06–OAR–2019–0213; FRL–9995–18–Region 6

Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards

**Overview of Proposal:**

On June 24, 2019, the United States Environmental Protection Agency (EPA) proposed:

* determination that the Dallas-Fort Worth (DFW) area continues to attain the 1979 one-hour and 1997 eight-hour ozone National Ambient Air Quality Standards (NAAQS) and has met the federal redesignation criteria;
* termination of all anti-backsliding obligations for the DFW area for the 1979 one-hour and 1997 eight-hour ozone NAAQS; and
* approval of revisions to the Texas State Implementation Plan (SIP) for redesignating and maintaining these standards through 2032 in this area.

**Summary of Comments:**

The following significant substantive comments are made in the comment letter:

* The EPA should redesignate the DFW area to attainment for the 1979 one-hour ozone and 1997 eight-hour ozone NAAQS.
* The EPA’s past failure to provide for a legally valid mechanism for termination of anti-backsliding obligations for revoked NAAQS has created uncertainty. The EPA’s reluctance to redesignate areas attaining a revoked NAAQS and terminate associated anti-backsliding requirements potentially creates severe economic consequences for the public, regulated industry, and states.
* The EPA continues to have authority to redesignate areas from “nonattainment” to “attainment” post-revocation of a NAAQS. However, if the EPA determines that it does not have authority to redesignate areas to attainment post-revocation, the EPA clearly has authority to determine that an area has met all redesignation requirements necessary for termination of anti-backsliding requirements.
* The EPA has authority to, and should, revise the designation listings in 40 CFR Part 81 to better reflect the status of applicable anti-backsliding obligations for areas.

The letter also includes comments of a more technical nature related to Motor Vehicle Emission Budgets.

**Lead Office:** **Office of Air/Air Quality Division**

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**Office of Legal Services: Terry Salem & John Minter/OLS/Environmental Law Division**

**Deputy Director Approval: Tonya Baer, Deputy Director, Office of Air**

**Deadline: 7/24/19**