# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:**

Request for Public Comment; *Proposed Settlement Agreement, Clean Air Act Petition for Review*; Docket ID Number EPA-HQ-OGC-2017-0030.

**Overview of Proposal:**

On January 19, 2017, the United States Environmental Protection Agency (EPA) published in the *Federal Register* (82 FR 6532) proposed responses to the *Proposed Settlement Agreement, Clean Air Act Petition for Review*.

The EPA promulgated revisions to ambient air monitoring requirements for criteria pollutants in 81 FR 17,248. Specifically, the EPA revised requirements pertaining to public inspection of proposed annual monitoring network plans required under 40 CFR 58.10.

The Sierra Club filed a petition for review of EPA's final action titled “Revisions to Ambient Monitoring Quality Assurance and Other Requirements.” The EPA and the Sierra Club came to a settlement agreement that resolves the petition. Under the terms of the proposed settlement agreement, the EPA will issue two nonbinding guidance documents. The first guidance document will be issued to state and local monitoring agencies and will make public inspection recommendations concerning proposed monitoring plans. The second guidance document will be issued to EPA regional offices and will make recommendations for stakeholder notification of monitoring plan approvals and disapprovals. The EPA requested comment on the proposed settlement agreement to resolve the Sierra Club’s petition.

The TCEQ currently has no comments regarding the outline of the guidance documents as listed in the proposed settlement agreement. The guidance documents were identified as containing nonbinding recommendations on how to best implement the regulatory requirements. However, according to the terms of the settlement agreement, the guidance documents must be issued not later than 30 days after finalization of the agreement.

**Summary of Comments:**

The TCEQ comments that the timeframe of the proposed settlement agreement does not allow for a period of public notice, review, and subsequent comment on the resulting guidance documents. Public comment periods are of the utmost importance because they provide an opportunity for the public and state and local air monitoring agencies to impact rules and guidance.

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**Internal Coordination: Holly Landuyt of the Monitoring Division,** Office of Compliance and Enforcement **and Richard C. Chism, Director of the Monitoring Division,** Office of Compliance and Enforcement.

**Deputy Director Approval: Ramiro Garcia, Jr.**

**Deadline**: February 21, 2017