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February 22, 2008

Ms. Margaret Earnest, MC 206  
Air Quality Division  
Chief Engineer's Office  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, TX 78711-3087

VIA FAX AND E-Comments

RE: Project Number 2007-016-SIP-NR

Dear Ms. Earnest:

This letter constitutes the official comments of the Lone Star Chapter of the Sierra Club and our 23,000+ plus members in Texas regarding the proposed revisions by the Texas Commission on Environmental Quality (TCEQ) to the state implementation plan (SIP) to meet the requirements of the Federal Clean Air Act (FCAA), §110(a)(2)(D)(i)(II), 169A, and 169B addressing visibility impairment due to regional haze in Federal Class I areas.

These revisions, of course, are intended to address the federal requirements for "reasonable progress" toward the national goal in reducing visibility impairment at Federal Class I areas, including Big Bend and Guadalupe Mountains National Parks, resulting from man-made pollution. The national goal is to reduce man-made impacts on visibility in Class I areas to zero (that is, to natural conditions) by 2064 for the worst 20 percent visibility days and prevent any degradation for the best 20 percent visibility days.

The Sierra Club has a major interest in the quality of the air at Big Bend and Guadalupe Mountains National Parks and indeed in the air quality at several other national parks and/or wilderness areas in nearby states that are impacted by transport of air pollutants from man-made sources in Texas. The Lone Star Chapter has 13 regional groups in Texas, and several of those regional groups – including the Austin, Big Bend, Dallas, and Houston Groups – regularly or periodically conduct organized outings to Big Bend and Guadalupe Mountains National Parks. Indeed nationally the Sierra Club runs a highly regarded outings program that periodically brings people from around the country to enjoy outdoor recreational experiences at the national parks in West Texas.

Explore, enjoy and protect the planet.

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Sierra Club members at various times of the year have had the value of their experience in visiting Big Bend or Guadalupe Mountains National Park diminished by the regional haze that often and increasingly obscures or dramatically reduces the visibility of natural vistas in those parks. Therefore, Sierra Club members have a very personal interest in how the TCEQ does or does not address the issue of regional haze in our national parks and the extent to which the national goal of natural visibility by 2064 is or is not met as a result of TCEQ's actions or inaction.

Consequently the Sierra Club is extremely disappointed with the total inadequacy of the regional haze SIP revisions being proposed by TCEQ at this time.

The failure of the agency to propose or implement any new air pollution control strategies that would go beyond the anticipated impacts of those control strategies that already exist or are already scheduled to meet other purposes is almost incomprehensible – especially in light of the fact that the agency says the proposed regional haze SIP will not come anywhere near meeting the national goal of natural visibility by 2064. The agency's determination that (under its SIP) natural visibility will not be achieved at Guadalupe Mountains National Park until 2081 and will not be achieved at Big Bend National Park until 2155 would be laughable were it not so tragic. The fact that several generations of Texans will not be able to experience clear skies on a regular basis at these exceptional natural heritage parks is indeed a sad commentary on the lack of agency commitment to improving air quality in a timely manner throughout our state.

The Sierra Club fully understands that the causes of regional haze in our national parks in West Texas are multiple and acknowledges that a significant percentage of the air pollution affecting those parks is coming from sources outside of Texas. However, even accepting the TCEQ's own calculations, roughly half of the air pollution impacting these parks is coming from sources *inside* Texas. As a consequence it makes no sense to throw up our hands and say we cannot do anymore to control those sources in Texas that are contributing to the problem. Even if additional air pollution control strategies regarding in-Texas sources would not be sufficient to achieve the natural visibility goal by 2064, they potentially would draw the time for reaching the goal closer.

Although TCEQ has evaluated some additional new air pollution control strategies that might be considered to combat regional haze, their review is relegated to an appendix of the proposed revisions, and no serious discussion is provided in the revisions themselves that would highlight to the public and to public officials additional steps that could and/or should be taken to accelerate the rate of progress toward achieving the natural visibility goal for our national parks. Unfortunately it appears that TCEQ wants to bury the information about ways in which the natural haze issue could be addressed in a more expeditious fashion.

In addition the experience of the Sierra Club in dealing with TCEQ on air issues in the last few years is that there is an unwillingness on the part of the agency to make any hard choices about air quality clean-up, the permitting of new air pollution sources, and the

enforcement of air pollution control laws. The situation has gotten so serious that our organization (along with Public Citizen) has had to go to federal court under the citizen suit provision of the federal Clean Air Act to force an air pollution source in Northeast Texas to abide by its permit conditions (because TCEQ failed to act). Environmental Defense and Sierra Club have had to petition EPA to address the deficiencies in the Texas PSD (prevention of significant deterioration) program. In addition, our organization and other groups have had to involve ourselves in contested case hearings over permits for new proposed coal-fired power plants because TCEQ will not apply appropriate Best Available Control Technology (BACT) standards to those permits. All of this shakes our confidence in the adequacy of existing TCEQ control strategies to meet even the abysmally long time frames anticipated to address the regional haze issue in the proposed SIP revisions.

The Sierra Club finds it difficult at this point to justify any significant expenditure of our time or resources to do a thorough critique of the proposed regional haze SIP revisions because we see no real commitment on the part of TCEQ to address the deficiencies in the proposal and develop a plan to will truly meet the national goal. Others have presented more detailed comments on specific elements of the plan (or non-plan, as the case may be).

What we feel important for the Sierra Club to convey at this time is that TCEQ is missing an incredible opportunity to demonstrate a commitment to air quality clean-up in one of the most culturally, historically, and naturally important parts of our state. The failure to clear the air in Big Bend and Guadalupe Mountains National Parks, moreover, translates into continued regional haze problems for state-owned lands such as Big Bend Ranch State Park, Davis Mountains State Park, and other such areas, which increasingly are of interest for outdoor recreation for our state's burgeoning urban populations.

Natural visibility may not seem to be as high a priority issue to officials in a state where smog and haze on a recurring base unfortunately are so much a part of the daily lives of Texans, most of whom live in urban areas. The connection is clear, however, even if the skies are not. Many of the same sources of pollution that affect the skies of our national parks in West Texas affect the air in our cities elsewhere in the state. Aggressive clean-up of these sources will certainly benefit both, but, on the other side of the coin, the failure to take sufficiently protective actions to clean up air quality from these sources will harm both. In the meantime those Texans who would like to escape the smoggy cities to recreate in our national parks in West Texas often find that they have escaped one pollution location only to experience another one.

The Sierra Club urges TCEQ to pull back its proposed regional haze SIP provisions and develop a truly effective plan for addressing the regional haze problem to submit to the U. S. EPA. TCEQ has already missed the deadline (last December) to submit a regional haze plan. If the late plan that the State is preparing to submit to EPA will not make reasonable progress toward achieving the national goal for natural visibility by 2064, then the State needs to go back to the drawing board now and develop a plan that will do so before making the submittal.

Moreover, in the development of a new plan to truly target the 2064 goal (or better it), TCEQ needs to cast the net wider for the active involvement of a much more diversified set of interests for input and collaboration on plan development – including especially bringing into the process much greater representation of interests that have a strong commitment to the protection of areas such as Big Bend and Guadalupe Mountains National Parks, rather than an over-reliance on the views of industries with a vested interest in avoiding new air pollution control strategies. In retrospect it is not hard to see why TCEQ has produced a set of proposed regional haze SIP revisions that do not include any new pollution control strategies on industry over and above what is already on the books or scheduled.

In conclusion, while the Sierra Club appreciates the opportunity to make these comments, our organization finds the proposed regional haze SIP revisions to be in effect a total “cop-out” of TCEQ’s responsibility to address the visibility issues at Big Bend and Guadalupe National Parks. It is time for the agency to take a good, hard look at itself and ask whether proposals such as these are truly serving the public interest or simply confirming what many Texans already believe – that this agency lacks the commitment to force or seek necessary controls on industry to clear the air for all Texans.

Sincerely yours,

A handwritten signature in cursive script that reads "Ken Kramer".

Ken Kramer, Director  
Lone Star Chapter, Sierra Club