

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 11, 2008

The Honorable Rick Perry
Governor of Texas
State Capitol
P. O. Box 12428
Austin, TX 78711-2428

Dear Governor Perry:

The U.S. Environmental Protection Agency (EPA) revised the national ambient air quality standards (NAAQS) for eight-hour ozone on March 12, 2008. The standard was revised from 0.08 parts per million to 0.075 parts per million. The new standard became effective on May 27, 2008. Within one year of a new or revised air quality standard, Section 107(d)(1)(A) of the federal Clean Air Act requires the Governor of each state to submit to the EPA a list of all areas with a designation recommendation of attainment, nonattainment, or unclassifiable. The letter is due to the EPA by March 12, 2009.

Based on review and analysis of 2005 through 2008 ozone monitoring data and other factors, the Commission recommends the following counties be designated nonattainment, listed by air quality planning area: **Austin Area:** Travis; **Beaumont-Port Arthur Area:** Hardin, Jefferson, and Orange; **Dallas-Fort Worth Area:** Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, and Tarrant.; **El Paso County** with the exception of tribal lands, i.e. Ysleta Del Sur Reservation or Trust Lands; **Houston-Galveston-Brazoria Area:** Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller; **San Antonio Area:** Bexar; and **Tyler Area:** Gregg, Rusk, and Smith. All other Texas counties should be designated as attainment/unclassifiable.

Many states, including Texas, face difficulty in meeting the standard due to background levels of ozone as well as timing issues related to the attainment date. Ozone concentrations in Texas continue to decrease. As we move forward, TCEQ will be in constant communication with the EPA regarding the achievability of this standard and the appropriate monitoring data to use.

Enclosed is a cover letter for your signature and the designation recommendation to be submitted to the EPA by the March 12, 2009, deadline.

Thank you for your support and assistance in this matter. If I can be of any assistance, please contact me at (512) 239-5515.

Sincerely

A handwritten signature in black ink that reads "Buddy Garcia".

Buddy Garcia
Chairman

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

LaDonna Castanuela DEC 11 2008

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

**Resolution Concerning the 2008 Revised Eight-Hour Ozone National Ambient Air Quality
Standard Designation Recommendations**

Docket No. 2008-1615-MIS

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on December 10, 2008, to discuss and consider proposed designations for the revised eight-hour ozone National Ambient Air Quality Standard (NAAQS) for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA revised the eight-hour ozone NAAQS effective May 27, 2008, changing the standard to 0.075 parts per million (ppm); and

WHEREAS, the Commission acknowledges that the Federal Clean Air Act (FCAA), § 107(d)(1), requires the EPA, after the promulgation of a new or revised NAAQS, to designate areas as attainment, nonattainment, or unclassifiable; and

WHEREAS, the Commission acknowledges that the FCAA, § 107(d)(1), also establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the revised eight-hour ozone NAAQS for their state, including appropriate geographic boundaries; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the revised eight-hour ozone NAAQS of March 12, 2009; and

WHEREAS, the Commission acknowledges that the EPA recommends States identify areas not in compliance with the new or revised NAAQS using the most recent three years of air quality data, stored in the EPA Air Quality System (AQS), from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58; and

WHEREAS, the Commission finds that based on certified AQS monitoring data from 2005 through 2007, and the most recent data for 2008, which will be certified in accordance with EPA requirements, all monitors in Texas with data eligible for comparison to the revised eight-hour ozone NAAQS were reviewed, and there are areas of the state that should be recommended for designation as nonattainment, in addition to areas that should be recommended for designation as attainment or unclassifiable, as noted in the attached Exhibit A; and

WHEREAS, the Commission finds that at the time EPA makes designations, AQS monitoring data from 2009 may also be available for EPA's consideration; and

RESOLVED, that the Commission hereby requests the Governor of Texas to submit a recommendation for the revised eight-hour ozone NAAQS to the EPA for consideration, consisting of the information in Exhibit A, along with data analysis supporting this recommendation by the EPA's requested deadline of March 12, 2009, and directs commission staff to provide supplemental information to EPA to support designations, as necessary.

Issue Date:

DEC 11 2008

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Buddy Garcia
Buddy Garcia, Chairman

EXHIBIT A

State of Texas
2008 Eight-Hour Ozone Standard of 0.075 parts per million
Designation Recommendation

The following counties, listed by air quality planning area, should be designated nonattainment. All the rest of the counties in Texas should be designated attainment/unclassifiable.

Austin-Area

Travis

Beaumont-Port Arthur Area

Hardin

Jefferson

Orange

Dallas-Fort Worth Area

Collin

Dallas

Denton

Ellis

Hood

Johnson

Kaufman

Parker

Rockwall

Tarrant

El Paso County with the exception of tribal lands, i.e., Ysleta Del Sur
Reservation or Trust Lands

Houston-Galveston-Brazoria Area

Brazoria

Chambers

Fort Bend

Galveston

Harris

Liberty

Montgomery

Waller

San Antonio Area

Bexar

Tyler Area

Gregg

Rusk

Smith

Mr. Richard E. Greene
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mayor Greene:

Pursuant to the requirements in Section 107(d)(1)(A) of the federal Clean Air Act, enclosed is the recommendation for designation of areas in Texas with regard to the revised National Ambient Air Quality Standard for eight-hour ozone of 0.075 parts per million.

The Texas Commission on Environmental Quality (TCEQ) developed the enclosed recommendation, considering currently available eligible monitoring data for all areas in Texas from the 2005 through 2007 period. The State of Texas recommendation also takes into account the 2008 data, which will be certified in accordance with EPA requirements.

The commission understands that the Environmental Protection Agency (EPA) plans to utilize the most recent three years of ambient monitoring data as the basis for designations. Additionally, 2009 certified data may be available for the EPA's consideration in making the designations. The TCEQ staff are available to work with you regarding the appropriate data submission.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Buddy Garcia at 512/239-5515.

Sincerely,

Rick Perry
Governor

Enclosure

cc: Mr. Buddy Garcia, Chairman, TCEQ