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Some comments are truncated due to length. To arrange to borrow a copy, contact Margie McAllister at mmcallis@tceq.state.tx.us or 512-57-3098.

Areas
AUS: Bastrop, Caldwell, Hays, Travis, Williamson counties
BPA: Hardin, Jefferson, Orange counties
DFW: Collin, Dallas, Deta, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, Wise counties
ELP: El Paso County
HGB: Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller counties
SAN: Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, Wilson counties
TLM: Gregg, Harrison, Rusk, Smith, Upshur counties

Texas Pipeline Association

Patrick J. Nugent
Executive Director

September 5, 2008

Via Electronic Mail
Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, Texas 78711-3087

Re: Proposed Nonattainment Classifications / Ozone NAAQS

Dear Ms. McAllister:

The Texas Pipeline Association ("TPA") appreciates the opportunity to submit these comments on the "Possible Nonattainment Classifications Based on 2005-2007 Design Values (Using Current MSAs)" proposed by TCEQ Staff in public meetings held in July 2008. The TPA is a trade association whose members gather, transport, and process natural gas and liquids through intrastate pipelines in Texas.

TPA urges TCEQ to exclude from the proposed nonattainment areas any county that has not been shown by monitoring data to be exceeding the new 0.075 ppm standard. TCEQ should not presumptively rely on federal Metropolitan Statistical Area ("MSA") definitions in making nonattainment area designations. Rather, TPA urges TCEQ to apply the 11 exclusion factors recognized by EPA in a way that places real-world environmental conditions over lines drawn by the federal government not for the purpose of assessing local environmental conditions but for entirely different purposes.

ANY COUNTY THAT HAS NOT BEEN SHOWN TO BE EXCEEDING THE NEW 0.075 ppm STANDARD SHOULD BE EXCLUDED FROM THE PROPOSED NONATTAINMENT AREAS

1. **Inclusion of a county simply because it is within an MSA would be arbitrary and unfair and would unnecessarily burden local business with little countervailing environmental benefit, because MSA designations have little if anything to do with assessment of real-world local environmental conditions.**

MSAs are defined by the federal Office of Management and Budget ("OMB"). OMB has repeatedly cautioned that "[MSAs] ... *should not* serve as a general purpose geographic

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framework for nonstatistical activities ...."[1] It nonetheless appears that TCEQ proposes to designate certain counties as being within nonattainment areas — an environmental assessment, not a statistical activity — based solely on the fact that those counties are included within the most recent federal MSA designations, and even though those counties have not been monitored as exceeding the 0.075 ppm standard. Not only would this be arbitrary and unfair, and not only would this impose great and unnecessary burdens on Texas businesses — it would also be directly contrary to the warnings and directives issued by the very federal office responsible for the MSA definitions to begin with.

MSAs are defined by OMB pursuant to 44 U.S.C. § 3504(e)(3), 31 U.S.C. § 1104(d), and Executive Order No. 10253 (June 11, 1951). 44 U.S.C. § 3504(e)(3) generally provides that OMB shall develop and implement federal standards and practices concerning collection and classification of statistical information; 31 U.S.C. § 1104(d) generally provides that the President shall act to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies; and Executive Order No. 10253 directs OMB, *inter alia*, to "develop programs, and issue regulations and orders, for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information for any purpose by the various agencies in the executive branch of the Federal Government."

These authorities do not direct OMB to consider real-world environmental or pollution conditions in defining MSAs, and OMB does not purport to do so. To the contrary, OMB defines MSAs solely for the purpose of collecting and assessing statistical data — as opposed to, for example, assessing actual environmental conditions in a given area, such as whether or not rural county A is contributing to pollution conditions in urban county B. As OMB has stated:

> OMB establishes and maintains the definitions of Metropolitan and Micropolitan Statistical Areas, Combined Statistical Areas, and New England City and Town Areas *solely for statistical purposes*. This classification is intended to provide nationally consistent definitions for *collecting, tabulating, and publishing Federal statistics* for a set of geographic areas. The Metropolitan and Micropolitan Statistical Area Standards *do not equate to an urban-rural classification*; many counties included in Metropolitan and Micropolitan Statistical Areas, and many other counties, contain both urban and rural territory and populations.
>
> In periodically reviewing and revising the definitions of these areas, *OMB does not take into account or attempt to anticipate any nonstatistical uses that may be made of the definitions, nor will OMB modify the definitions to meet the requirements of any nonstatistical program.* Thus, OMB *cautions that Metropolitan Statistical Area and Micropolitan Statistical Area definitions should not be used to develop and implement Federal, state, and local nonstatistical programs and policies without full consideration of the effects of using these*

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[1] Office of Management and Budget, Standards for Defining Metropolitan and Micropolitan Statistical Areas, Notice of Decision, 65 Fed. Reg. 82228 (Dec. 27, 2000) (emphasis added).

> *definitions for such purposes. These areas should not serve as a general-purpose geographic framework for nonstatistical activities ....*[2]

Presuming that rural county A should be treated, for purposes of air pollution regulation, in the same way that urban county B is treated — just because OMB has, for statistical grouping purposes, put the two counties in the same MSA — would be arbitrary, capricious, unfair, and unduly burdensome on local businesses. MSA definitions have nothing to do with air pollution levels, wind direction, transport conditions, or other important environmental factors that should govern the issue of whether a given county designated as a nonattainment county. According to OMB, "[t]he general concept of [an MSA] is that of an area containing a large population nucleus and adjacent communities that have a high degree of integration with that nucleus."[3] Put another way, according to OMB, an MSA is "a statistical representation of the social and economic linkages between urban cores and outlying, integrated areas."[4] But to state the obvious, a "high degree of integration" or "social and economic linkage" for statistical purposes is an entirely different subject than environmental conditions, localized emissions levels, prevailing wind levels and directions, and the many other factors that should go into the analysis of whether a given county is to be designated as nonattainment.

For example, the fact that many people in an outlying rural county work in a urban center may say a great deal about whether those counties should be within the same MSA for federal statistical purposes due to a "high degree of economic integration" or "social linkage." But it says little if anything about (a) whether that rural county has excessive ozone levels, (b) whether it contributes in any significant way to nonattainment in core urban centers, or (c) whether it should be designated as a nonattainment county. OMB has warned that agencies that base decisions

> on whether a county is included in [an MSA] may not accurately address issues or problems faced by local populations, organizations, institutions, or governmental units. For instance, programs that seek to strengthen rural economies by focusing solely on counties located outside [MSAs] could ignore a predominantly rural county that is included in [an MSA] because a high percentage of the county's residents commute to urban centers for work. Although the inclusion of such a county in [an MSA] indicates the existence of economic ties, as measured by commuting, with the central counties of that [MSA], it may also indicate a need to provide programs that would strengthen the county's rural economy ....[5]

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[2] OMB Bulletin No. 03-04 (June 6, 2003) (emphasis added).

[3] Office of Management and Budget, Final Report and Recommendations From the Metropolitan Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the Standards for Defining Metropolitan Areas, Notice and Request for Comment, 65 Fed. Reg. 51060 (Aug. 22, 2000).

[4] Office of Management and Budget, Standards for Defining Metropolitan and Micropolitan Statistical Areas, Notice of Decision, 65 Fed. Reg. 82228 (Dec. 27, 2000).

[5] *Id.* at 82228-29.

Such caution has been expressed repeatedly by OMB; for example, on another occasion OMB emphasized the inappropriateness of attempting to use MSA designations outside of their intended statistical purpose:

> The purpose of the metropolitan area standards is to provide nationally consistent definitions for collecting, tabulating, and publishing Federal statistics for a set of geographic areas. OMB establishes and maintains these areas solely for statistical purposes.... *These areas are not designed to serve as a general purpose geographic framework applicable for nonstatistical activities....*[6]

Similarly, OMB expressed its

> concerns about the distinction between appropriate uses [of the MSA designation] — collecting, tabulating, and publishing statistics as well as informing policy — and inappropriate uses — implementing nonstatistical programs and determining program eligibility. OMB establishes and maintains [MSAs] solely for statistical purposes.[7]

The point that OMB had made, time and again, is that while it may make sense to include a given county in an MSA for statistical gathering purposes, it may make no sense at all to include that county in the same grouping for other purposes. That point applies with full force here: many of the factors that go into an MSA definition (such as employment patterns and sociological considerations[8]) have little or nothing to do with localized environmental conditions. The fact that the federal government has seen fit to include a given county in an MSA grouping for statistical purposes is not a basis for inclusion of that county in a grouping of non-attainment counties, where there is no monitoring data showing that the county is exceeding ppm limits.

The decision to include a given county in a nonattainment area can have enormous negative consequences to businesses located in that county and hence to the local economy. For example, one TPA member has estimated that its cost to comply with controls mandated for a moderate nonattainment area would exceed $60 million in Wise County alone. Yet TCEQ has

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[6] Office of Management and Budget, Final Report and Recommendations From the Metropolitan Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the Standards for Defining Metropolitan Areas, Notice and Request for Comment, 65 Fed. Reg. 51060 (Aug. 22, 2000) (emphasis added).

[7] Office of Management and Budget, Standards for Defining Metropolitan and Micropolitan Statistical Areas, Notice of Decision, 65 Fed. Reg. 82228 (Dec. 27, 2000).

[8] *See id.* at 82234-36.

already determined (in a study done in connection with the East Texas Combustion rule) that the resulting effect on conditions in the Dallas-Fort Worth nonattainment area would be negligible.[9]

There is no requirement that nonattainment boundaries be consistent with MSA boundaries. EPA's reference to the use of MSAs in this context is contained in a non-binding guidance memorandum that merely "recommends" that states consider an MSA to be the "presumptive boundary" for nonattainment areas.[10] But presumptions should not take precedence over facts. Given the severe economic consequences of its decisions in this context, TCEQ should make absolutely certain that inclusion of a county in a nonattainment area is justified based on real-world facts — not merely on reference to federal boundaries that were developed for completely different purposes, using criteria having little, or in some cases nothing, to do with the assessment of environmental conditions.

2. Application of EPA's 11-factor list supports the exclusion of counties that are not monitoring over the new 0.075 ppm standard.

From the above it is evident that it would be inappropriate to draw nonattainment boundaries simply by referring to MSA boundaries that were never intended to — and do not — reflect actual environmental or meteorological conditions in a particular area. Instead, TCEQ should not hesitate to exclude counties from MSAs for nonattainment-designation purposes where the actual facts warrant such exclusion.

Indeed, EPA itself has recognized that unfair and inappropriate results can occur through strict adherence to MSA designations in this context, and that in some cases "a smaller nonattainment area may be more appropriate."[11] Thus EPA has acknowledged that deviations from MSA groupings may occur, so that a county may be excluded from a nonattainment area even though that county is within the same MSA as counties that are properly included in the nonattainment area.[12]

EPA has stated that 11 separate factors can support exclusion of a county from an MSA grouping for these purposes.[13] TPA believes that application of those factors supports exclusion of all Texas counties that have not been shown to be exceeding the new 0.075 ppm standard.

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[9] As discussed below, modeling sensitivity runs were conducted by TCEQ in connection with the East Texas Combustion rule in order to assess the potential benefit of including six counties, including Wise, in the rule. According to TCEQ, "[t]hese sensitivity runs indicate that the Dallas-Fort Worth eight-hour ozone nonattainment area would only benefit approximately 0.05 ppb reduction in ozone from including these six counties under the rule." 32 Texas Register 3303 (June 8, 2007). Obviously, the benefit of including only one of those six counties, Wise County, would have been even less.

[10] *See generally* Memorandum from John S. Seitz to Air Directors, Regions I-X (Mar. 28, 2000) ("Seitz Memorandum").

[11] Seitz Memorandum at Attachment 4.

[12] *Id.*

[13] *See generally* Seitz Memorandum.

Rather than merely presuming that inclusion of a given county in a given MSA supports the inclusion of that county in a nonattainment area, TCEQ should take full advantage of the opportunity to apply the 11-factor test to exclude those counties from the nonattainment areas that the Governor will propose.

In an effort to focus on concerns related to those geographic areas with which TPA is most familiar, *i.e.*, the areas where TPA members are most active, the following county-specific comments will be limited to three areas identified in TCEQ's Possible Nonattainment Classifications issued in July: the Dallas-Fort Worth area, the Longview area, and the Houston area. As discussed below, TPA believes the following counties should be excluded from those nonattainment areas: Wise, Delta, Upshur, Rusk, Austin, and San Jacinto. According to TCEQ data, none of those counties is monitoring in excess of the new 0.075 ppm standard.

Wise County and Delta County should be excluded from the Dallas-Fort Worth-area nonattainment designation

The following discussion of various factors included in EPA's 11-factor list demonstrates that Wise County and Delta County should be excluded from the Dallas-Fort Worth-area nonattainment designation.

Factor 1 — Air quality in adjacent areas.

The first factor on EPA's list of factors that can support the exclusion of a county from an MSA-wide nonattainment area designation is "[e]missions and air quality in adjacent areas…." This factor supports exclusion of Wise and Delta counties from the Dallas-Fort Worth nonattainment area.

Wise County is in the far northwest corner of the Dallas-Fort Worth MSA and not one of its neighboring counties to the north and west is monitoring nonattainment, while its three neighboring counties to the south, southeast, and east have monitored 91, 95, and 94 respectively. Delta County, in the far northeast corner of the MSA, is surrounded entirely by counties that are not monitoring nonattainment, with the sole exception of Hunt County, which has monitored 76. Of course, Wise and Delta counties also come within the category of counties that are not monitoring over the 0.075 ppm standard.

Factor 2 — Population density, urbanization, and differences.

EPA factor 2 supports exclusion of a county from an MSA nonattainment grouping where that county is significantly different from the other counties in the MSA in terms of "[p]opulation density and degree of urbanization including commercial development." This factor also supports the exclusion of Wise and Delta counties from the Dallas-Fort Worth nonattainment grouping.

As discussed above, OMB has repeatedly emphasized that it is not appropriate to consider a county to be "urban" in nature just because it is included within an MSA. To the

contrary, OMB has stated that its MSA standards "do not equate to an urban-rural classification; many counties included in Metropolitan and Micropolitan Statistical Areas, and many other counties, contain both urban and rural territory and populations."[14]

Recognizing that MSA designations are not an attempt to draw an urban vs. rural classification and that many rural areas are included within MSAs, EPA has expressly authorized exclusion of those counties in an MSA that are significantly less urban in nature than the core MSA counties. The EPA guidance document that sets forth the 11 exclusion factors provides the following example of a situation where exclusion from an MSA could be appropriate: "For example, one [MSA] may ... include counties or portions of counties which are rural in nature."[15]

TCEQ should apply the considerations set forth in factor 2 to exclude Wise and Delta counties from its proposed nonattainment areas. To begin with:

- Wise and Delta counties are classified as "rural" in the most recent report to the Governor filed by the Texas Office of Rural Community Affairs, the state agency directly responsible for administering to Texas' rural communities.[16]

- Wise and Delta counties are classified as overwhelmingly "rural locations" in various assessments of rural vs. urban areas in Texas, reported by the Economic Research Service of the U.S. Department of Agriculture.[17]

- Wise and Delta counties are noted by OMB as "non-central" counties in the Dallas-Fort Worth MSA.[18]

Moreover, as discussed below, there are marked contrasts between Wise and Delta counties and the other counties in the Dallas-Fort Worth MSA.[19] Wise and Delta counties are not the sort of overwhelmingly urban counties that comprise the core of the Dallas-Fort Worth MSA. The population of Wise County is 55,539; its largest town is Decatur (population 5,963); and its population density per square mile of land area (excluding water surfaces) ("population density") is 61.4. The population of Delta County is 5,506; its largest town is Cooper (population 2,171); and its population density is 19.8.

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[14] OMB Bulletin No. 03-04 (June 6, 2003).

[15] Seitz Memorandum at Attachment 4.

[16] "The Status of Rural Texas: Winds of Change," Texas Office of Rural Community Affairs (Dec. 31, 2007) (Exhibit 1).

[17] *See* charts attached at Exhibit 2 (source: U.S. Department of Agriculture, Economic Research Service), available at http://www.ers/usda.gov/Data/RuralDefinitions/TX.pdf).

[18] *See* OMB Bulletin No. 08-01 (November 20, 2007) (appendix).

[19] Unless otherwise noted, the county-specific statistics in this paper's discussion of factor 2 are taken from the Texas Almanac, 2006-07 edition (Elizabeth Cruce Alvarez, Editor).

In contrast are the equivalent figures for the other counties in the Dallas-Fort Worth MSA:

- Collin County (population 627,938; population density 741.3)
- Dallas County (population 2,294,706; population density 2610.5)
- Denton County (population 530,597; population density 597.5)
- Ellis County (population 128,710; population density 137)
- Hunt County (population 81,781; population density 97.2)
- Kaufman County (population 85,377; population density 108.6)
- Rockwall County (population 58,260; population density 455.1)
- Johnson County (population 143,418; population density 196.7)
- Parker County (population 100,336; population density 111.1)
- Tarrant County (population 1,588,088; population density 1840.1)

A further demonstration that Wise and Delta counties are significantly different from the other counties in the MSA in terms of rural character and low development can be found in data from U.S. Census Bureau. To take some examples:

- In calendar year 2006, there were only 144 domestic building permits issued in Wise County and only 11 issued in Delta County.
- Private non-farm employment for 2005 was only 12,808 in Wise County and only 459 in Delta County. The equivalent figures for the other counties in the MSA were: Collin – 242,360; Dallas – 1,301,331; Denton – 134,348; Ellis – 30,981; Hunt – 24,681; Kaufman – 19,319; Rockwall – 14,156; Johnson – 29,070; Parker – 17,434; Tarrant – 653,140.
- Retail sales in 2002 totaled $556.1 million for Wise County and $26.1 million for Delta County. In contrast, the other counties in the MSA reported the following figures: Collin – $8 billion; Dallas – $26.2 billion; Denton – $4.5 billion; Ellis – $960.1 million; Hunt – $634.9 million; Kaufman – $860.8 million; Rockwall – $585.6 million; Johnson – $926.3 million; Parker – $957.2 million; Tarrant – $17.9 billion.

Not only are Wise County and Delta County the least populated counties in the MSA, they are also the most geographically remote: Wise County is in the far northwest corner of the MSA, while Delta County is in the far northeast corner.

Factors 3 and 4 — Local ozone concentrations and emission sources.

Exclusion factor 3 requires consideration of "[m]onitoring data representing ozone concentrations in local areas and larger areas," while factor 4 looks to the location of emission sources. Taken together, these two factors support exclusion of Wise and Delta counties from the Dallas-Fort Worth nonattainment area, because it is evident that the ozone concentrations in the Dallas-Fort Worth area are not in those two outlying rural counties, but rather are in the vastly more urban and developed counties that form the core of the Dallas-Fort Worth MSA and that account for the majority of the emissions being regulated.

There is no question that the bulk of the area's ozone precursor emissions come from the core, urban counties of Tarrant, Dallas, Denton, Parker, Collin, and Johnson. Indeed, TCEQ has monitored each of these counties at 85 or above. Not only do these counties comprise the heart of the urban and industrialized center of the MSA, but they also include DFW airport, a major contributor to pollution in the area. TCEQ's 2006 Point Source Emissions Data show that there are 288 monitored industrial point emissions sources in Tarrant, Denton, and Dallas counties alone. Core urban counties in the MSA also account for the majority of emissions reported in TCEQ's 2002 Area Source emissions data.

Moreover, a significant portion of ozone precursor emissions come from mobile sources. For example, TCEQ's "DFW (9 County) 2009 Emissions Inventory" for NOx showed that mobile sources accounted for almost 75 percent of the emissions, mostly from on-road sources.[20] In light of the relatively remote and rural nature of Wise and Delta counties — as well as their relative unimportance in terms of commuting activity, as discussed below — it is evident that the great majority of the mobile source emissions in Dallas-Fort Worth MSA comes from counties other than Wise and Delta.

Factor 5 — Traffic and commuting patterns.

Factor 5 concerns local traffic and commuting patterns. Neither Wise County nor Delta County is located in the area most heavily frequented by local commuters. Each of the counties lies on the outer fringe of the Dallas-Fort Worth MSA, and neither of them is home to major commuting corridors Interstate 35 and Interstate 30. No major commuting route runs through Delta County.

Factor 7 — Weather and wind transport patterns.

Exclusion factor 7 calls for consideration of local weather and wind transport conditions in drawing nonattainment area boundaries. TPA believes that this is a very important factor in the current analysis. All of the counties that TPA is addressing in these comments are counties that have <u>not</u> been monitored over the 0.075 ppm standard. That being so, the principal

[20] Source: Model Run 44.fy2009.a1 (Sept. 7, 2006); *see also* Memorandum from David C. Schanbacher, P.E. to Commissioners (Nov. 21, 2006) at ii ("TCEQ modeling shows that on-road and non-road mobile sources contribute 74 percent of the NOx in the [DFW] 2009 emissions inventory.").

justification for including them in a nonattainment area — other than inclusion in an MSA for statistical purposes — is the assumption that, even though the counties themselves are not exceeding the standard, they nonetheless contribute to nonattainment in neighboring counties.[21] Accordingly, it is important for TCEQ to consider real-world proof as to whether or not this is actually happening; if it is not, then any presumptive justification for inclusion of these counties disappears.

Fortunately, the wind rose data on the TCEQ and EPA websites enable one to make this analysis. Applied to Wise County and Delta County, the data clearly show that emission sources in these two counties cannot be considered to be a significant contributing factor to nonattainment in the overall Dallas-Fort Worth area. Wise County is in the far northwest corner of the Dallas-Fort Worth MSA, while Delta County is in the far northeast corner. The wind rose charts attached at Exhibit 3 clearly demonstrate that, on a yearly basis, the winds rarely blow into the Dallas-Fort Worth area from either the northwest or the northeast. To the contrary, there is a pronounced tendency for the winds to come from the south and southeast, or, much less frequently, directly from the north.

This pattern is even more pronounced in the ozone formation season months from April to October. Indeed, on a TCEQ bar chart dated September 15, 2006 (attached at Exhibit 4) depicting "ozone winds" in the Dallas-Fort Worth region, winds from the northwest (*e.g.*, Wise County) barely even make an appearance (about one percent), while winds from the northeast (*e.g.*, Delta County) appear to be at about three percent. In short: TCEQ and EPA's own data conclusively show that emissions from Wise County and from Delta County are not a significant contributing factor to nonattainment in the urban areas of the MSA.

Recognition of these wind patterns led to the exclusion of Wise County from the group of counties subject to the East Texas Combustion rule. That rule, as initially proposed, included Wise County. But after considering the comments of stakeholders and the public — including proof that wind conditions prevented Wise County from contributing to Dallas-Fort Worth area nonattainment in any meaningful way — TCEQ promulgated a final rule that excluded *inter alia* Wise County. As the final rule stated:

> [Commenters] requested that Bosque, Cooke, Grayson, Hood, Somervell, and Wise Counties be removed from the list of counties [subject to the rule]. The commentators indicated that these westerly counties are not within any prevailing wind pattern for the Dallas-Fort Worth eight-hour ozone nonattainment area and that subjecting counties in the western quadrant of the Dallas-Fort Worth eight-hour ozone nonattainment area to the East Texas Combustion Rule would have little impact on reducing ozone in the Dallas-Fort Worth eight-hour ozone nonattainment area. [Commenters] commented the cost of implementing controls to engines in these counties greatly exceeds the negligible benefits they might

[21] *See* Seitz Memorandum at Attachment 3 (discussing inclusion of "nearby contributing area[s]" in defining nonattainment areas).

> provide within the Dallas-Fort Worth eight-hour ozone nonattainment area. Based upon a survey of limited operators, TPA indicated the costs of compliance in just Wise County would be approximately $7.6 million. [A commentor] suggested the benefits of the proposal are minute, unproven, and do not justify inflicting such economic hardship to small business.... [A commenter] asserted that the wind patterns during the covered period are usually east/southeasterly ....
>
> The commission has performed additional modeling sensitivity runs to evaluate the benefit of including Bosque, Cooke, Grayson, Hood, Somervell, and Wise Counties in the East Texas Combustion rule. *These sensitivity runs indicate that the Dallas-Fort Worth eight-hour ozone nonattainment area would only benefit approximately 0.05 ppb reduction in ozone from including these six counties under the rule.* Based on this information, the commission agrees that these counties should not be included in the rule and has revised the applicability of the rule accordingly.[22]

The same result should obtain here, for this and other reasons noted above.

Upshur County and Rusk County should be excluded from the Longview-area nonattainment designation

The following discussion of various factors included in EPA's 11-factor list demonstrates that Upshur County and Rusk County should be excluded from the Longview-area nonattainment designation.

Factor 1 — Air quality in adjacent areas.

Upshur and Rusk counties are not monitoring over the 0.075 ppm standard. In addition, they are surrounded by counties that are not monitoring over the standard, with the exception of three counties monitoring 77, 80, and 84.

Factor 2 — Population density, urbanization, and differences.

There is a marked contrast between Upshur and Rusk counties, on one hand, and the principal county in the Longview MSA, Gregg County, on the other. Gregg County is clearly the dominant county in the three-county Longview MSA: its population is 115,035; its principal city of Longview is a regional center with a population of 74,904; and Gregg County has a population density of 419.8.

Upshur County and Rusk County, in contrast, are far less densely populated, with timber and agriculture playing a large part in each county's economy. The population of Upshur County is 37,397; its largest town is Gilmer (population 5,019); and its population density is

[22] 32 Texas Register 3303 (June 8, 2007) (emphasis added).

63.7. The population of Rusk County is 47,973; its largest town is Henderson (population 11,332); and its population density is 51.9.

Information published by the U.S. Census Bureau also highlights the rural and relatively minor nature of Upshur and Rusk counties as compared with Gregg County. For example:

- Private non-farm employment in 2005 only was 4,222 in Upshur County and 9,339 in Rusk County, meaning that only 11 percent of the population of Upshur County, and only 19 percent of the population of Rusk County, had private non-farm employment. The equivalent figure for Gregg County was 63,140 in private non-farm employment, representing well over 50 percent of the population.

- Retail sales in 2002 were $156 million in Upshur County and $245 million in Rusk County, while the figure for Gregg County was $1.9 billion. Retail sales per capita in Upshur County in 2002 amounted to $4,271 and in Rusk County the figure was $5,163; in Gregg County the figure was $16,820.

The differences in commercial activity and urbanization between Gregg County, on one hand, and Upshur and Rusk counties, on the other, is further underscored by the following facts:

- Rusk County is classified as "rural" in the most recent report to the Governor filed by the Texas Office of Rural Community Affairs.[23]

- Both Upshur and Rusk counties are classified as overwhelmingly "rural locations" in various assessments of rural vs. urban areas in Texas, reported by the Economic Research Service of the U.S. Department of Agriculture.[24]

- Both Upshur and Rusk counties are noted by OMB as "non-central" counties in the Longview MSA.[25]

Factors 10 and 11 — Level of emissions control and regional strategies.

EPA factors 10 and 11 support exclusion of counties from MSA nonattainment groupings where mechanisms are already in place to control and reduce emissions in the area. Factor 10 relates to the "[l]evel of control of emission sources" in the county; Factor 11 relates to "[r]egional emission reductions (e.g., NOx SIP call or other enforceable regional strategies)." Exclusion of a county based on these factors can prevent a situation where businesses in an outlying county, which happens to be within an MSA boundary for OMB statistical purposes,

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[23] "The Status of Rural Texas: Winds of Change," Texas Office of Rural Community Affairs (Dec. 31, 2007) (Exhibit 1).

[24] *See* charts attached at Exhibit 2 (source: U.S. Department of Agriculture, Economic Research Service), available at http://www.ers/usda.gov/Data/RuralDefinitions/TX.pdf).

[25] *See* OMB Bulletin No. 08-01 (November 20, 2007) (appendix).

would be forced to bear the expense of compliance with new and stricter regulations, even though (1) the county has not been shown to actually be a nonattainment county and (2) state or federal mechanisms aimed at achieving the same pollution-reduction benefits are already in effect in the area. Factors 10 and 11 apply here to support the exclusion of Upshur County and Rusk County.

The Dallas-Fort Worth 8-hour Ozone SIP revision and the East Texas Combustion rule will impose significantly stricter emissions standards both in the DFW area and in 33 counties in East Texas — including Upshur County and Rusk County. The new controls will impose more stringent emissions standards and related reporting, testing, recordkeeping, and monitoring requirements. The deadline for compliance is March 2010 — the same time that EPA is to make final designations and classifications of nonattainment areas under the new 0.075 ppm standard.

Businesses in the affected counties, including Upshur and Rusk, are being forced to reconfigure their equipment, a time-consuming and costly process, in order to comply with the March 2010 deadline for compliance with the East Texas Combustion rule. The point of the East Texas Combustion rule, obviously, is to reduce ozone precursor emissions and ozone transport in the affected areas. The rulemaking process has occurred and businesses are working to comply. Yet those same businesses in Upshur and Rusk counties are now faced with the prospect of seeing yet another layer of regulation — even though they are already under the East Texas Combustion rule and even though neither Upshur County nor Rusk County is monitoring over the 0.075 ppm standard.

To include Upshur and Rusk counties in the proposed nonattainment areas is to presume that the East Texas Combustion rule will be a failure. If a county is not exceeding the standard, and if that same county will soon be under an even stricter regulatory scheme than is already in place — implemented after a painstaking rulemaking process by TCEQ to ensure that the rule will be <u>effective</u> in reducing emissions — then what basis is there to conclude that that county should nonetheless be included in a nonattainment area? Certainly the mere fact that OMB included the county within the MSA is insufficient; indeed, a situation such as this is precisely why EPA created factors 10 and 11.

The more onerous standards that are being implemented pursuant to the new DFW SIP and the East Texas Combustion rule fit perfectly within factor 10 ("Level of control of emission sources") and factor 11 ("Regional emission reductions (e.g., NOx SIP call or other enforceable regional strategies)"). The tighter controls that came out of the East Texas Combustion rule are the product of a great amount of work by TCEQ and affected communities and businesses. They were designed to succeed, not to fail. Rather than assuming that the East Texas Combustion rule will not do the job, TPA believes that the rule should be given a chance. The alternative — stacking a brand new regulatory regime on top of another one that has not even been fully implemented — would be inappropriate and would impose a tremendous amount of new costs upon businesses that are still in the process of planning for, implementing, and paying for, improvements that are being required under the East Texas Combustion rule.

On top of the East Texas Combustion rule, there has been a significant amount of additional emissions reduction activity in Upshur and Rusk counties. Upshur and Rusk counties are two of five East Texas counties that are party to an Early Action Compact with EPA and TCEQ that was created in order to develop and implement a Clean Air Action Plan to reduce ozone concentrations in the area.[26] As part of that Clean Air Action Plan, various local measures to reduce ozone precursor emissions were created and implemented, including (1) enhanced leak detection and repair at Eastman Chemical Company, (2) enhanced leak detection and repair at Flint Hills Resources, (3) a pilot project relating to retrofitting small compressor engines with exhaust catalysts and electric air/fuel ratio controllers in order to demonstrate the effectiveness of the technology and to obtain grants from programs such as the Texas Emissions Reduction Plan ("TERP"), (4) placement of 23 propane-fueled vans in service, as part of DOE's Clean Cities program, (5) implementation of a public awareness program related to ozone and air pollution, and (6) implementation of energy efficiency programs throughout the area.

In addition, local government and business leaders have created Northeast Texas Air Care ("NETAC"), the purpose of which is provide leadership and assistance in addressing ozone air quality issues in the five-county area, including Upshur and Rusk counties, that are party to the Early Action Compact. NETAC has taken an organized and comprehensive approach to improving air quality based on regional needs, and it has been active in achieving attainment of current ozone standards. NETAC maintains an active presence in the area, through stakeholder commitment, public education and outreach programs, and efforts in the area of emission inventory development and ozone modeling in order to develop a plan for maintaining attainment of emissions goals through 2012.

Finally, TERP provides an additional set of incentives to reduce ozone precursor emissions. Of course, the effects of TERP are not limited to Upshur and Rusk counties. Nonetheless, it should be pointed out that businesses and individuals in Upshur and Rusk counties are eligible for grants pursuant to HB 1365 (2003), meaning that the program should have a further beneficial effect on emissions reductions in the area. NETAC has been active in raising local public awareness of the availability of TERP grants through public meetings with presentations highlighting the program.

EPA exclusion factors 10 and 11 support exclusion of a county from an MSA where it appears that other emission-reduction plans and controls are being developed or are already in place. That is the situation in Upshur and Rusk counties. Accordingly, TPA urges TCEQ to apply factors 10 and 11 so as to exclude those two counties from the proposed Tyler-Longview-Marshall nonattainment area.

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[26] The other counties are Gregg, Harrison, and Smith.

Austin County and San Jacinto County should be excluded from the Houston-area nonattainment designation

The following discussion of various factors included in EPA's 11-factor list demonstrates that Austin County and San Jacinto County should be excluded from the Dallas-Fort Worth-area nonattainment designation.

Factor 1 — Air quality in adjacent areas.

Austin County is entirely surrounded, with no exceptions, by counties that are not monitoring over the 0.075 ppm standard. The same is true for San Jacinto County, with the exception of Montgomery County which has been monitored 84. Austin and San Jacinto counties themselves are within the category of counties that are not monitoring over the 0.075 ppm standard.

Factor 2 — Population density, urbanization, and differences.

When one compares Austin and San Jacinto counties with the remainder of the Houston-Sugar Land-Baytown MSA defined by OMB, it becomes very clear that Austin and San Jacinto counties are far different from the sort of urban centers that make up the core of the Houston-Sugar Land-Baytown MSA. The population of Austin County is 25,800; its largest town is Sealy (population 5,849); and its population density is 39.5. The population of San Jacinto County is 24,678; its largest town is Shepherd (population 2,151); and its population density is 43.2.

Those figures are markedly different from the equivalent figures for the other counties in the Houston-Sugar Land-Baytown MSA:

- Brazoria County (population 271,130; population density 195.6)
- Chambers County (population 28,227; population density 47.1)
- Fort Bend County (population 442,620; population density 506.4)
- Galveston County (population 271,743; population density 682.7)
- Harris County (population 3,644,285; population density 2108.9)
- Liberty County (population 74,821; population density 64.5)
- Montgomery County (population 362,382; population density 347.1)
- Waller County (population 34,757; population density 67.7)

Census Bureau data further demonstrates that Austin and San Jacinto counties are much less developed and much more rural than the remainder of the MSA:

- In calendar year 2006, there were only 44 domestic building permits issued in Austin County and only three issued in San Jacinto County.

- Private non-farm employment for 2005 was only 6,781 in Austin County and only 1,090 in San Jacinto County. The equivalent figures for the other counties in the MSA were: Brazoria – 66,247; Chambers – 4,786; Fort Bend – 94,931; Galveston – 68,221; Harris - 1,637,017; Liberty – 11,324; Montgomery – 97,679; Waller – 12,771.

- Retail sales in 2002 totaled $223 million for Austin County and $38.7 million for San Jacinto County. In contrast, the other counties in the MSA reported the following figures: Brazoria – $2.1 billion; Chambers – $137.5 million; Fort Bend – $3.3 billion; Galveston – $2.2 billion; Harris - $39.3 billion; Liberty – $632.2 million; Montgomery – $3.3 billion; Waller – $771.9 million.

Finally, Austin and San Jacinto counties not only the least populated and most rural counties in the MSA, they are also the most geographically remote: Austin County is in the far northeast corner of the MSA, while San Jacinto County is in the far north part of the MSA.

The differences in commercial activity and urbanization between Austin and San Jacinto counties, on one hand, and the remainder of the Houston-Sugar Land-Baytown MSA, on the other, is further underscored by the following facts:

- Both Austin and San Jacinto counties are classified as "rural" in the most recent report to the Governor filed by the Texas Office of Rural Community Affairs.[27]

- Both Austin and San Jacinto counties are classified as overwhelmingly "rural locations" in various assessments of rural vs. urban areas in Texas, reported by the Economic Research Service of the U.S. Department of Agriculture.[28]

- Both Austin and San Jacinto counties are noted by OMB as "non-central" counties in the Houston-Sugar Land-Baytown MSA.[29]

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[27] "The Status of Rural Texas: Winds of Change," Texas Office of Rural Community Affairs (Dec. 31, 2007) (Exhibit 1).

[28] *See* charts attached at Exhibit 2 (source: U.S. Department of Agriculture, Economic Research Service), available at http://www.ers/usda.gov/Data/RuralDefinitions/TX.pdf).

[29] *See* OMB Bulletin No. 08-01 (November 20, 2007) (appendix).

Factors 3 and 4 — Local ozone concentrations and emission sources.

The bulk of the emissions in the Houston-Sugar Land-Baytown MSA come not from Austin County or San Jacinto County but rather from the very heavily populated and industrialized areas in and around Harris County. Indeed, TCEQ's 2006 Point Source Emissions Data lists only one monitored industrial point emissions source in Austin County, and only one such source in San Jacinto County. Core urban areas in the MSA dominate TCEQ's 2002 Area Source emissions data related to the Houston area.

Moreover, as stated above, a significant portion of ozone precursor emissions come from mobile sources. In light of the relatively remote and rural nature of Austin and San Jacinto counties — as well as their relative unimportance in terms of commuting activity, noted below — it is evident that the great majority of the mobile source emissions in the Houston area come from counties other than Austin and San Jacinto.

Factor 5 — Traffic and commuting patterns.

The great bulk of the commuting activity in the Houston-Sugar Land-Baytown MSA occurs outside of the outlying counties of Austin and San Jacinto. The only major commuting route in Austin County is Interstate 10, which crosses the southern part of Austin County about 45 miles west of Houston. No major commuting route runs through San Jacinto County.

Factor 7 — Weather and wind transport patterns.

The wind rose charts for the Houston area (attached at Exhibit 5) demonstrate that winds tend to blow into the Houston area from the south and southeast, especially during the first half of the ozone season. Later in the season there tends to be a switch and one sees an increase in winds from the northeast. These data are significant inasmuch as Austin County is located in the far northeast corner of the Houston-Sugar Land-Baytown MSA, while San Jacinto County is in the far north part of the MSA. The wind pattern data strongly suggest that emissions from Austin and San Jacinto counties are not major contributors to nonattainment in other parts of the MSA.

3. Other considerations: TCEQ's decision not to include certain counties in TCEQ's identification of areas monitoring over the new 0.075 ppm standard; recent inclusion of certain counties in MSAs.

Two additional points are worth noting. First, four of the six counties under discussion — Wise, Delta, Austin, and San Jacinto — were not included in TCEQ's July 2008 presentation identifying "Areas Monitoring Over 2008 Ozone Standard of 0.075 ppm."[30] TPA would be

[30] TCEQ's "Areas Monitoring Over 2008 Ozone Standard of 0.075 ppm" analysis covered more counties than TCEQ's companion analysis of "Counties Monitoring Over 2008 Ozone Standard of 0.075 ppm." The "Areas" listing presumably represents an effort to apply specific county-by-county information to larger, area-

interested to know more about the analysis that led to TCEQ's exclusion of those counties from the July 2008 presentation, but in any event TPA believes that such an analysis, combined with the application of the other factors discussed in these comments, can and should support similar exclusions by TCEQ as this process moves forward.

Second, five of the six counties under discussion — Wise, Delta, Rusk, Austin, and San Jacinto — were added to their respective MSAs for the first time in 2003, suggesting a more tenuous connection to the remainder of the MSA grouping than might otherwise be expected.

CONCLUSION

TPA asks TCEQ to place real-world facts over arbitrary federal boundaries that were not drawn with environmental conditions in mind. TPA believes that the 11-factor test endorsed by EPA should be applied to exclude all counties that are not monitoring over the 0.075 ppm standard, including Wise, Delta, Upshur, Rusk, Austin, and San Jacinto counties. This would be consistent with applicable environmental conditions and would spare Texas businesses and consumers from having to bear huge unnecessary costs, with little corresponding benefit to the environment.

TPA would appreciate the opportunity to discuss these issues with you and other appropriate TCEQ Staff prior to development of a final recommendation. We thank you for your consideration of our comments.

Sincerely,

Patrick J. Nugent by CR

Patrick J. Nugent
Executive Director

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wide nonattainment areas; hence the significance of the exclusion of Wise, Delta, Austin, and San Jacinto counties from the "Areas" list.

EXHIBIT 1

The Status of Rural Texas: Winds of Change

Texas Office of Rural Community Affairs

OFFICE · OF · RURAL
COMMUNITY · AFFAIRS

Rick Perry
Governor

Charles S. (Charlie) Stone
Executive Director

Executive Committee
Michael Waters, *Chair*

David Alders
Nicki Harle
Carol Harrell
Charles N. Butts
Wallace Klussmann
Lydia Rangel Saenz
Ike Sugg
Patrick Wallace

December 31, 2007

The Honorable Rick Perry
Governor, State of Texas

The Honorable Tom Craddick
Speaker of the House of Representatives, State of Texas

The Honorable David Dewhurst
Lieutenant Governor, State of Texas

The Honorable Members
80th Legislature

House Bill 7 (77th Legislature) created the Office of Rural Community Affairs (ORCA) and set forth the following requirement:

> "The office shall...compile an annual report describing and evaluating the condition of rural communities."

The following report is offered in fulfillment of the aforementioned requirement and provides a snapshot of where rural Texas stands today. The report speaks to the broad spectrum of issues that affect rural communities across our state.

Currently, the population of rural Texas exceeds the population of 22 individual states and is greater than the combined populations of Alaska, North Dakota, Vermont, Wyoming, and the District of Columbia.

Each rural community contributes significantly to the people of the state of Texas and Texas' economy. In addition to offering a vast array of tourism and recreational opportunities, rural Texas is the primary source of agricultural products, livestock, water, and mineral wealth that enhance the vitality of the Texas economy.

In every sense of the word, rural communities are partners in the past, present, and future successes of Texas. Indeed, the viability of rural Texas is critical to the viability of Texas as a state. And because rural, suburban, and urban areas of Texas are inextricably linked, successes in rural Texas are successes for all Texans.

It is our hope that this sixth report on the status of rural Texas will contribute to the ongoing dialogue that is shaping Texas' future. The report highlights some of the complex and diverse issues affecting rural Texas. We will continue to monitor developments with all interested parties to maintain an objective focus on the status of life in rural communities.

Thank you on behalf of the Executive Committee and the staff of the agency for the opportunity to contribute to the future of our rural communities.

Respectfully submitted,

Charles S. (Charlie) Stone
Executive Director

Texas' rural and urban counties

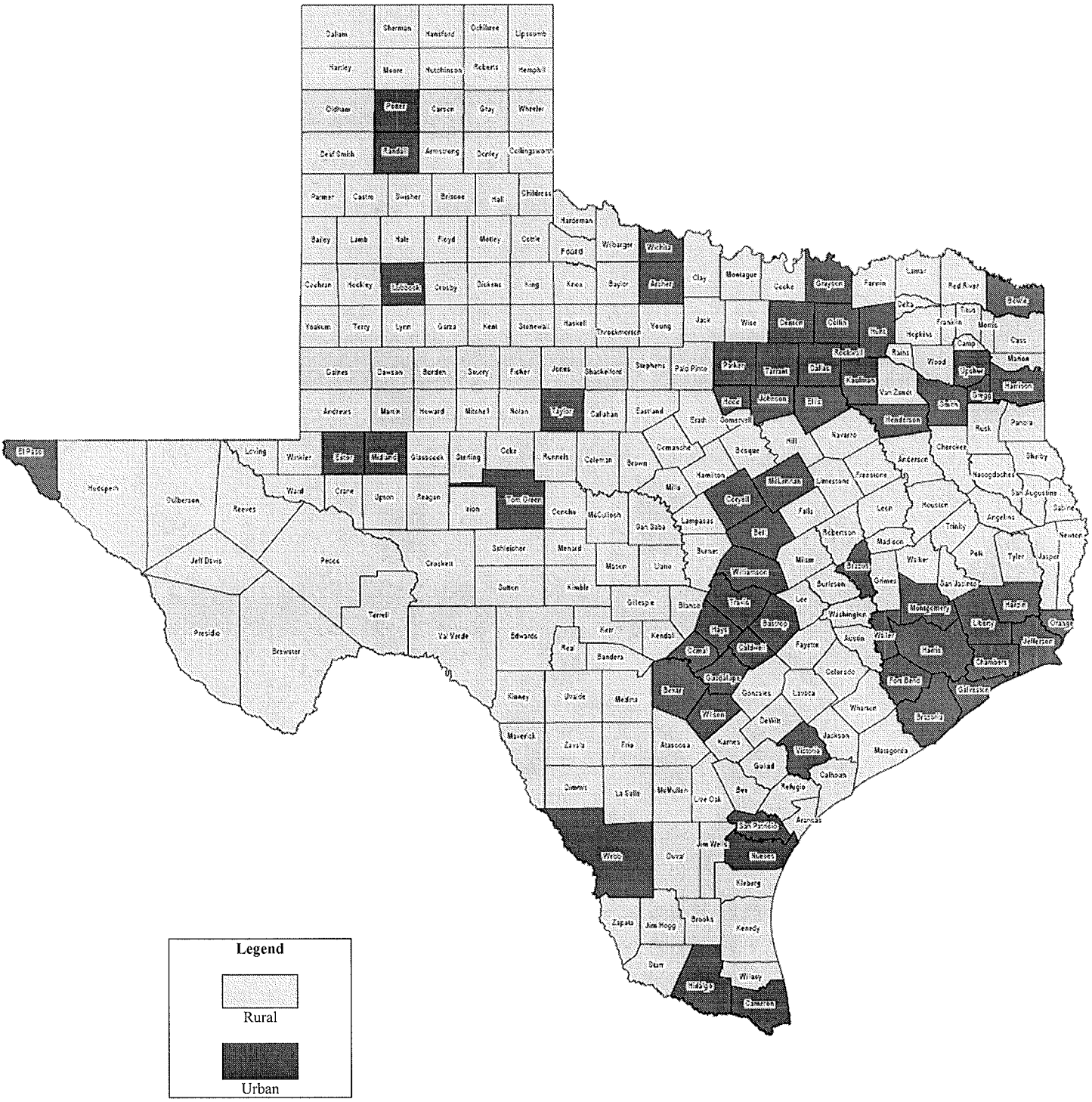


EXHIBIT 2

Texas

Three rural definitions based on Census Places

Rural locations are those outside Census Places with a population...

...greater than or equal to 2,500

- Outside Census Places >= 2,500 people

...greater than or equal to 10,000

- Outside Census Places >= 2,500 people
- Census Places: 2,500 - 9,999

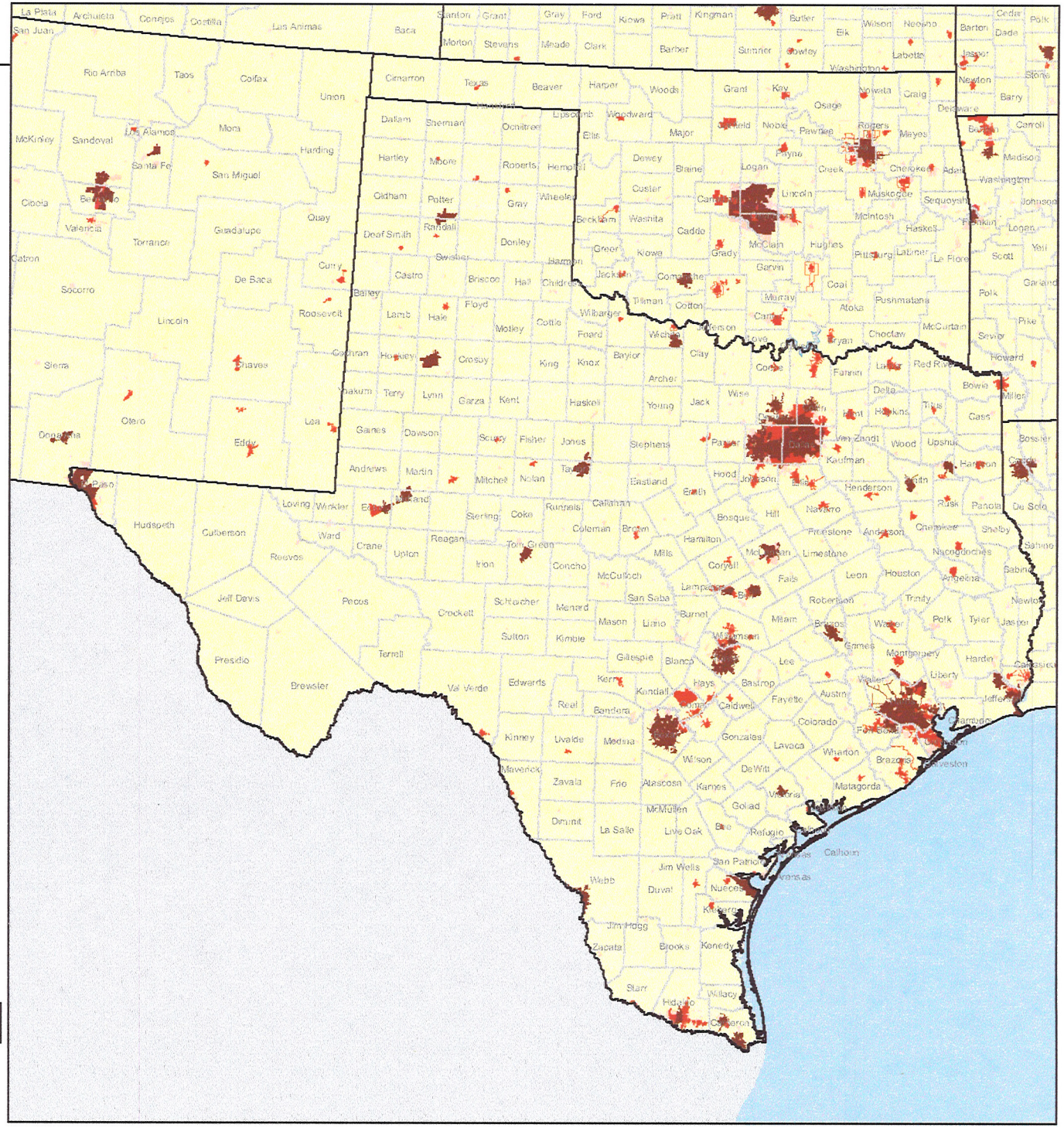
...greater than or equal to 50,000

- Outside Census Places >= 2,500 people
- Census Places: 2,500 - 9,999
- Census Places: 10,000 - 49,999

Urban locations under all three defintions:

- Census Places: >= 50,000 people

For more information on definitions, see documentation



Texas

Three rural definitions based on Census Urban Areas

Rural locations are those outside Census Urban Areas with a population...

...greater than or equal to 2,500

- Outside Census Urban Areas >= 2,500

...greater than or equal to 10,000

- Outside Census Urban Areas >= 2,500
- Census Urban Areas: 2,500 - 9,999

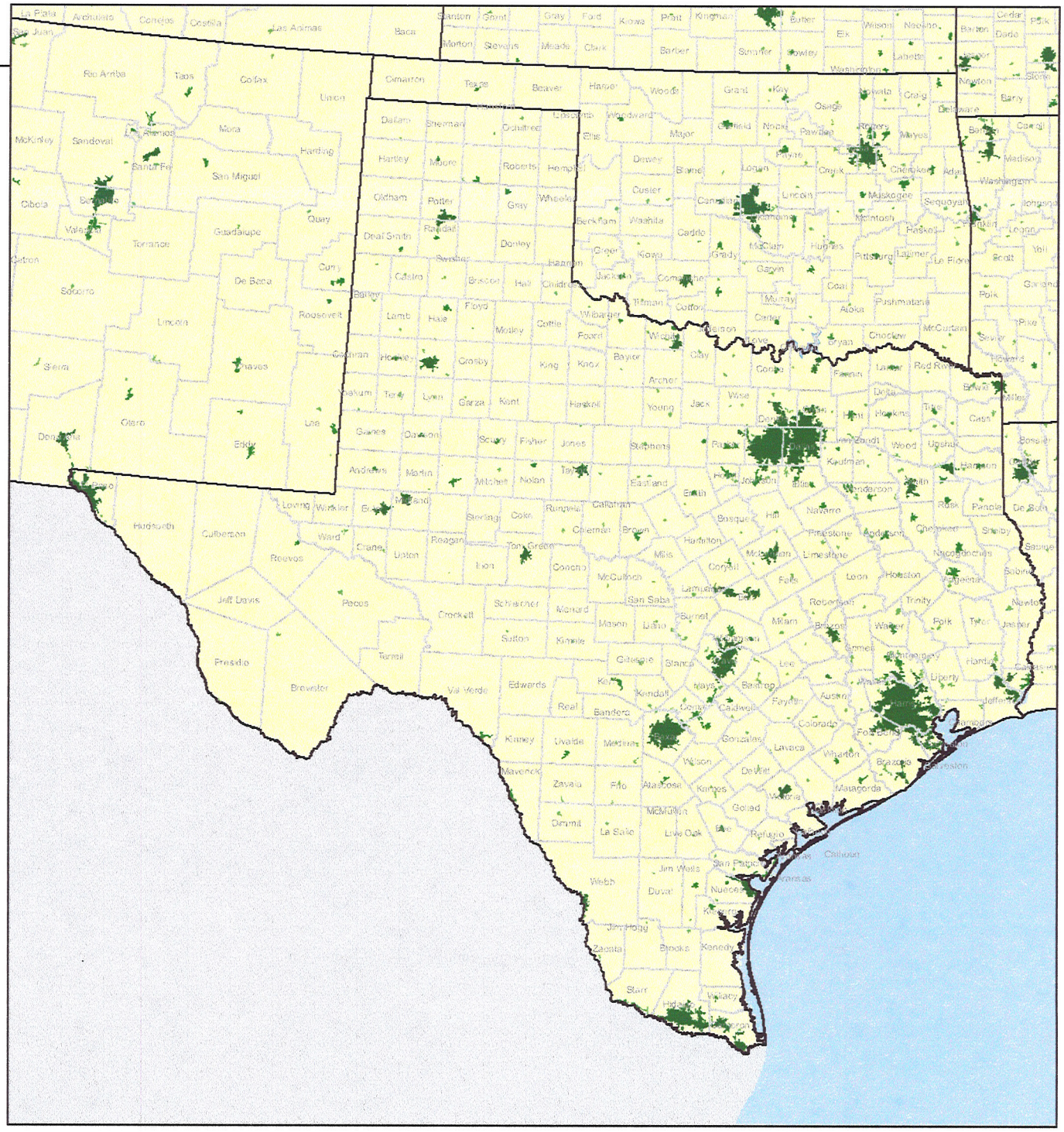
...greater than or equal to 50,000

- Outside Census Urban Areas >= 2,500
- Census Urban Areas: 2,500 - 9,999
- Census Urban Areas: 10,000 - 49,999

Urban locations under all three definitions:

- Census Urban Areas: >= 50,000

For more information on definitions, see documentation

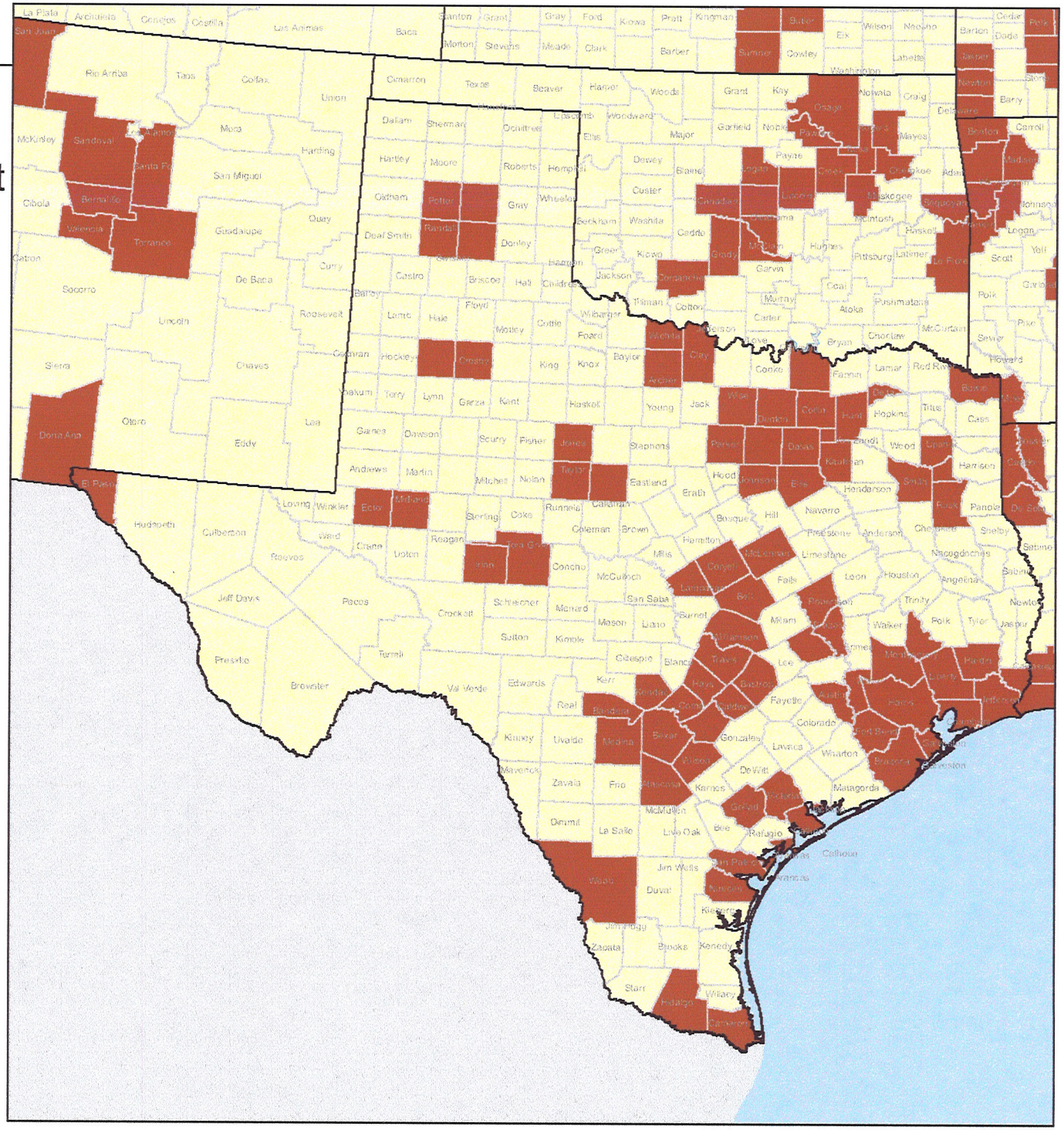


Texas

Rural definition based on Office of Management and Budget (OMB) metro counties

Rural: Nonmetro county

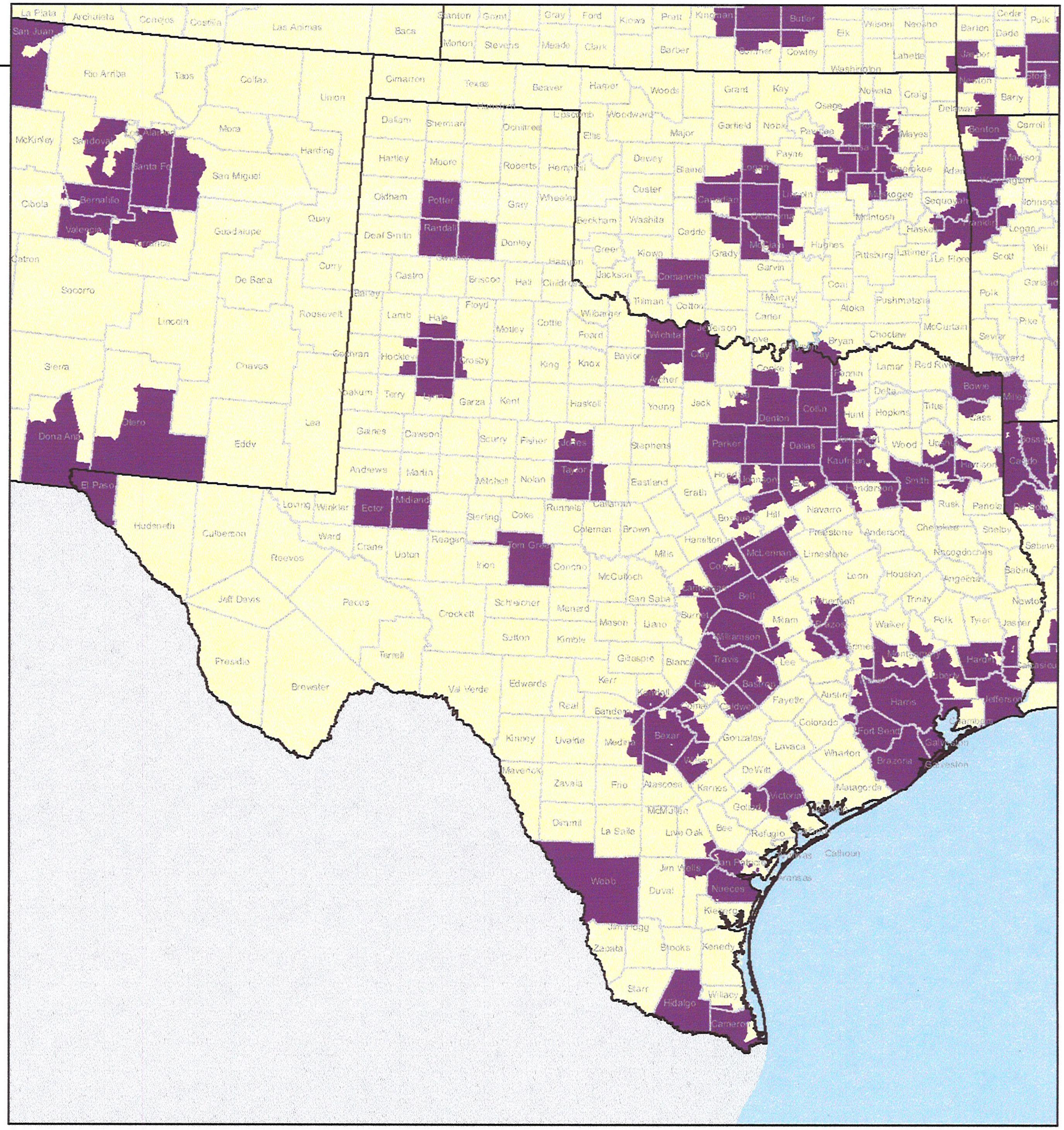
Urban: OMB metro county



For more information on definitions, see documentation

Texas

Rural definition based on Economic Research Service Rural-Urban Commuting Areas (RUCA)

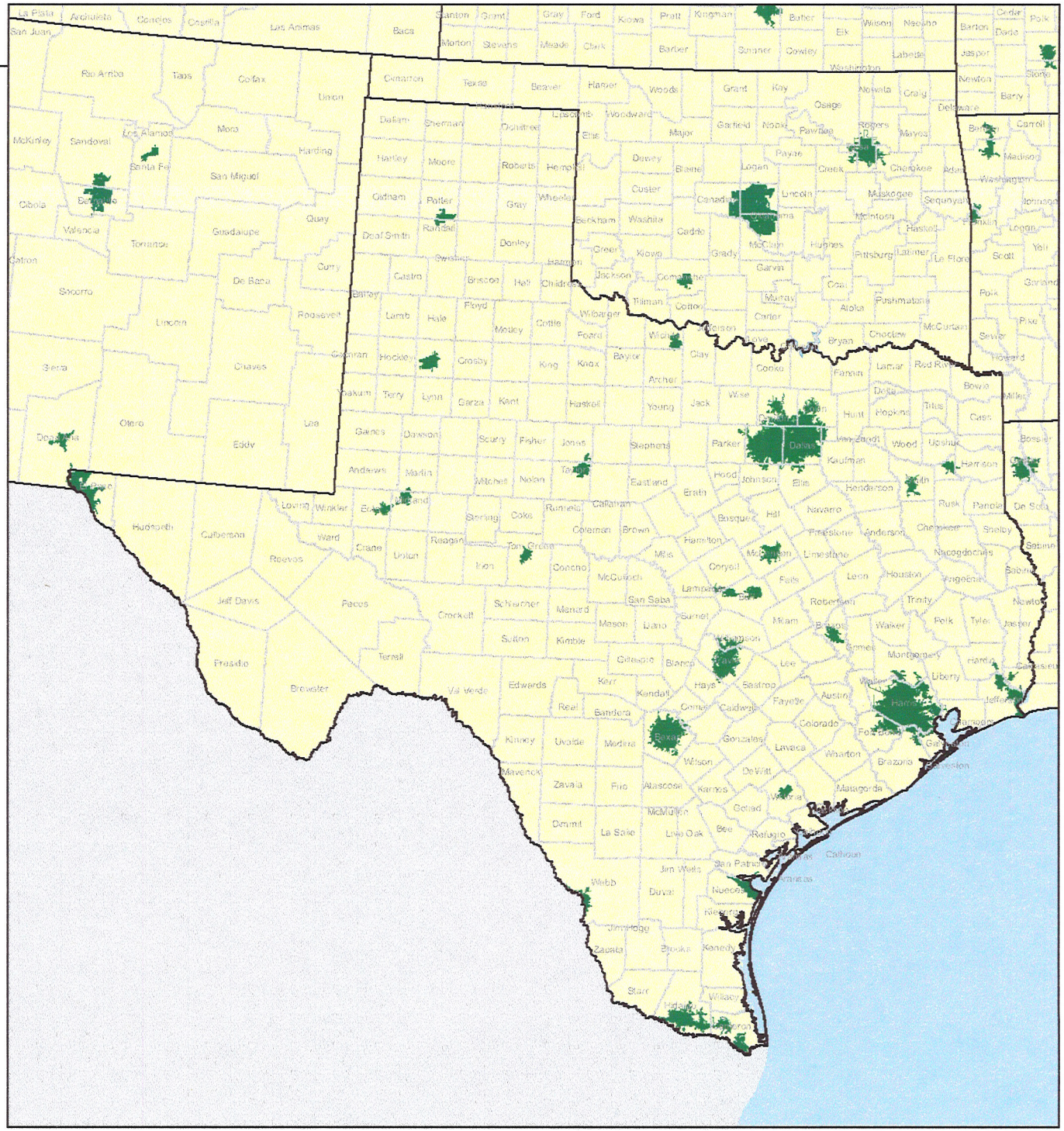


Rural: RUCA tracts with codes 4-10
Urban: RUCA tracts with codes 1-3

For more information on definitions, see documentation

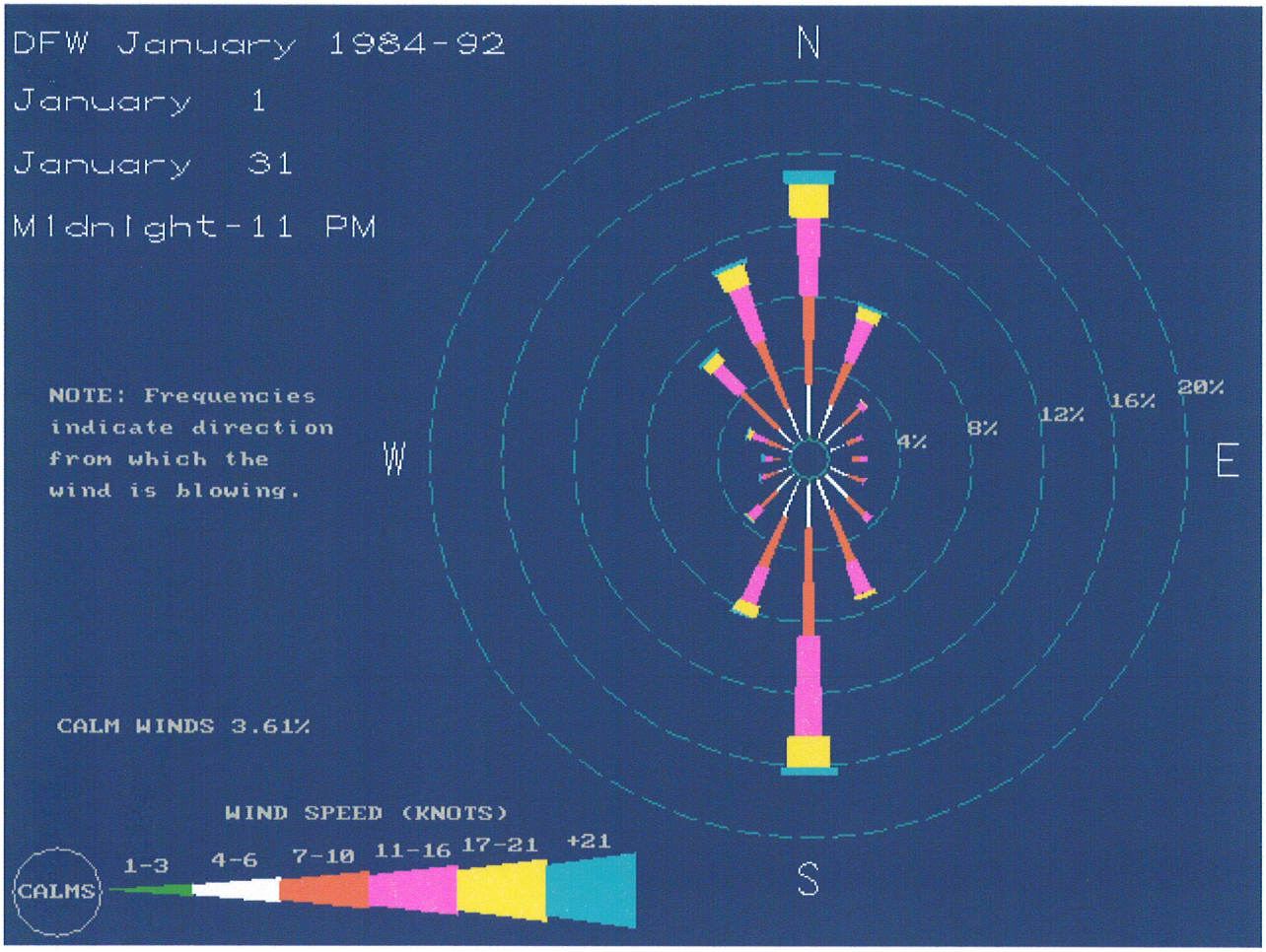
Texas

The USDA Business and Industry ineligible locations are Census Places greater than 50,000 people and their adjacent and contiguous Urbanized Areas



For more information on definitions, see documentation

EXHIBIT 3


DFW January 1984-92
January 1
January 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 3.61%
N
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4%
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16%
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WIND SPEED (KNOTS)
CALMS
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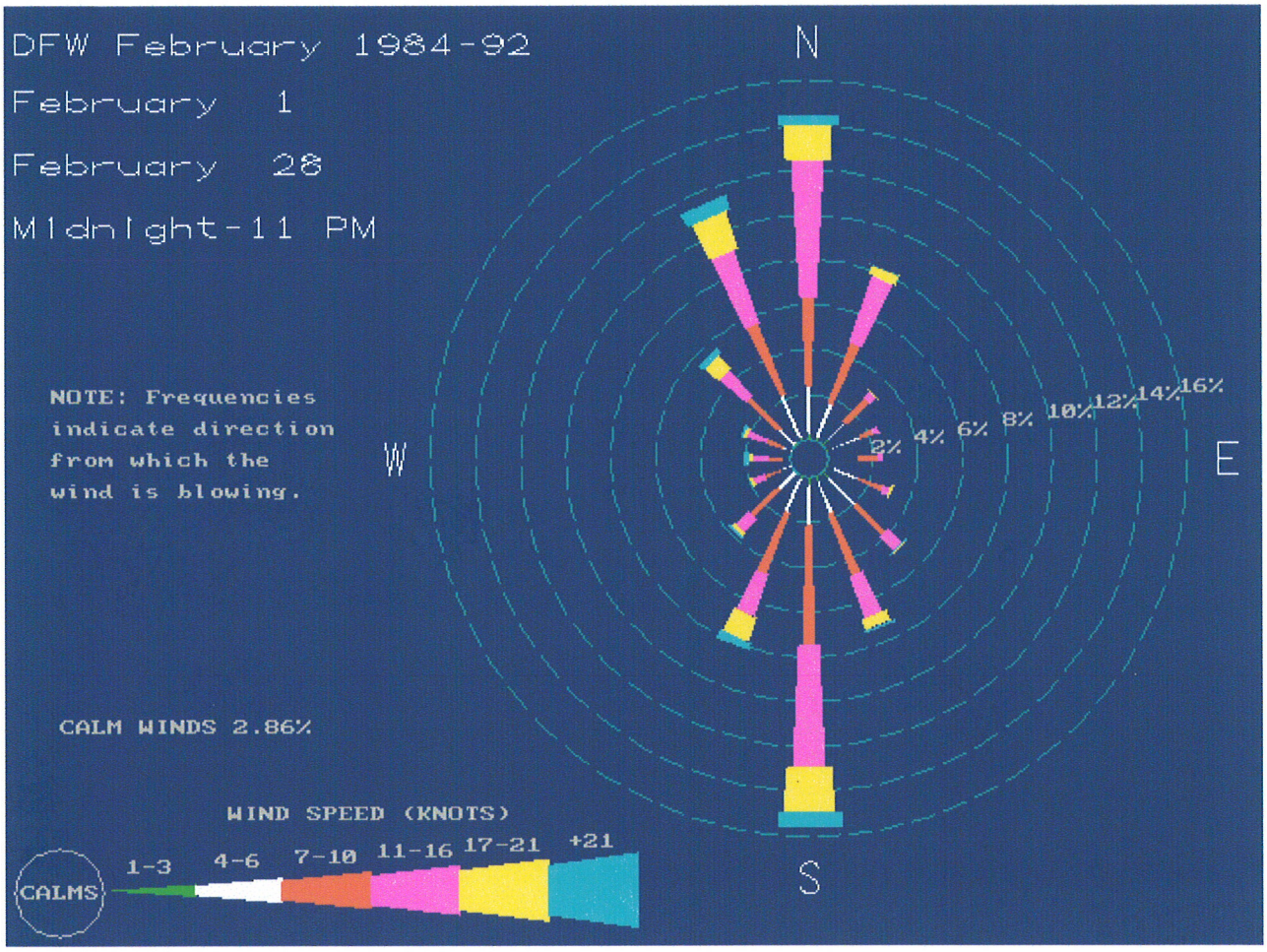
4-6
7-10
11-16
17-21
+21


DFW February 1984-92
February 1
February 28
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 2.86%
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WIND SPEED (KNOTS)
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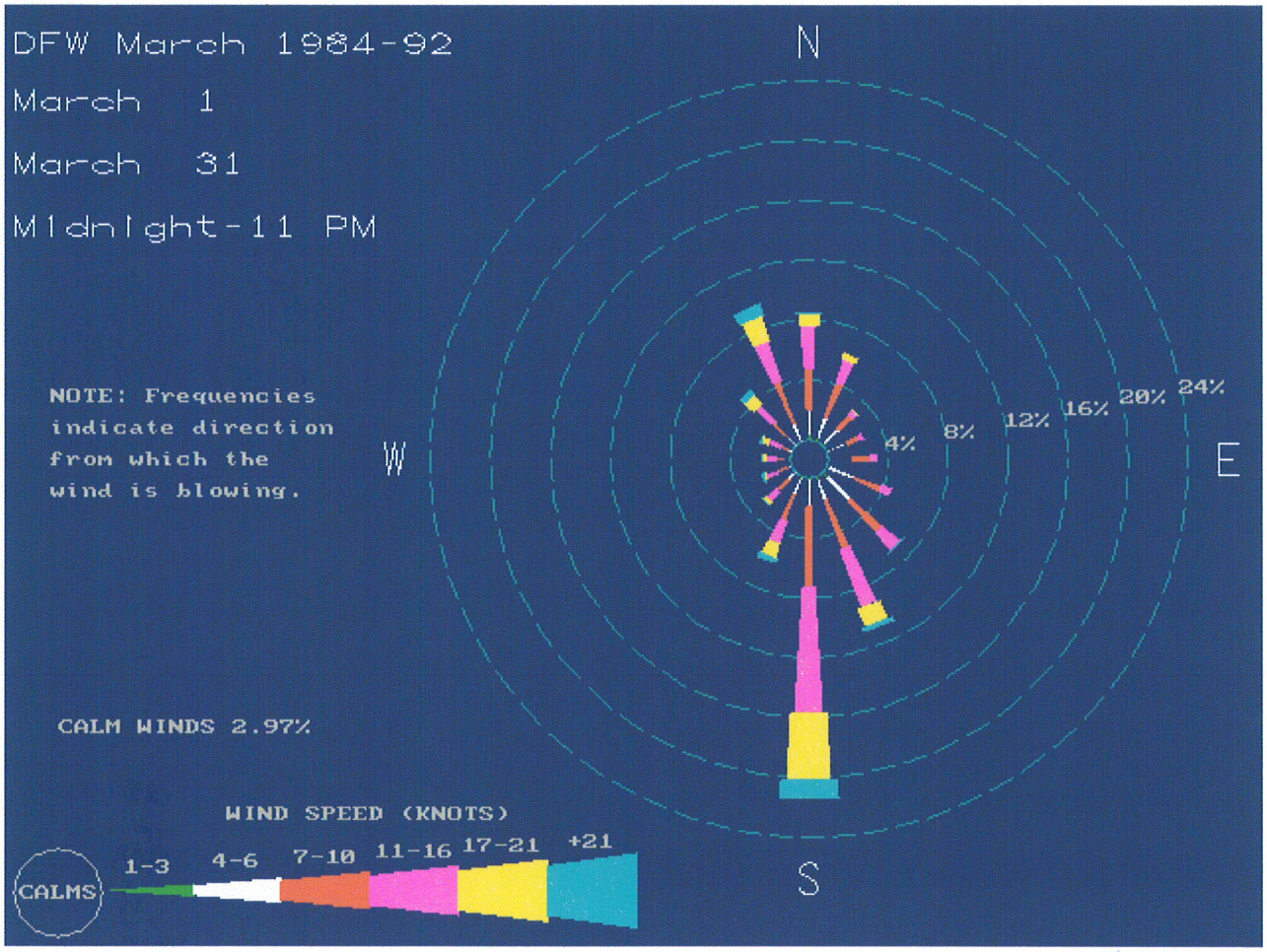
DFW March 1984-92
March 1
March 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 2.97%
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WIND SPEED (KNOTS)
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11-16
17-21
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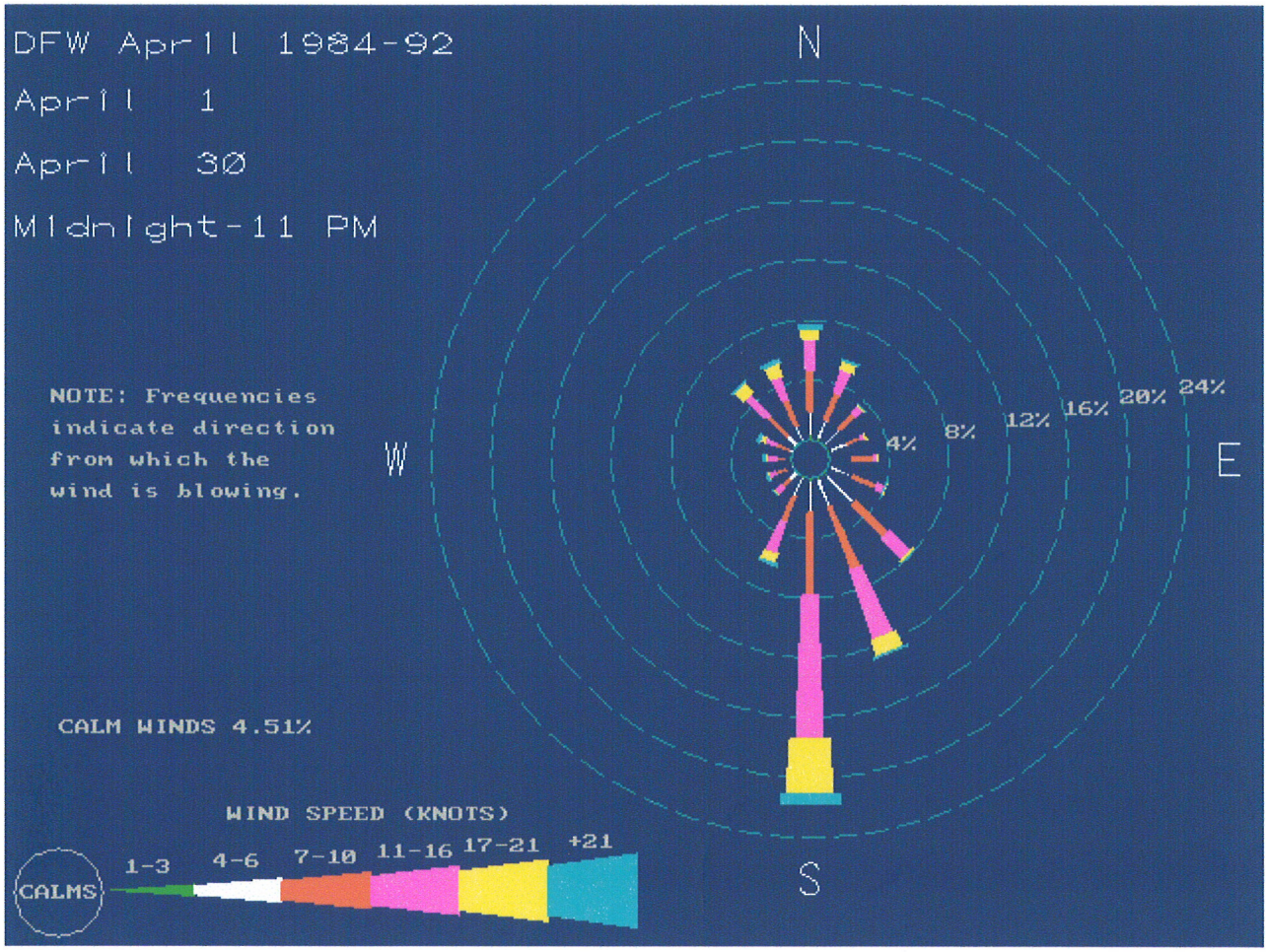
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April 1
April 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 4.51%
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WIND SPEED (KNOTS)
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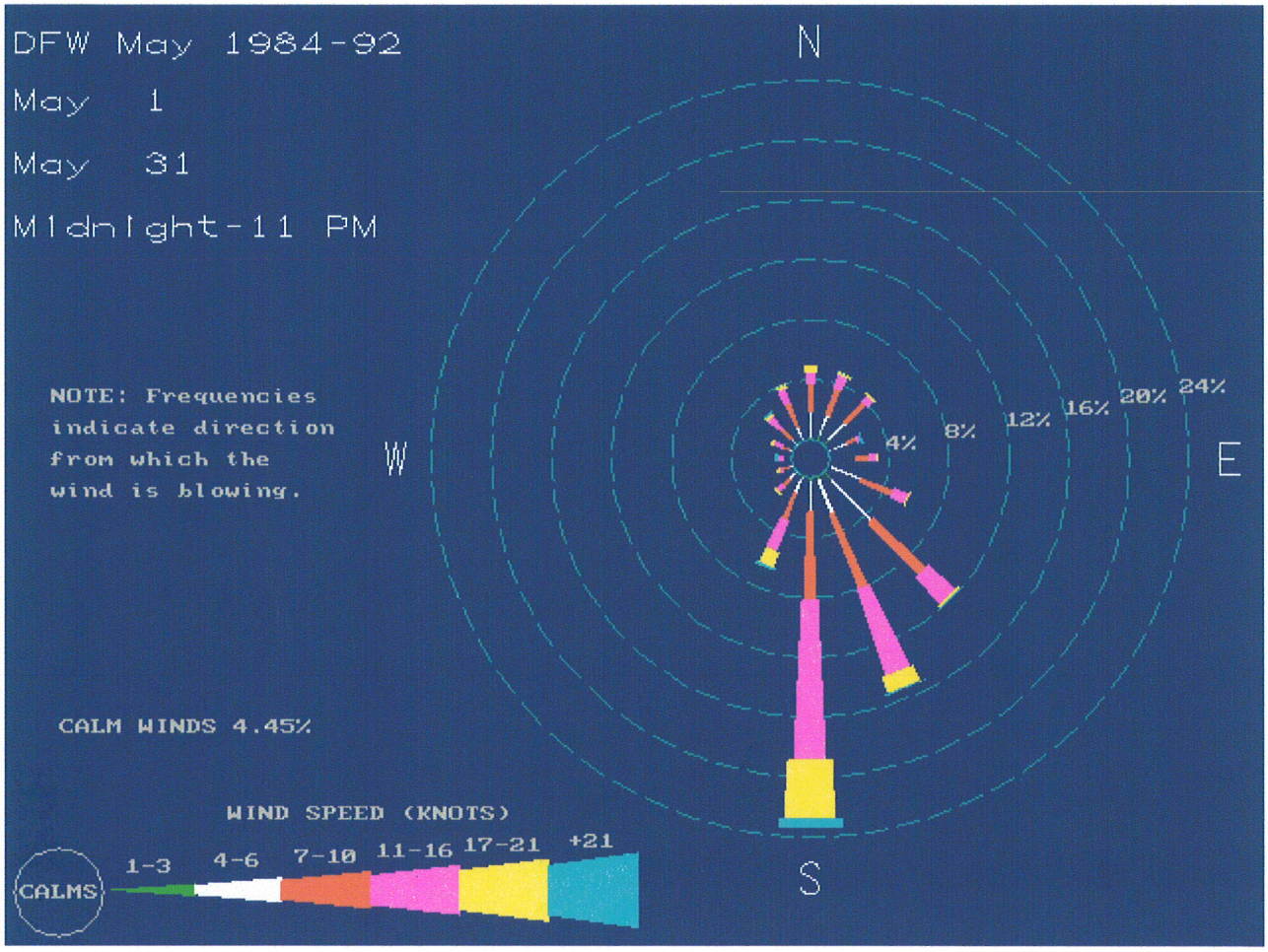
DFW May 1984-92
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May 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
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WIND SPEED (KNOTS)
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17-21
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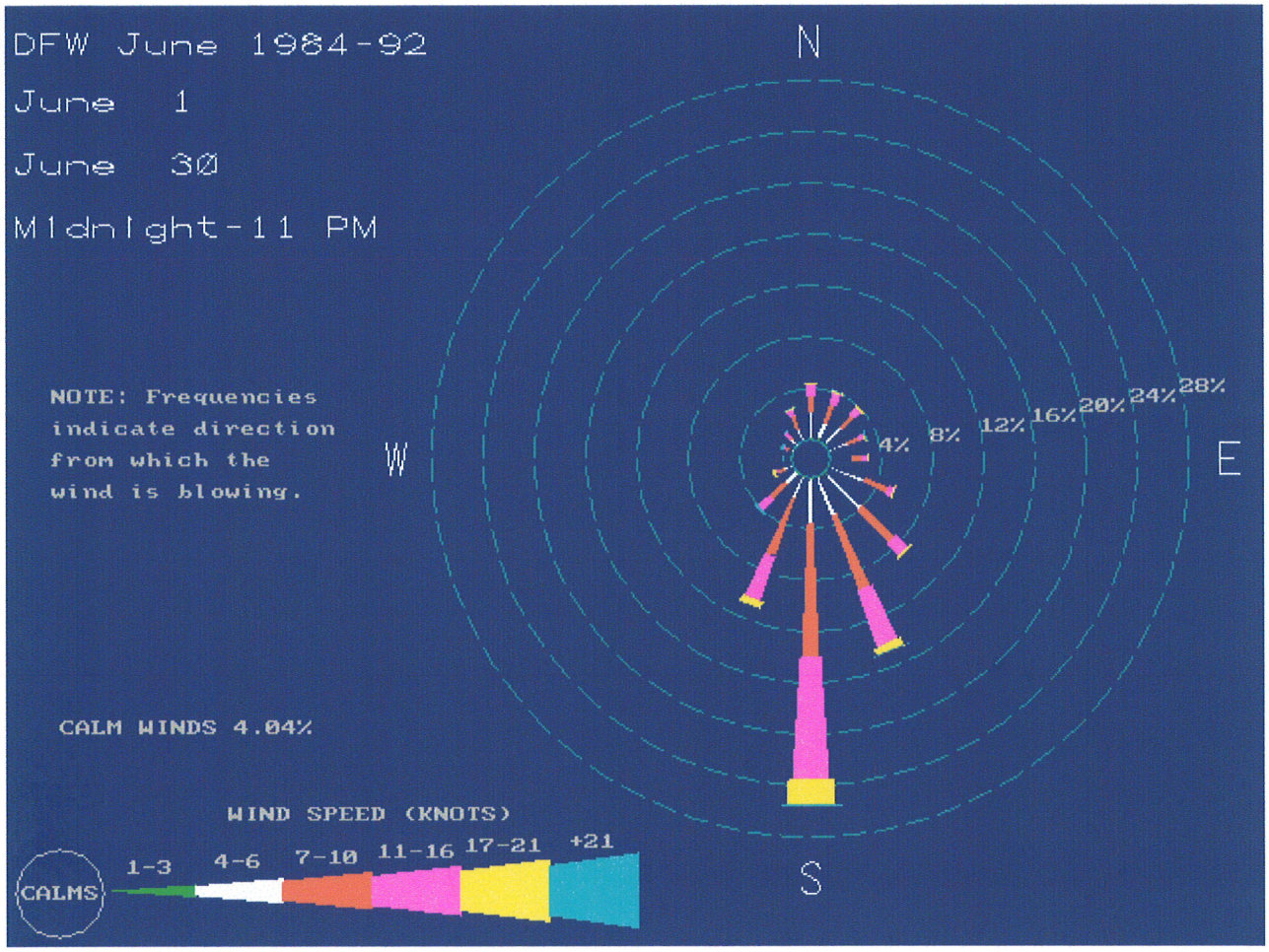
DFW June 1984-92
June 1
June 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
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WIND SPEED (KNOTS)
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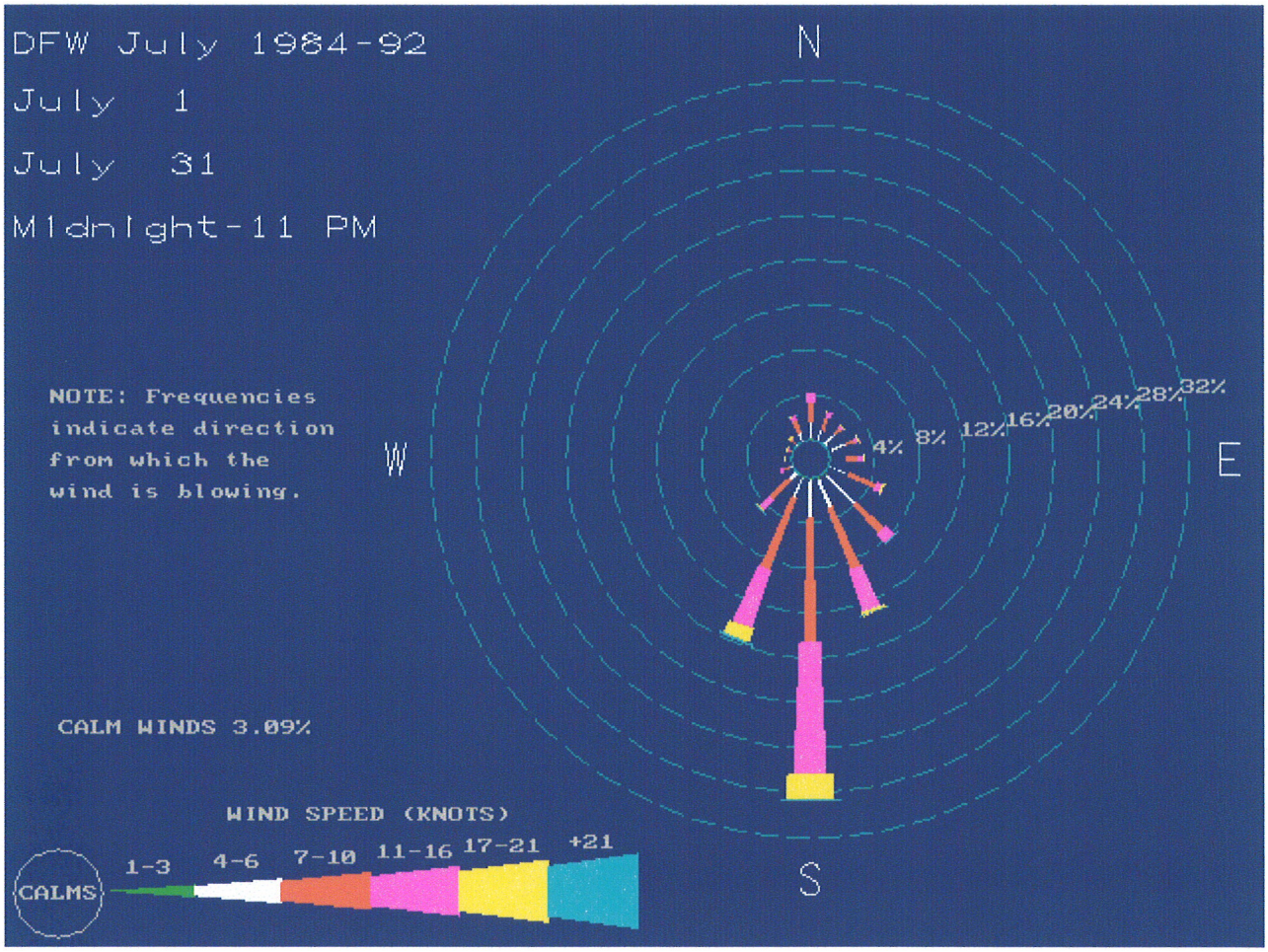
DFW July 1984-92
July 1
July 31
Midnight-11 PM
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CALM WINDS 3.09%
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WIND SPEED (KNOTS)
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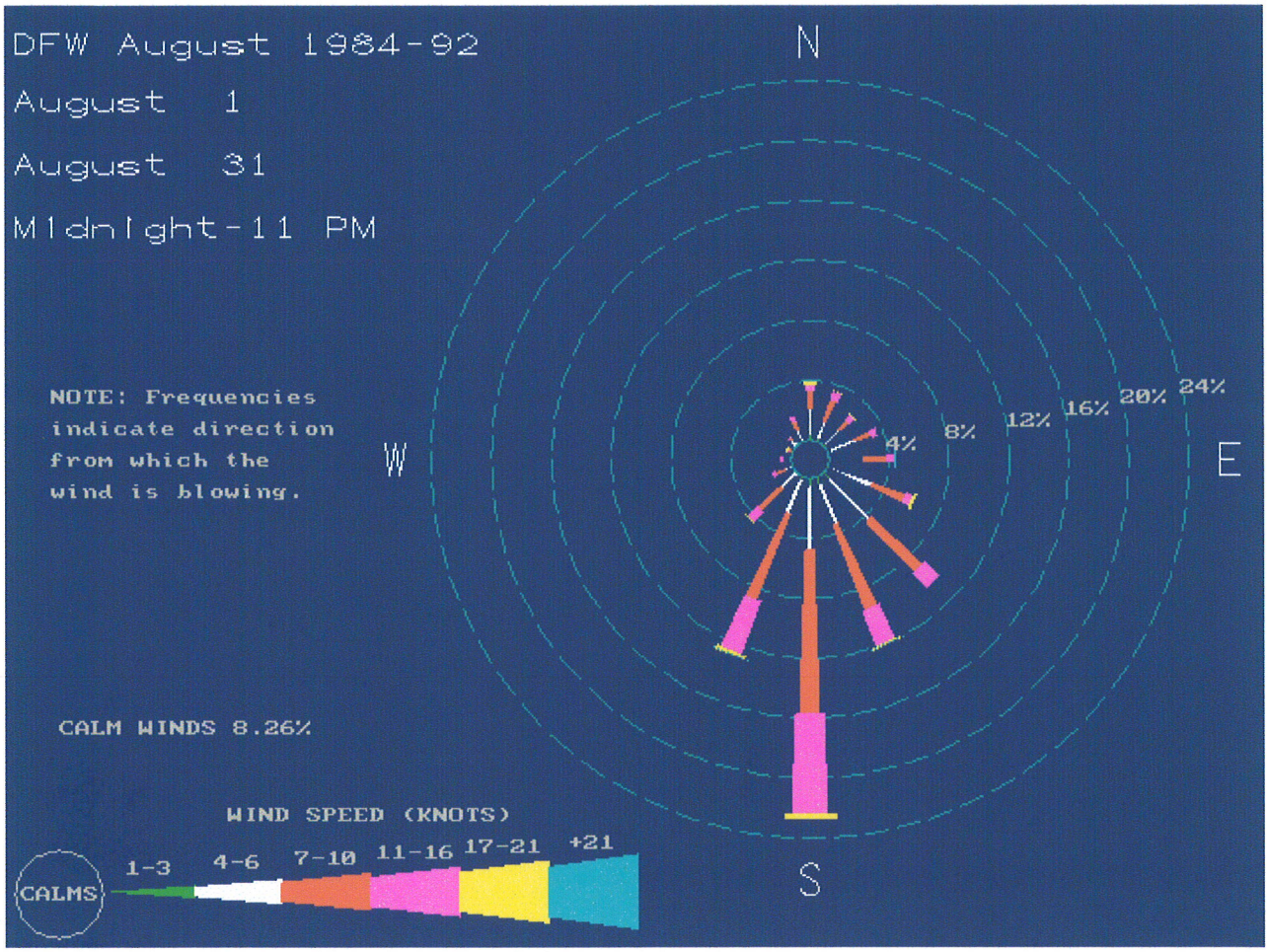
DFW August 1984-92
August 1
August 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
N
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16%
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24%
CALM WINDS 8.26%
WIND SPEED (KNOTS)
CALMS
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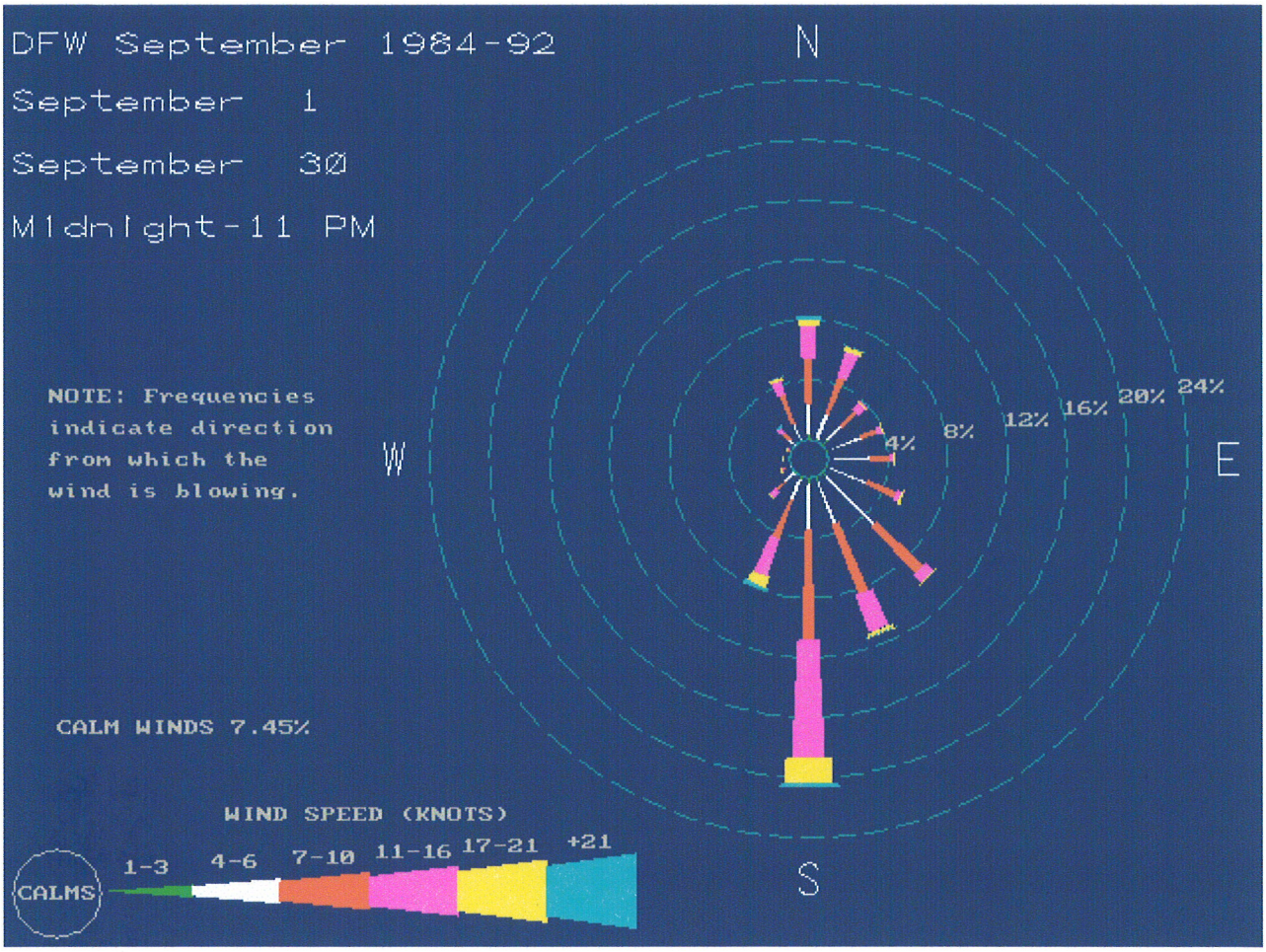
17-21
+21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September 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
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WIND SPEED (KNOTS)
CALMS
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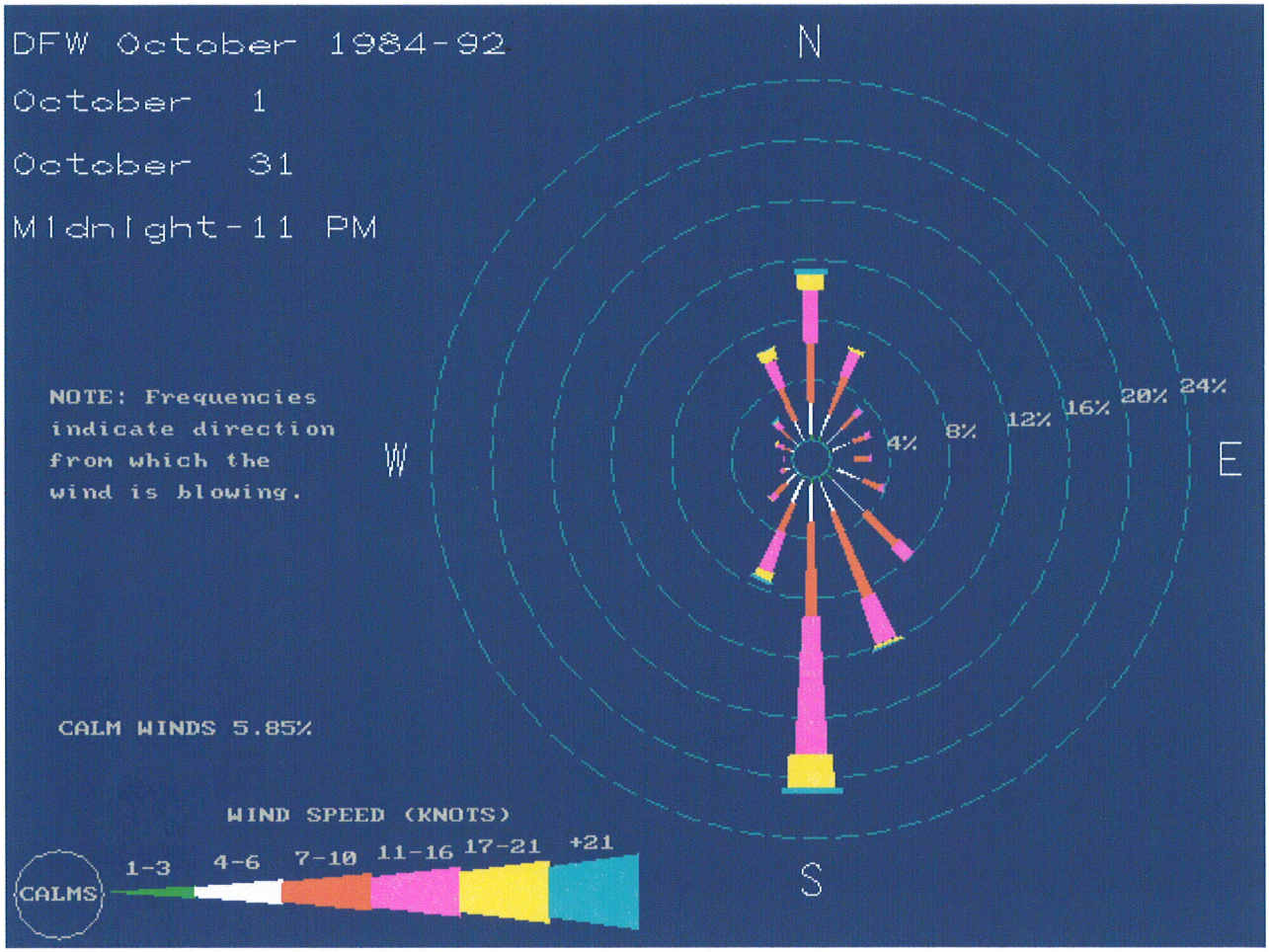
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October 1
October 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 5.85%
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WIND SPEED (KNOTS)
CALMS
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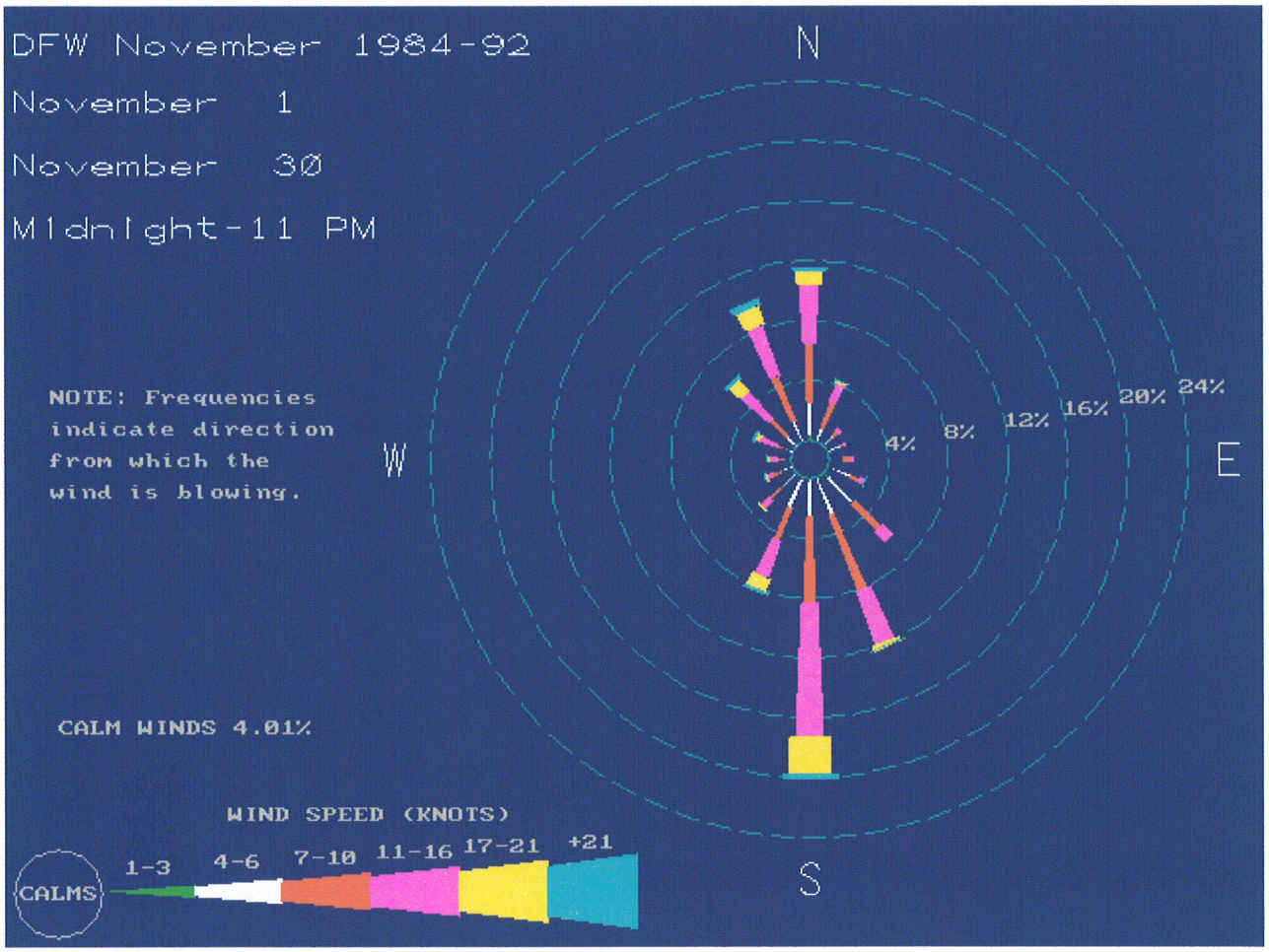
DFW November 1984-92
November 1
November 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 4.01%
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WIND SPEED (KNOTS)
CALMS
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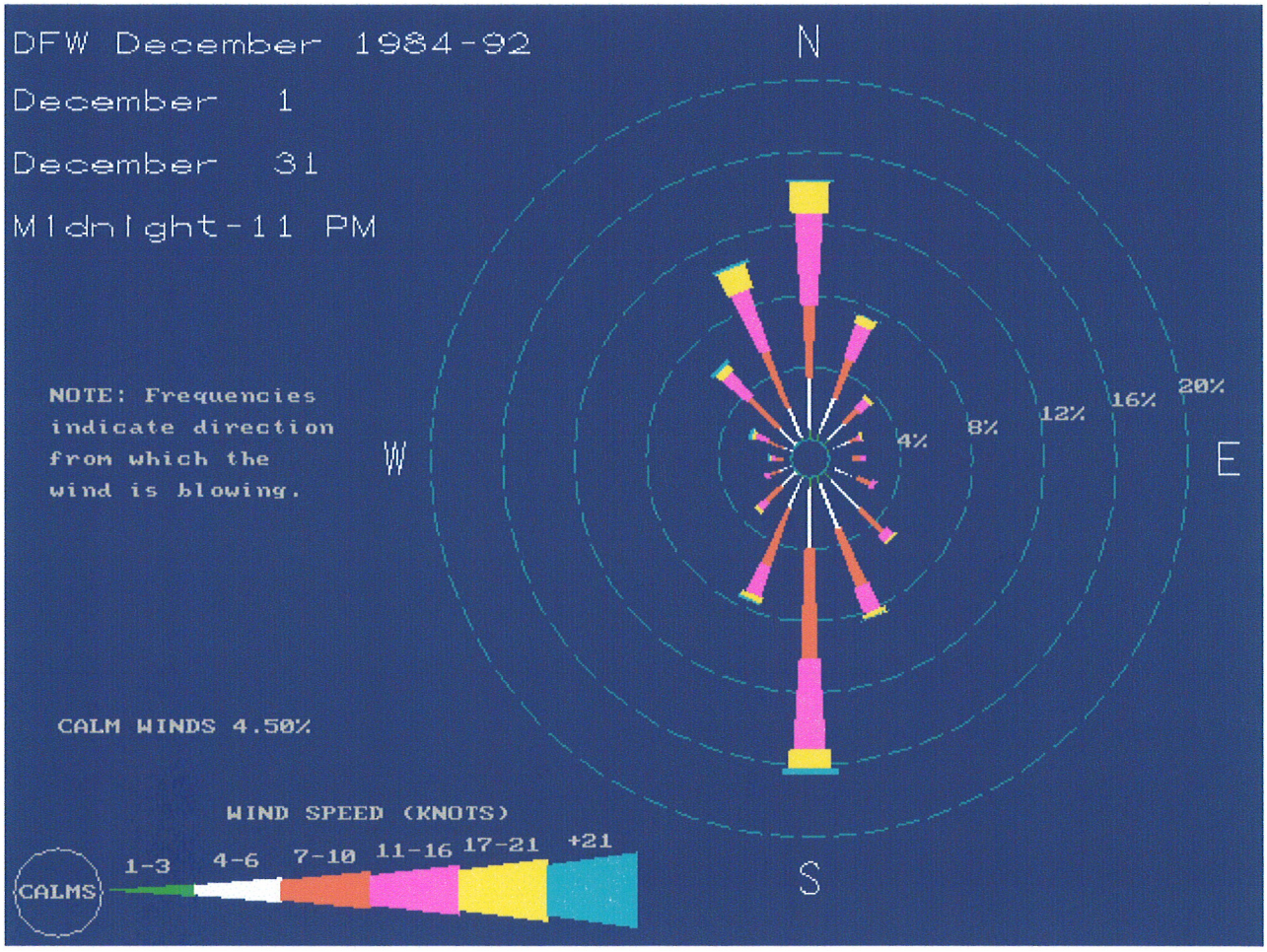
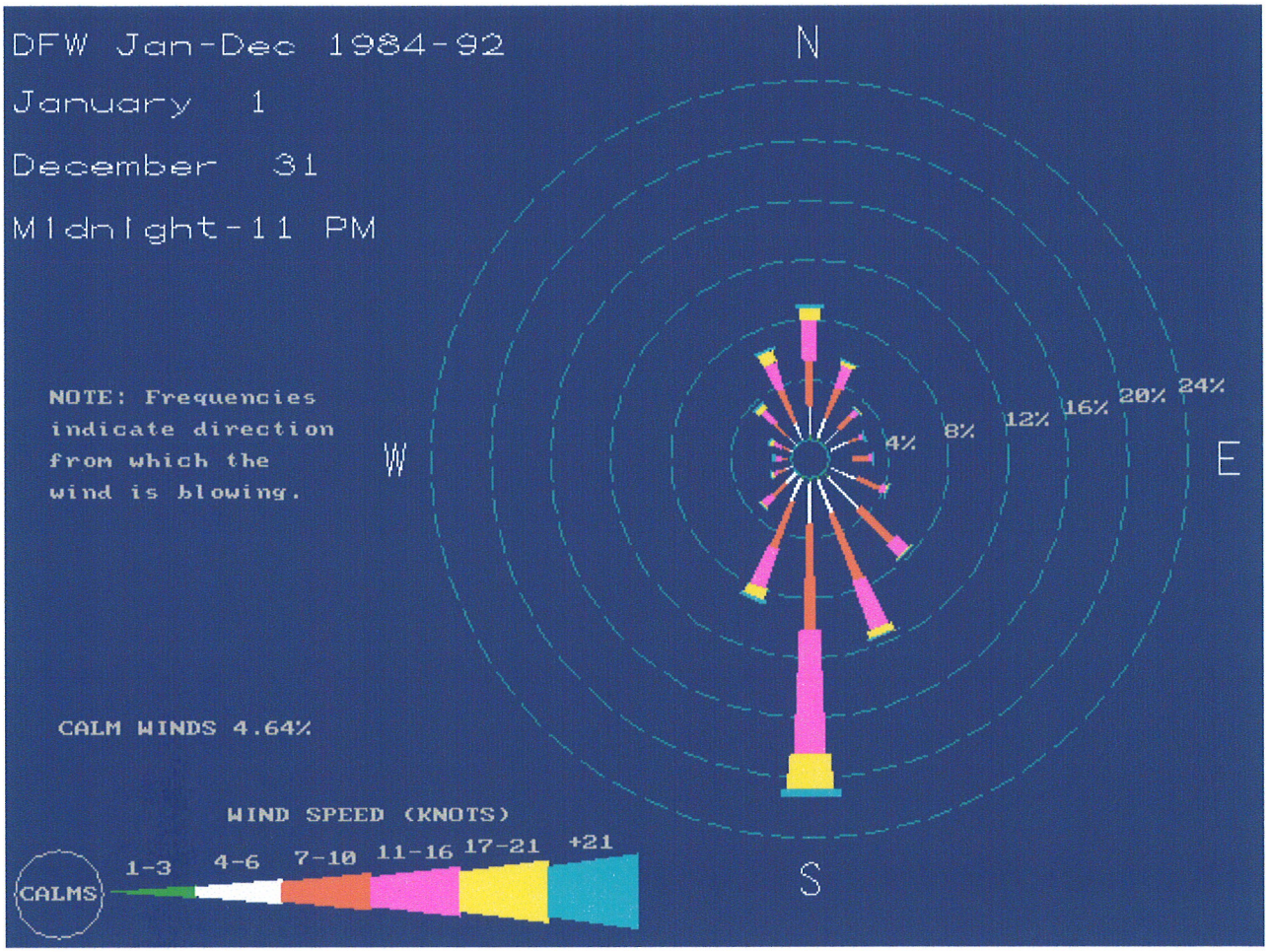
+21


DFW December 1984-92
December 1
December 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 4.50%
N
W
E
S
4%
8%
12%
16%
20%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21


DFW Jan-Dec 1984-92
January 1
December 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 4.64%
N
W
E
S
4%
8%
12%
16%
20%
24%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

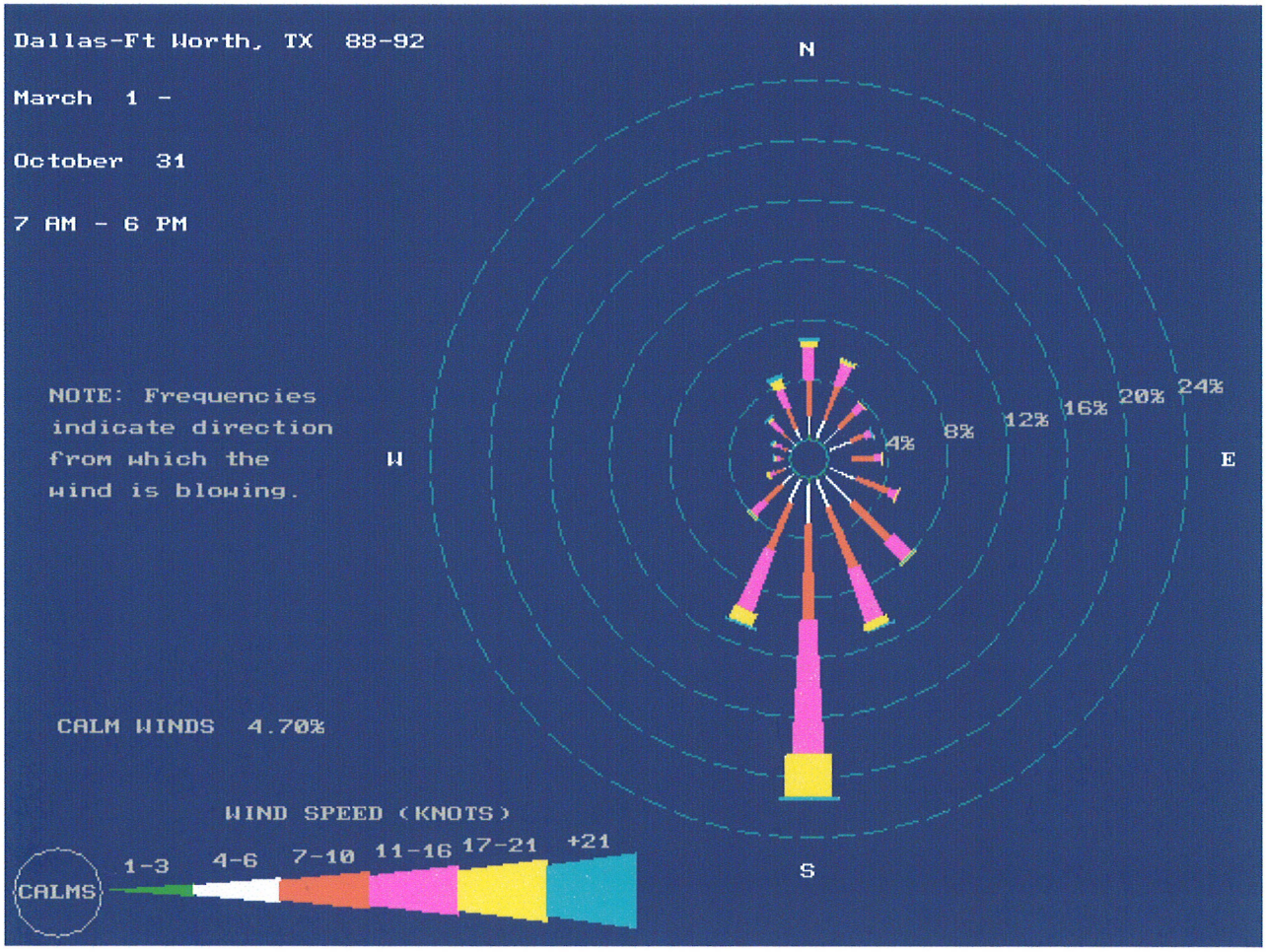
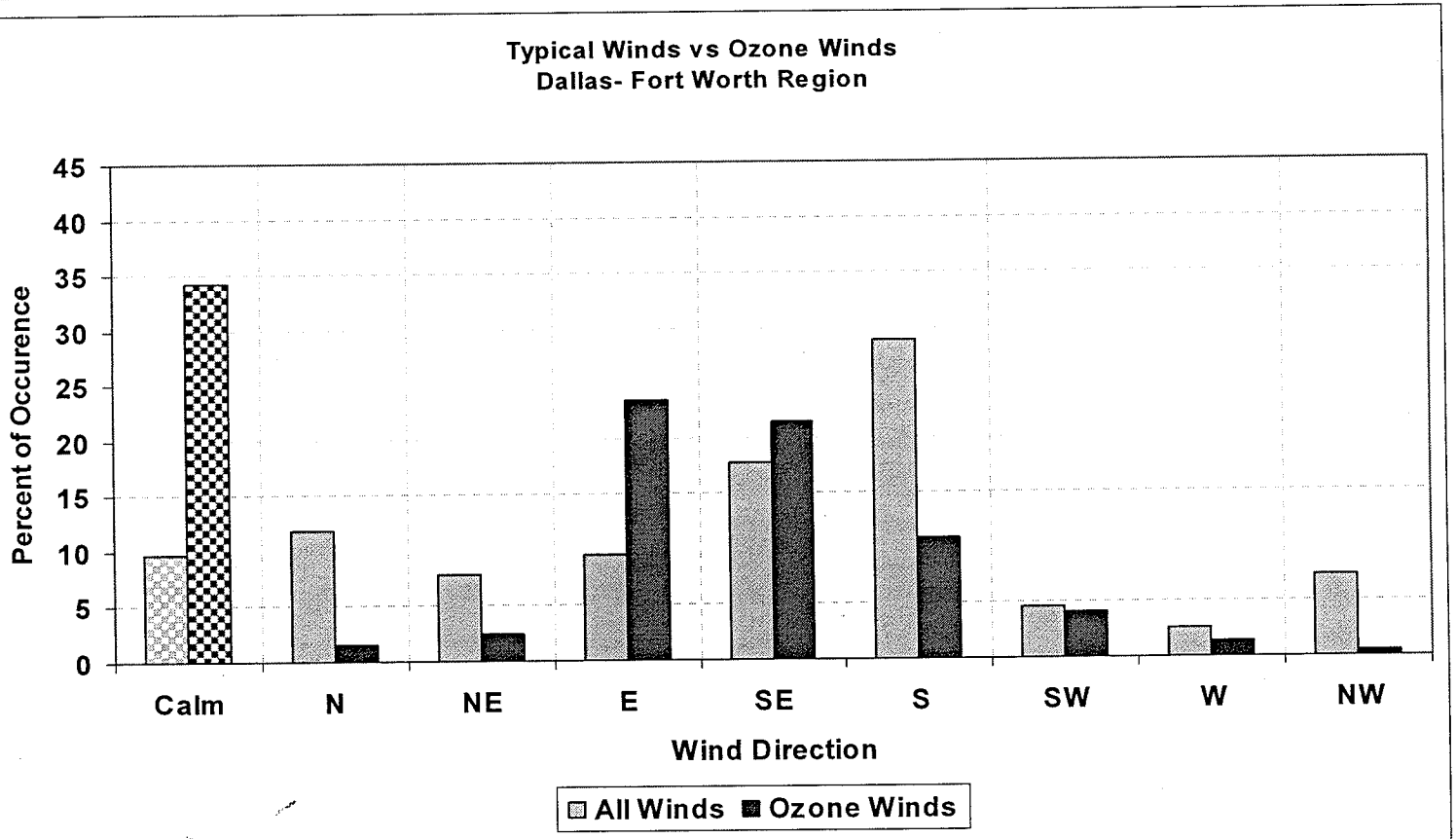

Dallas-Ft Worth, TX 88-92
March 1 -
October 31
7 AM - 6 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 4.70%
N
W
E
S
4%
8%
12%
16%
20%
24%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

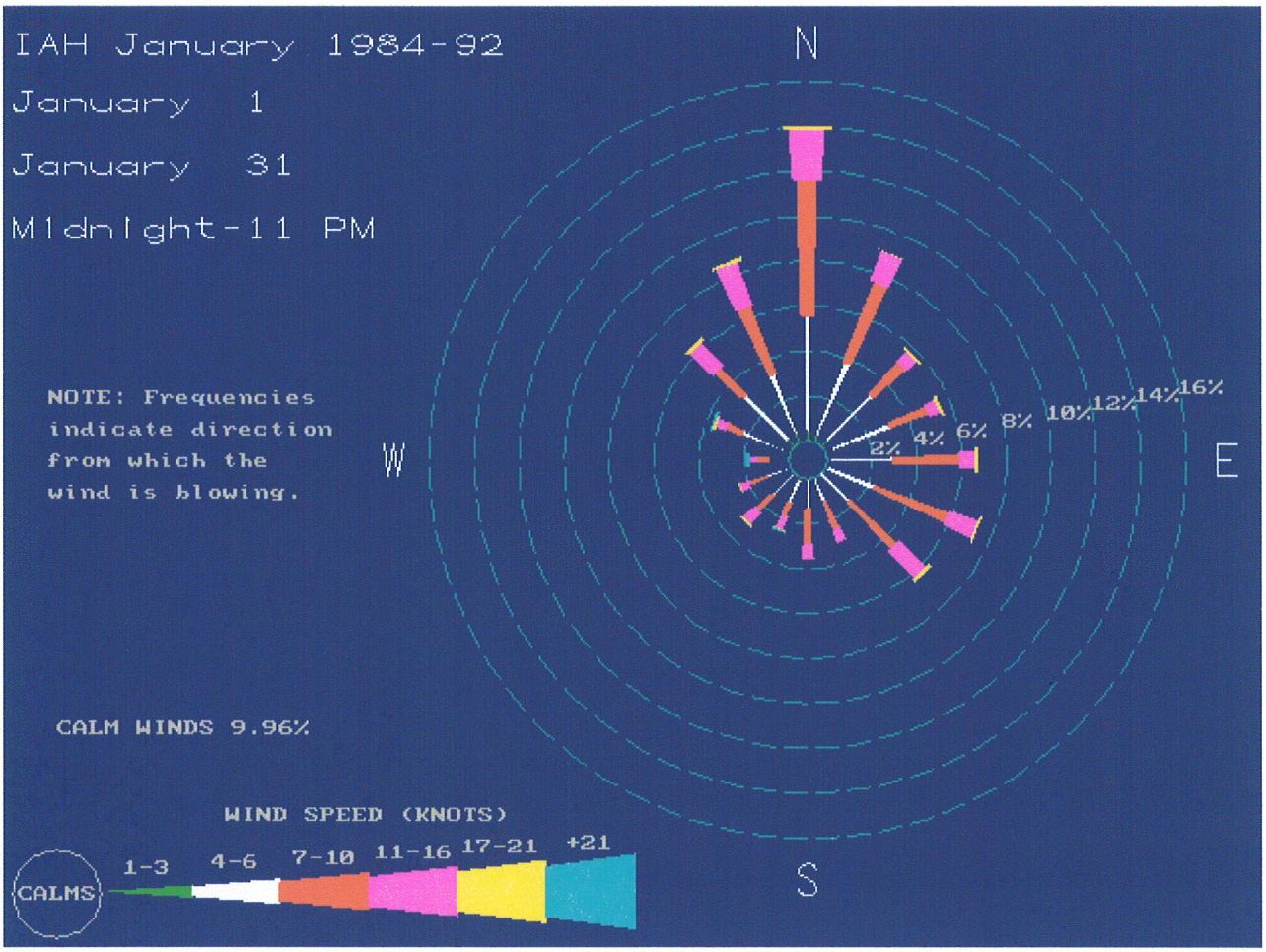
EXHIBIT 4

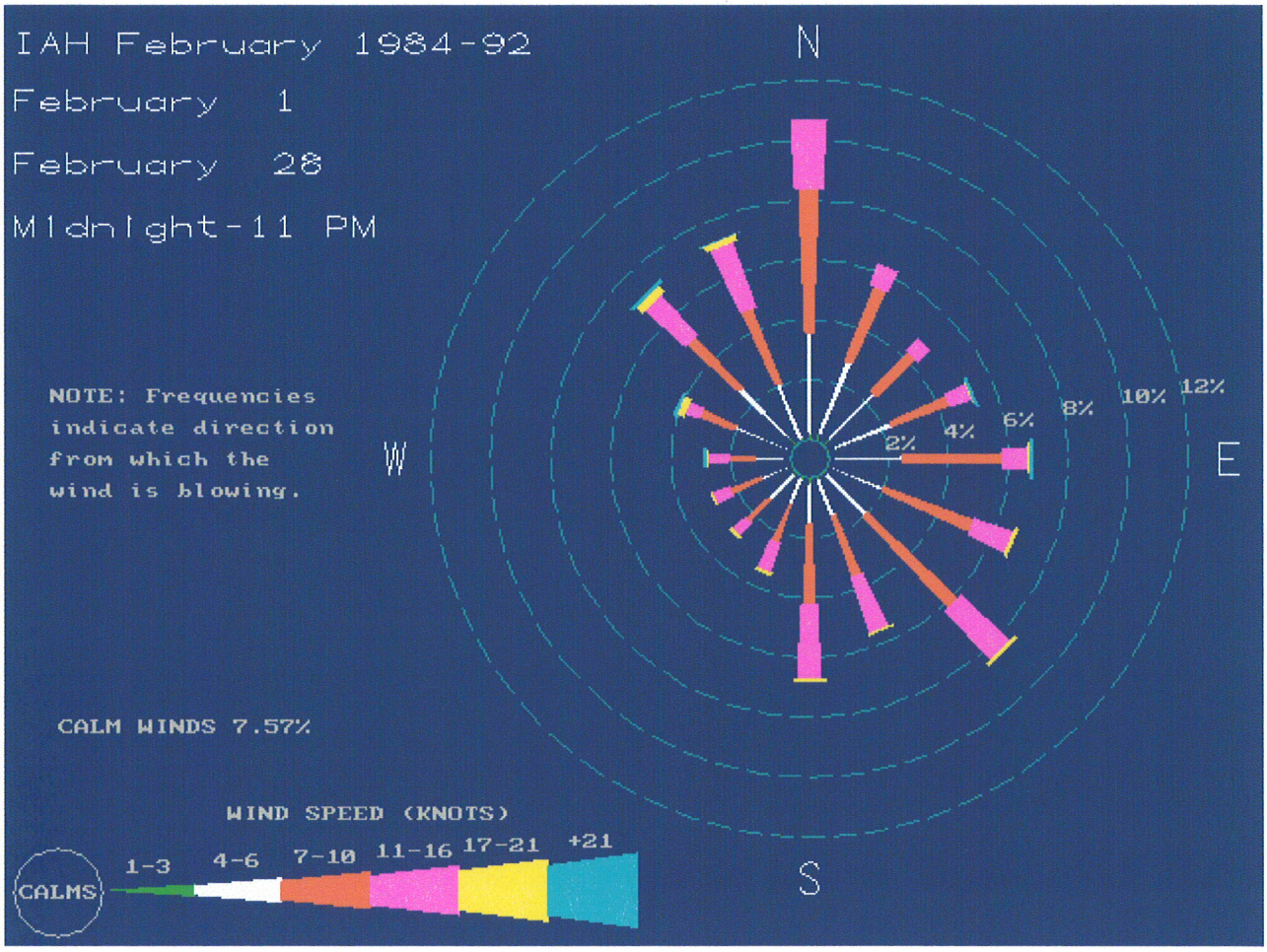
Typical Ozone and Non Ozone Winds

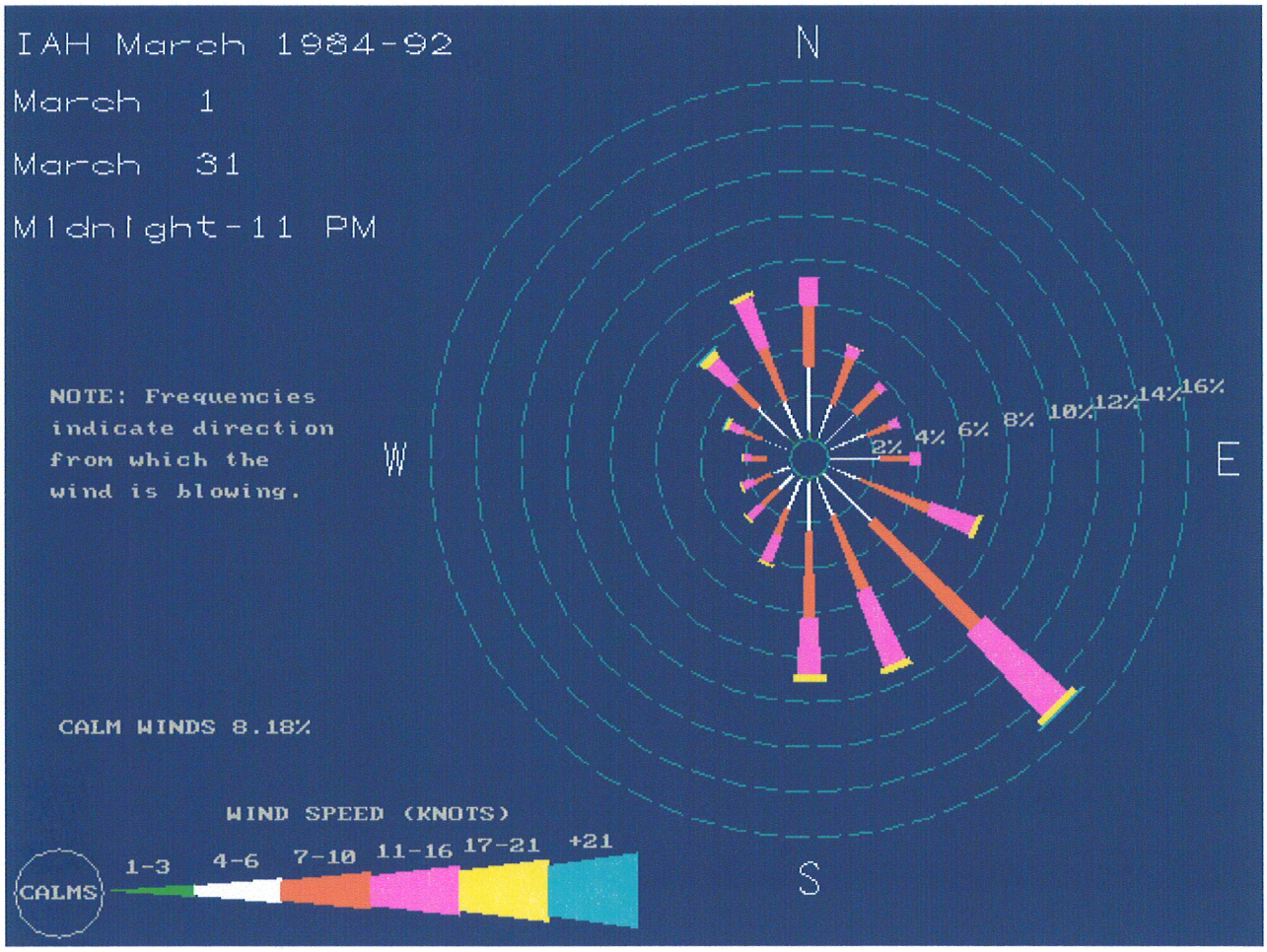


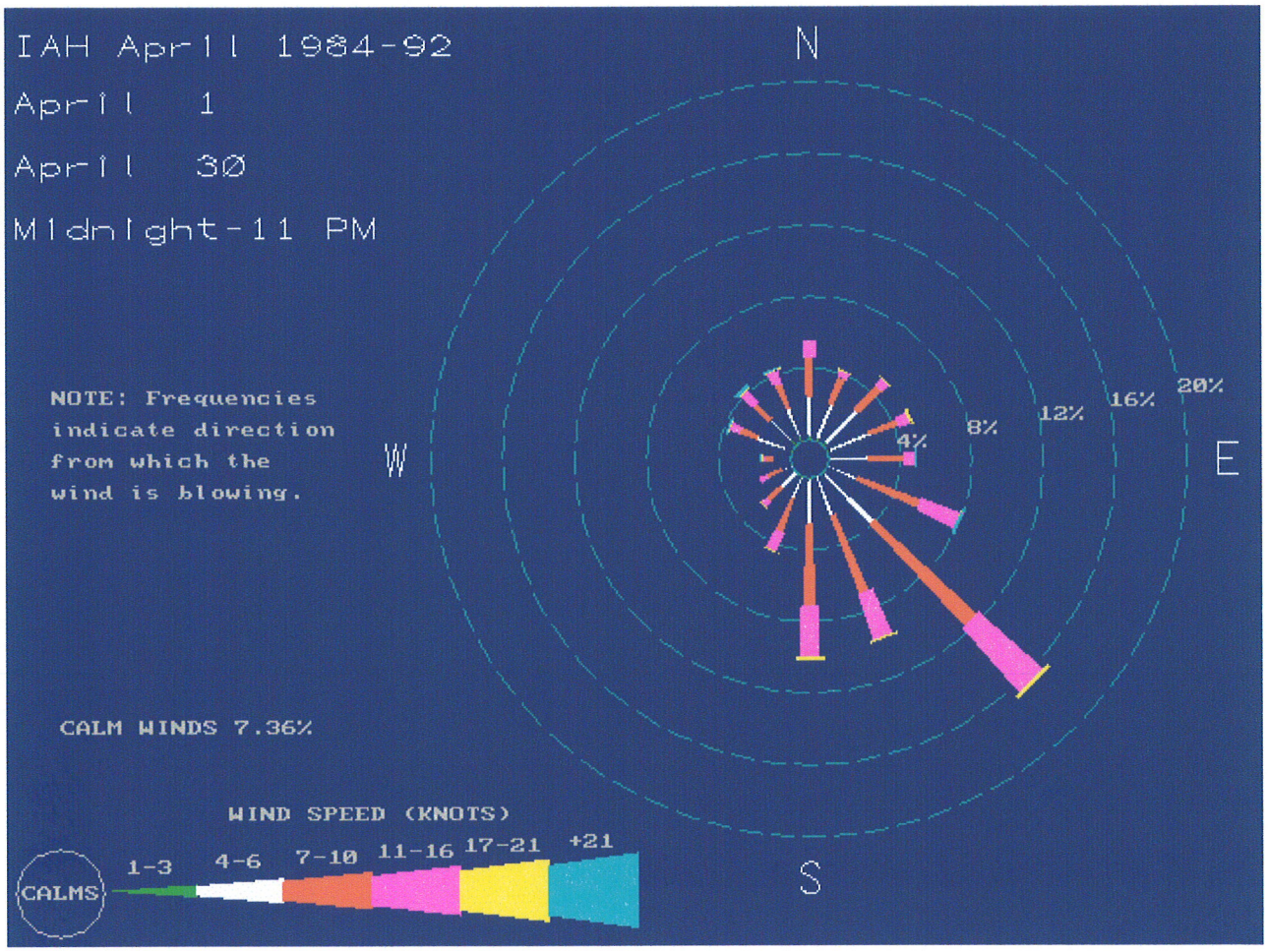
Note: 2000-2005, All Months, All Hours, Calms < 1.3 m/s, 1-Hr O3, Keller, Denton, Frisco, Kaufman, Eagle Mt.

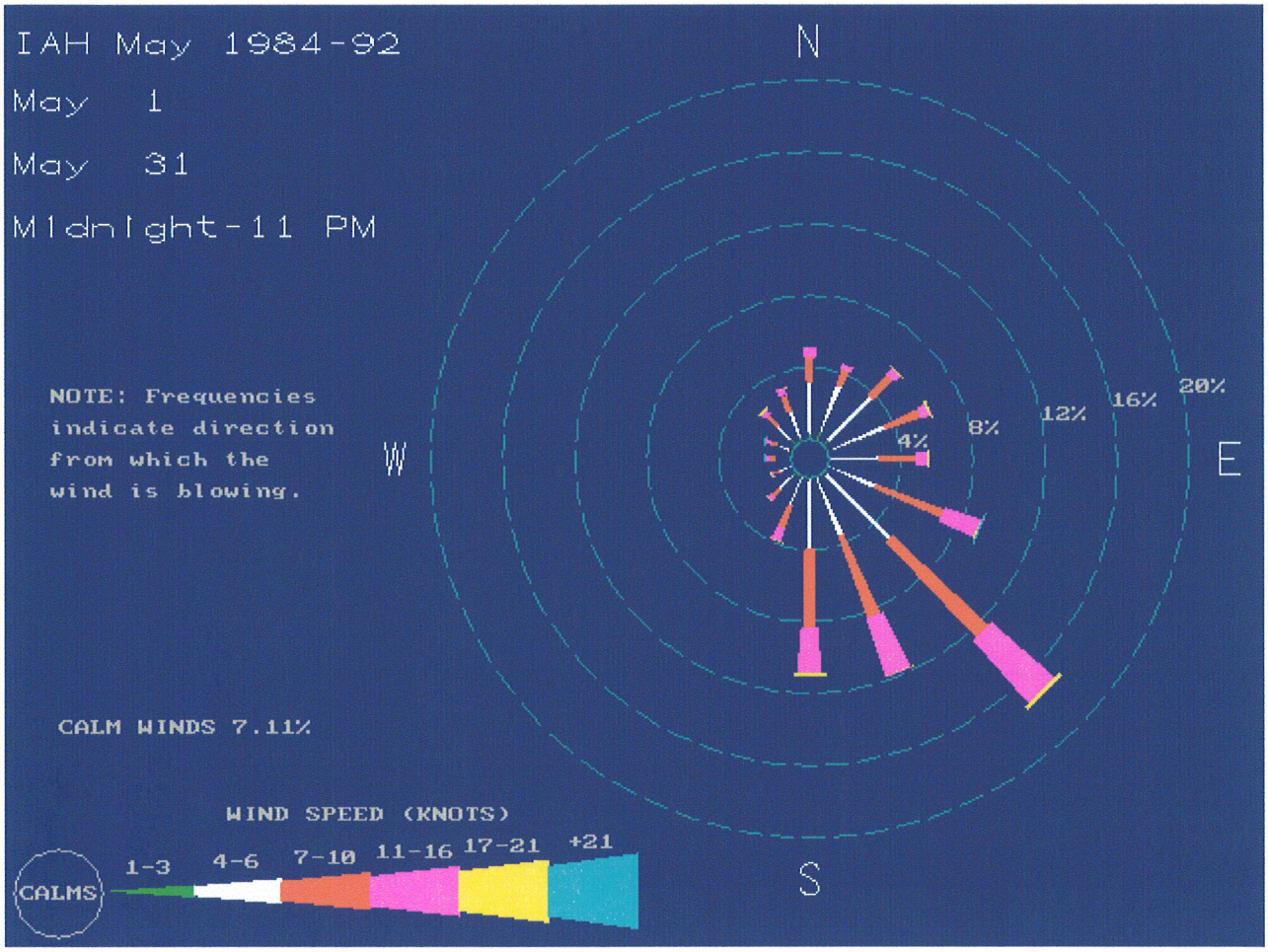
EXHIBIT 5

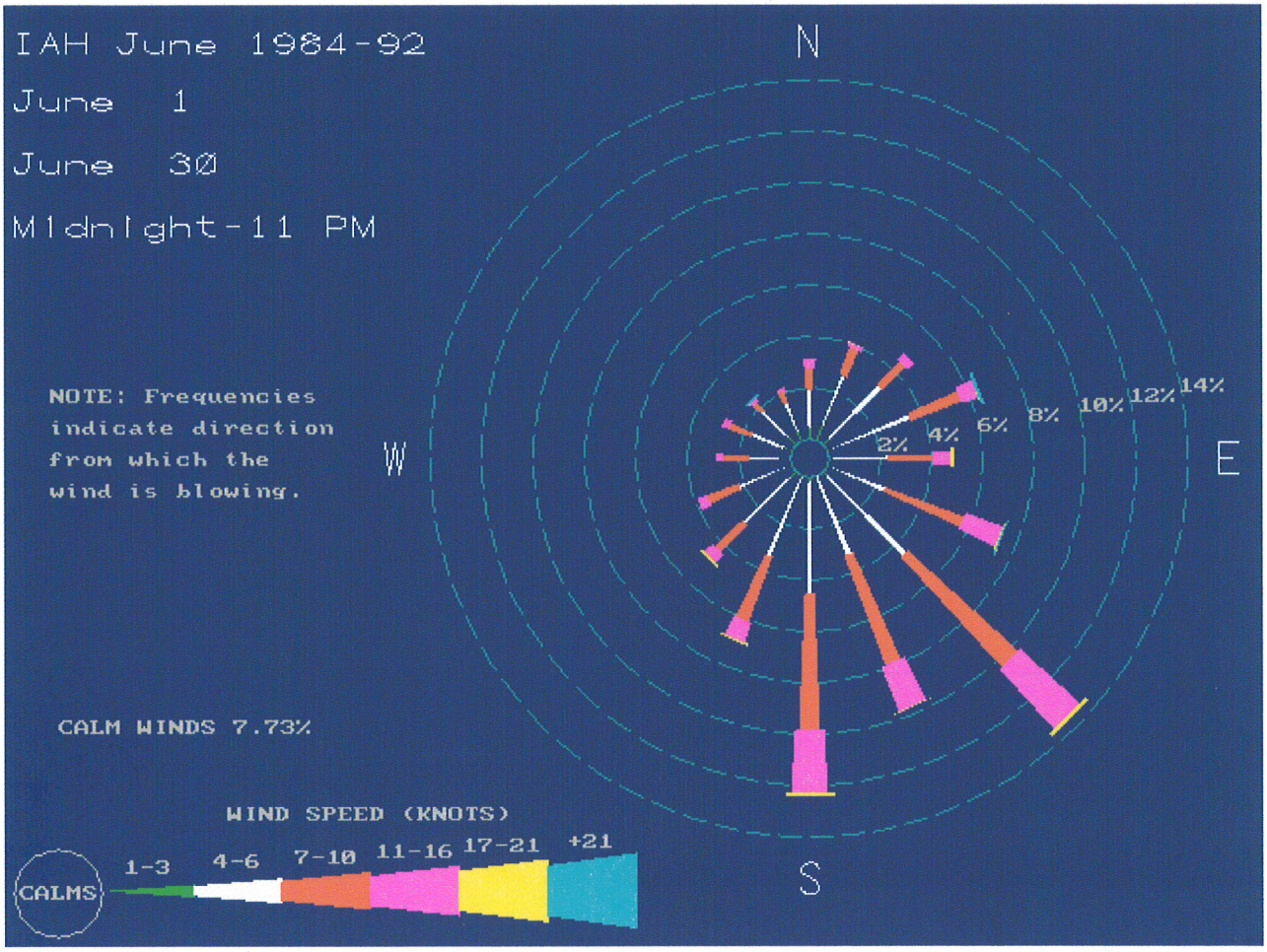

IAH January 1984-92
January 1
January 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 9.96%
N
W
E
S
2%
4%
6%
8%
10%
12%
14%
16%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

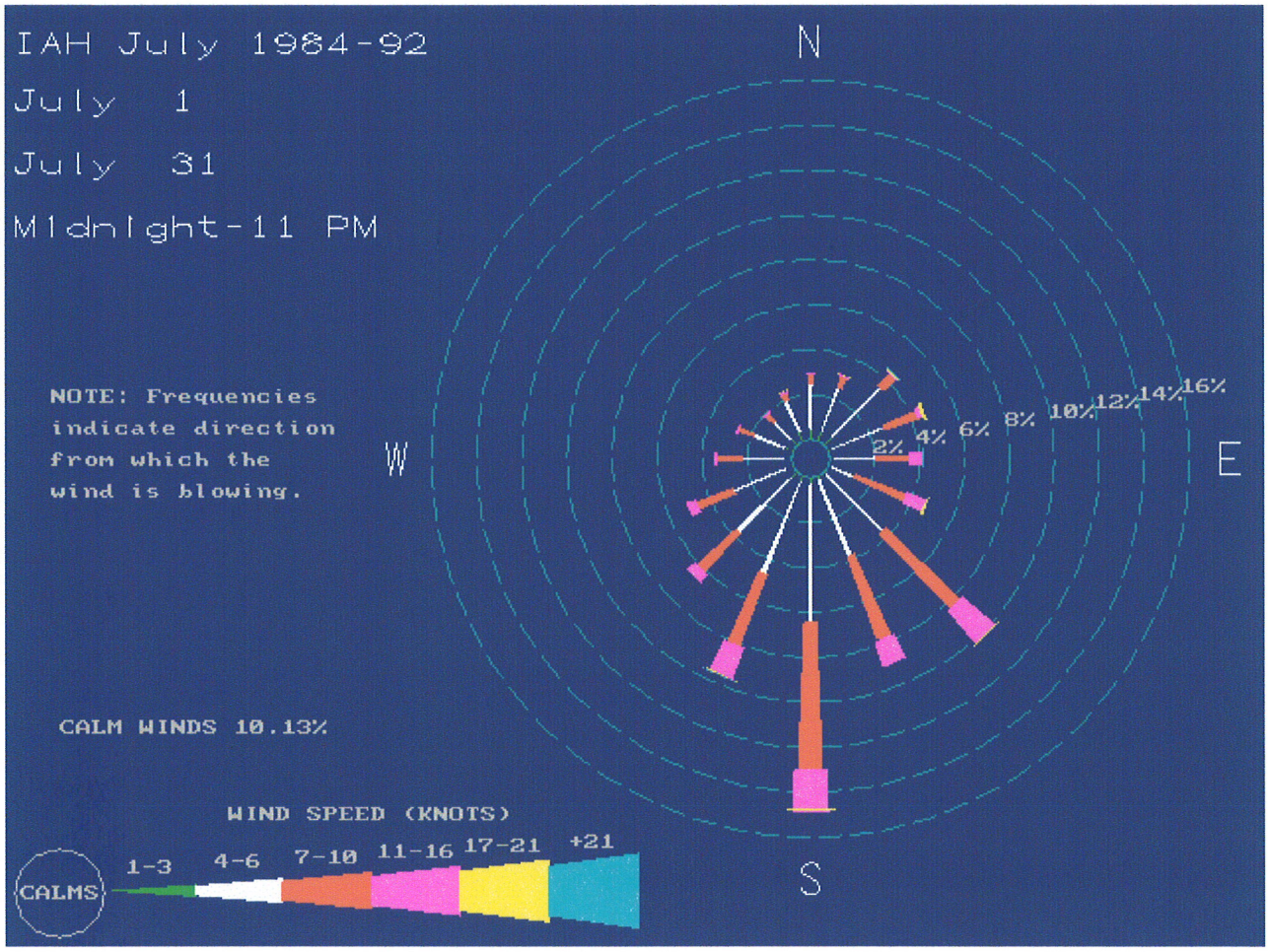

IAH February 1984-92
February 1
February 28
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 7.57%
N
W
E
S
2%
4%
6%
8%
10%
12%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

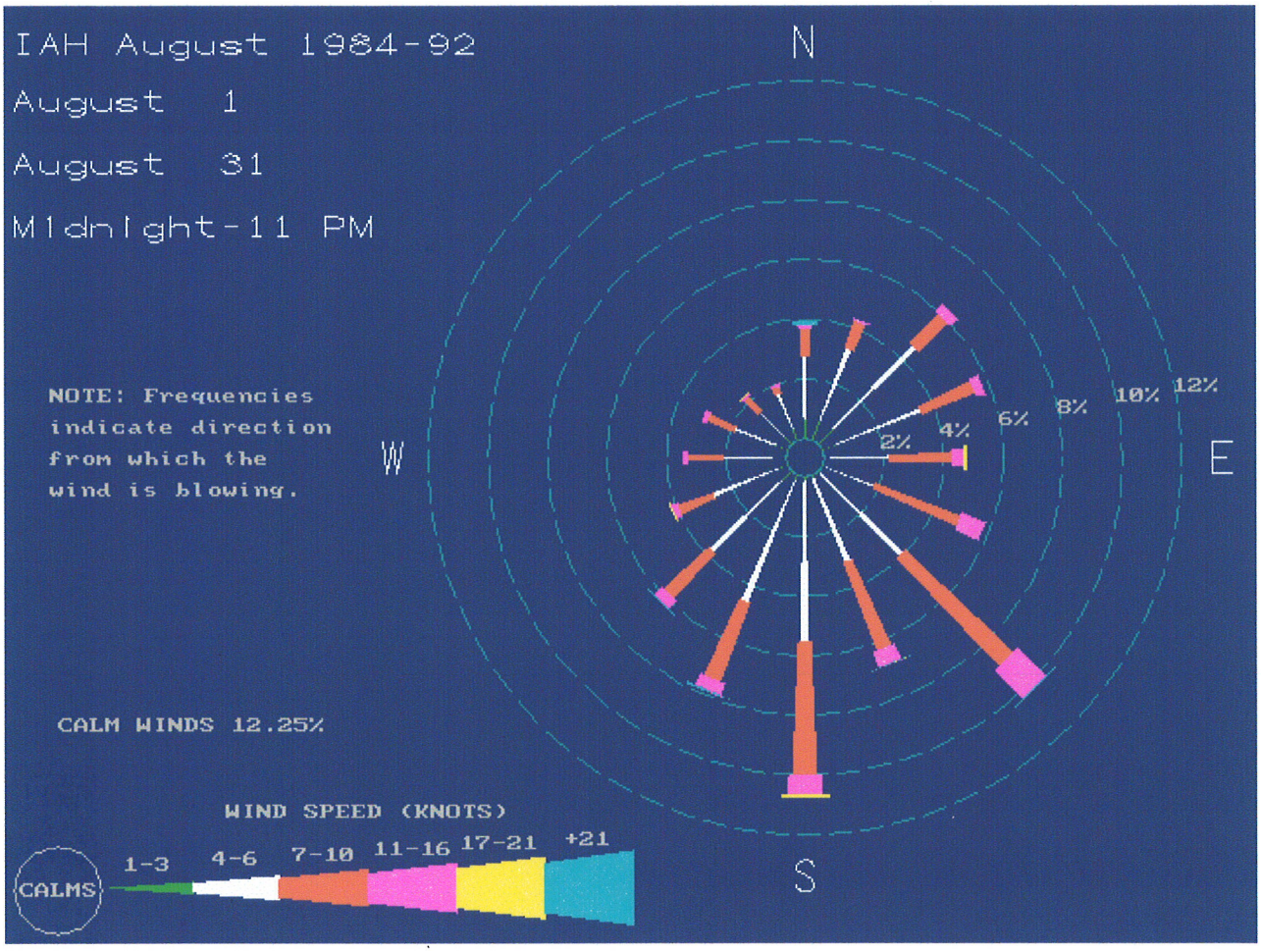

IAH March 1984-92
March 1
March 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 8.18%
N
W
E
S
2% 4% 6% 8% 10% 12% 14% 16%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

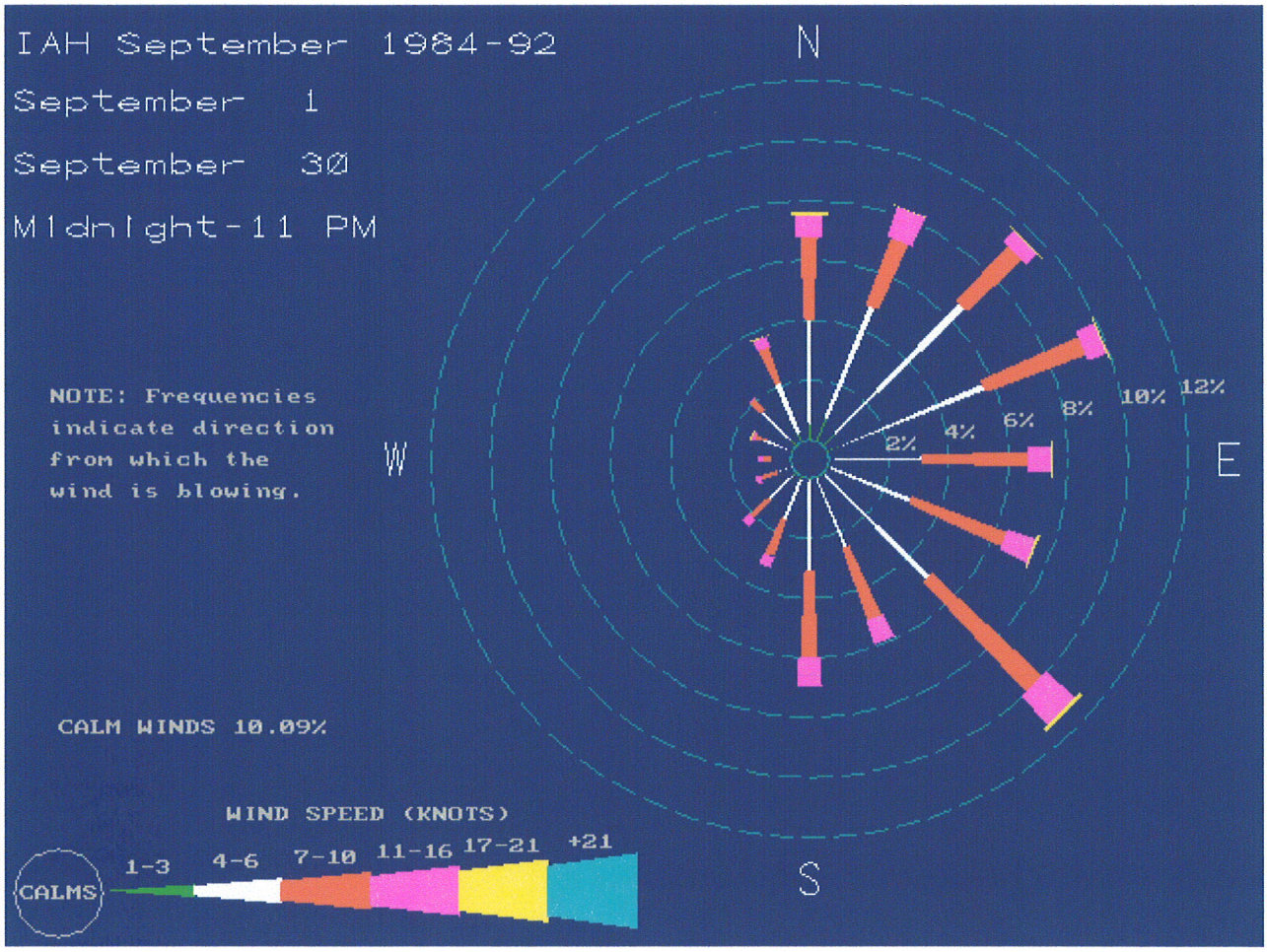

IAH April 1984-92
April 1
April 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 7.36%
N
W
E
S
4%
8%
12%
16%
20%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

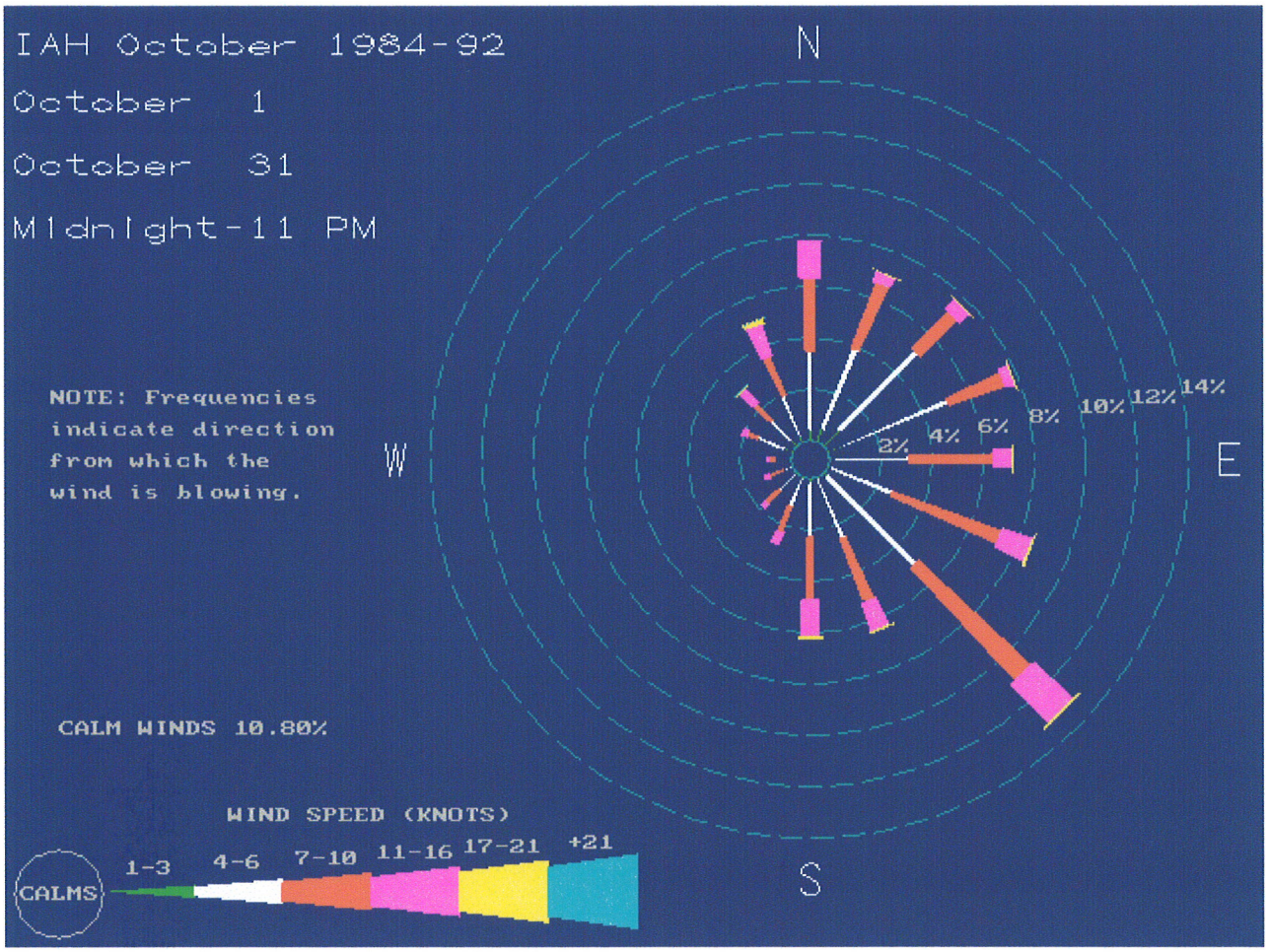

IAH May 1984-92
May 1
May 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 7.11%
N
W
E
S
4%
8%
12%
16%
20%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

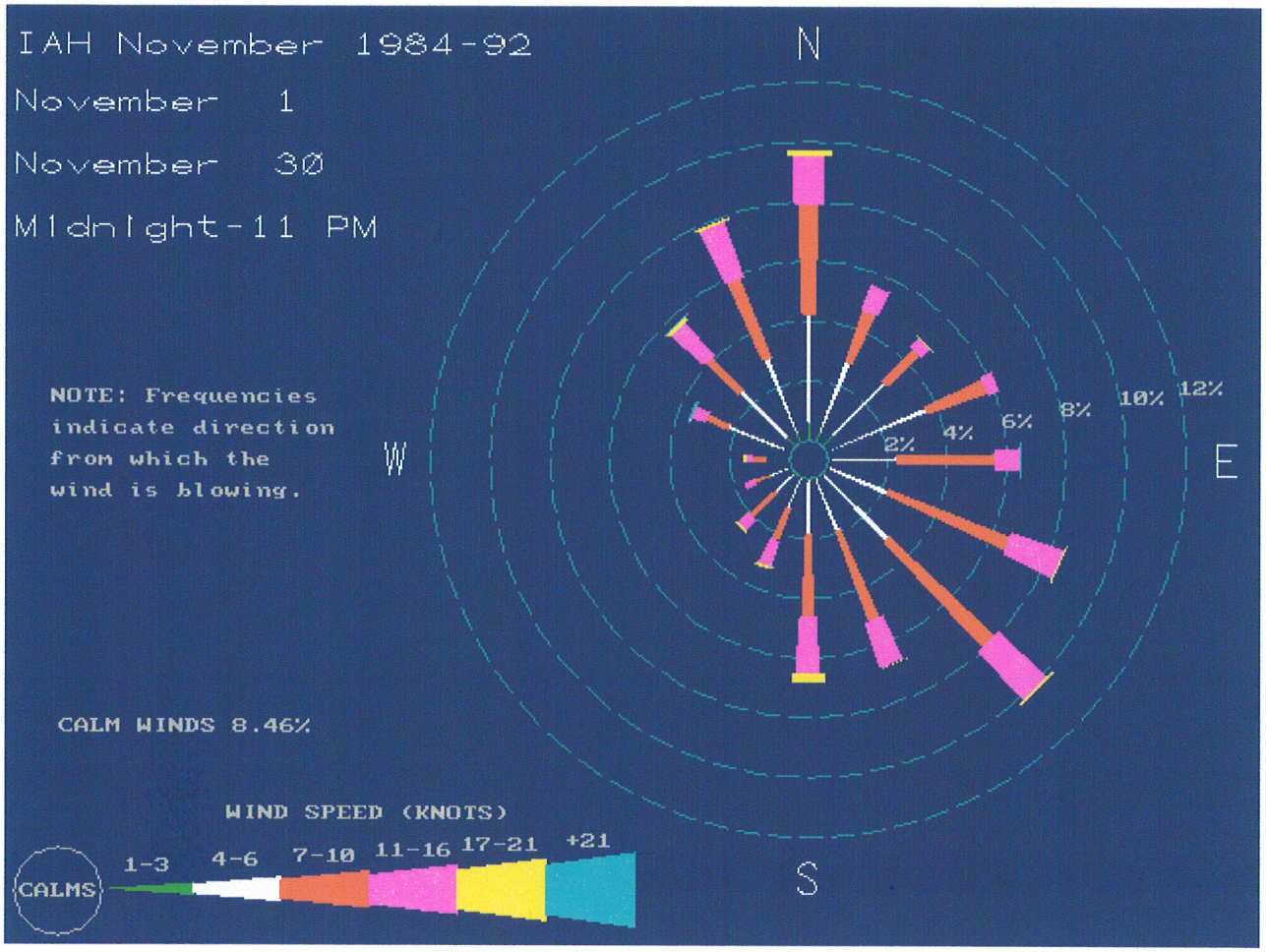

IAH June 1984-92
June 1
June 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 7.73%
N
W
E
S
2%
4%
6%
8%
10%
12%
14%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

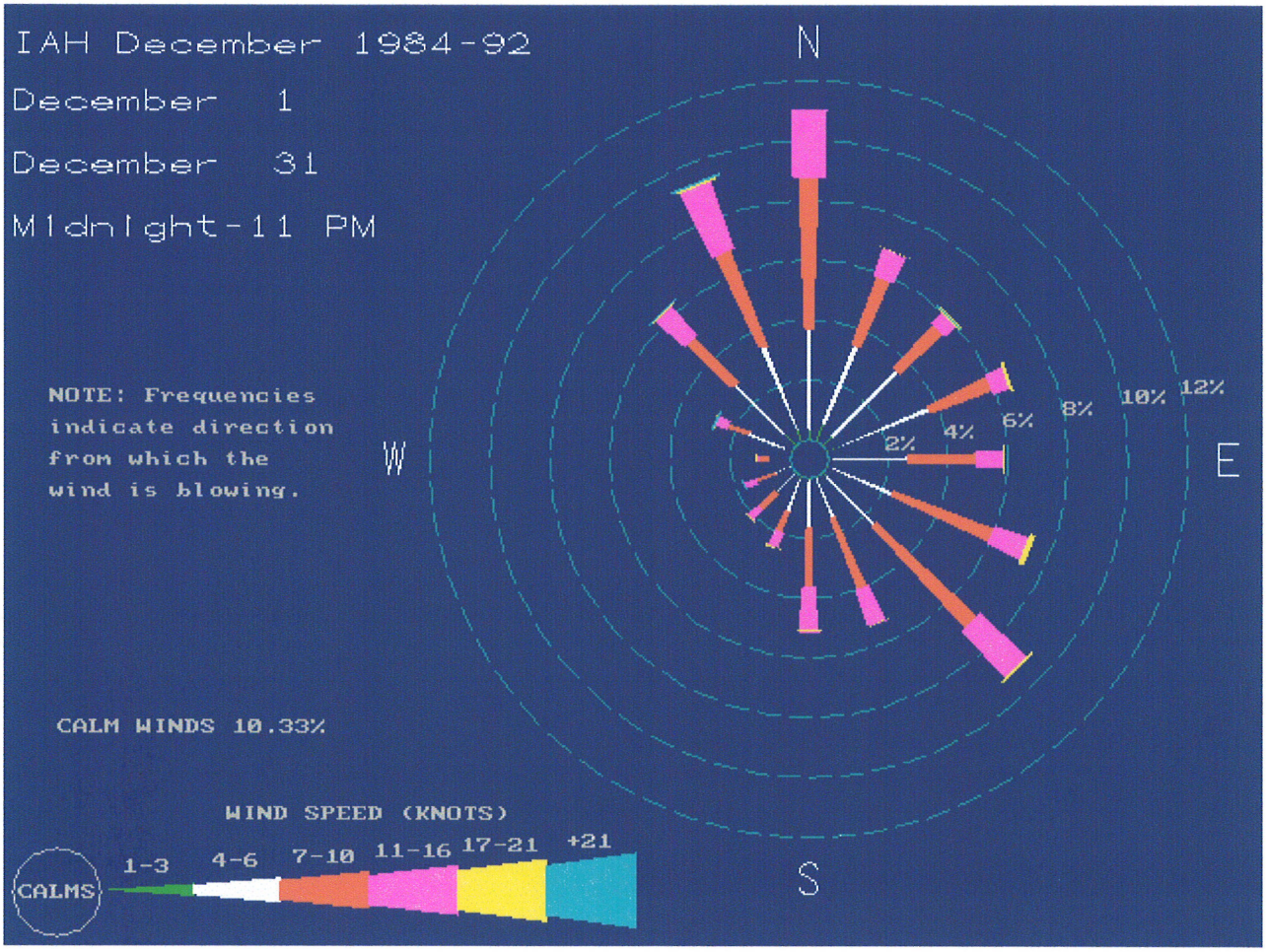

IAH July 1984-92
July 1
July 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 10.13%
N
W
E
S
2% 4% 6% 8% 10% 12% 14% 16%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

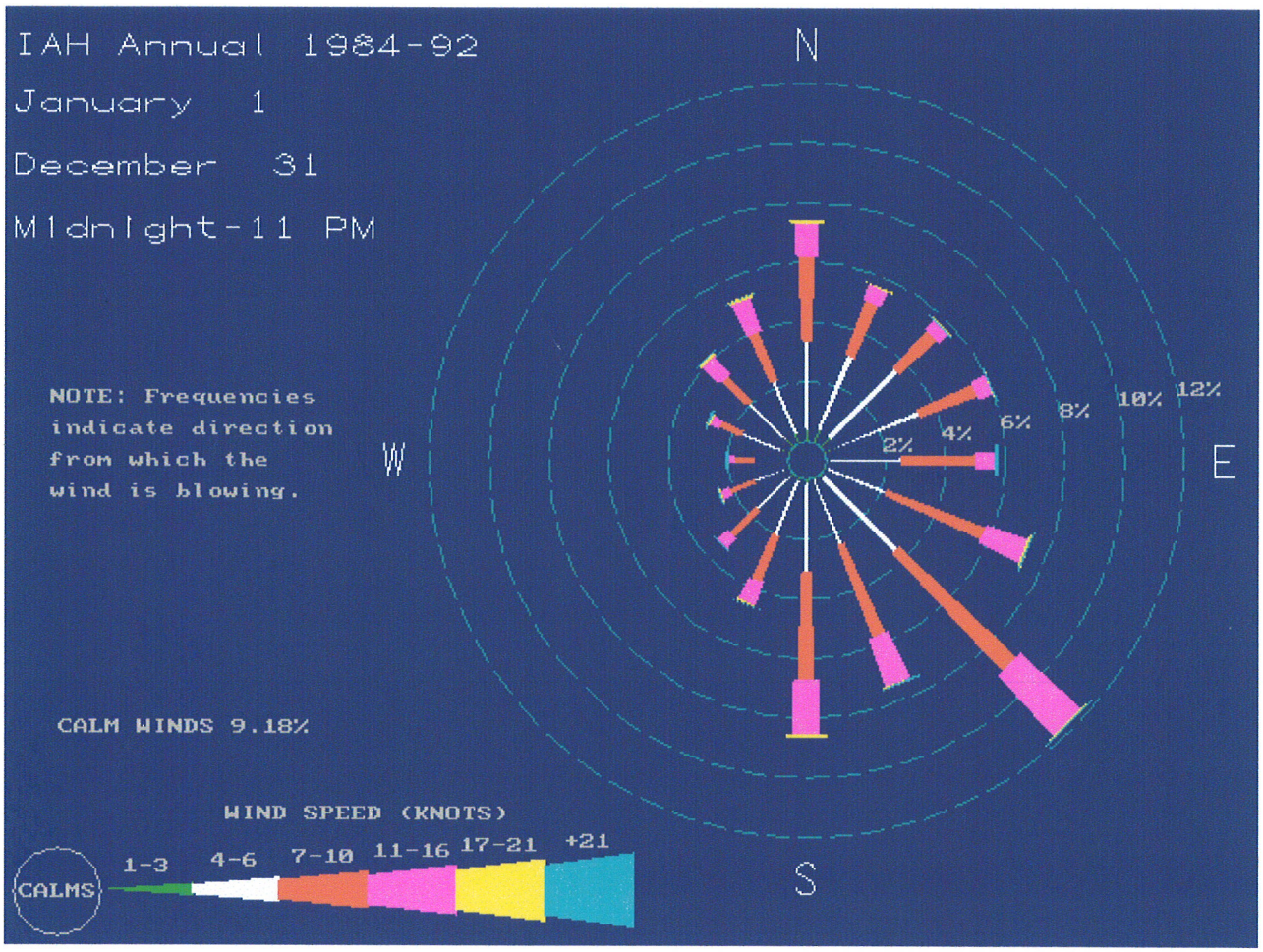

IAH August 1984-92
August 1
August 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 12.25%
N
W
E
S
2%
4%
6%
8%
10%
12%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21


IAH September 1984-92
September 1
September 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 10.09%
N
W
E
S
2%
4%
6%
8%
10%
12%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21


IAH October 1984-92
October 1
October 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 10.80%
N
W
E
S
2%
4%
6%
8%
10%
12%
14%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21


IAH November 1984-92
November 1
November 30
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 8.46%
N
W
E
S
2%
4%
6%
8%
10%
12%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21


IAH December 1984-92
December 1
December 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 10.33%
N
W
E
S
2%
4%
6%
8%
10%
12%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21


IAH Annual 1984-92
January 1
December 31
Midnight-11 PM
NOTE: Frequencies indicate direction from which the wind is blowing.
CALM WINDS 9.18%
N
W
E
S
2%
4%
6%
8%
10%
12%
WIND SPEED (KNOTS)
CALMS
1-3
4-6
7-10
11-16
17-21
+21

TEXAS OIL & GAS ASSOCIATION

Joseph I. O'Neill, III, Midland
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WEST CENTRAL TEXAS

Curtis W. Mewbourne, Tyler
EAST TEXAS

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THE UPPER GULF COAST

Grant A. Billingsley, Midland
THE PERMIAN BASIN

W. M. Thacker, Jr., Wichita Falls
NORTH TEXAS

September 5, 2008

Via Electronic Mail
Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, Texas 78711-3087

Re: Proposed Nonattainment Classifications / Ozone NAAQS

Dear Ms. McAllister:

Texas Oil & Gas Association (TxOGA) appreciates the opportunity to support comments submitted this date by Devon Gas Services, L.P. and by the Texas Pipeline Association.

TxOGA is a multi-purpose trade association representing all segments of the oil and gas industry operating in Texas. The membership of TxOGA, over 3,000 strong, produces in excess of 92-percent of Texas' crude oil and natural gas, is responsible for some 95 percent of the state's refining capacity, and operates a vast majority of the state's pipeline mileage.

We thank you for your consideration of the above-referenced comments.

Sincerely,

Debbie Hastings
Vice President for Environmental Affairs

DH:ad

304 West Thirteenth Street • Austin, Texas 78701-1823 • Telephone: 512/ 478-6631 • Fax: 512/ 472-3859

Capital Area Council of Governments
PO Box 17848, Austin, TX 78760
512.916.6000 ~ Fax 512.916.6001
www.capcog.org

Clean Air Coalition:

Chairman
Mayor Will Wynn
City of Austin

Vice-Chair
Judge Samuel Biscoe
Travis County

Commissioner Clara Beckett
Bastrop County

Mayor James Bertram
City of Lockhart

Commissioner
Ron Morrison
Williamson County

Mayor Mike Hendricks
City of Luling

Mayor Marc Holm
City of Elgin

Mayor Alan McGraw
City of Round Rock

Mayor
Susan Narvaiz
City of San Marcos

Commissioner
Karen Ford
Hays County

Mayor Terry Orr
City of Bastrop

Judge H. T. Wright
Caldwell County

September 5, 2008

Texas Commission on Environmental Quality (TCEQ)
Buddy Garcia, Chairman
Larry R. Soward and Bryan W. Shaw, Ph.D., Commissioners
Executive Director Mark Vickery
P. O. Box 13087, (MC-100)
Austin, Texas 78711-3087

Re: Comments on Air Quality Boundary Designations for the 2008 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)

Dear TCEQ Commissioners and Executive Director:

The Central Texas Clean Air Coalition (CAC) appreciates the opportunity to comment on the Texas Commission on Environmental Quality (TCEQ) designation recommendations to the U.S. Environmental Protection Agency (EPA) for the 2008 ground-level ozone NAAQS. The CAC is an association of elected officials representing 5 counties and 7 cities in the rapidly growing Austin-Round Rock Metropolitan Statistical Area (A-RR MSA). In addition to this comment period, the CAC recommends an additional comment opportunity be made available after the TCEQ develops draft boundary and designation recommendations.

The CAC would like to take this comment opportunity to supply the TCEQ with data needs suggested by the eleven factors detailed in Section 5 of the EPA's guidance memorandum (March 28, 2000, Boundary Guidance on Air Quality Designations for the 8-hour Ozone National Ambient Air Quality Standard) and the needs for regional strategies as noted in Section 7 of the same memo. Following are key issues for consideration by TCEQ in the process of determining nonattainment boundaries, attainment dates, and regional strategies (supporting documentation attached with this letter):

- Voluntary compliance efforts similar to the Early Action Compact, a proven success strategy, should be offered as a viable option to the traditional nonattainment process for areas such as Austin, which is already monitoring ozone levels close to the federal standard.

- We recommend that TCEQ keep intact discrete, well-established air quality planning areas when making boundary recommendations. We believe that effectiveness of planning efforts would be significantly diminished if the A-RRMSA was linked with San Antonio into a combined planning district.

- We ask TCEQ's assistance, though implementation of robust regional strategies and improved alignment of attainment dates, in mitigating the effects of ozone transport on our MSA counties. To reduce background contributions within the State, emission reductions for large combustion sources within the state ozone transport region should be considered.

- Air permitting policy for pre-construction review may need revisions to require a photochemical grid modeling evaluation for ozone impacts of emissions from significant new industrial plants, and to have regional ozone impacts addressed in the permit process.

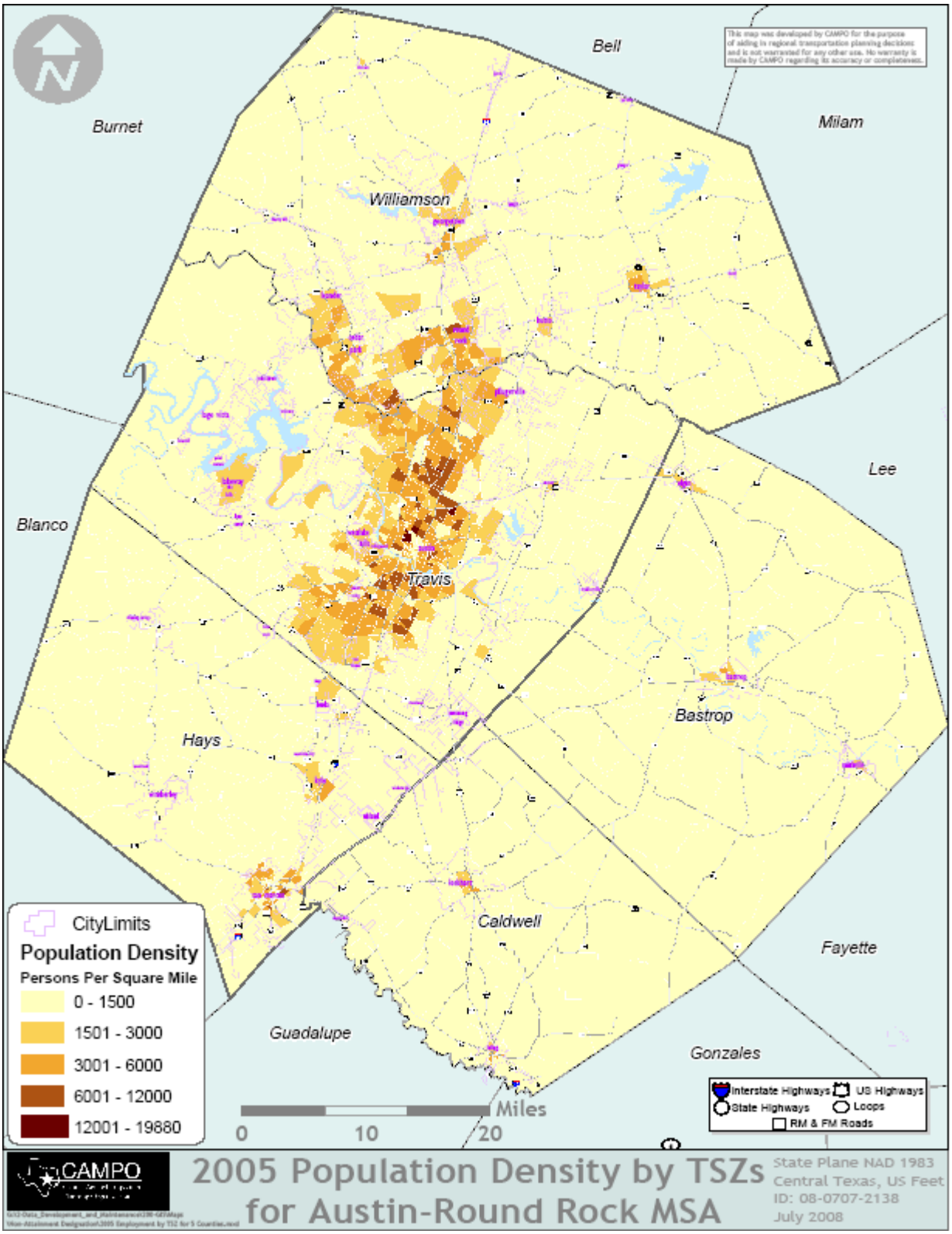
The CAC appreciates your consideration of these comments and looks forward to an opportunity to review TCEQ's draft boundary and designation recommendation. Please feel free to contact Bill Gill or Cathy Stephens, Co-chairs of the Clean Air Coalition Advisory Committee (CACAC), with any questions concerning these comments.

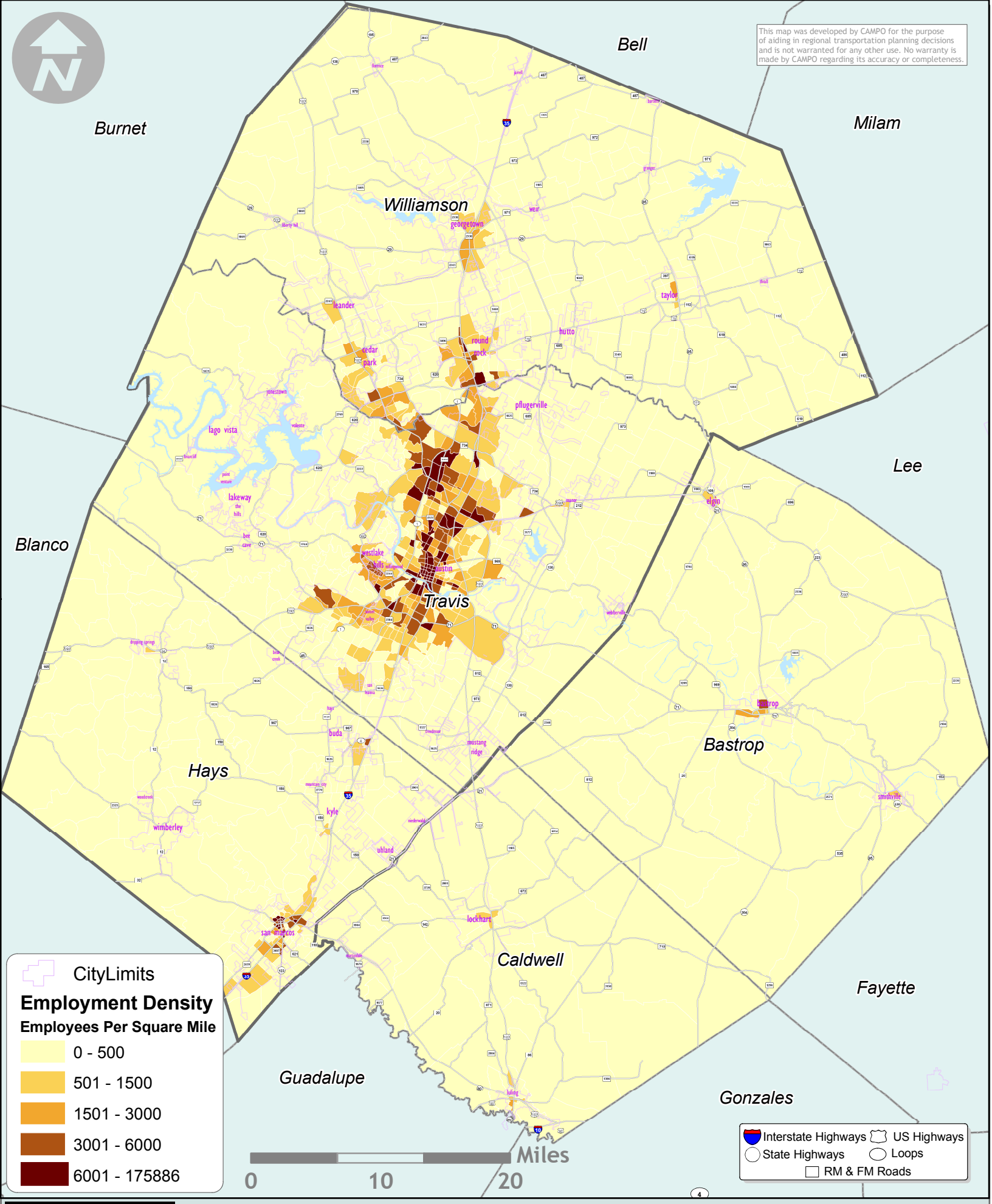
Regards,

Will Wynn
Austin Mayor
Chairman, Central Texas Clean Air Coalition

Clean Air Coalition Comments to the TCEQ on Air Quality Boundary Designations for the 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)

Additional Documentation Provided for Addressing Transportation Related Criteria Which may Affect Nonattainment Boundaries





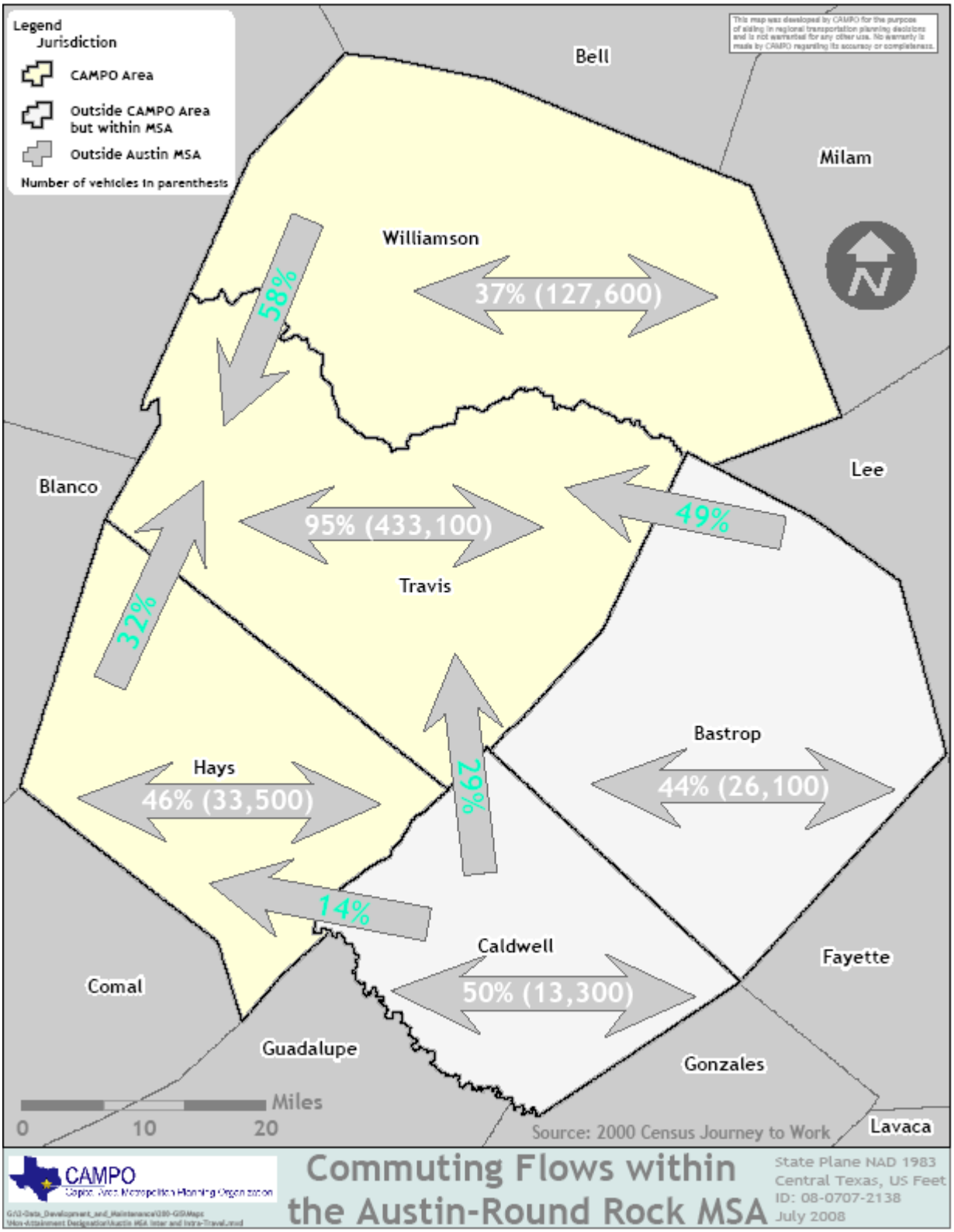
CAMPO
Capital Area Metropolitan Planning Organization

2005 Employment Density by TSZs for Austin-Round Rock MSA

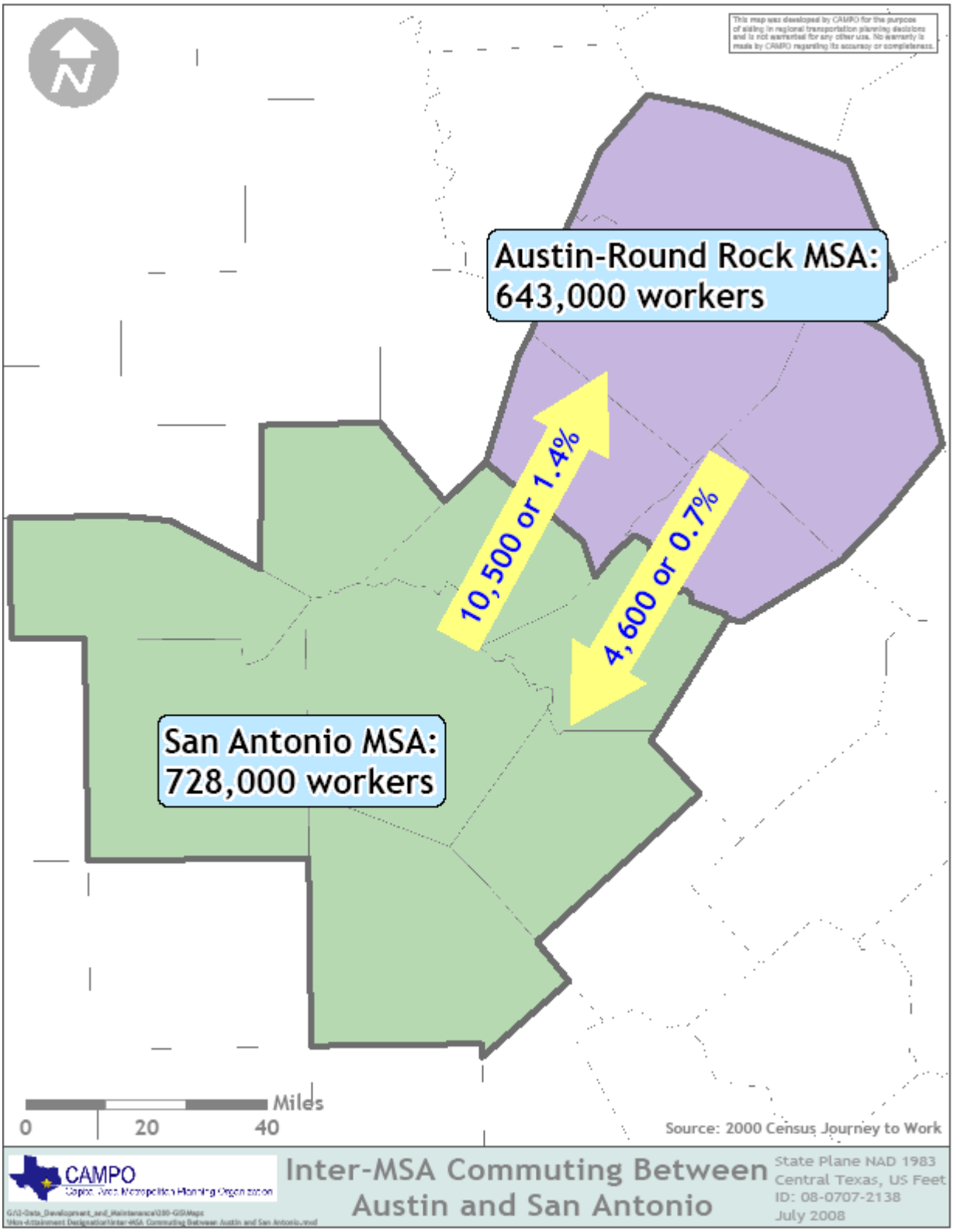
State Plane NAD 1983
Central Texas, US Feet
ID: 08-0707-2138
July 2008

G:\2-Data_Development_and_Maintenance\200-GIS\Maps
\Non-Attainment Designation\2005 Employment by TSZ for 5 Counties.mxd

Clean Air Coalition Comments to the TCEQ on Air Quality Boundary Designations for the 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)



Clean Air Coalition Comments to the TCEQ on Air Quality Boundary Designations for the 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)



Attachment for Clean Air Coalition Comments to the TCEQ on Air Quality Boundary Designations for the 2008 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)

Voluntary compliance efforts

Central Texas has a history of successful collaboration with TCEQ and EPA in producing and implementing voluntary air quality plans. These plans, 1-hour Ozone Flex, Early Action Compact (EAC), and 8-hour Ozone Flex, have allowed the region to build an infrastructure of stakeholders, elected officials and staff members who are well prepared to develop a voluntary compliance plan should that option become available.

Through the Clean Air Coalition's (CAC's) leadership and support from the Texas Legislature, the TCEQ, and the EPA, the Austin-Round Rock MSA (A-RR MSA) has successfully developed and implemented two Memorandums of Agreement (MOA) to voluntarily implement measures sufficient to ensure continued attainment of the ozone NAAQS: the 1-hour Ozone Flex Plan and the EAC. Efforts undertaken by the CAC and its represented local governments as part of the EAC have been instrumental in achieving air quality improvements as indicated in the ozone design value decrease shown in Figure 1. Some of the measures implemented include a vehicle inspection and maintenance program, locally enforced heavy vehicle idling limits, power plant emission reductions and almost 200 measures selected and implemented by local governments. The CAC is currently working on a third MOA, the 8-hour Ozone Flex Plan which was recently approved by the TCEQ.

Voluntary compliance efforts such as the EAC have proven effective and should be an available option for areas that may violate the new ozone standard. These efforts result in emissions reductions sooner than would occur under the traditional nonattainment process. They also promote greater buy-in from elected officials and citizens in the local areas. Local areas can help tailor an emissions reduction plan that works for the areas' specific circumstances. Costly prescribed regulations that are not always suited to local needs can then be used only when appropriate. As in the EAC, the traditional nonattainment process could be required if the voluntary efforts are not successful, with no delays in the traditional nonattainment process.

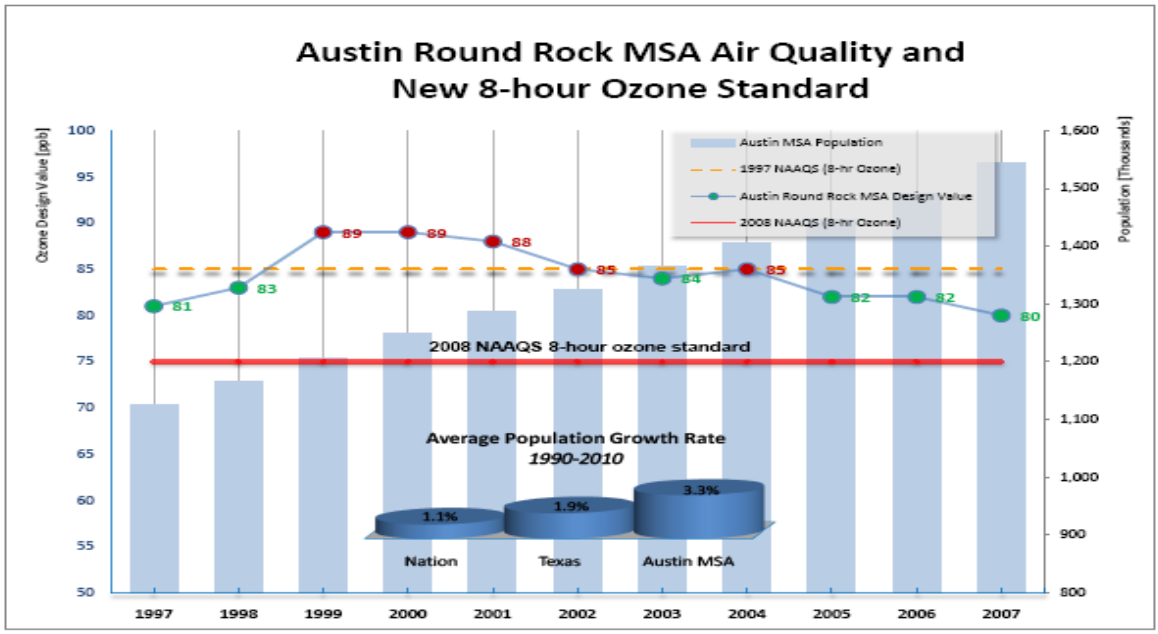


Figure 1 – Ozone design value trend

Attachment for Clean Air Coalition Comments to the TCEQ on Air Quality Boundary Designations for the 2008 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)

Emissions Inventory Composition and Trends

Regional planning initiatives continue to focus on reducing NOx and VOC emissions from A-RR MSA ozone contributing source categories. Figures 2 and 3 show anthropogenic NOx and VOC emissions from the 2005 Emissions Inventory in tons per day for four major contributing source categories represented in each of the A-RR MSA counties. The predominant sources of anthropogenic VOC and NOx in the A-RR MSA are on-road, non-road, and area.

Anthropogenic Sources of NOx and VOC in the A-RR MSA (2005)

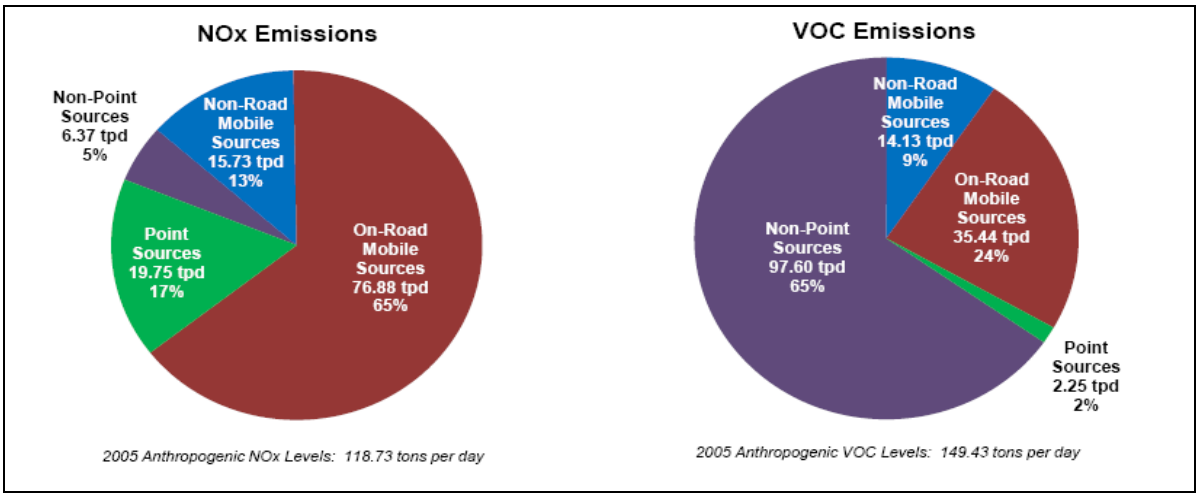


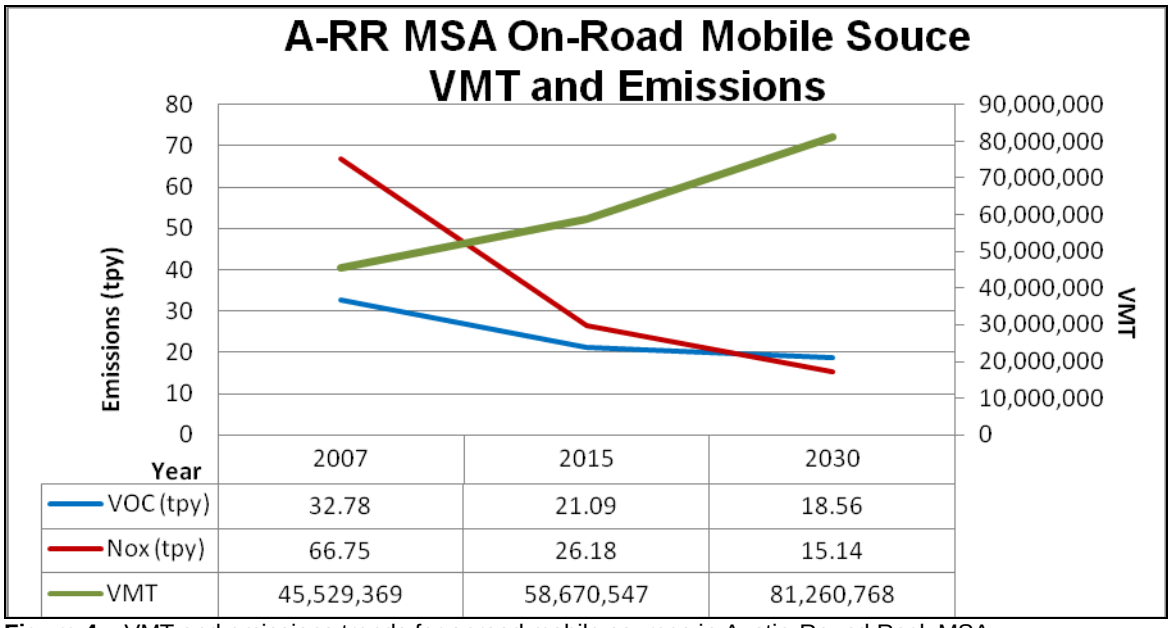
Figure 2 - Anthropogenic sources of NOx and VOC from the TCEQ 2005 Emissions Inventory.

Anthropogenic Sources of NOx and VOC in the A-RR MSA (2015)

Figure 3 - The 2015 emissions for the on-road mobile sources was obtained from Texas Transportation Institute (TTI) report: "Austin Early Action Compact Region On-Road Mobile Source Emissions Inventories: 2007, 2015, And 2030: Revised Emissions Results", TTI, February 2007; The non-road growth factors were developed by running the US EPA NONROAD model for years 2002, 2005, 2007, 2012 and 2015. Similarly, the area and point source emission trends were also developed by applying growth factors; however, the growth factors were obtained from the 2003 EAC document and applied to the 2005 TCEQ Emissions Inventory data. The represented 2015 emission projections were developed by using an interpolation method for both area and point source categories.

The change in emissions shown in Figure 2 and 3 suggests that the A-RR MSA will see significant reduction of NOx and VOC from on-road and non-road mobile, with no significant change in point source emissions.

In 2007, the Texas Transportation Institute (TTI) performed and documented a regional emissions analysis for the A-RR MSA for 2007, 2015, and 2030. This analysis predicts that total Vehicle Miles Travelled (VMT) for the MSA will increase through 2030, while overall emissions from on-road mobile sources are expected to decrease (see Figure 4). The decrease in on-road mobile emissions can be attributed to technological improvements and refinements to emission standards over time.



Year	2007	2015	2030
VOC (tpy)	32.78	21.09	18.56
Nox (tpy)	66.75	26.18	15.14
VMT	45,529,369	58,670,547	81,260,768

Figure 4 – VMT and emissions trends for onroad mobile sources in Austin-Round Rock MSA

As federally mandated reduction measures are implemented for mobile sources, it will become increasing difficult to identify new areas within the A-RR MSA for emission reductions.

Transport and high background levels

As noted in EPA's 8-hour guidance memorandum on ozone nonattainment designations, regional strategies such as those employed in the Ozone Transport Region in the Northeast U.S. and in the EPA NOx SIP call are needed to address the long-range transport component of ozone nonattainment.

The HYSPLIT (Hybrid Single-Particle Lagrangian Integrated Trajectory) model was used to investigate the potential source regions of air entering the A-RR MSA. HYSPLIT uses meteorological model forecast data from the National Centers for Environmental Prediction (NCEP) archived by Air Resources Laboratory (ARL). Figures 5 and 6 present the residence time maps for the 20% highest ozone days for June and September based on the maximum ozone concentration at either the Murchison or Audubon monitoring station during the years 2001 through 2005. These back trajectories suggest long-range transport of continental air into the MSA from upwind areas located to the east and northeast of Texas. Multi-day high ozone episodes are often associated with a ridge of high pressure that extends southwestward into Texas. The transport pattern prior to high ozone days is consistent with the large-scale clockwise circulation around this high pressure ridge. This high pressure ridge is often associated with local meteorological conditions that are favorable for the formation and accumulation of ground-level ozone. In addition, the continental air mass transported into the MSA likely contains elevated concentrations of ozone and its precursor compounds associated with both biogenic and anthropogenic emissions from sources located in states and other areas of Texas upwind of the A-RR MSA (Austin Conceptual Model, UT Austin, 2007).

Attachment for Clean Air Coalition Comments to the TCEQ on Air Quality Boundary Designations for the 2008 8-hour Ground-level Ozone National Ambient Air Quality Standard (NAAQS)

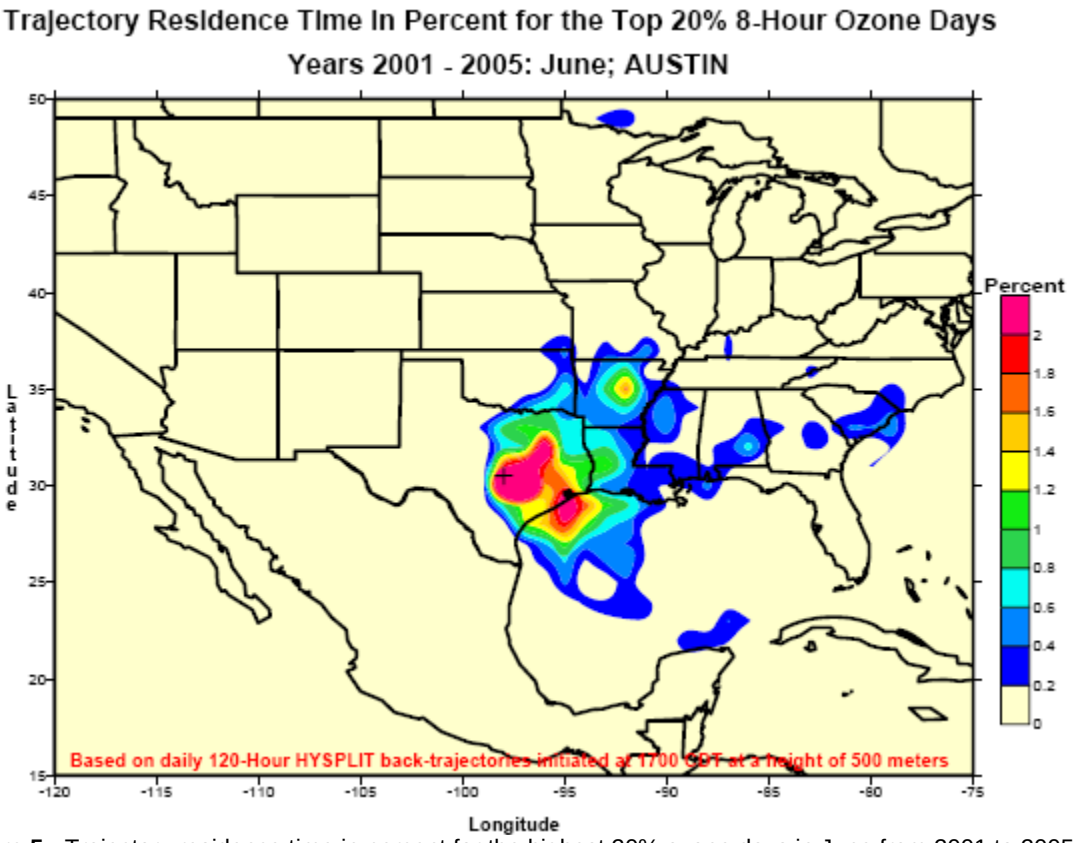


Figure 5 - Trajectory residence time in percent for the highest 20% ozone days in June from 2001 to 2005.

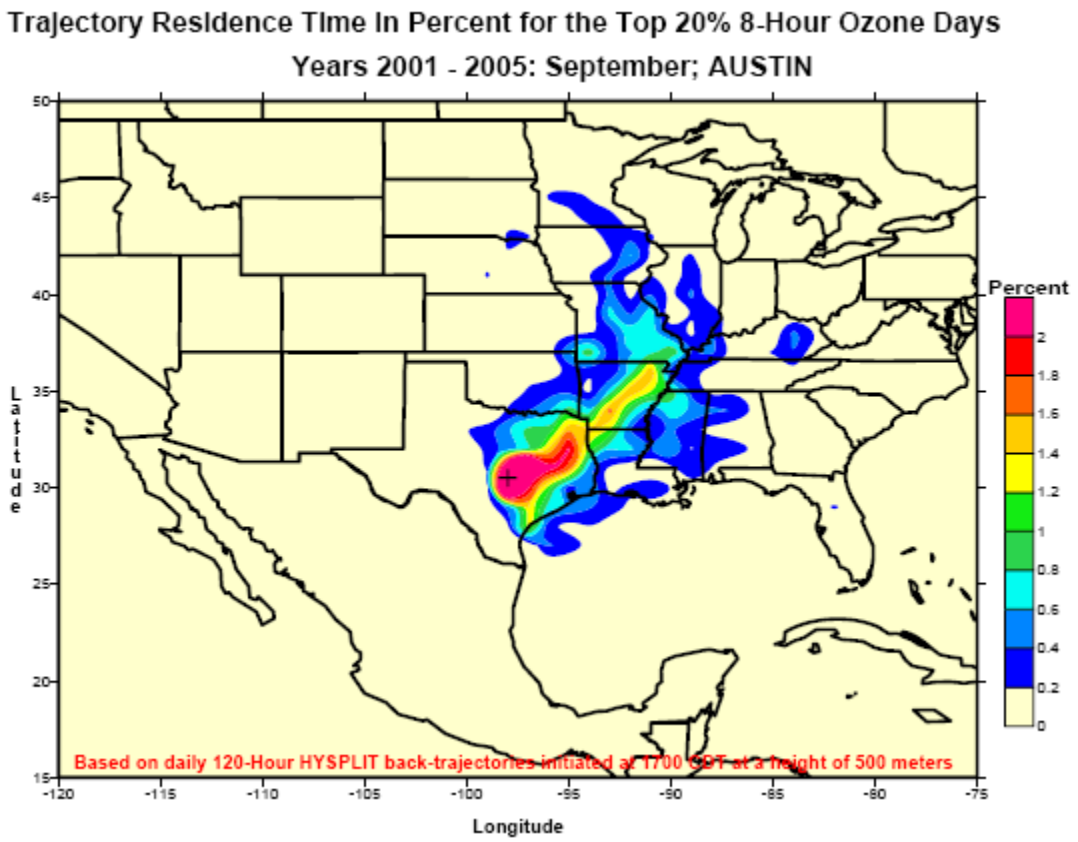


Figure 6 - Trajectory residence time in percent for the highest 20% ozone days in September from 2001 to 2005.

According to the Austin Ozone Conceptual Model (The University of Texas at Austin, July 26, 2007), from 1993 through 2006, one or more monitoring stations measured 75 ppb or greater on 228 days. The number of high ozone days varied from a minimum of 6 in 1996 to a maximum of 34 in 1999. The frequency of occurrence of high ozone days over the course of a typical ozone season is characterized by a bi-modal distribution, with a primary peak in the frequency of high ozone days during the August through early October period and a secondary peak during late May and June. In recent years (2001 through 2006) the average number of late summer high ozone days declined substantially. The frequency of occurrence of high ozone days was equally distributed between the May/June and August/September peaks.

The common meteorological condition occurring with high ozone is a clockwise circulation around a surface ridge of high pressure, often centered over the Central Plains or Ohio/Mississippi River Valleys. It generates northeasterly or easterly wind that transports continental air and haze into eastern Texas. This continental air mass is often characterized by reduced visibility, and likely contains elevated concentrations of ozone and its precursor compounds associated with both biogenic and anthropogenic emissions. High ozone concentrations are often measured at monitoring stations throughout the eastern half of Texas.

In the A-RR MSA, monitoring data collected during these episodes shows background ozone concentrations of typically 80-85% of the observed local maximum. Based on

these analyses, the enhancement of ozone concentrations due to emissions from sources within the A-RR MSA generally ranged between 10 ppb and 20 ppb on individual high ozone days, with an average enhancement of 15 ppb. With background concentrations ranging from 65 ppb to 75 ppb, even relatively small contributions of ozone formed from local source emissions in the A-RR MSA would have resulted in an exceedance of the 8-hour ozone National Ambient Air Quality Standard (NAAQS).

The A-RR MSA and other areas are significantly impacted by interstate and intrastate transport from sources outside the MSA or presumed nonattainment area. Figure 7 demonstrates monitored background ozone levels above the new standard. Based on these monitor readings, the MSA would violate the standard due to transported emissions and high background levels that will not be reduced by implementing controls in the MSA area. Given this, EPA and the states must significantly reduce transported and background emissions if compliance to a lower standard is to be achieved.

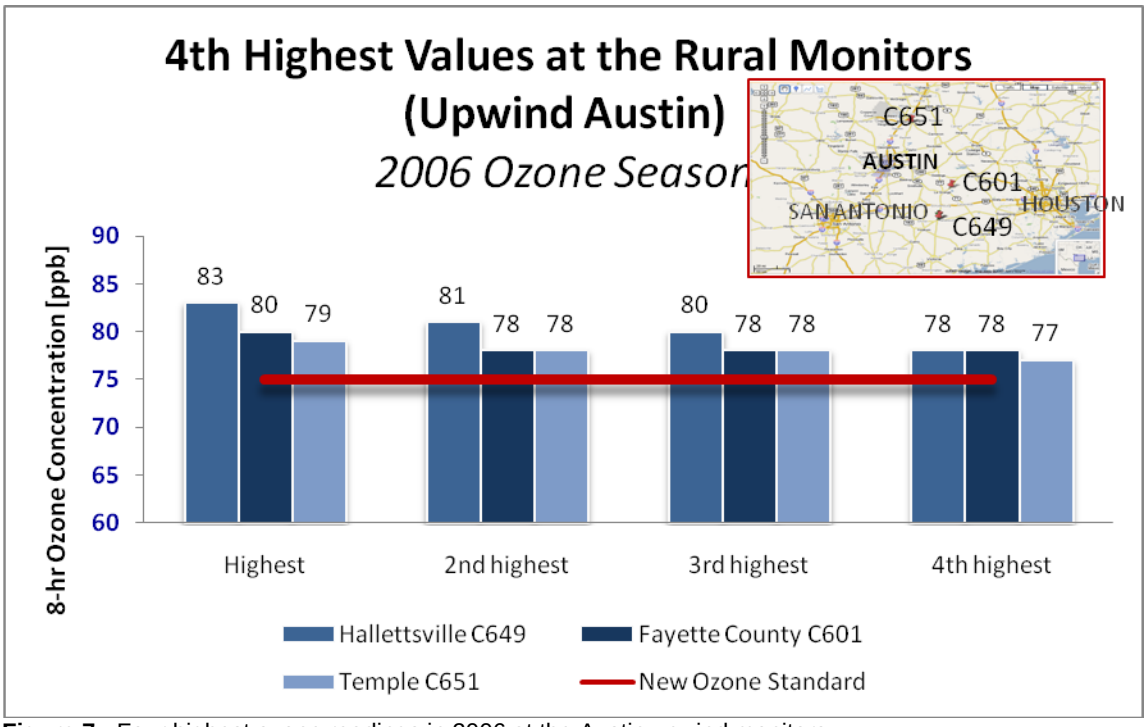


Figure 7 - Four highest ozone readings in 2006 at the Austin upwind monitors

Transported emissions often come from heavily polluted upwind areas, many of which are already ozone nonattainment areas. Recent airborne monitoring conducted by the Baylor Institute of Air Sciences (see Figure 8) demonstrates the extent to which an urban ozone plume emanating from a large nonattainment area can impact areas far downwind of the source region. The federal classification scheme for nonattainment areas allows heavily polluted areas more time to attain than those with lesser pollution problems. Given the prevalence of transport and high background emissions, attainment dates for all areas should be closely aligned, since areas with lesser pollution problems will not be able to attain until the more heavily polluted areas have significantly reduced emissions. It may be prudent and necessary to accelerate heavily polluted areas' attainment deadlines to adequately protect public health.

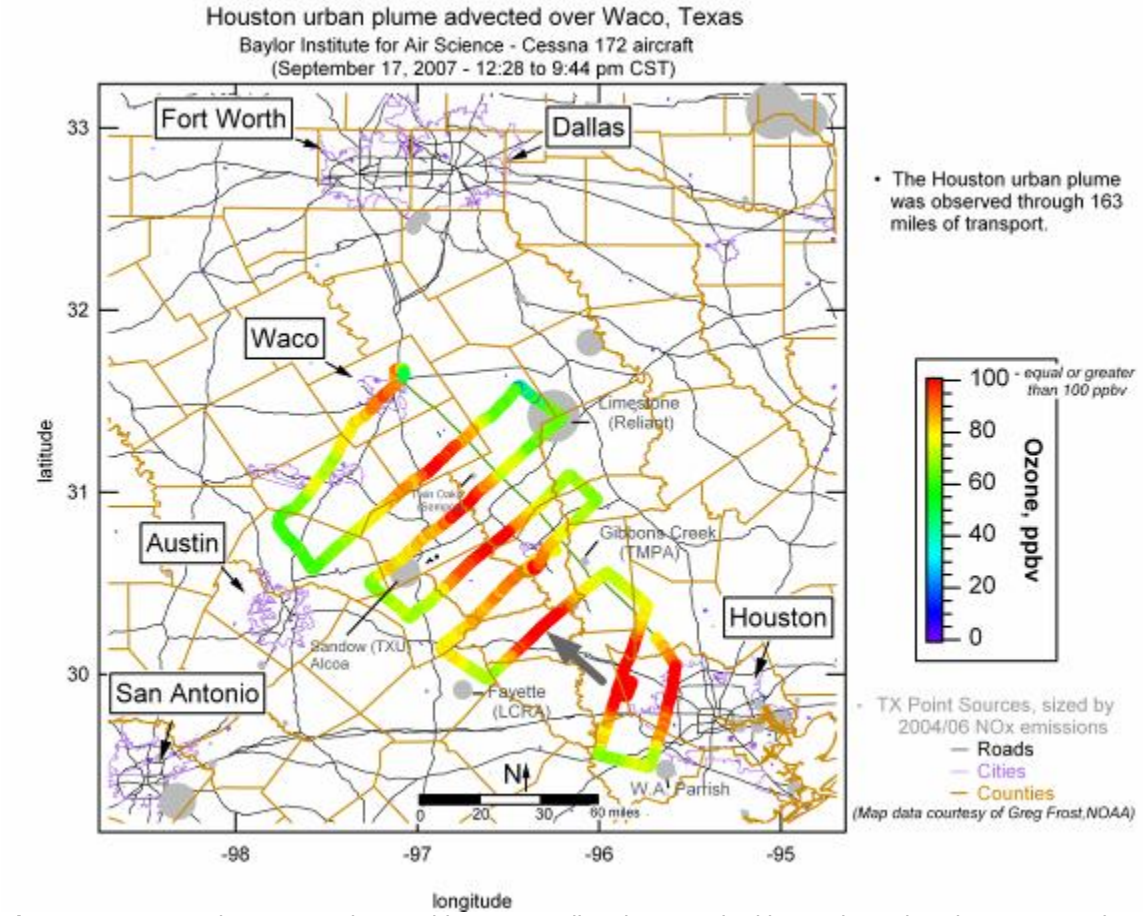


Figure 8 Houston urban ozone plume. Airborne sampling data acquired by Baylor University on September 17, 2007

State and Federal permitting rules and policies

Current interpretation of permitting rules and policies does not require evaluation or consideration of the effect of emissions from a proposed point source will have on regional ozone levels or downwind areas. Figure 9 demonstrates the impact a significant source outside of the immediate MSA can have on ozone readings. Figure 10 shows the amount of large point sources outside of the A-RR MSA that have the potential to impact air quality in the MSA. Both state and federal permitting rules and policies need to be revised or clarified to require an evaluation of the emissions impacts of a proposed point source on regional ozone and downwind areas. The rules and policies should also consider modification of the permit if impacts cannot be sufficiently minimized or mitigated to avoid adverse health impacts or violations of the NAAQS in the affected region or downwind area.

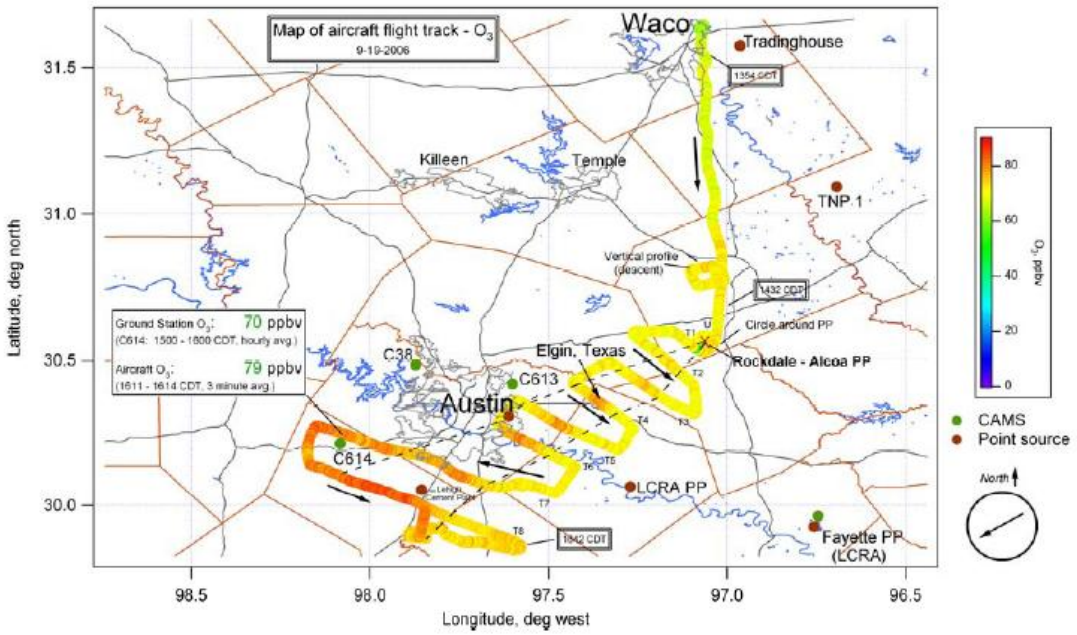


Figure 9 - Map of color-coded ozone concentrations along flight track showing an increase of ozone downwind of the Alcoa-Sandow facility and two transects downwind of Austin, Texas.

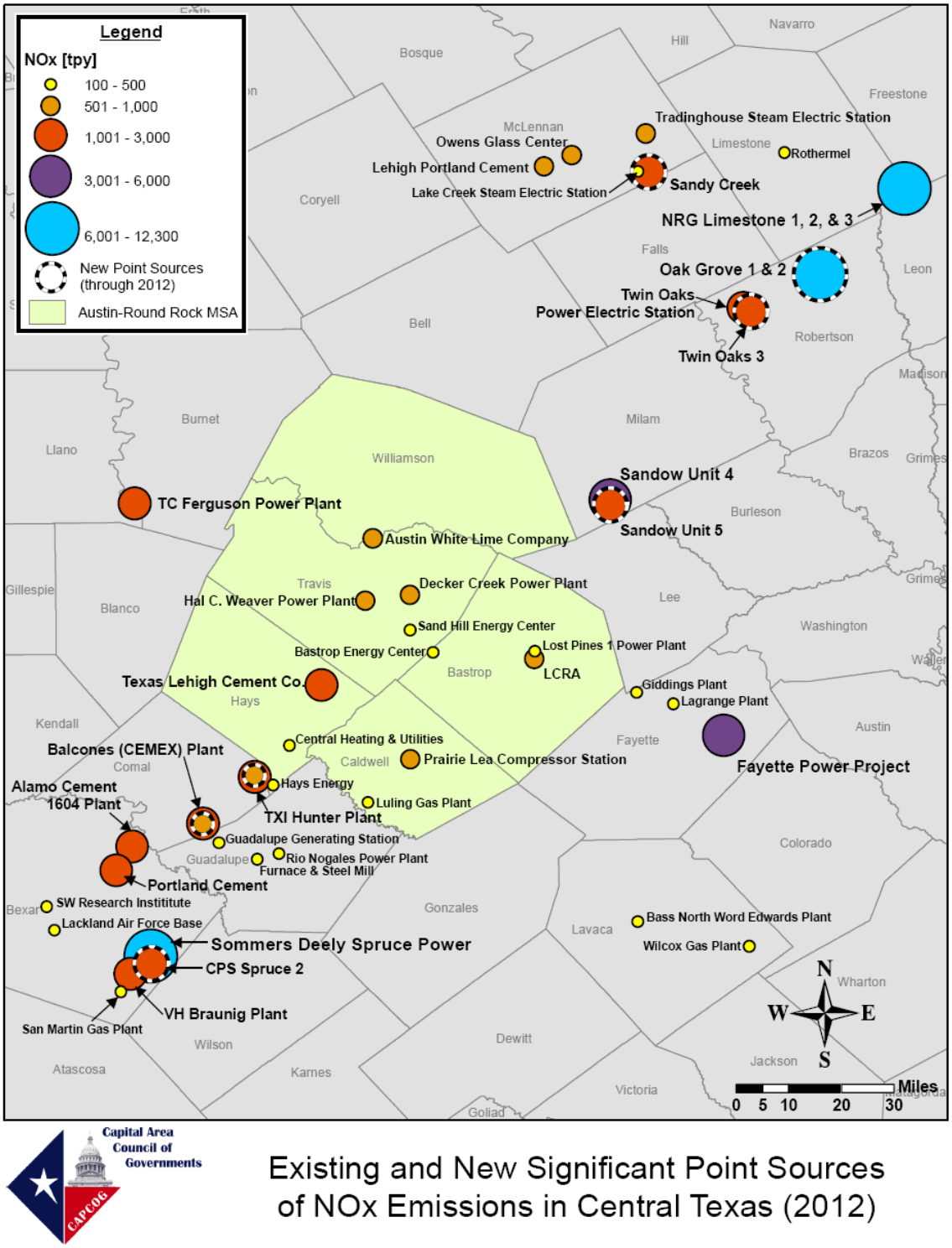


Figure 10 - Map of existing and new significant point sources in and around the Austin-Round Rock MSA.

September 3, 2008

Texas Commission on Environmental Quality (TCEQ)
Commissioner and Chairman Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph. D.
Executive Director Glenn Shankle
P.O. Box 13087, (MC-100)
Austin, Texas 78711-3087

Re: Potential Nonattainment Boundaries and Designations for Central Texas Region

Dear TCEQ Commissioners and Executive Director:

The CLEAN AIR Force of Central Texas (CAF) appreciates this opportunity to provide comments related to potential nonattainment boundaries and designations for the Central Texas region. This region has a history of successful collaborations with the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) in producing and implementing voluntary air quality plans, including the 1-Hour Ozone Flex, the Early Action Compact (EAC), and the 8-Hour Ozone Flex. The following are our comments:

- Under the more stringent ozone standard, transport of ozone and ozone precursors from sources outside of the Austin-Round Rock MSA will make it extremely difficult for our area to demonstrate attainment through local reductions alone. As we have learned from monitoring in recent years, on high ozone days the air inbound to the Austin-Round Rock MSA often would not meet the more stringent ozone standard. To reduce background contributions within the State, emission reductions for large combustion sources should be considered, as has been done for the Dallas SIP. Recent modeling and airborne monitoring results have demonstrated that significant regional contributions to ozone can be attributed to large stationary sources, primarily power plants in Robertson, Milam, Fayette, and McLennan counties. CAF requests that TCEQ require major stationary sources in Robertson, Milam, Fayette, and McLennan counties and other nearby upwind counties be subject to the same permitting and control requirements for the control of ozone as sources within the designated Austin-Round Rock MSA.
- Both State and Federal permitting rules and policies need to be clarified or revised to require an evaluation of the emissions impacts of point sources on regional ozone and downwind areas. This includes consideration of modeling that shows the potential impact that new facilities may have on downwind areas. Ignoring those impacts in permitting and attempting to later deal with those emissions in the SIP will be futile.
- We urge TCEQ to use ozone data from 2006, 2007 and 2008 in their recommendations for the nonattainment designations to the EPA.
- We suggest an additional comment opportunity after TCEQ develops draft boundary and designation recommendations and encourage TCEQ to actively engage regional air quality planning groups and local jurisdictions when developing draft and final recommendations.
- If TCEQ will incorporate downwind impact modeling into the permitting process, it is possible to keep distinct, well-established planning groups and areas intact when making boundary decisions which would maximize continuity and lessen administrative burden on local planning efforts.

Clean Air Force of Central Texas
301 Congress Avenue • Suite 650 • Austin, Texas 78701 • P: 512.225.7780 • F: 512.225.7777
www.cleanairforce.org

- Processes like the Early Action Compact, a proven success strategy for our area, should be offered as a viable option to nonattainment. With the proper safeguards and incentives, these efforts (1) result in emission reductions sooner than would occur under the traditional nonattainment process; (2) encourage buy-in from local elected officials, businesses and environmental groups; and (3) can be tailored to work for an area's specific circumstances.
- We strongly recommend that TCEQ consider extending ozone monitoring to and around Texas counties with industrial facilities that emit large amounts of NOx, including Robertson, Milam, and Limestone counties, to determine whether these counties are nonattainment and to improve the State's transport strategies.

Kindest Regards,

Deanna Altenhoff

Deanna Altenhoff
Executive Director
CLEAN AIR Force of Central Texas

CAMPO Capital Area Metropolitan Planning Organization

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AUG 29 2008
AIR QUALITY
DIVISION

August 25, 2008

Texas Commission on Environmental Quality (TCEQ)
Buddy Garcia, Chairman
Larry R. Soward, Commissioner
Bryan W. Shaw, Ph.D., Commissioner
Post Office Box 13087, MC 100
Austin, Texas 78711-3087

Dear Chairman and Commissioners:

Thank you for the opportunity to comment on the state's boundary and designation recommendation in response to the U.S. Environmental Protection Agency's revised ozone standard. We look forward to working with TCEQ to help ensure clean air for all Texans.

On August 11, 2008, the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board passed a resolution detailing CAMPO's comments. I have enclosed a copy.

I am always available to answer questions or to provide further information. Please do not hesitate to contact me at 512.974.6441 or by email at joe.cantalupo@campotexas.org.

Best regards,

Joseph Cantalupo, AICP
Executive Director
Capital Area Metropolitan Planning Organization

Cc: Margie McAllister

505 Barton Springs Road • Suite 700 • Austin • Texas • 78704
P.O. Box 1088 • Austin • Texas • 78767-1088
512.974.2275 (voice) • 512.974.6385 (fax) • campo@campotexas.org

CAMPO *Capital Area Metropolitan Planning Organization*

RESOLUTION
of the
Capital Area Metropolitan Planning Organization
Transportation Policy Board

WHEREAS, on March 12, 2008 the United States Environmental Protection Agency (EPA) lowered the 8-hour ozone standard to 0.075 ppm and the Austin area could be subject to a nonattainment designation under the revised standard; and

WHEREAS, the Governor, in consultation with the Texas Commission on Environmental Quality (TCEQ), recommends nonattainment boundaries for EPA's consideration; and

WHEREAS, TCEQ is taking comments on process and boundaries through September 5, 2008; and

WHEREAS, CAMPO works to improve regional air quality and to keep the region in attainment and CAMPO is responsible for transportation conformity determinations if the region becomes nonattainment and

WHEREAS, a transportation conformity lapse can result in delayed federal transportation funding; and

WHEREAS, it is in the best interest of CAMPO and of the region it serves to communicate comments to TCEQ;

NOW, THEREFORE, BE IT RESOLVED BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION that:

TCEQ should fully support inclusion of a voluntary compliance component in EPA's designation process for the revised 8-hour ozone standard.

Central Texas is proud of its successful voluntary air quality improvement plans and is eager for the opportunity to address the revised ozone standard through a voluntary program. In cooperation with EPA and TCEQ, the region has developed and implemented:

- The 1-hour Ozone Flex Plan to maintain the 1-hour standard;
- The Early Action Compact (EAC) to address the 0.08 ppm 8-hour standard; and
- The 8-hour Ozone Flex Program, which is expected to take effect in September and support continued compliance with the 0.08 ppm 8-hour standard.

The region's emissions inventory composition and trends are well suited to an EAC-style approach to compliance with the 0.075 ppm 8-hour standard. Analysis suggests that the region's on-road mobile source emissions, a major factor in our ozone production profile, will decrease significantly by 2015 in response to federally mandated fuel and fleet measures. The rapid implementation schedule of a voluntary plan offers the possibility of remaining under the previous attainment standards while allowing time for these measures to take effect.

TCEQ should keep intact discrete, well-established air quality planning groups and processes when making boundary recommendations.

We believe that the Austin-Round Rock Metropolitan Statistical Area (MSA) would suffer if linked with San Antonio into an unwieldy combined planning district. Please note that:

- Our MSA has an active, well-established air quality planning group that has enjoyed extraordinary success and should remain intact;
- A combined planning area would overly complicate transportation conformity issues by including multiple MPOs and TxDOT districts; and
- Analysis of commute, employment, and population data suggests that the two areas remain distinct.

TCEQ should assist, though implementation of robust regional strategies and improved alignment of attainment dates, in mitigating the effects of interstate and intrastate ozone transport.

Our MSA receives transported emissions from heavily polluted upwind areas, many of which are already in nonattainment. We will have to rely, in part, on regional strategies to insure our compliance with the 0.075 ppm standard.

The federal classification protocol for nonattainment areas allows heavily polluted areas more time to attain than those with lesser pollution problems. This puts Central Texas in the awkward position of trying to meet the revised standard well in advance of the attainment schedules of the upwind pollution sources. We suggest accelerated attainment deadlines for heavily polluted areas.

PASSED and APPROVED this day of August 11, 2008

Senator Kirk Watson
Chair, CAMPO Transportation Policy Board

DAN A. GATTIS
County Judge
WILLIAMSON COUNTY, TEXAS

March 10, 2009

The Honorable Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Perry,

On behalf of the Williamson County Commissioners Court and the citizens of Williamson County please accept with our compliments this Results of Findings Regarding Proposed Inclusion of Williamson County with Travis County in Austin-Round Rock Non-Attainment Area (TCEQ Docket Number 2008-1615-MIS).

This report is designed to accompany the Texas Commission on Environmental Quality report to the US Environmental Protection Agency on State Designation Recommendations. The report is in response to the USEPA new standards on ground level ozone as promulgated in March 2008.

At the TCEQ Commissioners meeting of December 10, 2008, Williamson County Commissioners Valerie Covey and Ron Morrison testified in response to initial recommendations to designate the county as "nonattainment" under the new ozone standards. As a result of that testimony the agency guidance to your office was to omit Williamson County from the nonattainment listing.

The report evaluates the nine factors used by USEPA in determining rationale for inclusion under the National Ambient Air Quality Standards for which ground level ozone is a part. Based on the work of GDS Associates, the firm retained for evaluating the county's findings on ozone compliance, we think the recommendation from your office to leave Williamson County off the list of nonattainment is appropriate and justified.

Please feel free to call on me in regards to this report and to our request to include it as additional background for the State Designation Recommendation.

Sincerely,

Judge Dan Gattis
County Judge, Williamson County

710 Main Street, Suite 101, Georgetown, Texas 78626
Phone 512.943.1550 Fax 512.943.1662 dgattis@wilco.org

RESULTS OF FINDINGS REGARDING
Proposed Inclusion of Williamson County with Travis County in Austin-Round Rock Non-Attainment Area
TCEQ DOCKET NUMBER 2008-1615-MIS

MARCH 10, 2009

For:

Williamson County Commissioners Court

Prepared by:

GDS Associates, Inc.

GDS Associates, Inc.
Engineers and Consultants

Contact Person:

Dan J. Wittliff, P.E., DEE

Managing Director of Environmental Services, GDS Associates, Inc

512.494.0369

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RESULTS OF FINDINGS REGARDING
Proposed Inclusion of Williamson County with Travis County in Austin-Round Rock Non-Attainment Area

TCEQ DOCKET NUMBER 2008-1615-MIS

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SECTION 1: Executive Summary

At the request of Williamson County Commissioners Court, GDS Associates, Inc. (GDS) prepared this response to a proposed decision by United States Environmental Protection Agency (USEPA) to include Williamson County in the Austin-Round Rock (A-RR) Non-Attainment Area. GDS examined the environmental and demographic data relative to the Nine Factors (see below), which must be addressed by USEPA and other regulators in making this decision. Based on this review, GDS found **only one** economic statistic that supported the inclusion of Williamson County in the Travis County Non-Attainment Area and **many more that do not support inclusion.**

As revised by their December 4, 2008 letter on this process (see Exhibit A), the Nine Factors required by USEPA to be considered in this process are:

1. Air quality data
2. Emissions data (location of sources and contribution to ozone concentrations)
3. Population density and degree of urbanizations (including commercial developments)
4. Traffic and commuting patterns
5. Growth rates and patterns
6. Meteorology (weather/transport patterns)
7. Geography/Topography (mountain ranges or other air basin boundaries)
8. Jurisdictional boundaries (e.g., counties, air districts, existing non-attainment areas, reservations, metropolitan planning organizations (MPOs))
9. Level of control of emissions sources

The only statistic that supports inclusion is the commuting statistic between Williamson County and Travis County inside the Austin-Round Rock Metropolitan Statistical Areas (MSA). According to Capitol Area Metropolitan Planning Organization (CAMPO) data, 54.6 percent of the employed residents of Williamson County commute daily to Travis County while 5 percent of Travis County's employed residents commute daily to Williamson County. However, this draw of commuters to Travis County and the core city of Austin, Texas is not unique to Williamson County. Over two-thirds of the employed residents of Hays, Caldwell, Bastrop, Williamson, and Travis Counties work in Travis County (see Exhibit L and Finding 4).

This means that an estimated 90 thousand Williamson County residents commute to Travis County and 119 thousand employed residents of Hays, Caldwell, and Bastrop Counties commute to Travis County each day. However, Travis County has ***1.5 times*** more employed residents (and potential commuters) than Hays, Caldwell, Bastrop, and Williamson Counties combined. In addition, the portion of employed residents commuting from Hays, Caldwell, Bastrop, and Williamson Counties into Travis County ranges 30 to 55 percent. The Office of Management and Budget (OMB) standard for establishing a MSA relationship is 25 percent.

Therefore, if air pollution from commuters were the only test for whether or not to join a county to Travis County in forming a non-attainment area, clearly Hays, Caldwell, and Bastrop Counties would be included as well as Williamson County. However, the Texas Commission on Environmental Quality (TCEQ) staff did not recommend including these three counties in the A-RR Non-Attainment Area. Therefore, the TCEQ staff must have judged the other eight USEPA factors as having more weight.

In examining the other eight factors, GDS concluded that the balance of the actual environmental and demographic data ***does not support*** an adverse environmental connection between Williamson County and Travis County in forming the A-RR Non-Attainment Area. These facts include:

1. All of the monitors outside Travis County were deactivated prior to the end of 2008. Available monitoring data shows steady decline to 74 ppb in 2008 despite a 17 percent increase in population over the same time. State monitors installed in Williamson County from 2006 through 2008 appears to indicate that O_3 levels were 76 ppb in 2006 and decreased to 71 ppb in 2007 and 2008 despite a 9 percent increase in population over the same time period.

2. The TCEQ data on permitted point sources (see Exhibit P) shows 18 permitted point sources in Travis County alone compared to 5 respectively in Williamson County. The permitted point source data for Williamson County show combined emissions of Volatile Organic Compounds (VOC) and NO_x ($\leq$100 tons per year) that are only a small fraction (<1 percent) of the emissions in A-RR MSA.

3. Two ozone monitors are in Travis County, two are in Williamson County, one is Bastrop County, and two are in Hays County. However, all of the monitors outside Travis County were deactivated prior to the end of 2008 because they are owned by Capital Area Council of Governments (CAPCOG) and funded by a grant from the TCEQ through December 31, 2009. These monitors operate only during the ozone season from April through October to keep costs down. There is no O_3 monitor in Caldwell County.

4. The population density and degree of urbanization in Williamson County more closely resembles Hays and Bell Counties than Travis County. Williamson County's population density of 326 people per square mile is: (1) only 23 percent greater than the average of Bell, Hays, and Williamson Counties, and (2) 35 percent of Travis County. By contrast, Travis County's population density of 919 people per square mile is: (1) 3.5 times greater than the composite density of Hays, Bell, and Williamson Counties; (2) almost 14.5 times greater than the composite density of Bastrop, Burnet, and Caldwell counties; and (3) more than 5 times the composite density of all six of these counties combined.

5. The largest city in Williamson County is Round Rock at just over 95 thousand people. The largest city in Travis County is Austin at just over 727 thousand people. Austin is more than 7 times bigger than Round Rock and is positioned south of Round Rock in the prevailing wind direction.

6. Overall projected population growth from 1990 to 2020 in the A-RR MSA plus Burnet and Bell Counties is 2.71 per year. In absolute numbers, Travis County's population over this 30-year period is projected to grow by 561 thousand while the population in Bastrop, Bell, Burnet, Caldwell, Hays, and Williamson Counties is projected to grow by 775 thousand in the same time frame.

7. However, this projected incremental growth in the counties outside Travis County is dispersed over a combined area of 5,366 square miles while the Travis County growth will occur over an area of only 1,022 square miles. The difference in population density growth rates alone represents ***almost 4 times*** as much of a potential impact on the region's air quality coming from growth in Travis County alone compared to the combined growth in the other six counties.

8. The prevailing wind flow in the area is from a southerly–to–southeasterly direction during the ozone formation season. What little air transport that occurs between Williamson County and the Travis County is more likely from Travis County to Williamson County.

9. Geological and geographical features such as deep valleys and mountain ranges or plateaus conducive to the formation of air pollution do not appear to be present in Williamson County.

10. Only one Central Texas county is non-attainment for the 75 ppb eight-hour ozone standard. That county is Travis County. However, four other Central Texas counties (i.e., Williamson, Bastrop, Caldwell, and Hays) are included in the newly formed Austin-Round Rock (A-RR) MSA, but are in attainment with the 75 ppb eight-hour ozone standard.

11. There are active planning efforts and mitigation efforts being conducted by: the Capital Area Council of Governments, Clean Air Task Force of Central Texas, Capitol Area Metropolitan Planning Organization, and Capitol Metro transportation system. The active planning efforts by local agencies show an ability to reduce and maintain ozone levels below the 75 ppb standard.

12. At the same time, the additional controls that would be required as a result of this action would severely constrain, if not eliminate, the ability of the county to develop its resources and bring some independent economic projects to its jurisdiction and thereby reduce the amount of inter-county (Williamson to Travis) commuting currently being experienced.

At their December 10, 2008 agenda session, the TCEQ Commissioners raised questions about why the TCEQ staff would not consider air quality data provided by non-state monitors in the absence of state monitors. The availability of the CAPCOG ozone monitors and other monitoring efforts beyond December 31, 2009 is contingent on the TCEQ's continued grant funding of the effort. Because of the direct connection of TCEQ funds to the availability of the CAPCOG monitoring program and because of the TCEQ oversight of the CAPCOG monitoring operations, these "grant" monitors have become *de facto* state monitors. The data gathered from these monitors should be treated with the same regard as if it came from one of the "official" state monitors.

Given (1) the chilling effect that being included in the Travis County Non-Attainment Area would have on the ability of Williamson County to grow and develop its resources in the long term and (2) the fact that voluntary efforts in the region have resulted in ozone levels below the 75 ppb standard everywhere but Travis County, it makes a lot of sense to base the decision on ***actual, measured environmental data*** rather than a ***superficial economic statistic*** (i.e., commuting percentages). In fact, it is entirely possible that preserving the ability of the county to develop its own resources would grow jobs inside Williamson County and actually reduce the commuters from Williamson County to Travis County.

Until such ***real*** environmental data from monitor(s) on the ground in Williamson County says that the voluntary emissions reductions programs are not maintaining the ozone levels at or below 75 ppb, this proposed ***inclusion*** of Williamson County in the Travis County Non-Attainment Area ***is unfounded*** based on the preponderance of evidence available.

GDS makes the following recommendations:

1. USEPA should (a) affirm TCEQ's decision to leave Williamson County designated as an attainment county and (b) hold any such decision in abeyance until scientifically sound environmental data from state air quality monitors shows that the voluntary measures in the region are not maintaining ozone levels in Williamson County at or below the 75 ppb standard.

2. As USEPA's agent for overseeing air quality programs in Texas, TCEQ should work with stakeholders in Williamson County to return the deactivated monitors to service so they can track the effectiveness of the voluntary efforts by determining and measuring:

- Ground level ozone in Williamson County,
- Compliance with the new 8-hour ozone NAAQS, and
- Ozone precursors (i.e., NO_x and VOC).

3. Throughout this process, TCEQ (as agent for USEPA) should meet regularly with and seek input from stakeholders in Williamson County regarding the monitoring results, trends, and expected controls.

devon

Devon Gas Services, L.P.
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Oklahoma City, OK 73102-
8260

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RECEIVED
SEP 05 2008
AIR QUALITY
DIVISION

September 5, 2008

Ms. Margie McAllister
Air Quality division
Texas Department of Environmental Quality
P.O. Box 13087, MC-164
Austin, TX 78711-3087

Re: Comments to Proposed Nonattainment Boundaries and Designations

Dear Ms. McAllister

Devon Gas Services, L.P. (DGS) appreciates this opportunity to provide comments on the nonattainment boundaries and designations proposed by the TCEQ in response to the EPA's 2008 revisions to the ozone National Ambient Air Quality Standards (NAAQS). These comments will primarily address why certain counties added in the 2003 revisions to Texas' metropolitan statistical areas should excluded from the nonattainment areas. In particular, these comments will examine how the Boundary Guidance on Air Quality Designations for the 8-Hour Ozone NAAQS (Boundary Guidance) factors support exclusion of Wise and Delta counties from the proposed Dallas-Fort Worth Nonattainment Area (DFW Nonattainment Area) boundary.

A. Introduction

The Boundary Guidance creates a presumption that the metropolitan statistical area (MSA) should serve as the boundary for 8-hour NAAQS nonattainment areas. However, this presumption can be rebutted. The state may recommend area boundaries which are either larger or smaller than a MSA.

In 2000, when nonattainment boundaries were last set, the TCEQ apparently recommended an area **smaller** than the then-existing Dallas-Fort Worth Metropolitan Statistical Area (DFW-MSA). The TCEQ recommended that only the counties within the DFW-MSA which had actually exceeded the ozone standard be included in the non-attainment area. Two counties were excluded, Hunt and Hood. This recommendation became the 9 county nonattainment area approved in 2004 and currently in place.

In 2003, the DFW-MSA was extended. Delta County was added to the Dallas/Plano/Irving Metropolitan Division and Wise County was added to the Fort Worth/Arlington Metropolitan Division (jointly the DFW-MSA). TCEQ's proposed 2008 non-attainment boundary includes not only the 9 counties which were previously designated, but also the counties previous excluded (Hunt and Hood) and the newly added counties (Delta and Wise). While Hunt and Hood counties have monitored over the new .075 ppm ozone standard, Delta and Wise have not. Standing alone, Delta and Wise would be designated attainment areas.

Under the Clean Air Act, the connection between the boundaries of an area and the sources of pollution is one of cause and effect. The nonattainment boundaries must be large enough to allow the imposition of needed control measures on significant sources causing the problem, but must be as small as possible to ensure efficient and effective air quality management. Controls which are placed on sources that are not contributing are neither effective nor efficient. Here,

the Guidance Document factors clearly demonstrate that exclusion of Wise and Delta counties from the DFW Nonattainment Area is effective efficient air quality management.

B. Application of Boundary Guidance Factors to Wise and Delta Counties.

1. Population Density and Degree of Urbanization.

The Boundary Guidance notes, "in other cases, a smaller non-attainment area may be more appropriate. For example, one C/MSA may. . . include counties or portions of counties which are rural in nature." The 2000 census data demonstrates the Wise and Delta counties have the least population densities in the DFW-MSA and are far more rural that the large, urban areas which are adjacent to them.

COUNTY	PERSONS PER SQARE MILE—2000 CENSUS	PERSONS PER SQUARE MILE—2006 ESTIMATE
Dallas	2521.5	2666.9
Tarrant	1675.8	1935.6
Collin	579.8	824.5
Denton	487	657.5
Rockwall	334	536.9
Johnson	174	204
Ellis	118.5	148
Parker	97.9	117.6
Hunt	91.1	99
Kaufman	90.7	118.6
Wise	**53.9**	**63.9**
Delta	**19.2**	**20**

This factor supports excluding Wise and Delta counties from the DFW Nonattainment Area.

2. Emissions and Air Quality in Adjacent Areas.

Delta County is at the Northeast corner of the Dallas/Plano/Irving Metropolitan Division. The four counties which border it to the north, south and east are all attainment. Hunt County, which borders it in the west, has monitored 76 ppb, just over the allowed standard. Standing alone, Hunt County would be designated marginal nonattainment.

Wise County is at the Northwest corner of the Fort Worth/Arlington Metropolitan Division. The two counties which border it in the north and west are in attainment. The county to its east is within the Dallas/Plano/Irving Metropolitan Division, while the counties to its south are within the Fort Worth/Arlington Metropolitan Division. Each is moderated nonattainment (monitoring 91, 94 and 95 respectively).

The facts that these counties are on the fringe of the proposed nonattainment area, are in attainment and are largely surrounded by counties in attainment, support the exclusion of these counties from the DFW Nonattainment Area.

3. Monitoring Data Representing Ozone Concentrations (Urban or Regional Scale)

There can be little doubt that the ozone concentrations are driven locally in the high population density counties of Dallas, Tarrant, Collin, Denton and Rockwall. The presence of the DFW Airport is also a significant local source. The Wise County oil and gas operations are located westerly and northwesterly of the DFW area and have very little affect as the wind rarely blows (less than 4% of the time) from the westerly direction according to the TCEQ's own wind rose data. Additionally, these westerly wind events do not occur during the peak ozone season. To the extent that there is a regional influence on the proposed DFW Nonattainment Area, that regional influence comes from the southeast and east. Neither Wise nor Delta counties are included in the area of regional influence.

In promulgating the East Texas Combustion Source Rule, the TCEQ sought to identify the areas that potentially could contribute to the ozone levels in the DFW Nonattainment Area. It originally included Wise County in the rule. However, after public comment, the TCEQ excluded Wise County, based largely on proof that this county did not contribute to the ozone levels in the adjacent counties which had monitored nonattainment due to prevailing wind patterns. Notably, Delta County was never even considered as an area which could potentially contribute to ozone levels in the DFW Nonattainment Area.

It is consistent with the TCEQ prior position in the East Texas Combustion Source Rule to exclude Wise and Delta counties from the DFW Nonattainment Area. The localized nature of the ozone nonattainment, coupled with the fact that these counties are not within the regional area which could contribute to the problem, supports exclusion of these counties from the DFW Nonattainment Area.

4. Location of Emission Sources.

The emission sources in the proposed DFW Nonattainment Area are largely located in the urbanized counties which are included in the DFW-MSA. In excess of 70% of the emissions within the area come from off-road and on-road mobile sources. Due to the rural nature of Delta and Wise counties and the low population density, the majority of emission sources are not located in these counties.

In addition, while oil and gas exploration and production activity has increased in Wise County, this has actually resulted in a decrease in DGS' NOx emissions. The increased production has warranted replacement of old engines and other equipment with more efficient models. The fleet average dropped from 4.8 gm/HP*Hr in 1998 to 1.7 gm/HP*hr in 2002. Today, our newly purchased lean burn engines' emission rates have reduced emissions by more than 50% from 2002 levels. The local increase in oil and gas exploration and production activity is not a significant source of emissions.

The location of emission sources supports the exclusion of Delta and Wise counties from the DFW Nonattainment Area.

5. Traffic and Commuting Patterns

The major corridors into the DFW-MSA (I-35 and I-30) do not go through Wise County. While I-44 crosses Wise County from north to south, Highways 81 and 380 are the major corridors in Wise County related to the DFW-MSA and intersect approximately in Decatur, Texas. Decatur is the

major city in Wise County and is located approximately 38 miles from the center of the DFW metropolitan area. Based on population of Wise County and its growth over the last 6 years, discussed below, there is limited commuting between Wise County and the adjacent nonattainment areas.

The major corridors into the DFW-MSA (I-35, I-30 and I-44) do not go through Delta County. Delta County is significantly removed from the major metropolitan areas contained in the DFW-MSA. Based on population of Delta County and its growth over the last 6 years, discussed below, there is limited commuting between Delta County and the adjacent nonattainment areas.

This factor supports the exclusion of these counties from the DFW Nonattainment Area.

6. Expected Growth.

From 2000 to 2006, Delta County grew by an estimated 234 people to 5561 while Wise County's population grew by and estimated 9098 people to 57,891. Wise County's population growth may have been influenced by the recent increase of development of the Barnett Shale. However, neither area has experienced significant growth. There is no reason to expect significant growth during compliance period.

As discussed in (B)(4) above, the oil and gas exploration and production activity in Wise County has increased significantly. However, this increase in industrial growth has not resulted in an increase of emissions. The growth has enabled replacement of inefficient equipment which has actually reduced emissions.

Neither expected growth in population or industry supports inclusion of Delta and Wise counties from the DFW Nonattainment Area.

7. Meteorology (weather/transport)

As shown during the comment period for the East Texas Combustion Source Rule, Wise County is not within any prevailing wind pattern for the DFW region and emissions from that county do not have any affect on the remainder of the DFW-MSA. Wise County is west of the DFW metropolitan area. According to TCEQ's wind roses for this area, the wind blows out of the westerly quadrant less than 4% of the time, and less that 2% of the time during ozone season of April through September. The transport patterns in the region support exclusion of Wise county from the DFW Nonattainment Area.

8. Geography/Topography

There is no geography or topography which affects this area.

9. Jurisdictional Boundaries

The current and proposed nonattainment areas use county lines as the jurisdictional boundaries to define the area. There are no other relevant boundaries. The proposed exclusion of Delta and Wise Counties also use county lines as jurisdictional boundaries. Since there are no other relevant boundaries, jurisdictional boundaries are not an impediment to excluding Delta and Wise counties from the DFW Nonattainment Area

10. Level of Control of Emissions Sources

Although no specific additional controls are in place for either Delta or Wise Counties, DGS' experience in Wise County supports the conclusion that emission sources are well controlled. As discussed in (B)(4) above, the oil and gas sector, which could be the largest industrial sector in Wise County, has decreased its emissions over the last several years without any regulatory requirement to do so. There is no evidence that any industry in Delta County represents a significant source. Emissions are well controlled which supports exclusion of Delta and Wise counties from the DFW Nonattainment Area

11. Regional Emissions Reductions

The East Texas Combustion Source Rule is an enforceable regional strategy which has been employed to aid in the DFW Nonattainment Area and for maintaining the ozone NAAQS in the East and Central parts of Texas. The facts that TCEQ has been pro-active in implementing a regional emission reduction strategy and Delta and Wise counties were not included in that strategy, support exclusion of Delta and Wise counties from the DFW Nonattainment Area.

C. Cost of Compliance

The cost of compliance must be evaluated to determine whether the non-attainment boundary designation efficiently manages air quality. Here, inclusion of Delta and Wise counties in the DFW Nonattainment Area would not be efficient. It would require the expenditure of literally tens of millions of dollars to obtain small incremental decreases in emissions. As demonstrated in comments in response to the East Texas Combustion Source Rule, increasing controls in large part requires replacing lean burn engines with rich burn engines which can meet the lower emissions requirements. This is even more likely if Delta and Wise counties are including in the DFW Nonattainment Area because the emissions standards under the SIP are lower than that under the East Texas Combustion Source Rule.

DGS has estimated the cost of employing controls mandated for a moderate non-attainment area to its fleet in Wise County to exceed $60,000,000 at a cost of $54,000 per ton of NOx emissions reduced. The TCEQ's analysis during the East Texas Combustion Source Rule comment period showed that controls employed in Wise County would not reduce ozone concentrations in the DFW-MSA nonattainment area by even 1 part per billion.

Not only will inclusion of Delta and Wise counties result small, if any, incremental decrease in emissions but it will also result in those decreases in areas unlikely to actually affect air quality in the counties which have monitored in nonattainment. Efficient and effective regulatory action would exclude these counties from the DFW Nonattainment Area

D. Other Attainment Counties included in the Proposed Nonattainment Boundaries

DGS has specifically performed the analysis required by the Boundary Guidance for the nonattainment area in which it has the greatest direct experience and knowledge. However, it fully supports the TCEQ performing the analysis for each county which is in attainment but which is within a proposed nonattainment area due to its inclusion in an MSA. Industry will comply and will expend funds to reduce emissions; however, it should only be required to do so when those expenditures are rationally related to reducing ozone. As seen in the DFW-MSA, the presumptive boundary can include areas which do not contribute to the ambient air quality in a nearby

nonattainment area. The TCEQ should strive to identify the smallest area which includes areas in violation and the sources which impact those violations.

For example, Rusk and Upshur counties are in attainment but are included within the proposed Tyler/Longview/Marshall Nonattainment Area boundary (TLM Nonattainment Area). Gregg County is clearly the most urban. It is small geographically and the home to both Longview and Kilgore, Texas. In comparison, Rusk and Upshur are the two most rural counties in that combined area:

COUNTY	PERSONS PER SQARE MILE—2000 CENSUS	PERSONS PER SQUARE MILE—2006 ESTIMATE
GREGG	406.5	427.3
SMITH	188.3	209.6
Harrison	69.1	71
Upshur	**60**	**64.5**
Rusk	**51.3**	**52.4**

All of the surrounding counties are in attainment, except the three remaining counties in the TLM Nonattainment Area. All of those counties are only marginally nonattainment with monitoring data of 84, 80 and 76 ppb. As seen by the census information above, neither Upshur nor Rusk counties have shown significant growth in the last six years.

To the extent that these two counties are part of a prevailing wind pattern which could contribute to the adjacent nonattainment counties, the East Texas Combustion Source Rule has just been put in place to address any contribution these counties make to the proposed TLM Nonattainment Area and the DFW Nonattainment Area. The TCEQ should allow its recently deployed regional emissions strategy to provide the controls necessary in these two attainment counties rather than stricter controls mandated under the SIP for nonattainment areas.

Finally, DGS supports and joins in the comments of the Texas Pipeline Association. We propose a face-to-face meeting prior to any formal rule making to help ensure that the nonattainment designation makes the most sense for the agency, environment and allows industry's to apply efforts where most effective. If you have any questions regarding these comments or wish to have any additional conversations on the matter, please feel free to contact me.

Sincerely,

Scott Wallace
Supervisor EHS Midstream
Direct Dial: 405 228 8397
scott.wallace@dvn.com

Comments on "Revisions to the Ozone NAAQS"
Presentation by TCEQ Staff at Meetings June/July 2008

The 8-Hour Ozone SIP Coalition (the Coalition) appreciates the opportunity to comment on a presentation relating to designation and boundary issues for the new National Ambient Air Quality Standards (NAAQS) for ozone delivered by staff from the Texas Commission on Environmental Quality's (TCEQ's) Air Quality Division in June and July of 2008.[1]

The Coalition is comprised of members from the energy industries with the common interests of achieving the goals of clean air and a strong economy for Texas. The Coalition consists of: BASF Corporation; Enterprise Products Operating L.P.; Exxon Mobil Corporation; Lyondell Chemical Company; NRG Texas Power LLC; Shell Oil Company; and Valero Refining-Texas, L.P. The Coalition's refining, petrochemical, and electric utility members have been strong supporters of clean air improvements. The companies that comprise the Coalition have, by themselves, invested over $2 billion in state-of-the-art emissions controls since 2001.

The Coalition is concerned that the U.S. Environmental Protection Agency's (EPA) projected classification scheme for the new NAAQS as outlined in the presentation will result in an infeasible attainment date for the Houston-Galveston-Brazoria (HGB) region. The TCEQ submitted scientific and technical information in 2007 to establish that an attainment date of 2019 was the most appropriate attainment date for the previous 0.08ppm NAAQS. EPA proposed approval of Texas' request in December 2007.[2] The projected classification scheme for the new 0.075ppm NAAQS would require that Houston attain by March of 2016. Based on TCEQ's analysis for the 0.08 ppm 8-hr ozone NAAQS, this deadline is not achievable. TCEQ should urge EPA to develop a classification mechanism that more properly reflects attainment dates that are scientifically and technically appropriate to the magnitude of the attainment challenge and the timing requirements for implementation of federally pre-empted ozone precursor controls.

The State of Texas made a compelling case for a 2019 attainment date for Houston for the 0.08 ppm NAAQS. In his June 15, 2007 letter to EPA Administrator Stephen Johnson, Texas Governor Rick Perry noted that:

> "Given the huge population, one of the largest and most comprehensively controlled petrochemical complexes in the world, and subtropical climate, the HGB area faces great challenges in meeting the (0.08 ppm) eight-hour ozone standard. Modeling indicates that not even a complete shut down of the Houston Ship Channel industrial area would bring about sufficient reductions to bring the HGB area into attainment by 2010. Nevertheless,

[1] http://www.tceq.state.tx.us/assets/public/implementation/air/sip/miscdocs/08.07.11-naaqs_revisions.pdf
[2] Docket No. EPA–R06–OAR–2007–0554; FRL–8512–6

> Texas has developed stringent and innovative regulations for the HGB area that aggressively address nitrogen oxides and volatile organic compounds. Estimated costs of implemented industry controls are currently at $3 billion…Within the next several years, major mobile source reductions and updated ozone model episodes are needed for HGB to demonstrate attainment. Since mobile sources are estimated to account for 54 percent of the overall nitrogen oxide emissions in HGB by 2009, reductions in this area are critical. Emissions from mobile sources will continue to decrease every year as new federal fuel and engine standards are implemented. Nitrogen oxide emissions from on-road mobile sources will decrease around 10% per year without any further state regulation. Texas has addressed mobile source emissions, not preempted by federal law, as much as possible through programs such as the Texas Emission Reduction Program (TERP) and Texas low emission diesel (TxLED). Over $200 million has been spent on TERP alone in HGB since 2001.[3]

EPA has proposed approval of this request.

TCEQ's analysis of EPA's potential new NAAQS classification scheme projects a classification for Houston of Moderate, and an attainment date of 2016. This would require the region to come into compliance with a much more stringent standard three years earlier than planned for the 0.08ppm NAAQS.

Despite the deployment of significant reductions in ozone precursors from industrial sources over the past few years, the region is far from achieving the proposed new NAAQS—the design value for the 2005-2007 time period is 0.096 ppm, which is 0.021 ppm (or 28%) over the new NAAQS of 0.075 ppm. There is no modeling or other data analysis performed by the state, EPA, or others that suggests that known control strategies can bring HGB into attainment by 2016. On the contrary, EPA's own analysis included with the NAAQS promulgation projected that Harris County (and hence the HGB area) would violate the new ozone NAAQS in 2020 after the implementation of known federal, state and local controls. Thus, EPA's own analysis of HGB's attainment status after the implementation of known controls argues for an attainment date later than 2016.[4] Rather than require the state to develop and submit a new reclassification analysis, EPA should develop a mechanism that aligns an area's classification with the true attainment projection, and with the timing needed to implement ozone precursor controls from federally pre-empted sources, which make up the majority of HGB emissions.

The 8-Hour Coalition looks forward to working with the TCEQ, EPA and the scientific community as the HGB area develops plans to address the challenges of implementing the new NAAQS.

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[3] Houston/Galveston/Brazoria Ozone Nonattainment Area Reclassification Request, Submitted by Governor of Texas to EPA Administrator June 15, 2007; Federal Docket No. EPA–R06–OAR–2007–0554-0002

[4] http://www.epa.gov/air/ozonepollution/pdfs/2008_03_monitors_projected_violate_2020.pdf

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September 5, 2008

Ms. Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
Post Office Box 13087, MC-164
Austin, Texas 78711-3087

Dear Ms. McAllister,

The 8-Hour Ozone SIP Coalition (the Coalition) appreciates the opportunity to comment on a presentation relating to designation and boundary issues for the new National Ambient Air Quality Standards (NAAQS) for ozone delivered by staff from the Texas Commission on Environmental Quality's (TCEQ's) Air Quality Division in June and July of 2008.

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The Coalition is concerned that the U.S. Environmental Protection Agency's (EPA) projected classification scheme for the new NAAQS as outlined in the presentation will result in an infeasible attainment date for the Houston-Galveston-Brazoria (HGB) region. TCEQ should urge EPA to develop a classification mechanism that more properly reflects attainment dates that are scientifically and technically appropriate to the magnitude of the attainment challenge and the timing requirements for implementation of federally pre-empted ozone precursor controls.

Please contact me or Elizabeth Hendler, Project Manager for the Coalition, if you have any questions.

Sincerely,

Matthew Kuryla

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The Group is concerned that the U.S. Environmental Protection Agency's (EPA) projected classification scheme for the new NAAQS as outlined in the presentation will result in an infeasible attainment date for the Houston-Galveston-Brazoria (HGB) region. TCEQ should urge EPA to develop a classification mechanism that more properly reflects attainment dates that are scientifically and technically appropriate to the magnitude of the attainment challenge and the timing requirements for implementation of federally pre-empted ozone precursor controls.

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HOU03:1171658.1

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30 S. HOLLAND
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August 28, 2008

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, TX 78711-3087

Dear Ms. McAllister:

I am writing on behalf of the City Council for the City of Bellville urging TCEQ to recommend that Austin County not be included in the Houston-Galveston-Brazoria ozone non-attainment area.

We understand that TCEQ is collecting information and comments on non-attainment area designations under the new federal ozone standard. In early 2009, Governor Perry will make recommendations to the U.S. Environmental Protection Agency (EPA). EPA may consider expanding the current eight-county non-attainment area to include Austin County.

EPA's basis for doing this would not be due to any real air pollution problem in Austin County but simply because the County is now part of the Houston metropolitan statistical area (MSA). Austin County was not part of the Houston MSA when the Clean Air Act was adopted and has therefore not been included in the non-attainment area.

Austin County is not an urban county and does not contribute to Houston area air pollution. The County should not be included in the non-attainment area. We offer the following reasons, which address the factors EPA can consider in determining whether to include a County in the non-attainment area.

- There are no air quality monitors in Austin County, nor any located nearby. Therefore, there is no basis for concluding that Austin County's air quality fails to meet federal standards.

- Austin County is a predominantly rural county with a 2007 estimated population of 26,610. Austin County covers 653 square miles making the County's population density 40.75 persons per square mile. Austin County land use is predominantly agricultural or open space.

- There is no concentration of industrial emission sources in the County and only one manufacturer of any consequence, a defense contractor.

- Austin County does not have traffic problems, nor does it contribute significantly to traffic or vehicular emissions in the non-attainment area. Based upon 2000 census journey to work data, almost 53% of Austin County workers commute within the county. A little over 21% of Austin County workers commute to Harris County, but they constitute about .15% of all commuters in Harris County.

- Austin County will remain a rural county for the foreseeable future. According to the Texas State Data Center, the County's year 2020 population is forecast to be between 28,965 and 34,794.

- Prevailing winds suggest that even if Austin County had measurable air emissions, they would not contribute to non-attainment ozone problems.

- Austin County is subject to state emission controls generally applicable to the eastern part of Texas. We do not believe that there are additional emission control measures that could be effectively applied in our County.

- Since Austin County has not been part of the non-attainment area there is little other technical information available on air emission sources. For example, Austin County is not included in the Houston-Galveston Area Council's (H-GAC) mobile source emission modeling and H-GAC may not currently use federal funds to include Austin County.

I believe the information cited above is ample justification for excluding Austin County from the Houston-Galveston-Brazoria non-attainment area. The City Council for the City of Bellville has adopted the enclosed Resolution strongly urging that TCEQ recommend to Governor Perry that Austin County not be included.

Thank you for consideration of these comments.

Sincerely,

Lynn S. Roberts
City Administrator
CITY OF BELLVILLE

enclosure

A RESOLUTION REQUESTING THAT AUSTIN COUNTY NOT BE INCLUDED IN THE HOUSTON-GALVESTON-BRAZORIA NON-ATTAINMENT AREA

WHEREAS, the U.S. Environmental Protection Agency (EPA) has adopted new air quality standards for ground level ozone; and

WHEREAS, as part of the process for implementing those standards EPA designates non-attainment areas and requires that those areas develop plans to meet federal air quality standards; and

WHEREAS, EPA may consider including Austin County in the Houston-Galveston-Brazoria non-attainment area, and

WHEREAS, Governor Perry can make recommendations to EPA on designation of non-attainment areas and the Texas Commission on Environmental Quality (TCEQ) is requesting comments on those designations; and

WHEREAS, there are no air quality monitors in Austin County and therefore no basis for concluding that Austin County fails to meet air quality standards;

WHEREAS, Austin County is a predominantly rural county with no concentration of industrial or vehicular emissions; and

WHEREAS, there is no evidence that Austin County contributes to the air pollution problems of the Houston-Galveston-Brazoria non-attainment area; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Bellville that:

1. The Texas Commission on Environmental Quality recommend to Governor Perry that Austin County not be included in the Houston-Galveston-Brazoria non-attainment area.
2. Governor Perry recommend that EPA not include Austin County in the non-attainment area.

PASSED AND APPROVED this 28th day of August, 2008.

CITY OF BELLVILLE

Monte Richardson, Mayor

ATTEST:

Betty Hollon, City Secretary

OFFICE OF THE MAYOR
CITY OF SEALY, TEXAS

NICK TIREY
MAYOR

RECEIVED
SEP 08 2008
AIR QUALITY
DIVISION

September 2, 2008

Ms. Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, Texas 78711-3087

Dear Ms. McAllister:

I am writing on behalf of the City of Sealy City Council urging TCEQ to recommend that Austin County, in which Sealy is located, not be included in the Houston-Galveston-Brazoria ozone non-attainment area.

We understand that TCEQ is collecting information and comments on non-attainment area designations under the new federal ozone standard. In early 2009, Governor Perry will make recommendations to the U.S. Environmental Protection Agency (EPA). EPA may consider expanding the current eight-county non-attainment area to include Austin County.

EPA's basis for doing this would not be due to any real air pollution problem in Austin County but simply because the County is now part of the Houston metropolitan statistical area (MSA). Austin County was not part of the Houston MSA when the Clean Air Act was adopted and has therefore not been included in the non-attainment area.

Austin County is not an urban county and does not contribute to the Houston area air pollution. The County should not be included in the non-attainment area. We offer the following reasons, which address the factors EPA can consider in determining whether to include a County in the non-attainment area.

- There are no air quality monitors in Austin County, nor any located nearby. There is therefore no basis for concluding that Austin County's air quality fails to meet federal standards.
- Austin County is a predominantly rural county with a 2007 estimated population of 26,610. Austin County covers 653 square miles making the County's population density 40.75 persons per square mile. Austin County land use is predominantly agricultural or open space.

POST OFFICE BOX 517 • SEALY, TEXAS 77474
PHONE: (979) 885-3511
FAX: (979) 885-3513

- There is no concentration of industrial emission sources in the County and only one manufacturer of any consequence, a defense contractor.
- Austin County does not have traffic problems, nor does it contribute significantly to traffic or vehicular emissions in the non-attainment area. Based upon 2000 census journey to work data, almost 53% of Austin County workers commute within the county. A little over 21% of Austin County workers commute to Harris County, but they constitute about .15% of all commuters in Harris County.
- Austin County will remain a rural county for the foreseeable future. According to the Texas State Data Center, the County's year 2020 population is forecasted to be between 28,965 and 34,794.
- Prevailing winds suggest that even if Austin County had measurable air emissions, they would not contribute to non-attainment ozone problems.
- Austin County is subject to state emission controls generally applicable to the eastern part of Texas. We do not believe that there are additional emission control measures that could be effectively applied in our County.
- Since Austin County has not been part of the non-attainment area there is little other technical information available on air emission sources. For example, Austin County is not included in the Houston-Galveston Area Council's (H-GAC) mobile source emission modeling and H-GAC may not currently use federal funds to include Austin County.

I believe the information cited above is ample justification for excluding Austin County from the Houston-Galveston-Brazoria non-attainment area. The City of Sealy City Council has adopted the enclosed Resolution strongly urging that TCEQ recommend to Governor Perry that Austin County not be included in it.

We would sincerely appreciate your consideration of these comments. If you have any questions or comments, please feel free to contact me at (979)885-3511.

Sincerely,

Nick Tirey

Nick Tirey
Mayor, City of Sealy

Enclosure

cc: City Council
Chris Coffman, City Manager

RESOLUTION NO. 2008-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, REQUESTING THAT AUSTIN COUNTY NOT BE INCLUDED IN THE HOUSTON-GALVESTON-BRAZORIA NON-ATTAINMENT AREA.

* * * * *

WHEREAS, the U.S. Environmental Protection Agency (EPA) has adopted a new air quality standards for ground level ozone: and

WHEREAS, as part of the process for implementing those standards EPA designates non-attainment areas and requires that those areas develop plans to meet federal air quality standards; and

WHEREAS, EPA may consider including Austin County in the Houston-Galveston-Brazoria non-attainment area; and

WHEREAS, Governor Perry can make recommendations to EPA on designation of non-attainment areas and the Texas Commission on Environmental Quality (TCEQ) is requesting comments on those designations; and

WHEREAS, there are no quality monitors in Austin County and therefore no basis for concluding that Austin County fails to meet air quality standards;

WHEREAS, Austin County is a predominantly rural county with no concentration of industrial or vehicular emissions; and

WHEREAS, there is no evidence that Austin County contributes to the air pollution problems of the Houston-Galveston-Brazoria non-attainment area; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sealy, Texas, that:

1. The Texas Commission on Environmental Quality recommend to Governor Perry that Austin County not be included in the Houston-Galveston-Brazoria non-attainment area.
2. Governor Perry recommend that EPA not include Austin County in the non-attainment area.

PASSED and APPROVED this 26th day of August 2008.

Nick Tirey

Nick Tirey, Mayor

ATTEST:

Krisha Langton

Krisha Langton, City Secretary

Opportunity HOUSTON℠
All the World—One Region

September 4, 2008

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, TX 78711-3087

RE: Comments on proposed boundaries for the Houston-Galveston-Brazoria non-attainment area under the 2008 revisions to the ozone standard

Dear Ms. McAllister:

On behalf of the Greater Houston Partnership, I offer the following comments regarding the TCEQ's proposal to include Austin and San Jacinto counties in the Houston-Galveston-Brazoria (HGB) non-attainment area under the 2008 revisions to the federal ozone standard.

The Partnership, as the primary advocate of Houston's business community dedicated to building regional economic prosperity, represents a diversity of businesses in the eight-county HGB non-attainment area. Clean air is in the best interest of all citizens in the region, and is one of our top priorities.

The Partnership opposes the TCEQ's proposed boundaries and recommends that neither Austin nor San Jacinto county be added to the current non-attainment area. An EPA memorandum dated March 28, 2000, provides guidance on the establishment of boundaries for non-attainment areas under the eight-hour ozone standard. Based upon the criteria outlined in the EPA memorandum, the Partnership outlines its position below.

Emissions and air quality in adjacent areas/Monitoring data representing ozone concentrations in local areas or larger areas

Neither Austin nor San Jacinto counties have air quality monitors which measure ozone. It is not possible to determine with any accuracy the quantities of emissions that might originate from these counties.

Population density and degree of urbanization including commercial development
According to the Houston-Galveston Area Council (H-GAC), both Austin and San Jacinto county population densities are significantly lower than Harris County. Both counties have less than 42 persons per square mile; Harris County's population density is over 2,200 persons per square mile. Additionally, a significant portion of Austin County land use is devoted to agriculture, and approximately 60% of San Jacinto County is national forest.

Location of emissions
Neither Austin nor San Jacinto counties currently have concentrations of industrial sources that would significantly contribute to formation of ozone precursor emissions.

Traffic and commuting patterns
According to H-GAC, 32% of Austin County residents and 55% of San Jacinto County residents commute into the current HGB non-attainment area for work purposes. These commuters make up less than one percent of the total commuters within the non-attainment area.

Expected growth
The U. S. Census Bureau estimates the 2007 populations of Austin and San Jacinto counties to have been 26,610 and 24,818 residents respectively. The Texas State Data Center (TSDC) projects the 2020 populations of Austin and San Jacinto counties to be 28,965 and 29,751 respectively (based upon the recommended TSDC *One-Half 1990-2000 Migration [0.5] Scenario*).

Jurisdictional boundaries
The current composition of the HGB non-attainment area is identical to the eight-county Houston-Galveston Transportation Management Area. This is also the boundary for the Metropolitan Planning Organization, administered by H-GAC. Austin and San Jacinto counties are not included in this planning area and, as a result, are not included in H-GAC's travel modeling and mobile source emissions modeling. To date, neither of these counties has been classified as members of a non-attainment area or other air quality control district.

Level of control of emission sources/Regional emission reductions
Emission sources within both counties are currently subject to state industrial and vehicle fuel standards for the eastern half of Texas.

Based upon the above EPA criteria, the TCEQ should not include Austin and San Jacinto counties in the existing HGB non-attainment area.

Thank you for the opportunity to comment on this issue. Your consideration of this matter is greatly appreciated.

Onward,

Jeff Moseley

Greater Houston Partnership
houston.org

1200 Smith, Suite 700 | Houston, TX 77002
Austin | Brazoria | Chambers | Fort Bend | Galveston | Harris | Liberty | Montgomery | San Jacinto | Waller

Cc: Dan Wolterman, Chair, Greater Houston Partnership
Doug Foshee, Chair, Environment Advisory Committee
Tracy Hester, Vice Chair, Environment Advisory Committee
Craig Beskid, Chair, Clean Air Committee
Russell Reese, Senior Vice President, Public Policy Division
Beth Whitehead, Manager, Environment Programs

Houston-Galveston Area Council Office of the Executive Director

August 19, 2008

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
Post Office Box 13087, MC-164
Austin, Texas 78711-3087

RE: Comments on non-attainment boundaries for 2008 revisions to the federal ozone standard

Dear Ms. McAllister:

I am writing to you about H-GAC's position on designation of the Houston-Galveston-Brazoria non-attainment area under 2008 revisions to the National Ambient Air Quality Standard for ozone.

For this new standard EPA guidance suggests that the current eight county non-attainment area could be expanded to include Austin and San Jacinto counties. H-GAC has independently analyzed these counties against EPA's criteria. We believe that neither county should be added to the current non-attainment region.

Both Austin and San Jacinto counties have qualities that make them ill suited for inclusion in the Houston-Galveston-Brazoria (HGB) non-attainment region. Both counties are primarily rural and contain a limited industrial presence. As a result, neither county is likely to be a significant source of ozone precursor emissions. Additionally, Texas State Data Center projections indicate that over the next 10 to 15 years both counties are likely to experience limited growth and, thus will remain primarily rural in nature.

At its meeting today, H-GAC's Board of Directors approved the Regional Air Quality Planning Committee's recommendation that neither Austin nor San Jacinto counties should be added to the current non-attainment region. Additional information supporting this recommendation is enclosed with this letter.

Thank you for consideration of these comments.

Sincerely,

Jack Steele

Enclosure

JS/ajd

Mailing Address
PO Box 22777
Houston, Texas 77227-2777
Phone 713-627-3200

Recycled

Physical Address
3555 Timmons Lane, Suite 120
Houston, Texas 77027-6466
Phone 713-627-3200

SUPPORTING MATERIALS FOR COMMENTS ON POTENTIAL OZONE NON-ATTAINMENT BOUNDARIES

March 2000 EPA guidance indicates eleven factors that should be used to determine a non-attainment area. Analysis of these factors by Houston Galveston Area Council (H-GAC) staff suggests that Austin and San Jacinto counties do not merit inclusion in the current Houston-Galveston-Brazoria (HGB) non-attainment region. The eleven factors along with evidence supporting the H-GAC position are presented below:

Emissions and air quality in adjacent and monitoring data representing ozone concentrations in local areas and larger areas:
Neither Austin nor San Jacinto counties have air quality monitors; therefore there is no basis for concluding that these counties are in violation of the National Ambient Air Quality Standard. It is also not possible to determine with any accuracy the quantities of emissions that might originate from within these counties.

Location of emissions:
Neither Austin nor San Jacinto counties currently have concentrations of industrial sources that would significantly contribute to formation of ozone precursor emissions.

Jurisdiction
San Jacinto County is a member of the Deep East Texas Council of Governments which does not contain any air quality non-attainment areas, while Austin County is a member of the 13-county H-GAC region. However, neither county is part of the 8-county Houston-Galveston Transportation Management Area TMA), which is the boundary for the transportation planning Metropolitan Planning Organization (MPO), administered by H-GAC. As a result they are not included in H-GAC's travel modeling and mobile source emission modeling. There are therefore no current or future estimates available on mobile source emissions. Neither of these counties have, to date, been classified as members of a non-attainment region or other air quality control district.

Regional emission reductions and the level of control of those emission sources:
Emissions sources within both counties are subject to state industrial and vehicle fuel standards for the eastern half of Texas. There do not appear to be significant additional emission control measures which could be effectively implemented in the counties.

Population density and degree of urbanization including commercial development:
A significant portion of Austin County land use is devoted to agriculture and about 60% of San Jacinto County is national forest. Austin County's population density is a little over 40 persons per square mile. San Jacinto County's is a little over 42 persons per square mile. This is significantly less than population densities found in Harris County, over 2,200 persons per square mile, or suburban Montgomery County with 282 persons per square mile.

Expected growth:
The US Census Bureau estimates that in 2006 Austin and San Jacinto counties had populations of 26,121 and 24,370 residents respectively. By 2020, the Texas State Data Center estimates that the populations of Austin and San Jacinto counties will rise only slightly to 28,965 and 29,751 respectively. These modest population increases indicate that these counties will remain rural.

Traffic and commuting patterns:
Most Austin County residents, about 53% commute within the County. Some residents from Austin County and San Jacinto County, 32% and 55% respectively, commute into the current HGB nonattainment region for work purposes; however these commuters make up far less that 1% of the total commuters within the HGB region, approximately 0.15% and 0.37% respectively.

Meteorology:
TCEQ sponsored studies indicate that during the course of a typical HGB region ozone-exceedance day, winds usually flow from the southwest around midnight and proceed in a circular pattern resulting prevailing winds that rotate in a clockwise pattern throughout the day. During an average ozone day, winds in the HGB region are weakest during the early morning period and stronger by a factor of three during the afternoon and evening. As a result, any emissions that might enter the HGB region that originate from the direction of Austin County would do so around 2 AM and from San Jacinto County at around 10 AM, when regional winds are weakest. Therefore, to the extent there are measurable emissions from those counties they would be unlikely to have much effect on air quality in the HGB region.

Geography and Topography
As a result of the relatively flat terrain that is present in both Austin and San Jacinto counties, it is unlikely the geography and topography of these two counties play a role in formation and transport of ozone. This flat terrain results in no natural barriers, such as mountain ranges, that can trap emission within these counties or work to funnel emissions into the greater HGB region.

Based upon these factors, H-GAC recommends that neither Austin nor San Jacinto counties should be added to the current nonattainment region.

Fritz Faulkner
County Judge

RECEIVED
AUG 14 2008
AIR QUALITY
DIVISION

1 State Hwy 150, Room 5
Coldspring, TX 77331

August 11, 2008

Phone (936) 653-4331
Fax (936) 653-3970

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, Texas 78711-3087

Re: CMSA Boundries

Dear Ms. McAllister,

San Jacinto County is a rural county using all the resources that are available to educate our children, repair our roads and provide for public safety. We feel the inclusion of San Jacinto County into the presumptive non-attainment area for a "severe" like Houston would be extremely harmful to our citizens. We asked that San Jacinto County not be included in the non-attainment area. If the new CMSA boundaries are used, which includes Harris County, then we ask that San Jacinto County be removed from that CMSA.

Eleven Factors

1. Emissions and air quality in adjacent areas. Montgomery County is the only County bordering San Jacinto County that is in the marginal range given the new more stringent requirements. Montgomery County is at .085 with the range under the new guidelines from 0.075 to a maximum of 0.086. As you can see, Montgomery County just barely fell into the new range.

2. Population density and degree of urbanization. San Jacinto County is estimated to have 24760 in 2006. The County is primarily rural with approximately 60% as forest land mostly Sam Houston National Forest. Approximately 30% are considered farm or pastureland. The remaining 10% for industrial growth are within the small cities. The City of Shepherd is the largest of the 3 cities and has only 2029 citizens at the last census. The County seat is approximately 20 miles form the Montgomery County line and another 20 miles to Conroe were most of the emission may occur in that County. There are no industrial areas between San Jacinto County seat and Montgomery County seat.

3. Monitoring data. San Jacinto County is not a county that has been monitored in the pass. There is no indication that San Jacinto County needs to be monitored.

4. Location and Emission sources. San Jacinto County has very little industry within its County. There is 1 manufacture of wood shaving for livestock use. Most of the businesses are retail: clothing boats, food etc., but government still remains the major employer through schools, cities and county.

5. Traffic and commuting patterns. US 59 runs through San Jacinto County for approximately 12 miles. The traffic is never considered heavy except in the event of a hurricane. Commuting from San Jacinto County is small. San Jacinto County has 2 independent school districts. Both have declined over the last 3 years. This would indicate that movement is into larger cities to save cost.

6. Expected Growth. San Jacinto is the 102nd fast growing county in the State of Texas out of 254 Counties.

7. Meteorology. San Jacinto County rainfall averages 48 inches per year. The temperatures average from 36 degrees in the winter to an average of 94 degrees in July. tHe average growing season extends for 261 days.

8. Geography/Topography: San Jacinto County comprises 628 square miles of the East Texas Timberlands and is heavily wooded with longleaf and loblolly pine, cedar, oak, walnut, hickory, gum, ash, and pecan. Sixty percent of the County is in the Sam Houston National forest. Gently rolling hills characterize the area, and the soils are reddish with loamy to cracking clayey sub-soils that are high in iron. Along the Trinity River, there are dark loamy to cracking clayey sub-soils. The elevation ranges from 374 to 386 feet.

9. Jurisdictional boundaries: The Commissioners Court is the governing body of the County. The Texas Constitution specified that the Court consist of a County Judge, who is elected at large and serves as a presiding officer, and four County Commissioners elected by the voters of their individual precincts. The court exercised the powers provided by law to conduct the varied business of the County.

10. Level of Emissions control: No emission control devices are located in San Jacinto County. The emissions release is very low from automobiles and very little industrial companies reside in San Jacinto County.

11. Regional Emissions reductions; San Jacinto County has shown a 1% reduction in population in the last year. The 2 school districts have had a reduction in the last few years. Any emissions generated in this County, we believe have been reduced by the decline in population.

We appreciate the job you are dong for Texas and hope that in your dealings with EPA you will convey our request to not be included in the proposed CMSA based on the eleven factors above.

Respectfully,

Fritz Faulkner
San Jacinto County Judge

San Jacinto County
Judge – Fritz Faulkner

Fax

To:	Ms. Margie McAllister Air Quality Division	**From:**	Fritz Faulkner – San Jacinto County
Fax:	512-239-1500	**Pages:**	
Phone:		**Date:**	September 3, 2008
Re:		**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

- **Comments:**

A RESOLUTION REQUESTING THAT SAN JACINTO COUNTY NOT BE INCLUDED IN THE HOUSTON-GALVESTION-BRAZORIA NON-ATTAINMENT AREA.

WHEREAS, the U.S. Environmental Protection Agency (EPA) has adopted new air quality standards for ground level ozone; and

WHEREAS, as part of the process for implementing those standards EPA designates non-attainment areas and requires that those areas develop plans to meet federal air quality standards; and

WHEREAS, EPA may consider including San Jacinto County in the Houston-Galveston-Brazoria non-attainment area; and

WHEREAS, Governor Perry can make recommendations to EPA on designation of non-attainment areas and the Texas Commission on Environmental Quality (TCEQ) is requesting comments on those designations; and

WHEREAS, there are no air quality monitors in San Jacinto County and therefore no basis for concluding that San Jacinto County fails to meet air quality standards;

WHEREAS, San Jacinto County is a predominantly rural county with no concentration of industrial or vehicular emissions; and

WHEREAS, there is no evidence that San Jacinto County contributes to the air pollution problems of the Houston-Galveston-Brazoria non-attainment area; and

NOW, THEREFORE BE IT RESOLVED by the San Jacinto County Commissioners' Court that:

1. The Texas Commission on Environmental Quality recommend to Governor Perry that San Jacinto County not be included in the Houston-Galveston-Brazoria non-attainment area.

2. Governor Perry recommend that EPA not include San Jacinto County in the non-attainment area.

PASSED AND APPROVED ON this the 27th day of August 2008.

Fritz Faulkner
San Jacinto County Judge

ATTEST: Angie Steele

Fritz Faulkner
County Judge

Phone (936) 653-4331
Fax (936) 653-3970

1 State Hwy 150, Room 5
Coldspring, TX 77331

RECEIVED
SEP 05 2008
AIR QUALITY
DIVISION

ORIGINAL

September 2, 2008

Ms. Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality (TCEQ)
Mail Code (MC) – 164
P.O. Box 13087
Austin, Texas 78711-3087

Reference: Revisions to 8-Hour Ozone National Ambient Air Quality Standard and Proposed Inclusion of San Jacinto County in the HGB Non-Attainment Area

Dear Ms. McAllister:

The San Jacinto County Commissioners Court, in conjunction with Sam Houston Electric Cooperative and East Texas Electric Cooperative, Inc., has commissioned GDS Associates, Inc. (GDS) to prepare the attached response to a proposed decision by Unites States Environmental Protection Agency (USEPA) to include San Jacinto County in the Harris-Galveston-Brazoria (HGB) Non-Attainment Area. GDS conducted a thorough examination of the environmental and demographic data relative to the USEPA Eleven Factors required by USEPA and other regulators to make this decision.

Based on this review, GDS found only one economic statistic that supported inclusion and dozens more that do not support inclusion. Therefore, San Jacinto County Commissioners Court respectfully requests that TCEQ consider the GDS report as our comments on the proposed inclusion of San Jacinto County in the HGB Non-Attainment Area.

Specifically, we ask that you consider these facts:

1. Incremental growth in the population in Harris, Montgomery, and Liberty is projected at ***1.95 million*** compared to only ***68 thousand*** in San Jacinto, Walker, Polk, and Trinity Counties over the same period of time.

2. The difference in population growth alone represents ***almost 29 times*** as much of a potential impact on the region's air quality coming from growth in the Non-Attainment Area itself rather than those counties outside the Non-Attainment Area.

3. The prevailing wind flow in the area is from a ***southerly–to–southeasterly direction*** during the ozone formation season. Because of the prevailing southerly–to–southeasterly wind direction, it is much more likely that pollution comes into San Jacinto County from Liberty County than the other way around.

4. There are ***more than 200 permitted point sources*** in Harris County alone compared to 21 and 27 respectively in Liberty and Montgomery Counties. On the other hand, the combined total of eight permitted sources in San Jacinto (2), Walker (1), Trinity (0), and Polk (5) Counties combined.

5. San Jacinto County is heavily wooded and about ***sixty percent*** of the county's area is covered by the Sam Houston National Forest that is a potential source of biogenic emissions.

6. About 3,900 employed residents of San Jacinto County commute into the HGB Non-Attainment Area each day. About 95 percent of this interaction is with the neighboring Montgomery and Liberty Counties while less than 5 percent is with Harris County. While this may constitute and economic link for inclusion in the HBS SMSA based on the 25 percent commuting standard, the absolute number of vehicles on the road and the distance traveled is insufficient to conclude that a significant environmental impact exists.

7. The comparative contribution of San Jacinto County point sources in 2012 is ***less than 0.32 percent*** of the five-county (Brazoria, Galveston, Harris, Liberty, and Montgomery) total NO_x annual emissions and ***less than 0.13 percent*** of the five-county total VOC annual emissions.

Without local monitoring data in San Jacinto County, it is next to impossible to say with any absolute scientific certainty (1) the actual ozone level in San Jacinto County, (2) the impact of its emissions on the HGB Non-Attainment Area, or (3) the impact of the HGB Non-Attainment Area on San Jacinto County.

Given the chilling effect that being included in the HGB Non-Attainment Area would have on the ability of San Jacinto County to grow and develop its resources in the long term, it makes a lot of sense to have some ***actual, measured environmental data*** rather than a ***superficial economic statistic*** on which to base such an action. In fact, it is entirely possible that preserving the ability of the county to develop its own resources would grow jobs inside San Jacinto County and actually reduce the commuters from San Jacinto County to the HGB Non-Attainment Area.

Based on GDS's report, we conclude that there no reasonable scientifically supportable basis for including San Jacinto County in the HGB Non-Attainment Area. However, if TCEQ is not persuaded by the arguments in the GDS report to urge USEPA to withdraw their request, we ask that you act to ensure this decision is made on sound science and good sense by taking the following actions:

1. Request USEPA reconsider this decision and hold it in abeyance until scientifically sound environmental data is collected and considered from a public health and environmental perspective.

2. Work with stakeholders in San Jacinto, Walker, Trinity, and Liberty Counties to develop a strategy for actually determining and measuring:

   - Ground level ozone in San Jacinto County as well as surrounding counties without monitors.

   - Compliance with the new 8-hour ozone NAAQS.

   - Ozone precursors (i.e., NO_x and VOC)

3. Install these monitors and collect data for a minimum of five years before revisiting the decision to include San Jacinto County in the HGB Non-Attainment Area

4. Meet regularly with and seek input from stakeholders in San Jacinto County and the five surrounding counties regarding the monitoring results, trends, and expected controls.

East Texas Electric Cooperative, Inc.

P.O. Box 631623, Nacogdoches, Texas 75963-1623 • Telephone (936) 560-9532 • Fax (936) 560-9215

September 3, 2008

Ms. Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality ("TCEQ")
Mail Code (MC) – 164
P.O. Box 13087
Austin, Texas 78711-3087

Reference: Revisions to 8-Hour Ozone National Ambient Air Quality Standard and Proposed Inclusion of San Jacinto County in the HGB Non-Attainment Area

Dear Ms. McAllister:

East Texas Electric Cooperative, Inc. ("ETEC"), in conjunction with the San Jacinto County Commissioners Court and Sam Houston Electric Cooperative, has commissioned GDS Associates, Inc. ("GDS") to prepare the attached response to a proposed decision by Unites States Environmental Protection Agency ("USEPA") to include San Jacinto County in the Harris-Galveston-Brazoria ("HGB") Non-Attainment Area. GDS conducted a thorough examination of the environmental and demographic data relative to the USEPA Eleven Factors required by USEPA and other regulators to make this decision.

Based on this review, GDS found only one economic statistic that supported inclusion and dozens more that do not support inclusion. Therefore, ETEC respectfully requests that TCEQ consider the GDS report as our comments on the proposed inclusion of San Jacinto County in the HGB Non-Attainment Area.

Specifically, we ask that you consider these facts:

1. Incremental growth in the population in Harris, Montgomery, and Liberty is projected at ***1.95 million*** compared to only ***68 thousand*** in San Jacinto, Walker, Polk, and Trinity Counties over the same period of time.

2. The difference in population growth alone represents ***almost 29 times*** as much of a potential impact on the region's air quality coming from growth in the Non-Attainment Area itself rather than those counties outside the Non-Attainment Area.

3. The prevailing wind flow in the area is from a ***southerly–to–southeasterly direction*** during the ozone formation season. Because of the prevailing southerly–to–southeasterly wind direction, it is much more likely that pollution comes into San Jacinto County from Liberty County than the other way around.

4. There are ***more than 200 permitted point sources*** in Harris County alone compared to 21 and 27 respectively in Liberty and Montgomery Counties. On the other hand, the combined total of eight permitted sources in San Jacinto (2), Walker (1), Trinity (0), and Polk (5) Counties combined.

5. San Jacinto County is heavily wooded and about ***sixty percent*** of the county's area is covered by the Sam Houston National Forest that is a potential source of biogenic emissions.

6. About 3,900 employed residents of San Jacinto County commute into the HGB Non-Attainment Area each day. About 95 percent of this interaction is with the neighboring Montgomery and Liberty Counties while less than 5 percent is with Harris County. While this may constitute and

Until such ***real*** environmental data from monitor(s) on the ground in San Jacinto County is available, this proposed ***inclusion*** of San Jacinto County in the HGB Non-Attainment Area ***is unfounded*** based on the preponderance of evidence available. At this time, it is completely inappropriate to make such a weighty decision with such long-term effects based on a ***single economic statistic***.

Sincerely,

Fritz Faulkner, County Judge
San Jacinto County

economic link for inclusion in the HBS SMSA based on the 25 percent commuting standard, the absolute number of vehicles on the road and the distance traveled is insufficient to conclude that a significant environmental impact exists.

7. The comparative contribution of San Jacinto County point sources in 2012 is ***less than 0.32 percent*** of the five-county (Brazoria, Galveston, Harris, Liberty, and Montgomery) total NO_x annual emissions and ***less than 0.13 percent*** of the five-county total VOC annual emissions.

Without local monitoring data in San Jacinto County, it is next to impossible to say with any absolute scientific certainty (1) the actual ozone level in San Jacinto County, (2) the impact of its emissions on the HGB Non-Attainment Area, or (3) the impact of the HGB Non-Attainment Area on San Jacinto County.

Given the chilling effect that being included in the HGB Non-Attainment Area would have on the ability of San Jacinto County to grow and develop its resources in the long term, it makes a lot of sense to have some ***actual, measured environmental data*** rather than a ***superficial economic statistic*** on which to base such an action. In fact, it is entirely possible that preserving the ability of the county to develop its own resources would grow jobs inside San Jacinto County and actually reduce the commuters from San Jacinto County to the HGB Non-Attainment Area.

Based on GDS's report, we conclude that there no reasonable scientifically supportable basis for including San Jacinto County in the HGB Non-Attainment Area. However, if TCEQ is not persuaded by the arguments in the GDS report to urge USEPA to withdraw their request, we ask that you act to ensure this decision is made on sound science and good sense by taking the following actions:

1. Request USEPA reconsider this decision and hold it in abeyance until scientifically sound environmental data is collected and considered from a public health and environmental perspective.
2. Work with stakeholders in San Jacinto, Walker, Trinity, and Liberty Counties to develop a strategy for actually determining and measuring:
   - Ground level ozone in San Jacinto County as well as surrounding counties without monitors.
   - Compliance with the new 8-hour ozone NAAQS.
   - Ozone precursors (i.e., NO_x and VOC)
3. Install these monitors and collect data for a minimum of five years before revisiting the decision to include San Jacinto County in the HGB Non-Attainment Area
4. Meet regularly with and seek input from stakeholders in San Jacinto County and the five surrounding counties regarding the monitoring results, trends, and expected controls.

Until such ***real*** environmental data from monitor(s) on the ground in San Jacinto County is available, this proposed ***inclusion*** of San Jacinto County in the HGB Non-Attainment Area ***is unfounded*** based on the preponderance of evidence available. At this time, it is completely inappropriate to make such a weighty decision with such long-term effects based on a ***single economic statistic***.

Sincerely,

Edd Hargett

Edd Hargett
General Manager

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September 2, 2008

Ms. Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality (TCEQ)
Mail Code (MC) – 164
P.O. Box 13087
Austin, Texas 78711-3087

Reference: Revisions to 8-Hour Ozone National Ambient Air Quality Standard and Proposed Inclusion of San Jacinto County in the HGB Non-Attainment Area

Dear Ms. McAllister:

Sam Houston Electric Cooperative (SHECO), in conjunction with the San Jacinto County Commissioners Court and. East Texas Electric Cooperative, Inc., has commissioned GDS Associates, Inc. (GDS) to prepare the attached response to a proposed decision by Unites States Environmental Protection Agency (USEPA) to include San Jacinto County in the Harris-Galveston-Brazoria (HGB) Non-Attainment Area. GDS conducted a thorough examination of the environmental and demographic data relative to the USEPA Eleven Factors required by USEPA and other regulators to make this decision.

Based on this review, GDS found only one economic statistic that supported inclusion and dozens more that do not support inclusion. Therefore, SHECO respectfully requests that TCEQ consider the GDS report as our comments on the proposed inclusion of San Jacinto County in the HGB Non-Attainment Area.

Specifically, we ask that you consider these facts:

1. Incremental growth in the population in Harris, Montgomery, and Liberty is projected at ***1.95 million*** compared to only ***68 thousand*** in San Jacinto, Walker, Polk, and Trinity Counties over the same period of time.

2. The difference in population growth alone represents ***almost 29 times*** as much of a potential impact on the region's air quality coming from growth in the Non-Attainment Area itself rather than those counties outside the Non-Attainment Area.

3. The prevailing wind flow in the area is from a ***southerly–to–southeasterly direction*** during the ozone formation season. Because of the prevailing southerly–to–southeasterly wind direction, it is much more likely that pollution comes into San Jacinto County from Liberty County than the other way around.

4. There are ***more than 200 permitted point sources*** in Harris County alone compared to 21 and 27 respectively in Liberty and Montgomery Counties. On the other hand, the combined total of eight permitted sources in San Jacinto (2), Walker (1), Trinity (0), and Polk (5) Counties combined.

5. San Jacinto County is heavily wooded and about ***sixty percent*** of the county's area is covered by the Sam Houston National Forest that is a potential source of biogenic emissions.

6. About 3,900 employed residents of San Jacinto County commute into the HGB Non-Attainment Area each day. About 95 percent of this interaction is with the neighboring Montgomery and Liberty Counties while less than 5 percent is with Harris County. While this may constitute and economic link for inclusion in the HBS SMSA based on the 25 percent commuting standard, the absolute

number of vehicles on the road and the distance traveled is insufficient to conclude that a significant environmental impact exists.

7. The comparative contribution of San Jacinto County point sources in 2012 is ***less than 0.32 percent*** of the five-county (Brazoria, Galveston, Harris, Liberty, and Montgomery) total NO_x annual emissions and ***less than 0.13 percent*** of the five-county total VOC annual emissions.

Without local monitoring data in San Jacinto County, it is next to impossible to say with any absolute scientific certainty (1) the actual ozone level in San Jacinto County, (2) the impact of its emissions on the HGB Non-Attainment Area, or (3) the impact of the HGB Non-Attainment Area on San Jacinto County.

Given the chilling effect that being included in the HGB Non-Attainment Area would have on the ability of San Jacinto County to grow and develop its resources in the long term, it makes a lot of sense to have some ***actual, measured environmental data*** rather than a ***superficial economic statistic*** on which to base such an action. In fact, it is entirely possible that preserving the ability of the county to develop its own resources would grow jobs inside San Jacinto County and actually reduce the commuters from San Jacinto County to the HGB Non-Attainment Area.

Based on GDS's report, we conclude that there no reasonable scientifically supportable basis for including San Jacinto County in the HGB Non-Attainment Area. However, if TCEQ is not persuaded by the arguments in the GDS report to urge USEPA to withdraw their request, we ask that you act to ensure this decision is made on sound science and good sense by taking the following actions:

1. Request USEPA reconsider this decision and hold it in abeyance until scientifically sound environmental data is collected and considered from a public health and environmental perspective.
2. Work with stakeholders in San Jacinto, Walker, Trinity, and Liberty Counties to develop a strategy for actually determining and measuring:
   - Ground level ozone in San Jacinto County as well as surrounding counties without monitors.
   - Compliance with the new 8-hour ozone NAAQS.
   - Ozone precursors (i.e., NO_x and VOC)
3. Install these monitors and collect data for a minimum of five years before revisiting the decision to include San Jacinto County in the HGB Non-Attainment Area
4. Meet regularly with and seek input from stakeholders in San Jacinto County and the five surrounding counties regarding the monitoring results, trends, and expected controls.

Until such ***real*** environmental data from monitor(s) on the ground in San Jacinto County is available, this proposed ***inclusion*** of San Jacinto County in the HGB Non-Attainment Area ***is unfounded*** based on the preponderance of evidence available. At this time, it is completely inappropriate to make such a weighty decision with such long-term effects based on a ***single economic statistic***.

Sincerely,

Kyle Kuntz
General Manager and CEO

RESULTS OF FINDINGS REGARDING
Potential Inclusion of San Jacinto County in the HGB Non-Attainment Area

SEPTEMBER 4, 2008

For:

San Jacinto County Commissioners Court
East Texas Electric Cooperatives, Inc.
Sam Houston Electric Cooperative, Inc.

Prepared by:

GDS Associates, Inc.

GDS Associates, Inc.
Engineers and Consultants

Contact Person:

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Report on Potential Inclusion of San Jacinto County In the Houston-Galveston-Brazoria Non-Attainment Area

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SECTION 1: Executive Summary

At the request of San Jacinto County Commissioners Court, Sam Houston Electric Cooperative, and East Texas Electric Cooperative, Inc., GDS Associates, Inc. (GDS) prepared this response to a proposed decision by United States Environmental Protection Agency (USEPA) to include San Jacinto County in the Harris-Galveston-Brazoria (HGB) Non-Attainment Area. GDS conducted a thorough examination of the environmental and demographic data relative to the Eleven Factors (see below) which must be addressed by USEPA and other regulators in making this decision. Based on this review, GDS found **only one** economic statistic that supported the inclusion of San Jacinto County in the HGB Non-Attainment Area and **dozens more that do not support inclusion**.

The Eleven Factors required by USEPA to be considered in this process are:

1. Emissions and air quality in adjacent areas
2. Population density and degree of urbanizations
3. Monitoring data
4. Location of emission sources
5. Traffic and commuting patterns
6. Expected Growth
7. Meteorology
8. Geography/Topography
9. Jurisdictional boundaries
10. Level of emissions control
11. Regional emissions reductions

The single economic factor that the Office of Management and Budget (OMB) used to include San Jacinto County in the newly created Houston-Baytown-Sugarland (HBS) Metropolitan Statistical Area (MeSA) was the level of commuting between San Jacinto County and counties previously designated as the Greater Houston Area. According to US Census data, 26.2 percent of the employed residents of San Jacinto County commute daily to Montgomery and Liberty Counties while 1.2 percent of the county's employed residents commute daily to Harris County.

This means that an estimated 3,683 San Jacinto County residents commute to either Montgomery or Liberty County while fewer than 170 residents commute to Harris County each day. However, Harris County has ***150 times*** more people (and potential commuters) than San Jacinto County. Also, Montgomery and Liberty Counties have ***20 times*** more people (and potential commuters) than San Jacinto County.

Therefore, in the worst case, commuters from San Jacinto County add less than 1 percent to Harris County vehicle emissions and 5 percent or less to the vehicle emissions in Montgomery and Liberty Counties. Given these miniscule impacts, the proposed decision by USEPA to include San Jacinto County in the HGB Non-Attainment Area based solely on the commuting statistic is not justified by the environmental impacts.

In addition, the balance of the actual environmental and demographic data ***does not support*** an adverse environmental connection between San Jacinto County and the HGB Non-Attainment Area. For example, the following are just 10 of 29 factors that cast doubt on the appropriateness of USEPA's proposed decision:

1. Incremental growth in the population in Harris, Montgomery, and Liberty Counties for the years 1990-2020 is projected at ***1.95 million*** compared to only ***68 thousand*** in San Jacinto, Walker, Polk, and Trinity Counties over the same period of time.

2. The difference in population growth alone represents ***almost 29 times*** as much of a potential impact on the region's air quality coming from growth in the existing Non-Attainment Area itself rather than those counties outside the Non-Attainment Area.

3. The prevailing wind flow in the area is from a southerly–to–southeasterly direction during the ozone formation season. What little air transport that occurs between San Jacinto County and the HGB Non-Attainment Area is more likely a transfer ***to San Jacinto County <u>from</u> Liberty County***, its neighbor to the southeast.

4. In San Jacinto County and the five counties that surround it, there are only two O_3 monitors, one in Montgomery County and the other in Polk County.

5. The air quality measurements in these two counties do not appear to correlate to the emissions from permitted point sources in the counties where they are located. Ozone precursor emissions from permitted point sources in Polk County (outside the Non-Attainment Area) are ***2.3 times*** the emissions from permitted point sources in Montgomery County (inside the Non-Attainment Area) and ***20 times*** the emissions from point sources in San Jacinto County.

6. Despite this ***2.3:1 ratio*** of ozone precursor emissions in Polk County compared to Montgomery County, the ozone monitor in Polk County showed O_3 readings ***slightly below or at*** the new 8-hour ozone NAAQS threshold while Montgomery County showed ozone monitor readings that are generally 2 to 18 ppb ***above*** the same standard. This indicates that ***the central core of the HGB is contributing to pollution in neighboring counties, <u>not vice versa</u>***.

7. Inside the HGB Non-Attainment Area, new projects that emit as little as 25 tons per year of either NO_X or VOC are required to install Best Available Control Technology (BACT) or Maximum Available Control Technology (MACT) and address offsets for the new emissions.

8. Outside the HGB Non-Attainment Area, only projects producing more than 250 tons per year of a NAAQS pollutant are required to install BACT.

9. By assigning San Jacinto County to the HGB Non-Attainment Area, USEPA will effectively and dramatically reduce the ability of the county to develop the 40 percent of its land that is not national forest.

This decision has an enormous effect on the growth and future of San Jacinto County and should be made only after a careful consideration of sound, scientifically-gathered environmental data rather than on a single commuting statistic used to establish the economic relationships within a region.

To ensure this decision is made on sound science and good sense, GDS recommends that USEPA defer this decision until scientifically sound environmental data is collected and considered from a public health and environmental perspective. In addition, TCEQ should work with stakeholders in San Jacinto, Walker, Trinity, and Liberty Counties to

develop a strategy for actually determining and measuring: ground level ozone in San Jacinto County as well as surrounding counties without monitors, compliance with the new 8-hour ozone NAAQS, and the actual sources of ozone precursors (i.e., NO_x and VOC).

TCEQ and USEPA should install these monitors and collect data for a minimum of five years before revisiting the decision to include San Jacinto County in the HGB Non-Attainment Area. Throughout this process, TCEQ (as agent for USEPA) should meet regularly with and seek input from stakeholders in San Jacinto County and the five surrounding counties regarding the monitoring results, trends, and expected controls.

Until such ***real environmental data*** is collected rather than a ***single economic statistic***, it is completely inappropriate to make such a weighty decision with such long-term effects.

SIERRA CLUB
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July 16, 2008

Ms. Susanna Hildebrand
Director
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Susanna,

On behalf of the Lone Star Chapter and Houston Regional Group of the Sierra Club (Sierra Club) I am submitting these comments to the Texas Commission on Environmental Quality (TCEQ) with respect to its public meeting on the boundaries and designation of the Houston-Galveston-Brazoria eight-hour ozone non-attainment area.

The Sierra Club makes the following recommendations regarding this subject:

1) The boundaries of the Houston-Galveston-Brazoria eight-hour ozone non-attainment area should consist of at least Harris, Brazoria, Fort Bend, Waller, Galveston, Montgomery, Liberty, and Chambers Counties due to the pervasive nature of ozone; the transport of ozone and its precursors; the development that is occurring or expected to occur over the next 20 years in these counties; and due to the lack of development in certain parts of these counties which provides a contrast in air quality between less developed and more developed parts of these counties.

2) The TCEQ, U.S. Environmental Protection Agency (EPA), and others must locate additional air monitors for ozone, nitrogen oxides, volatile organic compounds, and meteorological instruments in Fort Bend, Waller, Montgomery, Liberty, and Chambers Counties.

These counties have few or no air monitors. Air monitors are needed in these counties to delineate the extent of ozone episodes better; delineate meteorological conditions better that lead to ozone formation; communicate to the public the health hazards of breathing ozone; provide actual air monitoring data so grid modeling can be more accurately done for the non-attainment area; better delineate and define the emissions inventory of the non-attainment area; and determine what role air pollution transport from and to the Houston-Galveston-Brazoria eight-hour ozone non-attainment area plays.

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3) The TCEQ should employ regional strategies like an Ozone Transport Region to address long-range transport inside the State of Texas. This will result in the attainment of the ozone standard much sooner in the Houston, Dallas, Fort Worth, Golden Triangle, and other areas.

The Sierra Club appreciates this opportunity to comment. Thank you.

Sincerely,

Brandt Mannchen
Air Quality Issue Chair
Lone Star Chapter of the Sierra Club
Chair, Air Quality Committee
Houston Regional Group of the Sierra Club
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DIVISION

July 17, 2008

Ms. Susanna Hildebrand
Director
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Susanna,

On behalf of the Lone Star Chapter and Houston Regional Group of the Sierra Club (Sierra Club) I am submitting this second set of comments to the Texas Commission on Environmental Quality (TCEQ) as a result of its public meeting on the boundaries and designation of the Houston-Galveston-Brazoria eight-hour ozone non-attainment area.

The Sierra Club appreciates the public meeting held on July 16, 2008 by TCEQ regarding this issue. The Sierra Club provided comments at that public meeting and has several more comments we want to make:

1) Inclusion of San Jacinto and Austin Counties in the Houston-Galveston-Brazoria eight-hour ozone non-attainment area may not be appropriate at this time. However, TCEQ should first conduct an analysis using the eleven factors to determine whether this is true. In addition, TCEQ should periodically determine whether conditions have changed (every 5 years is a good timeframe) and reanalyze these counties using the eleven factors to ensure that all counties that should be included in the non-attainment area are included. The Houston area has traditionally grown steadily and sometimes quickly as have sources of air pollution in our area. Such re-visitation and reanalysis makes sense to protect the public from the pervasive health effects of ozone.

The Sierra Club does believe that San Jacinto County may be a suitable location for ozone air monitoring as a way to help define transport in and transport out of Houston. Such an air monitoring station would also help determine whether Sam Houston National Forest and the vegetation that composes this forest is affected by ozone and thus provide for monitoring of secondary ozone standard effects.

2) The Sierra Club is concerned about the truncation of ozone readings with the new ozone standard. Although we realize that TCEQ has no authority to change this circumstance it seems less than good that a value of 0.0759999 to infinity

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would not be rounded to three significant figures and be considered a violation of the eight-hour ozone standard. The Sierra Club urges TCEQ to bring this issue up to the U.S. Environmental Protection Agency (EPA) and request that EPA review the appropriateness of this method of rounding off.

3) The Sierra Club believes that it is important when TCEQ is explaining which counties are included in non-attainment areas or for "counties monitoring over 2008 ozone standard of 0.075" that it clearly tells the public that the counties included may not be all the counties where ozone exceedances have occurred. All counties do not have ozone monitors or have not been modeled for ozone exceedences so there is the possibility that some counties that have not been monitored or modeled have exceeded the ozone standard and thus put the members of the public at risk without their knowledge.

4) The Sierra Club supports a Severe – 17 designation for the Houston-Galveston-Brazoria eight-hour ozone non-attainment area and not the less stringent "Moderate" level. The Sierra Club supports no backsliding for ozone area designation. The Sierra Club urges TCEQ to request that EPA designate the Houston-Galveston-Brazoria eight-hour ozone non-attainment area as a Severe – 17 non-attainment area.

5) It would be helpful to the Sierra Club and other members of the public to have a TCEQ estimate of what it costs to deploy additional ozone, nitrogen oxides, and volatile organic compounds monitors. TCEQ could provide this information in a low tech/cost alternative form and a high tech/high cost alternative form. The Sierra Club supports a larger budget for the TCEQ for ozone related air quality monitoring in various counties around Harris County.

6) The Sierra Club requests that TCEQ conduct an analysis of the Houston-Galveston-Brazoria eight-hour ozone non-attainment area to document where the best placement of additional ozone, nitrogen oxides, and volatile organic compounds monitors should be if money becomes available. Having this analysis would help the Sierra Club and other members of the public in their efforts to secure more funding for TCEQ.

The Sierra Club appreciates this opportunity to comment. Thank you.

Sincerely,

Brandt Mannchen, Air Quality Issue Chair
Lone Star Chapter of the Sierra Club
Chair, Air Quality Committee
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Yvonne Gonzalez Toureilles

DISTRICT 35

September 2, 2008

Ms. Margie McAllister
Technical Specialist, Air Permits Division
Texas Commission on Environmental Quality
MC-164, P.O. Box 13087
Austin, TX 78711-3087

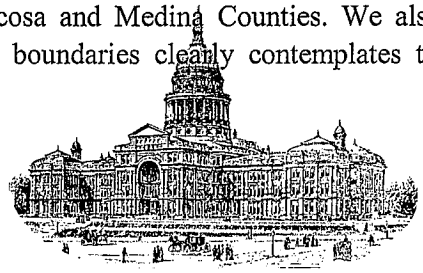
RE: San Antonio 8-hour Ozone Non-Attainment Area Designation

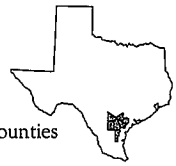
Dear Ms. McAllister:

We understand that the State of Texas is on a schedule to make recommendations within 7 months to the Environmental Protection Agency (EPA) about 8-hour ozone non-attainment area boundaries and that the Texas Commission on Environmental Quality (TCEQ) is currently soliciting public comment on the issue before it prepares its recommendations to the Governor's Office. As representatives of Districts 80 and 35, we write this joint letter regarding the San Antonio/Bexar County nonattainment area designation on behalf of our constituents in Atascosa and Medina Counties.

We appreciate the TCEQ's continued hard work to develop plans for attaining EPA's 8-Hour Ozone standard in our major metropolitan areas, including San Antonio. The purpose of this letter is not to distract the TCEQ from that mission or in any way restrict its ability to address air quality issues in Bexar County or the City of San Antonio. We are writing to simply urge that TCEQ refrain from including Atascosa and Medina Counties because they do not have the same ozone nonattainment challenges as Bexar County and they do not contribute to those challenges in a way that could justify including them within the San Antonio/Bexar County nonattainment area.

We understand that one potential approach to setting the San Antonio nonattainment area boundary would be to use the San Antonio Metropolitan Statistical Area (MSA) boundary, which currently includes Atascosa and Medina Counties. We also understand that the EPA criteria for setting ozone area boundaries clearly contemplates that a rural county may be





excluded from a nonattainment area surrounding a given city even though that county may be grouped with that city for MSA purposes.

We think it is critical that TCEQ not accept, at face value, that the MSA boundary establishes what is "metropolitan" for purposes of ozone attainment designations. In fact, the U.S. Office of Management and Budget (OMB) has made it clear that agencies should not place undue weight on MSA boundary designations when it made the following statement:

> *OMB establishes and maintains the definitions of [MSAs] solely for statistical purposes. The [MSA] Standards do not equate to an urban-rural classification; many counties included in [MSAs], and many other counties, contain both urban and rural territory and populations. Thus,* ***OMB cautions that [MSA] definitions should not be used to develop and implement Federal, state, and local nonstatistical programs*** *and policies without full consideration of the effects of using these definitions for such purposes.* ***These areas are not intended to serve as a general-purpose geographic framework*** *for nonstatistical activities. (Emphasis added).*

OMB Bulletin No. 08 – 01 (November 20, 2007). As described further below, based on the information we have reviewed and our understanding of the criteria applicable to this decision, we believe that there is not an adequate justification to include Atascosa and Medina Counties in the San Antonio nonattainment area.

The most obvious reason why Atascosa and Medina Counties should not be thrown into a nonattainment area is the simple fact that there is no evidence that they are in a state of "nonattainment." In other words, no ozone exceedances have ever been monitored in Atascosa or Medina County. Moreover, TCEQ data from 2002 to 2007 shows that none of San Antonio ozone exceedances originated from the direction of Atascosa County to the South or Medina County to the Southwest of Bexar County.

It seems fair to speculate that the reason no ozone problems exist within or have been caused by Atascosa or Medina County is that they have small, rural populations with very little industry. In fact, according to the Alamo Area Council of Governments (AACOG), both counties combined comprise less than 4.5 percent of the population of the San Antonio MSA. The sparse population of Atascosa and Medina Counties is not projected by AACOG to expand relative to the MSA as the combined population of Atascosa and Medina Counties is expected to amount to approximately 4.4 percent of the MSA population in 2015 (a nearly .1 percent contraction relative to the growth rate of the MSA).

The lack of population in Atascosa and Medina Counties translates into a very small number of registered vehicles as TxDOT statistics for 2007 show the combined number of all vehicles in these two counties is less than 4.7 percent of the MSA total. What is even more compelling is the fact that, according to AACOG, approximately 2.1 percent of the total number of workers commuting to Bexar County comes from Atascosa and Medina Counties. So, there is no basis

to conclude that cars from Atascosa and Medina Counties play or will play a significant role in the nonattainment challenges of San Antonio or Bexar County.

Given the dramatic and negative impact that nonattainment designation will have on Atascosa and Medina Counties, TCEQ should not take lightly its evaluation of whether to include them in the San Antonio/Bexar County nonattainment area. We simply cannot envision how the State of Texas could subject the residents of Atascosa or Medina County to burdensome TCEQ administrative programs, additional federal and state regulations, and localized controls when there is no scientific, legal, or policy reason to do so.

Again, we appreciate the TCEQ's continued hard work to protect the air quality of our state and address the ozone nonattainment problem. We respectfully submit, however, that Atascosa and Medina Counties are not part of the problem and should not carry the burden of the solution. Thanks for your consideration of our comments.

Please keep us informed of any and all developments that might lead the TCEQ to disagree with our comments and request.

Sincerely,

Tracy O. King

Yvonne G. Toureilles

Representative Tracy O. King
Texas House of Representatives, District 80

Representative Yvonne Gonzalez Toureilles
Texas House of Representatives, District 35

Cc:

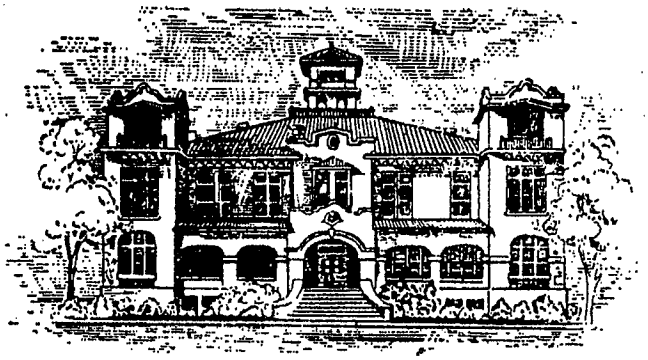
Chairman Buddy Garcia, Texas Commission on Environmental Quality, MC-100

Commissioner Larry Soward, Texas Commission on Environmental Quality, MC-100

Commissioner Bryan Shaw, Texas Commission on Environmental Quality, MC-100

Mark Vickery, Executive Director, Texas Commission on Environmental Quality, MC 109

County of ATASCOSA
STATE TEXAS



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DIVISION

September 4, 2008

Ms. Margie McAllister
Technical Specialist, Air Permits Division
Texas Commission on Environmental Quality
MC-164, P.O. Box 13087
Austin, TX 78711-3087

RE: Atascosa County Comments on TCEQ's Boundary Recommendations for the San Antonio Ozone Nonattainment Area

Dear Ms. McAllister:

Atascosa County files this comment in order to lodge its strong objection to the inclusion of Atascosa County in the San Antonio Ozone Nonattainment Area. Attached for your reference is a County Resolution that was unanimously adopted by the County Commissioners stating the County's position that it should not be included in the San Antonio Ozone Nonattainment Area. The County asks that TCEQ consider this information and comment letters consistent with the County's position on this matter and agree with the conclusion that Atascosa County is not responsible for San Antonio's ozone problems and will not be responsible for any future problems. In the absence of compelling information to the contrary, the County trusts that TCEQ will not make recommendations to the Governor that, if adopted, would subject the County to the burdens and economic hardships associated with being included in an ozone nonattainment area.

EPA has issued guidance that lists eleven factors that should be considered when setting ozone nonattainment boundaries.[1] The factors generally include: considerations of air quality in

[1] John S. Seitz, Director Office of Air Quality Planning and Standards (MD-10), March 28, 2000. "MEMORANDUM Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)".

adjacent areas; population density and degree of urbanization; representative monitoring data; emission source locations; traffic and commuting patterns; expected growth; meteorology; topography and jurisdictional boundaries (i.e. tribal boundaries). The topography and jurisdictional boundaries are not relevant to the San Antonio Metropolitan Statistical Area (MSA). The County will address the remainder of these factors under three categories: (1) air quality considerations, (2) air transport considerations, and (3) population and traffic statistics and trends.

Air Quality Considerations

As an initial matter, the County does not understand how it could be included in the area given that there is no evidence indicating that the ozone standard is being violated within the County. One potential response to this statement is that there are no State and Local Air Monitoring Stations (SLAMS) or National Air Monitoring Stations (NAMS) located in Atascosa County. The fact is that these monitors are generally located only where pollution and population levels in a region warrant their installation. Atascosa County has neither NAMS nor SLAMS monitors because it is sparsely populated, rural in nature and attains air quality standards. In the absence of monitoring data establishing an ozone problem in Atascosa County, such a problem cannot and should not be assumed.

Air Transport Considerations

No documentation has been presented to support the conclusion that the County has anything to do with ozone standard violations that have been detected in San Antonio. The County has reviewed information prepared by an air quality engineering firm with significant experience in ozone nonattainment modeling. This information comprised materials that were prepared by TCEQ and AACOG in their efforts to identify new nonattainment areas under EPA's revised 8-hour ozone standard. The County believes this information is too broad in nature to conclude that Atascosa County has been or will be responsible for ozone standard violations in the San Antonio area.

There are only two notable point sources of ozone precursors in Atascosa County - San Miguel Electric Cooperative, Inc. and Regency Field Services LP, which are located approximately 50 miles away from downtown San Antonio to the south.[2] These data do not indicate that Atascosa County contributes to exceedances of the 8-hour ozone standard in the San Antonio area.

Population and Traffic Statistics and Trends

In addition to the lack of scientific basis for including Atascosa County in the San Antonio Ozone Nonattainment Area, grouping the County with the San Antonio metropolitan

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Environmental Protection Agency (EPA). Available online: http://www.epa.gov/ozonedesignations/documents/032800_boundaryguidance.pdf

[2] TCEQ. Air Permitting Actions for Atascosa County. Available online: http://www5.tceq.state.tx.us/airperm/index.cfm; See also TCEQ. "2006 State Sum", July 23, 2008. Available online: http://www.tceq.state.tx.us/assets/public/implementation/air/ie/pseisums/sum_acct.pdf

area ignores some basic facts about the County's size and projected growth. As pointed out in a letter co-signed by State Representatives Tracy King and Yvonne Gonzales-Toureilles, Atascosa County is a sparsely populated, rural county with very little industry and a relatively small number of cars and trucks. As shown in Tables 1 and 2 below, Atascosa County represents only 2% of the total SAMSA population and that percentage is not projected to change over the next 22 years.

Table 1. San Antonio MSA Population Statistics for 2005 and 2015[3]

County	Population (2005)	Population (2015)	Population Growth (2005 to 2015)	Total Population Increase (2005 to 2015)	Person per square mile (2005)	Person per square mile (2015)	% of Total MSA population (2015)
Atascosa	42,066	49,225	17%	7,159	34	40	2%
Bandera	22,009	31,819	45%	9,810	28	40	1%
Bexar	1,512,433	1,744,840	15%	232,407	1202	1387	77%
Comal	96,931	144,765	49%	47,834	169	252	6%
Guadalupe	104,980	143,222	36%	38,242	147	201	6%
Kendal	29,732	44,469	50%	14,737	45	67	2%
Medina	42,990	50,745	18%	7,755	32	38	2%
Wilson	39,624	57,209	44%	17,585	49	71	3%
Total	1,890,765	2,266,294	20%	375,529	256	307	100%

Table 2. San Antonio MSA Population Statistics for 2015 and 2030[4]

County	Population (2005)	Population (2015)	Total Population Increase (2005-2015)	Population Growth (2000-2015)	Population (2030)	Total Population Increase (2000-2030)	Population Growth (2000-2030)
Atascosa	42,066	49,225	7,159	17%	59,598	17,532	41.7%
Bandera	22,009	31,819	9,810	45%	48,577	26,568	120.7%
Bexar	1,512,433	1,744,840	232,407	15%	2,059,112	546,679	36.1%
Comal	96,931	144,765	47,834	49%	190,873	93,942	97%
Guadalupe	104,980	143,222	38,242	36%	180,725	75,745	72.2%
Kendal	29,732	44,469	14,737	50%	65,752	36,020	121%
Medina	42,990	50,745	7,755	18%	62,416	19,426	45.2%
Wilson	39,624	57,209	17,585	44%	74,641	35,017	88.4%
Total	1,890,765	2,266,294	375,529	20%	2,741,694	850,929	45%

[3] Alamo Area Council of Governments. "Preliminary Discussion Draft of Comments on the U.S. Environmental Protection Agency's (EPA) 2008 Eight-Hour Ozone Standard", August 2008.

[4] Texas Water Development Board, April 17, 2006, "County Population Projections in Texas" . Available online: http://www.twdb.state.tx.us/wrpi/data/popproj.htm

It follows that, with a relatively small population in the San Antonio MSA, Atascosa County also has fewer vehicles on the road than neighboring counties. As shown in Table 3, residents in Atascosa County make up only 2% of vehicular traffic in the San Antonio MSA.

TABLE 3. NUMBER OF VEHICLE REGISTRATIONS IN THE SAN ANTONIO MSA[5]

County	Atascosa	Bexar	Comal	Guadalupe	Bandera	Kendall	Medina	Wilson
Number of Vehicle Registrations	36,605	1,304,860	113,848	107,905	23,644	50,522	44,112	39,839
% of Total MSA	2%	76%	7%	6%	1%	3%	3%	2%

In addition to only comprising 2% of vehicular traffic in the San Antonio MSA, Atascosa County residents only comprise 1% of commuters in the San Antonio MSA traveling to Bexar County, as shown in Table 4.

Table 4. 2000 Journey to Work Travel Pattern in San Antonio MSA[6]

Origin	Total Workers	Workers Traveling to Bexar County for Work	% of Total Workers in MSA Traveling to Bexar County for Work
Atascosa	14,973	6,770	1%
Bandera	7,718	3,015	0.4%
Bexar	607,860	581,785	78%
Comal	35,943	11,400	2%
Guadalupe	41,163	13,399	2%
Kendall	10,767	4,595	1%
Medina	15,855	6,669	1%
Wilson	13,719	7,840	1%
MSA Total	747,998	635,473	85%

All of the statistics in Tables 1 through 4 point to one conclusion – Atascosa County is a sparsely populated, rural county with an inconsequential number of vehicles and a very limited number of commuters traveling into the San Antonio area. These statistics highlight the obvious shortcoming associated with following United States Office of Management and Budget (OMB)-defined "Metropolitan Statistical Areas" (MSAs), such as the San Antonio MSA, which group rural counties, like Atascosa County, in within the other, more urban counties, like Bexar

[5] Texas Department of Transportation (DOT), District and County Statistics (DISCOS) for fiscal year 2007 (9/1/2006 - 8/31/2007). Available online: http://www.txdot.gov/apps/discos/default.htm

[6] Alamo Area Council of Governments. "Preliminary Discussion Draft of Comments on the U.S. Environmental Protection Agency's (EPA) 2008 Eight-Hour Ozone Standard", August 2008. Also see US Census Bureau, County to County Worker Flow Files, 2000, http://www.census.gov/population/www/cen2000/commuting/index.html#TX

County. The County would like TCEQ to carefully consider OMB's own directives about the proper use of MSAs before putting too much stock into the San Antonio MSA as a guide for defining the boundary of the San Antonio Nonattainment Area. Specifically, OMB cautioned that:

> OMB establishes and maintains the definitions of [MSAs] ***solely for statistical purposes***. The [MSA] Standards do not equate to an urban-rural classification; many counties included in [MSAs], and many other counties, contain both urban and rural territory and populations. Thus, ***OMB cautions that [MSA] definitions should not be used to develop and implement Federal, state, and local nonstatistical programs*** and policies without full consideration of the effects of using these definitions for such purposes. ***These areas are not intended to serve as a general-purpose geographic framework for nonstatistical activities***.[7]

Conclusion

Based on the rural nature, low projected growth, relatively low contribution to vehicular traffic within the San Antonio MSA, and lack of monitoring or transport data indicating an exceedance of the 8-hour ozone standard within Atascosa County or caused by Atascosa County, we respectfully request that the TCEQ not include Atascosa County in its area designation recommendations for the San Antonio/Bexar County Nonattainment Area.

Inclusion of Atascosa County in the Bexar County Nonattainment Area would subject Atascosa County to significant administrative and economic burdens in the form of new regulatory programs and restrictions on industrial activity, commercial activity and residents that could result in adverse economic impacts to the County's citizens and its tax base. Given the serious consequences of subjecting Atascosa County to nonattainment designation and the absence of compelling data to justify such an outcome, the County respectfully requests the TCEQ recommend to the Governor that the San Antonio Ozone Nonattainment Area not include Atascosa County.

Thank you for your consideration of these comments. Please contact me if you have questions regarding this letter or any of the information mentioned above.

Sincerely,

Cc: Chairman Buddy Garcia; Commissioner Larry Soward; Commissioner Bryan Shaw; Mark Vickery

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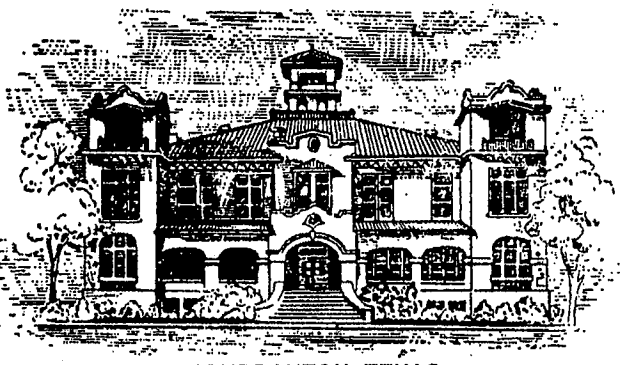
[7] United States Office of Management and Budget (OMB) Directive No. 08 – 01 (November 20, 2007 (emphasis added).

County of ATASCOSA

STATE TEXAS



JOURDANTON, TEXAS

DIANA J. BAUTISTA
COUNTY JUDGE
1 Courthouse Circle Drive, Suite 101
Jourdanton, Texas 78026
(830) 769-3093
FAX (830) 769-2349

RESOLUTION

A RESOLUTION REQUESTING ATASCOSA COUNTY TO BE EXCLUDED FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) LIST OF NONATTAINMENT COUNTIES UNDER THE REVISED EIGHT-HOUR OZONE STANDARD

WHEREAS, the Atascosa County Commissioners Court ("Commissioners Court") is the authorized governing body for Atascosa County, a rural county located south of San Antonio on Interstate Highway 37 in the Rio Grande Plain region of South Central Texas ("Atascosa County" or "the county"); and

WHEREAS, the United States Environmental Protection Agency ("EPA") published a revised 8-Hour Ozone National Ambient Air Quality Standard ("NAAQS") on March 27, 2008, in the Federal Register (Volume 73, page 16436) that will likely cause Bexar County, Texas to be designated as a nonattainment county for the 8-Hour NAAQS; and

WHEREAS, the State of Texas must submit to the EPA by March 12, 2009, a recommendation on the boundaries and designations for the State of Texas' nonattainment areas; and

WHEREAS, the Texas Commission on Environmental Quality ("TCEQ") has requested public comments no later than September 5, 2008, on the revised nonattainment boundary designations; and

WHEREAS, the EPA presumes that the Metropolitan Statistical Area ("MSA") or Consolidated Metropolitan Statistical Area ("CMSA") determines the boundaries of a nonattainment area but will consider evidence supporting the exclusion of a county belonging to a MSA or CMSA from the designated ozone nonattainment area under the eight-hour ozone standard; and

WHEREAS, the San Antonio MSA has grown to include five additional counties including Atascosa, Bandera, Kendall, Medina, and Wilson County; and

WHEREAS, Atascosa County has no monitors operating in the county to indicate that ozone levels in the county are at risk of exceeding NAAQS levels; and

WHEREAS, Atascosa County is a rural county with minimal traffic, industry, or other sources of emissions that result in ozone formation; and

WHEREAS, inclusion of Atascosa County in the Bexar County Nonattainment Area would subject Atascosa County residents and businesses to burdensome TCEQ administrative programs, federal and state regulations, and localized controls that could result in adverse economic impacts to the County's tax base; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF ATASCOSA COUNTY, TEXAS THAT:

SECTION 1. FINDING AND DETERMINATIONS. The Commissioners Court hereby finds, determines, recites, and declares that:

(i) the recitals contained in the Resolution are true and correct;

(ii) the actions, documents, instruments and other matters herein authorized and approved are carried out to the construction and laws of the State of Texas.

SECTION 2. AUTHORIZATION TO SUBMIT COMMENT. The Commissioners Court hereby authorizes that:

(i) comment letters from the Commissioners Court requesting that Atascosa County be excluded from the Bexar County nonattainment area and/or nonattainment area designated be submitted to the TCEQ;

(ii) Atascosa County Commissioners and their representatives may engage, contact, write letters, and meet with members of the EPA, TCEQ, Alamo Area Council of Governments, and other persons as necessary, to explain why Atascosa County should be excluded from the Bexar County nonattainment area.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect and be in full force immediately upon approval.

PASSED AND APPROVED at a special meeting of the Commissioners Court of Atascosa County, Texas on this the 25th day of August 2008.

Diana J. Bautista, County Judge

David Caballero
Commissioner, Precinct No. 1

William "Bill" Torans
Commissioner, Precinct No. 2

Freddie Ogden
Commissioner, Precinct No. 3

Weldon P. Cude
Commissioner, Precinct No. 4

ATTEST:

Diane Gonzales
County Clerk

COMMISSIONERS COURT ATASCOSA COUNTY TEXAS

P.O. Box 280, Jourdanton, Texas 78026 (830) 784-3411

SAN MIGUEL ELECTRIC COOPERATIVE, INC.

September 5, 2008

Via Email, Facsimile, and First-Class Mail
Ms. Margie McAllister
Technical Specialist, Air Permits Division
Texas Commission on Environmental Quality
MC-164, P.O. Box 13087
Austin, TX 78711-3087

RE: Request for TCEQ to Recommend a San Antonio/Bexar County Ozone Nonattainment Area Boundary that Does Not Encompass Atascosa County

Dear Ms. McAllister:

San Miguel Electric Cooperative, Inc. (SMECI) appreciates this opportunity to submit comments for consideration by the Texas Commission on Environmental Quality (TCEQ) as it develops its recommendations to the Governor for the boundary designations of the San Antonio/Bexar County Ozone Nonattainment Area (hereinafter, "SABNA"). Based on the information contained in this comment letter, SMECI respectfully requests that TCEQ's recommendations for the SABNA not encompass Atascosa County.

BACKGROUND ON SAN MIGUEL ELECTRIC COOPERATIVE, INC.

SMECI is a cooperative corporation organized for the purpose of generating electric power. SMECI owns one generating unit, which is located in Atascosa County, Texas. The plant is fueled with lignite, which is mined from deposits in Atascosa and McMullen Counties. SMECI is owned by its member cooperatives. Each member cooperative is represented on the SMECI Board of Directors. SMECI sells power pursuant to wholesale power contracts with two of its member customers, Brazos Electric Cooperative, Inc. (BEPC) and South Texas Electric Cooperative, Inc. (STEC). BEPC and STEC, which are generation and transmission cooperatives (G&T), have entered into wholesale power contracts under which they have purchased the entire output of the San Miguel plant since its commercial operation began in 1982. Through these contracts, San Miguel serves 635,000 electric cooperative customers in the central north-south corridor of Texas.

DISCUSSION OF NONATTAINMENT AREA DESIGNATION FACTORS

It is clear from presentation given during the public meeting regarding the SABNA boundary designation process that TCEQ places significance on the U.S. Office of Management and Budget (OMB) definition of the San Antonio Metropolitan Statistical Area (SAMSA). From the outset, SMECI respectfully submits that the State of Texas should heed the recent OMB directive regarding the limited purposes for which MSAs are developed and the fact that they should not be relied upon for non-statistical purposes. OMB specifically stated that:

> OMB establishes and maintains the definitions of [MSAs] ***solely for statistical purposes***. The [MSA] Standards do not equate to an urban-rural classification; many counties included in [MSAs], and many other counties, contain both urban and rural territory and populations. Thus, ***OMB cautions that [MSA] definitions should not be used to develop and implement Federal, state, and local nonstatistical programs*** and policies without full consideration of the effects of using these definitions for such purposes. ***These areas are not intended to serve as a general-purpose geographic framework for nonstatistical activities***.[1]

The fact that OMB's SAMSA includes a rural county like Atascosa County is a perfect example of why OMB has issued this directive to keep people from misconstruing and misusing MSAs. Moreover, the Federal Clean Air Act is written to insure that entire consolidated metropolitan statistical areas are designated nonattainment only in severe circumstances.[2] As fully discussed below and in the comments letters from Atascosa County and State Representatives King and Gonzales-Toureilles, Atascosa County is a sparsely populated rural county that is not likely to change from that description any time in the near future. In light of the OMB directive quoted above, the statistical grouping of Atascosa County in the SAMSA should in no way influence TCEQ's recommendations on the SABNA.

Similar to SMECI's concern about undue weight being placed on the SAMSA, SMECI is concerned about the ill-defined regulatory criteria governing nonattainment area designations and the amount of reliance upon internal EPA guidance that did not undergo public notice and comment. TCEQ and AACOG staff often cite an internal EPA guidance letter from John S. Seitz, Director Office of Air Quality Planning and Standards (MD-10), dated March 28, 2000, entitled "MEMORANDUM - Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)" (hereinafter, the "11 Factors"). Therefore, SMECI believes that the 11 Factors should be in rule, as opposed to guidance.

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[1] United States Office of Management and Budget (OMB), Directive No. 08 – 01 (November 20, 2007) (emphasis added).

[2] 42 USC §7407(d)(4)(A)(iv) [noting entire consolidated metropolitan statistical area is classified as nonattainment where area is classified as Serious, Severe or Extreme]; *see also* 42 USC §7407(d)(4)(A)(v) [noting Governor retains the authority to make a request to remove a portion of a consolidated metropolitan statistical area based on factors such as population density, traffic congestion, commercial development, industrial development, meteorological conditions and pollution transport].

SMECI recognizes that TCEQ is faced with a situation where there are no express statutory or regulatory criteria and, thus, the "11 Factors" are the only readily available guidance to facilitate decision-making. We simply point out the non-binding nature of the 11 Factors to ensure that TCEQ does not apply too rigid of a construction of them in this situation. The remainder of this comment letter will address each of the 11 Factors as a means of organizing the compelling case for not grouping Atascosa County within the SABNA.

FACTOR 1: EMISSIONS AND AIR QUALITY IN ADJACENT AREAS

Although SMECI has operated for more than 26 years, no ambient air quality monitoring has ever shown that Atascosa County has been in violation of the 1-Hour or 8-Hour Ozone NAAQS. Data collected from the closest SABNA monitors show that Atascosa County would not cause any such violations. According to the Federal Clean Air Act, Atascosa County; therefore, should be declared as an "attainment area[3]" or "unclassifiable area.[4]" As discussed further below, the low population, relatively few mobile sources and very small amount industry in Atascosa County make it a poor candidate for inclusion in the SABNA. Atascosa County is not the reason San Antonio and Bexar County have ozone attainment issues. It is and will continue to be a rural county; therefore, it does it hold promise to help address ozone issues in San Antonio and Bexar County.

FACTOR 2: POPULATION DENSITY AND DEGREE OF URBANIZATION IN LOCAL AREAS

SMECI has reviewed the comment letters submitted by Atascosa County and State Representatives King and Gonzales-Toureilles and fully supports the population analysis contained in both letters. As both letters point out, Atascosa County is projected to remain a sparsely populated, rural county for the next quarter century. As seen in Tables 2-1 and 2-2, Atascosa County is projected to add the fewest people in the SAMSA between 2005 and 2015 and again in the period from 2015 to 2030. In 2015, Atascosa County will represent only 2% of total the SAMSA population and that percentage will remain at 2% through the year 2030.

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[3] 42 USC §7407(d)(1)(A)(ii) [an attainment area besides a nonattainment area that meets the national primary or secondary ambient air quality standard].

[4] 42 USC §7407(d)(1)(A)(iii) [an unclassifiable area is any area that cannot be classified on the basis of available information as meeting that national primary or secondary ambient air quality standard].

Table 2-1. San Antonio MSA Population Statistics for 2005 and 2015[5]

County	Population (2005)	Population (2015)	Population Growth (2005 to 2015)	Total Population Increase (2005 to 2015)	Person per square mile (2005)	Person per square mile (2015)	% of Total MSA population (2015)
Atascosa	42,066	49,225	17%	7,159	34	40	2%
Bandera	22,009	31,819	45%	9,810	28	40	1%
Bexar	1,512,433	1,744,840	15%	232,407	1202	1387	77%
Comal	96,931	144,765	49%	47,834	169	252	6%
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Kendal	29,732	44,469	50%	14,737	45	67	2%
Medina	42,990	50,745	18%	7,755	32	38	2%
Wilson	39,624	57,209	44%	17,585	49	71	3%
Total	1,890,765	2,266,294	20%	375,529	256	307	100%

Table 2-2. San Antonio MSA Population Statistics for 2015 and 2030[6]

County	Population (2005)	Population (2015)	Total Population Increase (2005-2015)	Population Growth (2000-2015)	Population (2030)	Total Population Increase (2000-2030)	Population Growth (2000-2030)
Atascosa	42,066	49,225	7,159	17%	59,598	17,532	41.7%
Bandera	22,009	31,819	9,810	45%	48,577	26,568	120.7%
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Comal	96,931	144,765	47,834	49%	190,873	93,942	97%
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Total	1,890,765	2,266,294	375,529	20%	2,741,694	850,929	45%

EPA's air quality modeling programs (e.g., EPA's AERSURFACE model standards) confirm what the statistics tell us about the rural nature of Atascosa County. One form of assessing rural versus urban areas is by performing a surface roughness analysis on this most densely populated area within Atascosa County. According to the 2000 United States Census

[5] Alamo Area Council of Governments. "Preliminary Discussion Draft of Comments on the U.S. Environmental Protection Agency's (EPA) 2008 Eight-Hour Ozone Standard", August 2008.

[6] Texas Water Development Board, County Population Projections in Texas (April 17, 2006), http://www.twdb.state.tx.us/wrpi/data/popproj.htm.

Bureau Data[7], Pleasanton is the city with the largest population in Atascosa County. Using the Environmental Protection Agency's AERSURFACE program, a surface roughness analysis can be performed to identify the land use category of a particular area and its status of urbanization. A surface roughness analysis essentially processes land cover data and determines surface characteristics.[8]

The city of Pleasanton has a total area of 16.5 square kilometers[9] and a radius of 2.29 km. Using Google Earth, the center latitude/longitude coordinates of Pleasanton, 28.9653778 degrees North and 98.49230556 degrees west, were used as input for EPA's AERSURFACE model. A land-use analysis of 2.29-km radius was conducted for the city of Pleasanton. The results of the analysis indicate a surface roughness of 0.341. A scale of 0 to 1 is used for surface roughness classification, with 0.001 correlating to open water and 1 relating to a high intensity residential area. The result of 0.341 is less than the surface roughness value for even a low intensity residential area and indicates that the town is of small-scale. Therefore, the city of Pleasanton is not considered an urban area according to the EPA's AERSURFACE analysis. In addition, since Pleasanton is the most populated area in Atascosa County and is considered rural, it follows that the remaining inhabited portions of the county would be even more sparsely populated and rural.

FACTOR 3: MONITORING DATA REPRESENTING OZONE CONCENTRATIONS IN LOCAL AREAS AND LARGER AREAS

As stated in the discussion of FACTOR 1, no ozone exceedances have been monitored in Atascosa County and the County is currently designated as unclassifiable/attainment for ozone.[10] Currently no State and Local Air Monitoring Stations (SLAMS) or National Air Monitoring Stations (NAMS) monitoring network systems are located in Atascosa County. The EPA uses the SLAMS stations in determining compliance with the ozone NAAQS, while the NAMS monitors are designed to provide data to determine air quality trends in major metropolitan areas for regulatory and national policy-making purposes.[11] The placement of these monitors is generally related to pollution and population levels in a region. Atascosa County has neither a NAMS nor SLAMS monitor.

FACTOR 4: LOCATION OF EMISSION SOURCES

There are only two major point sources in Atascosa County that emit ozone precursor pollutants (NOx and VOCs) – SMECI and Regency Field Services LP, which are located

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[7] United States Census Bureau, American FactFinder (2000), http://factfinder.census.gov.

[8] Environmental Protection Agency, Technology Transfer Network Support Center for Regulatory Atmospheric Modeling (2008), http://www.epa.gov/ttn/scram/dispersion_related.htm.

[9] United States Census Bureau, American FactFinder (2000), http://factfinder.census.gov.

[10] *See* Code of Federal Regulations, 40 CFR Part 81, Designation of Areas for Air Quality Planning Purposes.

[11] Environmental Protection Agency Office of Air Quality Planning and Standards, Guideline on Ozone Monitoring Site Selection, EPA-454/R-98-002 (August 1998) *available at* http://www.epa.gov/ttnamti1/files/ambient/criteria/reldocs/r-98-002.pdf.

approximately 50 miles away from downtown, San Antonio.[12] Figure 4-1 illustrates the location of these facilities within the southern portion of the County. There is simply not sufficient geographic proximity or, as described further below, the appropriate level of emissions and transport conditions to support a theory that these individual point sources within Atascosa County warrant inclusion of the County in the SABNA.

Figure 4-1. Location of Significant Sources in Atascosa County

FACTOR 5: TRAFFIC AND COMMUTING PATERNS

As seen in Table 5-1, the number of registered vehicles in Atascosa County represents only 2% of the total number of registrations for the San Antonio MSA.

[12] Texas Commission on Environmental Quality, 2006 State Sum (July 23, 2008), http://www.tceq.state.tx.us/assets/public/implementation/air/ie/pseisums/sum_acct.pdf.

Table 5-1. Number of Vehicle Registrations in the San Antonio MSA[13]

County	Atascosa	Bexar	Comal	Guadalupe	Bandera	Kendall	Medina	Wilson
Number of Vehicle Registrations	36,605	1,304,860	113,848	107,905	23,644	50,522	44,112	39,839
% of Total MSA	2%	76%	7%	6%	1%	3%	3%	2%

As seen in Table 5-2, the number of people traveling to Bexar County for work from Atascosa County represents only 1% of the total number of people traveling to Bexar County for work in the San Antonio MSA.

Table 5-2. 2000 Journey to Work Travel Pattern in San Antonio MSA[14]

Origin	Total Workers	Workers Traveling to Bexar County for Work	% of Total Workers in MSA Traveling to Bexar County for Work
Atascosa	14,973	6,770	1%
Bandera	7,718	3,015	0.4%
Bexar	607,860	581,785	78%
Comal	35,943	11,400	2%
Guadalupe	41,163	13,399	2%
Kendall	10,767	4,595	1%
Medina	15,855	6,669	1%
Wilson	13,719	7,840	1%
MSA Total	747,998	635,473	85%

These data show that mobile sources from Atascosa County do not play a significant role in the nonattainment challenges of San Antonio or Bexar County and are, by the same token, not likely to help address the region's air quality problems if subjected to the kind of mobile source programs that come with inclusion in a nonattainment area.

FACTOR 6: EXPECTED GROWTH

As discussed above regarding FACTOR 2, Atascosa County will add the fewest number of people between 2005 and 2030 of any county in the SAMSA.

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[13] Texas Department of Transportation, District and County Statistics for fiscal year 2007 (2008), http://www.txdot.gov/apps/discos/default.htm.

[14] Alamo Area Council of Governments (AACOG), Preliminary Discussion Draft of Comments on the U.S. Environmental Protection Agency's (EPA) 2008 Eight-Hour Ozone Standard" (August 2008). *See* U.S. Census Bureau, County to County Worker Flow Files (2000), http://www.census.gov/population/www/cen2000/commuting/index.html#TX.

FACTOR 7: METEOROLOGY (WEATHER/TRANSPORT PATTERNS)

The TCEQ along with Austin, Corpus Christi, San Antonio, and Victoria (South Texas near non-attainment areas) sponsored the development of a Comprehensive Air Quality Model with Extensions (CAMx) photochemical model simulating the high-ozone episode that occurred between September 13th and 20th, 1999.[15] The Alamo Area Council of Governments (AACOG) Air Technical Committee used the CAMx model in examining the San Antonio MSA counties' contribution to exceedances in ozone for September 13th and 20th, 1999.[16] Based on 2005 emission inventory data, AACOG projected the maximum reduction in ozone that one would observe in 2013 if all anthropogenic sources were removed.

Figures 7-1, 7-2, and 7-3 display the maximum reduction in ozone expected in 2013 if all anthropogenic sources were removed from Atascosa, Bexar, and Comal Counties, respectively, with the red indicating the maximum reduction.[17] Based on an annual search between 1997 and 2008 for Region 13, 43 exceedences of the ozone 85 ppb standard were recorded at Continuous Ambient Monitoring Stations (CAMS) 58 and 31 exceedences were recorded at CAMS 23.[18] These are the monitors recording the greatest number of exceedences for this region. CAMS 23 is located in North Central Bexar County in an area not significantly influenced by Atascosa County (Figure 7-1), but dramatically impacted by Bexar County (Figure 7-2) and significantly impacted by Comal County (Figure 7-3). CAMS 58 is located just North East of CAMS 23 and will have similar monitoring impacts as noted for CAMS 23.

As shown below, the greatest ozone reduction that would occur from zeroing out Atascosa County's anthropogenic emissions sources actually occurs within Atascosa County where ambient ozone concentrations are already acceptable (i.e., Atascosa County is in attainment for ozone). As presented in Figure 7-1, zeroing anthropogenic emissions from Atascosa County may only result in a minimal improvement to the far southern portion of Bexar County. Therefore, reducing emissions from Atascosa County would not be an effective path to reducing potential elevated ozone concentrations (e.g., above NAAQS) within the San Antonio/Bexar County area. Zeroing out emissions within Bexar and/or Comal Counties would provide a greater reduction in ozone concentrations within Bexar County, which is the primary area of concern.

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[15] ENVIRON, Development of a Joint CAMx Photochemical Modeling Database for the Four Southern Texas Near Non-Attainment Areas, Final Report (August 6, 2002), http://air.tamuk.edu/rider13-0001/Documents/Environ%20FinalReport.pdf.

[16] *See* AACOG. Preliminary Discussion Draft of comments on the U.S. Environmental Protection Agency's (EPA) 2008 Eight-Hour Ozone Standard (2008).

[17] *See* AACOG AIR Technical Committee Meeting, Comments to TCEQ regarding EPA's New Eight-Hour Average Ozone Standard, Slide 14 and 15 (August 11, 2008,).

[18] TCEQ, Eight-Hour Ozone High Value Days (2008), http://www.tceq.state.tx.us/cgi-bin/compliance/monops/8hr_exceed.pl.

Figure 7-1. Maximum Ozone Reduction from Zeroing out Anthropogenic Emissions in Atascosa County, 2013, 8-hour Ozone Average

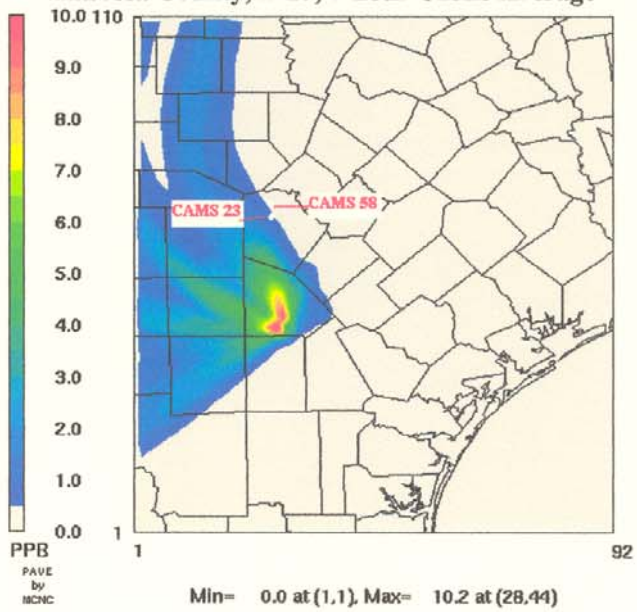


Figure 7-2. Maximum Ozone Reduction from Zeroing out Anthropogenic Emissions in Bexar County, 2013, 8-hour Ozone Average

Bexar County

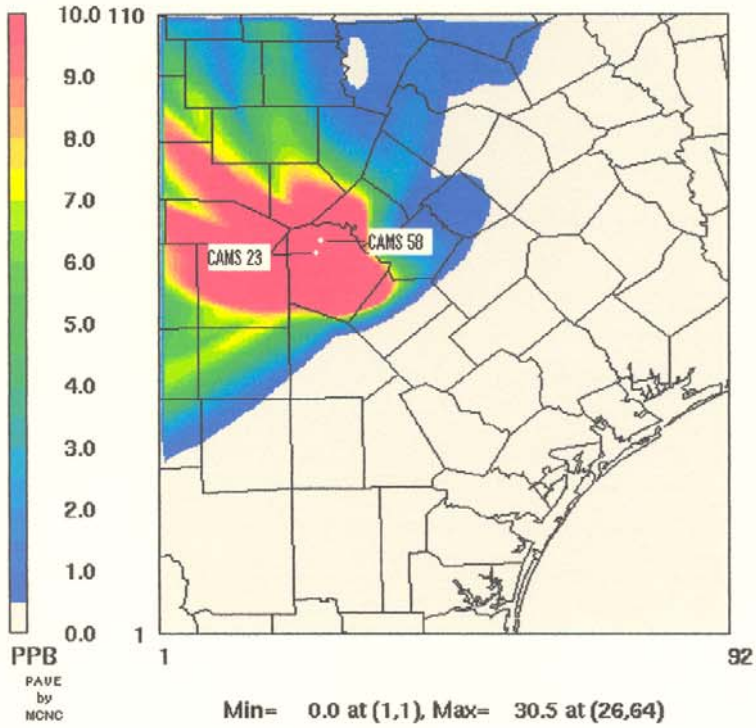
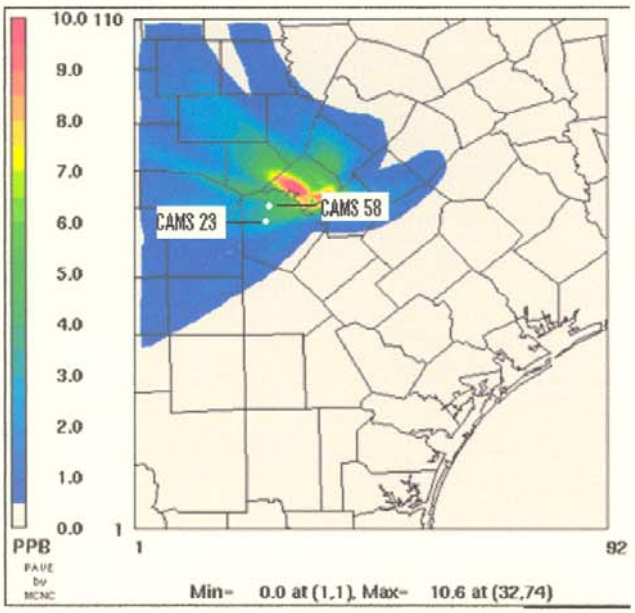


Figure 7-3. Maximum Ozone Reduction from Zeroing out Anthropogenic Emissions in Comal County, 2013, 8-hour Ozone Average



In addition to the CAMx analysis presented by AACOG, an analysis of TCEQ's database for the nonattainment measurements between 2002 and 2008 also paints a compelling picture regarding how little Atascosa County has to do with nonattainment issues in the SABNA.[19]

The TCEQ provides a summary of select ozone exceedance days from 2002 – 2008 including information suggesting the source of the air pollution based on backward trajectories and plume animations. Of all the detailed summaries by the TCEQ for Region 13, there is only one day out of the presented exceedences that suggests the air parcels originated from South of Bexar County. All other days originated from the East, South East, Austin, San Antonio Metropolitan area, and other southern U.S. states. The following is a description of each event, including lack of contribution by Atascosa County to each event.

- *2002 – June 17, 2002*
  CAMS 23 – Two San Antonio area sites measured exceedances of the 8-hour ozone standard out of four sites reporting ozone data. The peak value occurred at CAM 23. Ozone precursor sources in the San Antonio area contributed to the ozone exceedance. The plume path suggests sources included the I35 corridor

[19] TCEQ, Air Pollution Events (2008), http://www.tceq.state.tx.us/compliance/monitoring/air/monops/sigevents08.html.

urban and traffic plume, as well as several large NO_x point sources on the northeast side of the city.

- *2002 – June 18, 2002*
  CAMS 23 – Two San Antonio area sites measured exceedances of the 8-hour ozone standard out of four sites reporting data. The peak value was measured at CAMS 23. Ozone precursor sources in the San Antonio area contributed to the ozone exceedance. The plume tracks suggest that local air pollution sources included the San Antonio urban plume, as well as large NO_x point sources on the southeast side of the city. Backward trajectories indicate the air background levels of ozone coming into the San Antonio area may have had contributions from air pollution sources in southeast Texas and Louisiana.

- *2002 – June 24, 2002*
  CAMS 23 – Two San Antonio area sites measured exceedances of the 8-hour ozone standard out of five sites reporting data. The peak value was measured at CAMS 23. Backward trajectories indicate that some of the high regional background levels of ozone coming into the San Antonio area may have had contributions from air pollution sources in southeast Texas, Louisiana, and parts of the eastern U.S.

- 2002 – August 6, 2002
  CAMS 23 – One San Antonio area site measured an exceedance of the 8-hour ozone standard out of six sites reporting data. The peak value was measured at CAMS 23. Backward trajectories indicate that some of the high regional background levels of ozone coming into the San Antonio area may have had contributions from air pollution sources in southeast Texas, southern Louisiana, and parts of the southern U.S.

- 2002 – September 12, 2002
  CAMS 23 – Five monitoring sites measured exceedances of the 8-hour ozone standard out of eight sites reporting data. The peak value was measured at CAMS 23. Backward trajectories indicate that the regional background levels of ozone coming into the San Antonio area are likely to have had contributions from air pollution sources in northeast Texas and parts of the Midwestern and southern U.S.

- 2003 – May 23, 2003
  CAMS 502 – Three monitoring sites measured exceedances of the 8-hour ozone standard out of ten sites reporting data. The peak value was measured at CAMS 502. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area.

- 2003 – May 28, 2003

CAMS 501 – Three monitoring sites measured exceedances of the 8-hour ozone standard out of ten sites reporting data. The peak value was measured at CAMS 501. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area

- 2003 – May 29, 2003
  CAMS 678 – Three monitoring sites recorded exceedances of the eight-hour standard out of ten sites reporting data. The Pecan Valley CAMS 678 measured the highest levels. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area.

- 2003 – June 7, 2003
  CAMS 505 – Five monitoring sites measured exceedances of the 8-hour ozone standard out of ten sites reporting data. The peak value was measured at CAMS 505. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area.

- 2003 – June 20, 2003
  CAMS 23 – One monitoring site measured an exceedance of the 8-hour ozone standard out of ten sites reporting data. The peak value was measured at CAMS 23. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area.

- 2004 – July 19, 2004
  CAMS 501 – Two monitoring sites exceeded the eight-hour ozone standard out of ten sites reporting data. The peak value was measured at CAMS 501 and the other exceedance occurred at CAMS 23. The plume animation suggests that center of the San Antonio urban plume was in the vicinity of the highest ozone measurement on the southwest side of the city.

- 2004 – July 20, 2004
  CAMS 502 – Two monitoring sites exceeded the eight-hour ozone standard out of tens sites reporting ozone data. The highest value was measured at CAMS 502 and the other exceedance occurred at CAMS 58. The plume animation suggests that San Antonio urban and industrial plumes were in the vicinity of the highest ozone measurements on the northwest side of the city.

- 2004 – September 10, 2004
  CAMS 58 – Two monitoring sites exceeded the eight-hour ozone measurement out of eleven sites reporting ozone data. The highest measurement was at CAMS 58 and the other exceedance occurred at CAMS 501. The plume animation suggests that urban and industrial emissions from the north and northeast side of the San Antonio area were in the vicinity of the highest ozone measurements on the north side of the city. The plume animation also indicates that broad San

Antonio urban plume was in the vicinity of the high ozone reported on the southwest side of the city.

- 2007 – August 13, 2007
  CAMS 501 – The highest eight-hour ozone exceedance was reported at CAMS 501. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area. The plume animation available on the TCEQ's website suggests that urban and industrial emissions from the San Antonio area were in the vicinity of the highest ozone measurements. The Plume Animation – Regional indicates that the Austin urban plume impacted the northeast side of the San Antonio area in the afternoon and evening. In addition, the Long Range Backward Trajectory – Elm Creek C 501 suggests that emissions from Austin, Northeast Texas, and Midwestern U.S. areas contributed to the background levels in the San Antonio area.

- 2007 – August 14, 2007
  CAMS 501 – The highest eight-hour ozone exceedance was reported at CAMS 501. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area. TCEQ's plume animation suggests that urban and industrial emissions from the San Antonio area were in the vicinity of the highest ozone measurements. The Plume Animation – Regional indicates that the Austin urban plume impacted the northeast side of the San Antonio area in the afternoon and evening. In addition, the Long Range Backward Trajectory – Elm Creek C 501 suggests that emissions from Austin, East Texas, and Midwestern U.S. areas contributed to the background levels in the San Antonio area.

- 2007 – August 15, 2007
  CAMS 501 – The highest eight-hour ozone exceedance was reported at CAMS 501. The measured ozone background level was likely caused by local air pollution sources in the San Antonio area. TCEQ's plume animation suggests that urban and industrial emissions from the San Antonio area were in the vicinity of the highest ozone measurements. In addition, the Long Range Backward Trajectory – Elm Creek C 501 suggests that emissions from Austin, East Texas, and Midwestern U.S. areas contributed to the background ozone levels in the San Antonio area.

- 2008 – May 8, 2008
  CAMS 502 – Two sites reached AQI Level Orange out of 10 sites reporting complete ozone data for the day. The highest measured eight-hour ozone average was at CAMS 502. The TCEQ plume animation suggests that urban and industrial emissions from the San Antonio area were in the vicinity of the highest ozone measurements.

FACTOR 8: GEOGRAPHY/TOPOGRAPHY

There are no major topographic features other than distance that separates Atascosa County from San Antonio.

FACTOR 9: JURISDICTIONAL BOUNDARIES

There are not significant jurisdictional boundaries (e.g., a tribal or national boundary) separating Atascosa County from San Antonio.

FACTOR 10: LEVEL OF CONTROL OF EMISSIONS SOURCES

One of only two major point sources in Atascosa County, SMECI, has recently implemented NO_X emissions control projects. These emission control projects include installation of low NO_X burners, overfire air (OFA), and a neural network for boiler emissions optimization, which result in NO_X emissions reductions.

NOx emissions have been reduced by more than 50% since starting the NOx emission control projects. SMECI's NOx emission rate has been dramatically reduced from 0.398 lb/MMBtu in 2002, to 0.209 lb/MMBtu in 2005, to the current emission rate of 0.189 lb/MMBtu. In terms of annual emissions, annual NOx emissions have dropped from 6,695 tons in 2002 to 2,953 tons in 2007.

FACTOR 11: REGIONAL EMISSION REDUCTIONS

Although EPA's Clean Air Interstate Rule and Clean Air Mercury Rule have been vacated, SMECI continues to be subject to regional emission reduction requirements relating to EGUs. Specifically, after the amendment to Section 117.3010, Title 30 of the Texas Administrative Code[20], the east Texas Electric Generating Units (EGU) are subject to a NOx emission rate of 0.165 pounds/MMbtu. SMECI's NOx emission rate in 2007 was 0.189 pounds/MMbtu. SMECI currently uses Discrete Emission Reduction Credits earned in 2003 and 2004 by early installation of NOx controls to meet this emission limit; however, SMECI is planning on installing an SNCR system in 2012 that should reduce its NOx emission rate to 0.15 pounds/MMbtu.

CONCLUSION

Once TCEQ steps back from misplaced reliance on the SAMSA and gives due consideration to the 11 Factors, the rural nature of Atascosa County, and the specifics of the SABNA situation, SMECI believes it will be clear that Atascosa County should not be included in the SABNA boundary designation. Although SMECI is a source of ozone precursors, its

[20] *See* 30 Tex. Admin. Code §117.3010(1)(A)(ii) (June 14, 2007).

emissions levels, geographic proximity and transport considerations do not warrant including Atascosa County in the SABNA.

SMECI finally notes for TCEQ's consideration that the negative economic impacts associated with including Atascosa County in the SABNA will not only be felt within Atascosa County. Because of SMECI's unique role in providing reliable and affordable electric generation to rural electric cooperatives in the central part of the State, subjecting SMECI to additional regulatory burdens or hurdles to cost-effective expansion could significantly impact the cost of electric power for the member owners of the 26 member cooperatives served by BEPC and STEC.

Again, SMECI appreciates this opportunity to submit comments and would appreciate being notified of any and all further developments in the TCEQ's deliberations. Please contact Joseph Eutizi at 830-784-3411 ext. 226 to address any questions or requests for clarifications relating to these comments.

Sincerely,

Joseph G. Eutizi
Engineering Manager
SAN MIGUEL ELECTRIC COOPERATIVE, INC.

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September 5, 2008

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, Texas 78711-3087

RE: Comments relating to attainment designation process for Comal County for the new 8-standard

Dear Ms. McAllister:

On behalf of concerned Comal County employers, we are submitting this letter regarding the attainment designation process for Comal County for the new 8-hour ozone National Ambient Air Quality Standard. We, and the companies we represent, very much appreciate the TCEQ providing public participation opportunities regarding the attainment designation process for the new standard, including the public meetings the TCEQ has held and this opportunity to submit comments.

In making its attainment designation decision recommendations for Comal County, the TCEQ should use the 2006-2008 design values for the Bexar County monitors and consider that it appears likely that the 2007-2009 design values for those monitors will be below the new standard.

Since there is no monitor in Comal County whose 8-hour ozone data can be used to support designation of Comal County as non-attainment with the new 8-hour ozone standard, the only basis for Comal County being designated as non-attainment is the presumption (as specified in EPA's March 28, 2000 guidance memorandum) that since Comal County is located in the same Metropolitan Statistical Area ("MSA") as Bexar County, Comal County will be designated as non-attainment with the new standard if at least one regulatory monitor in Bexar County has a design value that exceeds the new standard. While there are two monitors in Bexar County that appear to have 2005-2007 design values in excess of the new standard, as discussed below, it appears that the 2007-2009 design values for all of the monitors in Bexar County will be below the new standard. That would support EPA making an attainment designation for Bexar County, and, thus, for Comal County and the rest of the counties in the San Antonio area.

We respectfully request that in making its recommendations to EPA regarding attainment or non-attainment designations for Bexar County, and, thus, for Comal County and the rest of the counties in the San Antonio area, the TCEQ (i) use the 2006-2008 design values for the Bexar County monitors and (ii) consider that it appears likely that the 2007-2009 design values for those monitors will be below the new standard. We also request that the TCEQ encourage EPA to use the 2007-2009 design values for the Bexar County monitors in making its final attainment area designations.

The fourth highest 8-hour ozone concentrations measured by the Bexar County monitors have been trending downward over the last several years. Based on the fourth highest 8-hour ozone concentrations data from the TCEQ's website (http://www.tceq.state.tx.us/cgi-bin/compliance/monops/8hr_4highest.pl), the design value for 2006-2008 (through 9/5/08) for each of the regulatory monitors in Bexar County[1], except for the "Camp Bullis" monitor (No. C58), is below the new 8-hour ozone standard. The design value for 2006-2008 (through 9/5/08) for the Camp Bullis monitor is only 1 ppb above the new 8-hour ozone standard (76 ppb versus the 75 ppb standard). Of even greater importance, it appears very likely that the 2007-2009 design values for the Camp Bullis monitor and the other regulatory monitors in Bexar County will meet the new 8-hour ozone standard, which supports the designation of Bexar County and the rest of the San Antonio area counties as attainment with the new standard. Since the fourth highest 8-hour ozone concentrations measured by the Camp Bullis monitor in 2007 and 2008 (through 9/5/08) are 74 ppb and 68 ppb, respectively, the monitor's 2007-2009 design value will not exceed the new 8-hour ozone standard unless its fourth highest concentration for 2009 is at least 84 ppb (assuming the fourth highest concentration for 2008 does not increase). We believe it would be highly unlikely for the fourth highest concentration measured by that monitor in 2009 to be at least 84 ppb because (i) 84 ppb is significantly higher than the monitor's fourth highest concentrations for 2007 and 2008 (through 9/5/08), and (ii) an increase in 2009 to 84 ppb would be completely contrary to the significant downward trend in the 8-hour ozone concentrations at that monitor.

We have been told by TCEQ personnel that each regulatory monitor's 2005-2007 design value will be used to determine whether the monitor shows attainment with the new 8-hour ozone standard. This is supposedly because the monitor's 2006-2008 design value cannot be used due to the inability of the TCEQ to certify the monitor's 2008 data until July 2009, which will be after the March 2009 date by which the TCEQ must submit its attainment and non-attainment designation recommendations to EPA. However, for the following reasons, we believe that in making its attainment and non-attainment designation recommendations, it is critical that the TCEQ use the 2006-2008 design values for the Bexar County monitors, and consider the likelihood that the 2007-2009 design values for those monitors will be below the new standard.

[1] Bexar County is the only county in the San Antonio area that has any 8-hour ozone regulatory monitor that has a 2005-2007 design value that exceeds the new 8-hour ozone standard.

1. The 2008 and 2009 data will much more accurately reflect the most current 8-hour ozone concentrations in those counties.

2. The 2008 and 2009 data will also take into account the nitrogen oxides ("NOx") and volatile organic compounds ("VOC") emissions reductions that have already occurred, but are not reflected in the 2007 data, especially the significant reductions that have occurred, and will continue to occur, due to the replacement of older, higher emitting on-road and off-road mobile sources with newer, lower emitting on-road and off-road mobile sources.

3. The use of 2008 and 2009 data will also take into account the benefit on 8-hour ozone concentrations in the San Antonio area of the NOx and VOC emissions reductions that will occur in existing non-attainment areas inside and outside of Texas due to emissions reduction activities being implemented in those areas. That is important since the ozone monitoring data the TCEQ, the Alamo Area Council of Governments ("AACOG"), and the Capital Area Planning Council of Governments ("CAPCOG") have been actively collecting in the greater San Antonio and Austin areas for more than 10 years show that during periods when the monitors show ozone standard exceedances, ozone transport is typically occurring from the east-northeastly through the east-southeasterly directions. Such data also show that the amount of ozone that is transported into the greater San Antonio area and/or Austin area is typically a significant part of the ozone standard. Those observations have been substantiated by EPA-approved photochemical modeling.

4. The decision concerning use of the 2008 and 2009 data likely will be the difference between the San Antonio area counties being designated as attainment or non-attainment with the new 8-hour ozone standard, and the designation of those counties as non-attainment will lead to many negative consequences to the counties, their citizens, the businesses in those counties, and the State as a whole. Such negative consequences could include the following: (i) significant negative impacts on the counties' economic growth, which would impact the number and quality of jobs in the counties; (ii) a negative stigma associated with the nonattainment designation; (iii) subjection of the companies in the counties to the onerous requirements of non-attainment new source review ("NSR"); (iv) subjection of the counties to state implementation plan ("SIP") requirements that are more stringent than the requirements that apply in counties that will be in attainment with the new standard; and (v) possible federal sanctions if the counties do not meet the new standard by the attainment deadline.

5. A non-attainment designation for the San Antonio area counties would also negatively impact the TCEQ because it would result in the TCEQ having to expend its limited resources to develop and/or implement the more stringent requirements that apply in non-attainment areas, such as the non-attainment SIP and the related rules for the counties, and the more onerous non-attainment NSR permitting requirements.

To support the use of the 2008 and 2009 data, we encourage the TCEQ to take appropriate steps to expedite the certification process for the 2008 and 2009 data so that they can be certified in time for (i) the TCEQ to use the 2008 data in making its attainment and non-attainment designation recommendations to EPA, and (ii) EPA to use the 2009 data in making its final attainment and non-attainment designation decisions. We are confident that given the number and significance of the negative consequences of a non-attainment designation for the San Antonio area counties, the TCEQ can expedite the certification process for the 2008 and 2009 data so that such data can be certified in time for the TCEQ and EPA to use such data in the above-discussed ways. However, in what we believe would be the unlikely event that the TCEQ cannot expedite the certification process to that degree, an alternative would be for the TCEQ to use the non-certified 2008 data in making its attainment and non-attainment designation recommendations to EPA, and for EPA to use the non-certified 2009 data in making its attainment and non-attainment designation determinations, with the caveat that if the certification process subsequently determines that any such data are invalid, such data should not be used.

For the foregoing reasons, we respectfully request that (i) in making its attainment and non-attainment designation recommendations, the TCEQ use the 2006-2008 design values for the Bexar County monitors and consider the likelihood that the 2007-2009 design values for those monitors will be below the new standard, and (ii) the TCEQ encourage EPA to use the 2007-2009 design values in making its attainment and non-attainment designations.

<u>If Comal County and other San Antonio area non-attainment counties are designated as non-attainment with the new 8-hour ozone standard, we request that the TCEQ support the use of an Early Action Compact ("EAC") for those counties, and strongly encourage EPA to allow the use of an EAC for those counties.</u>

If Comal County and other San Antonio area counties are designated as non-attainment with the new 8-hour ozone standard ("San Antonio area non-attainment counties"), we strongly believe that for the reasons set out below, an EAC should be used for the San Antonio area non-attainment counties. We respectfully request that the TCEQ support the use of an EAC for those counties, and strongly encourage EPA to allow the use of an EAC for those counties.

> <u>We are confident that the use of an EAC for the San Antonio area non-attainment counties will again be successful in causing the counties to achieve early attainment with the new 8-hour ozone standard.</u>

Four counties in the San Antonio area (Bexar, Comal, Guadalupe, and Wilson Counties) were covered by an EAC for the prior 8-hour ozone standard. The actions taken as part of the EAC were successful in causing those counties to achieve early attainment with that standard (as well as to achieve attainment with the 1-hour ozone standard). Further, the use of EACs for counties in the Northeast Texas area and in the Austin area was also successful in causing those counties to achieve early attainment with the prior 8-hour ozone standard (as well as to achieve attainment with the 1-hour ozone standard). In light of those prior successes, and for the reasons discussed

below, we are confident that the use of an EAC would likewise be successful at causing the San Antonio area non-attainment counties to achieve early attainment with the new 8-hour ozone standard.

> It would be appropriate under EPA's EAC rules and guidance to use an EAC for the San Antonio non-attainment counties.

It would be appropriate under the existing EPA rules and guidance regarding the use of EACs for the prior 8-hour ozone standard to use an EAC for the San Antonio area non-attainment counties. Such an EAC would meet the conditions for EACs that EPA previously established under those rules and guidance, and the purpose for EACs as stated by EPA.

Under the rules that EPA previously established for EACs for the prior 8-hour ozone standard (*see* 40 CFR 81.300(e)(1)(i)), for counties to be in an EAC, they had to have been designated as attainment with the 1-hour ozone standard, and had monitoring data that met the 1-hour ozone standard. Those conditions will be met for the San Antonio non-attainment counties since all of them are designated as attainment with both the 1-hour and prior 8-hour ozone standards, and have monitoring data that show that they meet both of those standards.

EPA has stated multiple times that the purpose for an EAC is to achieve reductions in the 8-hour ozone concentrations, and ultimately, achieve attainment with the 8-hour ozone standard, earlier than would be legally required. (69 Fed.Reg. 23864-65 (April 30, 2004)). In exchange for early reductions and attainment, the effective date of the non-attainment designation for those counties is to be deferred. (Id.) We are confident that an EAC for the San Antonio non-attainment counties will meet that purpose since it appears very likely that the actual 8-hour ozone concentrations in those counties will be reduced, and attainment with the new standard will be achieved earlier than would be legally required.

As discussed above, the fourth highest 8-hour ozone concentrations measured by the regulatory monitors in Bexar County have been consistently decreasing over the last several years. In addition, all indications are that the fourth highest 8-hour ozone concentrations measured by those monitors will continue to decrease until their design values are below the new 8-hour ozone standard, which appears likely to occur once the 2009 data are available. Such reductions will occur, in part, due to the reductions in NOx and VOC emissions that will occur due to lower emitting on-road and off-road mobile sources replacing older, higher emitting on-road and off-road mobile sources. However, even without considering the impact of such future emissions reductions on the monitored 8-hour ozone concentrations in Bexar County, as discussed above, it appears very likely that the 2007-2009 design value for all of the regulatory monitors in Bexar County will be below the new 8-hour ozone standard.

<u>If Comal County and other San Antonio area counties are designated as non-attainment with the new 8-hour ozone standard, strongly encouraging EPA to allow the use of an EAC for those counties would constitute the most efficient use of the limited TCEQ resources.</u>

If Comal County and other San Antonio area counties are designated as non-attainment with the new 8-hour ozone standard, strongly encouraging EPA to allow the use of an EAC for those counties would constitute the most efficient use of the limited TCEQ resources. Since it appears likely that the 2007-2009 design value for the regulatory monitors in Bexar County will be below the new 8-hour ozone standard, Bexar County will likely be monitoring in attainment with that standard even before the TCEQ could adopt non-attainment SIP rules and/or such rules become effective. As a result, it would be a significant waste of limited TCEQ resources if an EAC is not used to defer the non-attainment designation for the San Antonio non-attainment counties, and, as a result, the TCEQ is required to develop non-attainment SIP rules for those counties.

We appreciate the TCEQ's consideration of these comments. If you have any questions, please contact me at (512)370-2813.

Sincerely,

Keith Courtney

Keith A. Courtney

cc: Comal County Judge Danny Scheel
New Braunfels Mayor Bruce Boyer

DEAN FOWLER
County Judge
P.O. Box 790
Gilmer, Texas 75644
903-843-4003 Fax: 903-843-0827

September 3, 2008

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P. O. Box 13087 MC 164
Austin, Texas 78711-307

Re: Comments on Area Designation Under New Ozone NAAQS

Dear Ms. McAllister:

I am writing to request that TCEQ recommend to Governor Perry that Upshur County NOT be named as a nonattainment area under Section 107(d)(1) of the Clean Air Act (the act).

In order to support my request, I will address several points that may be considered in the designation of nonattainment areas as they are found in the March 28, 2000 Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards (MD-10) to Air Directors, Regions I-X and titled Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard).

Upshur County is currently included in the Tyler, Longview, Marshall consolidated metropolitan statistical area (TLM C/MSA). While we are included in this area because of our location relative to Tyler and Longview, we are an extremely rural county. Our total population is approximately 38,000. Our population density per square mile is approximately sixty. We have very little commercial development. In fact, we have practically no industrial production in our county. We are basically a farming community.

There is no measuring device located in Upshur County. Therefore, it is difficult to know what our levels are. Again, we are simply included in the C/MSA because of our location. The device, located in the TLM, which would probably most accurately

reflect the levels in Upshur County, is located in Karnack, Texas. Please note that the Annual 4th High 8-Hour Ozone (ppb) for that device was 69 in 2007 and that figure has been trending downward since 2005. These figures come from a Review of Northeast Texas High Ozone Events in 2007, prepared by Environ for the Northeast Texas Air Care (NETAC) Technical and Policy Committees in October 2007. That review may be found at the following web address:
http://www.netac.org/pdf/reports/air%20quality/review_2007_ozone_23Oct07.pdf

The major sources of our emissions are bio emissions. We are in a heavily vegetated portion of Northeast Texas. It is true that we have our share of gas well condensing units and I am aware that they can be a source of emissions. It is also true that a number of our citizens commute to the Longview area for employment.

I ask that your engineers review these brief points I have addressed and more fully develop the effect that Upshur County truly has on this area. I believe they will find that the inclusion or exclusion of Upshur County in the TLM as a nonattainment area would have little if any effect on the measurement and standard in the future.

Thank your for the opportunity to address these issues and your attention regarding them.

Sincerely,

Dean Fowler
Upshur County Judge

ASSOCIATION OF ELECTRIC COMPANIES OF TEXAS, INC

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September 5, 2008

Margie McAllister
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-164
Austin, Texas 78711-3087

Re: The Association of Electric Companies of Texas' comments regarding attainment designation process for new 8-hour ozone standard

Dear Ms. McAllister:

The Association of Electric Companies of Texas ("AECT") appreciates the opportunity to submit these comments regarding the attainment designation process for the new 8-hour ozone National Ambient Air Quality Standard.

AECT is a trade association representing electric companies in Texas. Organized in 1978, AECT provides a forum for member companies' representatives to exchange information on their industry, and to communicate with state and federal governmental officials.

It appears that the attainment designation process for the new 8-hour ozone standard will culminate with certain counties in the Northeast Texas area being grouped together and designated as non-attainment with the new 8-hour ozone standard (referred to herein as "Northeast Texas non-attainment counties"). AECT strongly supports the use of an Early Action Compact ("EAC") for the Northeast Texas non-attainment counties, and it respectfully requests that the TCEQ support the use of an EAC for those counties, including trying to convince EPA to allow the use of an EAC for those counties.

<u>Reasons the TCEQ should support the use of an EAC for the Northeast Texas non-attainment counties, including trying to convince EPA to allow the use of an EAC for those counties.</u>

For the following reasons, AECT believes the TCEQ should support the use of an EAC for the Northeast Texas non-attainment counties, including trying to convince EPA to allow the use of an EAC for those counties. First, as you know, an EAC was previously very successful at causing Northeast Texas Air Care ("NETAC") member counties to be in attainment with the prior 8-hour ozone standard. AECT is confident that the use of an EAC would likewise be successful at causing the Northeast Texas non-attainment counties to achieve early attainment with the new 8-hour ozone standard. Second, NETAC supports the use of an EAC for the Northeast Texas non-attainment counties, as indicated by its July 25, 2008 letter to Executive Director Mark Vickery (a copy of which is enclosed). Moreover, the use of an EAC for those counties would be appropriate

under the existing EPA rules and guidance regarding the use of EACs for the prior 8-hour ozone standard since it would meet both (i) the conditions for EACs that EPA previously established under its rules and guidance, and (ii) the EPA's stated purpose for EACs. Further, the use of an EAC for those counties would constitute the most efficient use of limited TCEQ resources relative to those counties being designated as non-attainment with the new 8-hour ozone standard.

AECT is confident that the use of an EAC for the new 8-hour ozone standard would be successful, as was the NETAC EAC for the prior 8-hour ozone standard

The EAC that covered the NETAC member counties relative to the prior 8-hour ozone standard was successful at causing those counties to be in attainment with that standard (like the Flexible Attainment Region agreement was relative to the 1-hour ozone standard). That success paralleled the success of the EACs that covered the counties in the San Antonio area and Austin area in causing those counties to be in early attainment with the prior 8-hour ozone standard (as well as the 1-hour ozone standard). In light of the prior successful use of an EAC for the NETAC member counties (and the San Antonio area and Austin area counties), and for the reasons discussed below, AECT is confident that the use of an EAC would likewise be successful at causing the Northeast Texas non-attainment counties to achieve early attainment for that standard.

The use of an EAC would be appropriate because it would meet EPA's previously established conditions and stated purpose for EACs

Conditions for EACs

The conditions for EACs that EPA previously established relative to the prior 8-hour ozone standard were that to be in an EAC, counties had to (i) have been designated as attainment with the 1-hour ozone standard, (ii) have monitoring data that met the 1-hour ozone standard, and (iii) be in attainment or non-attainment with the prior 8-hour ozone standard. (40 CFR 81.300(e)(1)(i)). Such conditions will be met for the Northeast Texas non-attainment counties since all of such counties (i) will be designated as attainment with both the 1-hour and prior 8-hour ozone standards, (ii) have monitoring data that show that they meet both the 1-hour and prior 8-hour ozone standards, and (iii) will not be designated as attainment with the new 8-hour ozone standard.

Purpose for EACs

The EPA's stated purpose for an EAC is for the counties that are covered by the EAC to achieve reductions in 8-hour ozone concentrations, and ultimately, attainment with the 8-hour ozone standard, earlier than would be required under the Federal Clean Air Act ("FCAA"), in exchange for deferment of the effective date of the non-attainment designation for those counties. (69 Fed.Reg. 23864-65 (April 30, 2004)). Such purpose will be met for the Northeast Texas non-attainment counties since the 8-hour ozone concentrations in those counties will be reduced to below the new 8-hour ozone standard earlier than would be required under the FCAA.

The fourth highest 8-hour ozone concentrations measured by the monitors in those counties have been consistently decreasing over the last several years. Much of the credit for those reductions goes to the NOx and VOC emissions reduction strategies that were developed and implemented in those counties through the EAC for the prior 8-hour ozone standard.

In addition, all indications are that the fourth highest 8-hour ozone concentrations in the Northeast Texas non-attainment counties will continue to decrease until the counties' design values are below the new 8-hour ozone standard. That will occur, in part, due to the NOx and VOC emissions reductions that will continue to occur as a result of the emissions reduction strategies that were developed and are being implemented through the EAC for the prior 8-hour ozone standard. That will also occur, in part, because of the NOx and/or VOC emissions reductions that will occur in the next few years due to state and federal requirements, such as (i) the NOx emissions reductions that will occur due to the new NOx emissions control requirements that will apply to gas-fired reciprocating internal combustion engines in 33 counties in East Texas (see 30 TAC Chapter 117, Subchapter E, Division 4), and (ii) the NOx and VOC emissions reductions that will occur due to the gradual replacement of older, higher emitting on-road and off-road mobile sources with newer, lower emitting on-road and off-road mobile sources. However, even without considering the impact of those NOx and VOC emissions reductions on the monitored 8-hour ozone concentrations in those counties, the data from those counties' monitors show that the counties' design values likely will not exceed the new 8-hour ozone standard based on the 8-hour ozone monitoring data for 2007-2009 or 2008-2010; but, in any event, the data show that the counties' design values will not exceed the new 8-hour ozone standard at some point earlier than the applicable attainment deadline for that standard.

<u>The use of an EAC would constitute the most efficient use of limited TCEQ resources</u>

Since the 8-hour ozone concentrations in the Northeast Texas non-attainment counties will likely be reduced to below the new 8-hour ozone standard earlier than would be required under the FCAA, it would be a significant waste of limited TCEQ resources if an EAC was not in place to defer the non-attainment designation for those counties and, as a result, the TCEQ was required to develop non-attainment SIP rules and revisions for those counties. Indeed, as discussed above, there is every indication that before such rules could be adopted and become effective, the counties would already be monitoring in attainment with the new 8-hour ozone standard.

<u>Summary of AECT's request</u>

In summary, for the following reasons, AECT respectfully requests that the TCEQ support the use of an EAC for the Northeast Texas non-attainment counties, including trying to convince EPA to allow the use of an EAC for those counties: (i) in light of the great success of the EAC for the NETAC counties relative to the prior 8-hour ozone standard (and of the EACs for the counties in the San Antonio and Austin areas); (ii) in light of NETAC's support for the use of an EAC for the

Northeast Texas non-attainment counties; (iii) because an EAC for those counties will meet the conditions and purpose for an EAC; and (iv) because the use of an EAC for those counties would constitute the most efficient use of limited TCEQ resources since there is every indication that the counties would already be monitoring in attainment with the new 8-hour ozone standard before the TCEQ could adopt any non-attainment SIP rules or before those rules would become effective.

Thank you for your consideration of these comments. If you should have any questions, please contact Keith Courtney at (512) 370-2813.

Sincerely,

John W. Fainter
CEO and President

cc: Mayor Richard Greene, EPA Region 6 Administrator

NORTHEAST TEXAS AIR CARE
3800 Stone Road
Kilgore, Texas 75662
Phone: 903-984-8641 ext. 209

July 25, 2008

Mark Vickery
Executive Director
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087

Re: Public Meeting on Revised Ozone Standard

Dear Mr. Vickery,

On behalf of Northeast Texas Air Care (NETAC), I want to express our appreciation for TCEQ staff scheduling this public meeting in Longview in order to provide an opportunity for the public to obtain information concerning EPA's recently revised 8-hour ozone standard and the process for designating ozone non-attainment areas. NETAC received a briefing from EPA and your staff on the new 75 ppb 8-hour ozone standard shortly after its adoption and recognizes the challenge that this new standard presents for our area.

As you know, NETAC has worked closely with TCEQ and EPA since 1996 to address air quality concerns in Northeast Texas. These efforts have been coordinated under a Flexible Attainment Region (FAR) agreement in place from 1997 through 2000 followed by an Early Action Compact agreement from 2002 through 2007. During that timeframe, our mutual efforts were successful in attaining both the 1-hour ozone standard and the 0.08 ppm 8-hour ozone standard that replaced it. Two significant factors contributing to that success were the emphasis placed on the development of sound scientific information concerning the factors contributing to high ozone levels in our region and local initiatives to develop and implement emission reduction strategies needed to demonstrate attainment. These efforts could not have occurred without the funding provided for our area by the Texas Legislature.

All Texans can be proud of the fact that the early action compact process in Texas was a resounding success. All three Early Action Compact areas - Austin, San Antonio, and Northeast Texas - met each of the milestones of their compacts and were able to achieve compliance with the 8-hour ozone Standard required by those compacts. We were encouraged earlier this year when we heard that EPA was conducting a review of the Early Action Compact process nationwide and was considering development of a similar process with regard to the new 75 ppb ozone standard. We urge TCEQ to support implementation of such programs for the new 8-hour ozone standard.

Regardless of the implementation procedures ultimately developed by EPA for the new 8-hour ozone standard, we look forward to continuing cooperation with both TCEQ and EPA to achieve compliance with this new standard. We believe that cooperative approaches such as those that have been followed in our area since 1996 are essential for developing effective strategies that can be implemented in harmony with the goal of sustaining a viable economy throughout our region.

Prior NETAC studies, including aircraft monitoring data demonstrating ozone transport into our area at levels up to 80 ppb, indicate the need for the development and implementation of effective control strategies beyond our local area. We urge TCEQ and EPA to develop such effective strategies to address ozone transport into our area and to allow us the opportunity to continue our role of developing effective control strategies within our area based on coordinated and appropriate air quality studies. This approach has the added benefit of allowing us to take into consideration the differing air quality levels and issues within our region.

In closing, I must express my disappointment at learning that you plan to submit to the commission for its consideration on August 6, 2008 a legislative appropriation request that would propose amendments to rider funding of air quality studies in our area. That legislative appropriation request would dilute funding for air quality studies in our area by holding the amount of funding to current levels but adding new areas as potential recipients of the funding, including areas for which TCEQ has traditionally handled ozone planning activities. That same legislative appropriation request seeks approximately $5 million in new funding for TCEQ to add approximately 30 positions to implement requirements of the new 75 ppb ozone standard.

Even though you have staff assigned to coordinate with our area on technical, policy and financial issues, we were neither informed nor consulted concerning these proposed changes. Because continued funding through the Texas Legislature is critically important to our ability to develop appropriate and effective control strategies for our area, I request that you give this matter your personal attention and provide us an opportunity to discuss these matters with you before any changes to current rider funding are proposed to the Texas Legislature.

Sincerely,

Bill Stoudt
County Judge, Gregg County
NETAC Chairman

cc: Senator Kevin Eltiffe
State Representative Tommy Merrit
State Representative Bryan Hughes
State Representative Leo Berman
State Representative Chuck Hopson