

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**DECISION OF THE COMMISSION
REGARDING THE PETITION FOR RULEMAKING
FILED BY JED ANDERSON**

Docket No. 2011-0779-RUL

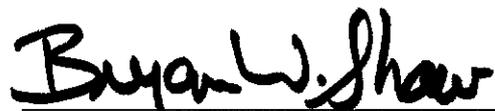
On June 22, 2011, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by Mr. Jed Anderson. The petition, filed on May 16, 2011, requests that the agency initiate rulemaking to submit petition to the U.S. Environmental Protection Agency (EPA) pursuant to Federal Clean Air Act, § 179B to address the growing impacts of foreign pollutant transport on nonattainment areas for the ozone National Ambient Air Quality Standard (NAAQS) throughout the State of Texas and that the agency revise the Texas State Implementation Plan (SIP) accordingly.

IT IS THE DECISION OF THE COMMISSION pursuant to Administrative Procedure Act (APA), Texas Government Code, § 2001.021 and Texas Water Code, § 5.102 to deny the petition for failure to meet the requirements of a Petition for Adoption of Rules pursuant to 30 Texas Administrative Code (TAC) § 20.15. Additionally, the petition is denied because the request is not yet ripe for review by the commission, since the EPA has not yet finalized its reconsideration of the 2008 ozone NAAQS, requiring the commission to review and submit a SIP to demonstrate attainment and maintenance of a revised ozone NAAQS.

This Decision constitutes the decision of the Commission required by the Texas Government Code, § 2001.021(c).

Issued date: **JUN 27 2011**

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ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., Chairman