

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 14, 2014

Mr. Ron Curry  
Regional Administrator  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2133

Dear Mr. Curry:

This letter is in response to your August 19, 2014 proposal to modify the State of Texas' recommendation for designation of areas in Texas with regard to the 2012 primary annual fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) of 12.0 micrograms per cubic meter (µg/m<sup>3</sup>). I respectfully request that you reconsider your plan to designate all counties in Texas as unclassifiable/attainment. All 11 Texas counties with regulatory PM<sub>2.5</sub> monitors (Bexar, Bowie, Dallas, Ellis, El Paso, Harris, Harrison, Hidalgo, Nueces, Tarrant, and Travis) have monitored design values below the 2012 PM<sub>2.5</sub> NAAQS and should be designated attainment. Pursuant to Section 107(d)(1)(B) of the Federal Clean Air Act (FCAA), which provides states an opportunity to demonstrate why any proposed modification by the United States Environmental Protection Agency (EPA) to the state's recommendation is inappropriate, this letter reiterates Texas' justification for the designation of these 11 counties as attainment and not unclassifiable/attainment.

In the EPA's April 16, 2013 guidance regarding initial area designations for the 2012 PM<sub>2.5</sub> NAAQS, the agency noted that it intended to use the designation category of unclassifiable/attainment for areas that "are monitoring attainment and for areas that do not have monitors but for which the EPA has reason to believe are likely attainment and are not contributing to nearby violations." Unlike the designations of attainment, nonattainment, and unclassifiable specified by the FCAA, the EPA is using an undefined category without clear definition, criteria, or statutory basis. The EPA has offered no rational explanation for refusing to designate as attainment those areas with ambient, regulatory monitoring data that demonstrate that an area is actually meeting the relevant standard. The EPA's actions on the 2013 Texas Annual Monitoring Plan and Annual Data Certification clearly indicate that Texas' ambient air monitoring network is sufficient to comply with FCAA requirements, both in terms of placement and data quality, respectively. In Texas' largest metropolitan areas (Dallas-Fort Worth and Houston), Texas not only complies with FCAA requirements, but has twice as many PM<sub>2.5</sub> monitors than are currently required.

My recommendation for designations for the 2012 PM<sub>2.5</sub> NAAQS was based on design values that were determined using certified 2010 through 2012 monitoring data, excluding data from the Clinton Drive monitor in Harris County that were influenced by exceptional events. The Texas Commission on Environmental Quality (TCEQ) submitted exceptional events demonstrations for the Clinton Drive monitor to the EPA for 2010 in July 2013 and for 2011 and

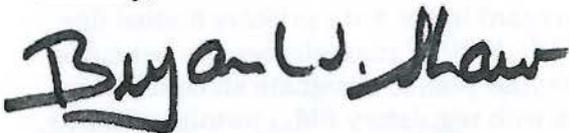
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2012 in October 2013. The exceptional events package for the 2010 events was approved March 2014. The TCEQ is awaiting EPA action on the 2011 and 2012 events. My recommendation is further supported by certified 2011 through 2013 monitoring data, which show continued attainment for these 11 counties. Based on these data and the criteria for determining when the primary and secondary PM<sub>2.5</sub> NAAQS are met, as specified in 40 Code of Federal Regulations §50.13 and §50.18, these 11 counties should be designated as attainment for the primary annual PM<sub>2.5</sub> standard with all other areas of the state designated as unclassifiable/attainment.

The TCEQ submitted comments in response to the EPA's August 29, 2014 *Federal Register* notice (79 FR 51517), which notified the public of the agency's intended designations for the primary annual PM<sub>2.5</sub> standard. These comments, which include further support for attainment designations for the 11 counties listed above, are enclosed for your information.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Bryan Shaw, Ph.D., P.E., at (512) 239-5510.

Sincerely,

A handwritten signature in black ink that reads "Bryan W. Shaw". The signature is written in a cursive, slightly slanted style.

Bryan W. Shaw, Ph.D., P.E., Chairman  
Texas Commission on Environmental Quality

Enclosure

cc: Office of the Honorable Rick Perry, Governor of Texas