



GOVERNOR GREG ABBOTT

September 30, 2016

Ms. Janet G. McCabe
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20760

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

Re: State Designation Recommendations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)

Dear Ms. McCabe and Mr. Curry:

The State of Texas and the Texas Commission on Environmental Quality (TCEQ) — along with a nationwide coalition of other states, energy companies and interest groups — filed a petition for review of the U.S. Environmental Protection Agency's (EPA) ozone rule. *See Murray Energy Corp. et al. v. EPA*, D.C. Cir. Dkt. No. 15-1385 (consolidated with 15-1392, 15-1490, 15-1491 & 15-1494). The ozone rule should be vacated because it is unlawful as both a constitutional and statutory matter. However, because the ozone rule has not yet been stayed or vacated, I am enclosing the 2015 ozone NAAQS designation recommendations, with supporting information from Dr. Bryan W. Shaw, Chairman of TCEQ, on behalf of the State of Texas.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott".

Greg Abbott
Governor

GA:rvk

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



RESOLUTION CONCERNING THE 2015 EIGHT-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS DESIGNATIONS

Docket No. 2016-0399-SIP
Project No. 2016-009-SIP-NR

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on August 3, 2016 to discuss and consider designation recommendations for the 2015 eight-hour ozone National Ambient Air Quality Standards (NAAQS) for submittal to the governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA revised the eight-hour standard for ozone on October 1, 2015, setting both the primary and secondary standards at 0.070 parts per million, or 70 parts per billion (ppb); and

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

WHEREAS, the Commission acknowledges that the FCAA, § 107(d), also establishes a process for each governor to provide recommendations to the EPA regarding appropriate designations for the 2015 ozone NAAQS for their state, including appropriate geographic boundaries; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the 2015 ozone NAAQS of October 1, 2016; and

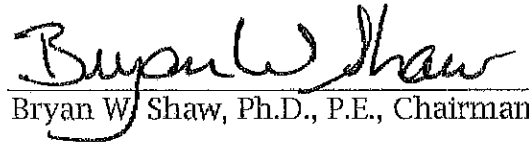
WHEREAS, the Commission acknowledges that the EPA recommends that states identify areas not in compliance with the revised NAAQS using the most recent three years of air quality data, preferably data from calendar years 2013 through 2015, stored in the EPA Air Quality System (AQS) from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58; and

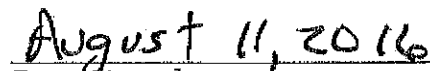
WHEREAS, the Commission finds that based on complete and certified AQS monitoring data from 2013 through 2015, all monitors in Texas with data eligible for comparison to the revised 2015 eight-hour ozone NAAQS were reviewed, and there are areas of the state that should be recommended for designation as nonattainment, in addition to areas that should be recommended for designation as attainment or unclassifiable/attainment, as noted in the attached Exhibit A; and

WHEREAS, the Commission finds that at the time that the EPA makes final designations, AQS monitoring data from 2016 may also be available for the EPA's consideration and that nonattainment area designation recommendations based on 2013 through 2015 monitoring data may be revised to attainment for any counties monitoring attainment based on 2016 data; and

THEREFORE, BE IT RESOLVED, that the Commission hereby requests the governor of Texas to submit a recommendation for the 2015 eight-hour ozone NAAQS to the EPA for consideration consisting of nonattainment designations for all counties in Texas with regulatory ozone monitors measuring over the 2015 ozone NAAQS of 70 ppb as well as areas currently designated as nonattainment for the 2008 ozone standard, attainment designations for all counties in Texas that have regulatory ozone monitors with complete data meeting the 2015 ozone NAAQS that are not currently located in an area designated nonattainment for the 2008 ozone NAAQS, and unclassifiable/attainment designations for all other counties in the state, as detailed in Exhibit A, by the EPA's requested deadline of October 1, 2016.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., P.E., Chairman


Date signed

ATTACHMENT A

**STATE OF TEXAS
2015 EIGHT-HOUR OZONE NAAQS DESIGNATION RECOMMENDATION**

The following table identifies Texas counties and the designations that the State of Texas is recommending for the 2015 eight-hour ozone NAAQS.

Recommended Designation	Counties
Nonattainment	Bexar Brazoria Chambers Collin Dallas Denton El Paso <i>(with the exception of tribal lands, i.e. Ysleta Del Sur Reservation or Trust Lands)</i> Ellis Fort Bend Galveston Harris Hood Johnson Kaufman Liberty Montgomery Parker Rockwall Tarrant Waller Wise
Attainment	Bell Brewster Cameron Gregg Harrison Hidalgo Hunt Jefferson McLennan Navarro Nueces Orange Randall Smith Travis Victoria Webb
Unclassifiable/Attainment	Remaining 216 counties in the state

ATTACHMENT B

CERTIFIED 2013 THROUGH 2015 EIGHT-HOUR OZONE DESIGN VALUES FOR REGULATORY MONITORS IN THE STATE OF TEXAS

The Texas Commission on Environmental Quality has calculated the eight-hour ozone design values for Texas counties with regulatory monitors, as presented in the table below, in support of the State's designation recommendation for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The design values were calculated with certified 2013 through 2015 monitoring data.

Design Values by County for the 2015 Eight-Hour Ozone NAAQS

County	Certified 2013 through 2015 Design Value (parts per billion)
Denton	83
Brazoria	80
Tarrant	80
Harris	79
Bexar	78
Collin	76
Dallas	75
Parker	75
Galveston	73
Hood	73
Johnson	73
Montgomery	73
El Paso	71
Rockwall	70
Bell	69
Ellis	68
Gregg	68
Jefferson	68
Travis	68
Kaufman	67

ATTACHMENT B

County	Certified 2013 through 2015 Design Value (parts per billion)
McLennan	67
Smith	67
Harrison	66
Navarro	66
Orange	66
Randall	66
Nueces	65
Brewster	64
Hunt	64
Victoria	64
Cameron	59
Webb	59
Hidalgo	56

Note: The regulatory CASTNET monitor in Polk County does not have a valid 2013 through 2015 design value as the monitor does not meet data completeness requirements. Incomplete data shows a 2015 design value of 64 parts per billion.

Source: The EPA Air Quality System database (<https://www.epa.gov/aqs>)