

US EPA ARCHIVE DOCUMENT



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

DEC 03 2003

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

Dear Governor Perry:

Thank you for your letter of July 15, 2003, in which you submitted Texas' recommendations on air quality designations for the 8-hour national health-based standard for ground level ozone. The State submittal was the first step in our working cooperatively to designate areas in which the air standards have not yet been attained and areas that have achieved the clean air goal. As part of this process, the U.S. Environmental Protection Agency (EPA) committed to take into consideration the most recent air quality data collected to date in calendar year 2003 in making our determination. I am pleased to inform you that, based on the data collected by the Texas Commission on Environmental Quality (TCEQ) in 2003, it appears likely that Texas will be able to demonstrate attainment of the 8-hour ozone standard in two areas that were in violation of the standard during the 2000-2002 period. Both the Austin-San Marcos Metropolitan Statistical Areas (MSA) and the Longview-Marshall MSA have improved air quality and appear to currently meet the 8-hour air quality standard. This is a very significant accomplishment for Texas.

Consistent with the Clean Air Act, Section 107(d)(1), this letter is to inform you of EPA's intentions for attainment and nonattainment area designations and boundaries based on information included in your July 15, 2003, letter. We reviewed your recommendation with respect to the statutory test of whether there are violations of the 8-hour ozone standard in the area, or if the area causes or contributes to a violation of the 8-hour standard in a nearby area. In determining how an area causes or contributes to a violation of the 8-hour standard, we have also based our review of your submittal on EPA's guidance dated March 28, 2000, entitled *Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)*. The guidance recommended the State use the larger of the Consolidated Metropolitan Statistical Area (C/MSA), MSA, or the 1-hour ozone nonattainment area as the presumptive boundary for the 8-hour ozone nonattainment areas. The guidance further allowed States to demonstrate, based on 11 technical factors, whether boundaries should be larger or smaller than the presumptive area.

Texas' recommendation of the counties to designate as nonattainment for the ozone NAAQS includes 7 of the 12 counties in the Dallas-Fort Worth (DFW) C/MSA. Your recommendation for the DFW C/MSA did not include the five counties that did not have an

ozone monitor or a recorded violation of ozone air quality during the 2000-2002 period. At this phase of the review process, we recommend that all 12 counties in the DFW C/MSA be included within the nonattainment designation. We recognize that, after completing our joint analysis, we may conclude that another boundary is more appropriate for this particular airshed. We also recognize that several DFW area counties came forward voluntarily and imposed early pollution control measures, such as automobile Inspection and Maintenance requirements.

Texas' recommendation for the San Antonio MSA did not include the three counties that did not have sufficient ozone monitoring data during the 2000-2002 period to determine whether they registered an ambient air quality violation. We look forward to discussing pertinent data with Texas regarding the appropriate nonattainment boundary for the San Antonio MSA. At this time, we recommend, based on EPA's guidance, that all four counties in the San Antonio MSA be the nonattainment boundary area.

On October 16, 2003, we received additional information from TCEQ in support of Texas' boundary determinations for 8-hour ozone designations in the DFW and San Antonio areas. Over the coming weeks, we will review this data and any additional information you consider pertinent. We request that additional information the State wishes to have considered in an analysis for boundary determinations be submitted to EPA by February 6, 2004. We will review and compare all data with EPA officials in Headquarters as well as with the other EPA Regions. This is critical, as there is a strong need for national consistency in the nonattainment designation process.

We do not intend to make any modifications to your recommended designations and boundaries for the Houston-Galveston-Brazoria area or the Beaumont-Port Arthur area.

Throughout the 2003 ozone season, TCEQ and EPA tracked ozone monitoring data and its impact on the areas' 2001-2003 ozone levels. We are pleased to report that our preliminary review of 2001-2003 ozone monitoring data through the end of November 2003, indicates that the Austin-San Marcos MSA and the Longview-Marshall MSA are currently attaining the 8-hour ozone NAAQS. We want to specifically acknowledge the voluntary efforts in your State to improve the air quality, especially the efforts with early air quality planning in Austin-San Marcos, the Northeast Texas area, and the San Antonio area. We believe that those efforts should be continued to prevent degradation of air quality in these communities as they grow.

The enclosure to this letter provides a table in which we identify the counties that, at this phase of the process, we intend to include in each nonattainment area. Additional detail regarding our recommendation is also included.

The State's and EPA's work to identify areas in attainment or in nonattainment is an important step in our commitment to achieving clean air in our Region. I am pleased with the efforts that Texas has made in improving air quality. We look forward to working with you as we proceed to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information the State wishes to submit by February 6, 2004. The EPA will promulgate final designations by April 15, 2004.

If you have any questions, please do not hesitate to call me or have your staff call Mr. Thomas Diggs, of my staff, at (214) 665-3102.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard E. Greene". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard E. Greene  
Regional Administrator (6RA)

Enclosure

cc: Mr. Ralph Marquez, Commissioner  
Texas Commission on Environmental Quality

## Enclosure

The following table identifies the individual areas and counties composing those areas within Texas that EPA intends to designate as nonattainment. Following the table is a description of areas where EPA intends to modify the Texas recommendation and the basis for such modification. The EPA intends to designate as attainment/unclassifiable all counties not identified in the table below.

	<b>Texas Recommended Nonattainment Counties</b>	<b>EPA Recommended Nonattainment Counties</b>
Beaumont/Port Arthur area	Hardin, Jefferson and Orange	Hardin, Jefferson and Orange
Dallas-Fort Worth area	Collin, Dallas, Denton, Ellis, Johnson, Parker and Tarrant	Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall and Tarrant
Houston-Galveston-Brazoria area	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller
San Antonio area	Bexar	Bexar, Comal, Guadalupe, Wilson

### **Modifications to Texas' Recommendations**

#### **Dallas-Fort Worth Area**

A modification was made to include Henderson, Hood, Hunt, Kaufman, and Rockwall counties in the Dallas-Fort Worth nonattainment area. This was done because these counties are within the presumptive nonattainment area for the Dallas-Fort Worth nonattainment area. When Texas submitted its recommendations in July 2003, the State did not provide any analysis of the 11 factors to justify excluding these counties. Subsequent documentation received from TCEQ in October 2003, is under review. In addition, we look forward to receiving and evaluating additional information the State considers relevant to the DFW designation boundary decision by February 6, 2004.

#### **San Antonio Area**

A modification was made to include Comal, Guadalupe and Wilson counties in the San Antonio nonattainment area. This was done because these counties are within the presumptive nonattainment area for the San Antonio nonattainment area. When Texas submitted its recommendations in July 2003, the State did not provide any analysis of the 11 factors to justify excluding these counties. Subsequent documentation received from TCEQ in October 2003, is under review. In addition, we look forward to receiving and evaluating additional information the State considers relevant to the San Antonio designation boundary decision by February 6, 2004.

**Longview-Marshall Area**

The State's recommendation was to designate Gregg County within the Longview-Marshall MSA as nonattainment based on 2000-2002 monitoring data. Preliminary 2001-2003 ozone monitoring data indicate that the Longview-Marshall MSA may not be violating the 8-hour standard. While preliminary 2001-2003 ozone data indicate there are currently no monitors in the Longview-Marshall MSA violating the 8-hour standard, there is concern that through the remainder of the calendar year or through the quality assurance process of the monitoring data, the area may show a violation. If this situation were to occur, we would consider the entire Longview-Marshall MSA as nonattainment because this area is the presumptive nonattainment area. If this situation were to occur, we would consider the entire Longview-Marshall MSA, the Tyler MSA (Smith County) and Rusk County as nonattainment with a deferred effective date because this area is the boundary area for the Northeast Texas 8-hour Early Action Compact

**Austin-San Marcos Area**

The State's recommendation was to designate Travis County within the Austin-San Marcos MSA as nonattainment based on 2000-2002 monitoring data. Preliminary 2001-2003 ozone monitoring data indicate that the Austin-San Marcos MSA may not be violating the 8-hour standard. While preliminary 2001-2003 ozone data indicate there are currently no monitors in the Austin-San Marcos MSA violating the 8-hour standard, there is concern that through the remainder of the calendar year or through the quality assurance process of the monitoring data, the area may show a violation. If this situation were to occur, we would consider the entire Austin-San Marcos MSA as nonattainment because this area is the presumptive nonattainment area.