

US EPA ARCHIVE DOCUMENT



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August 7, 2012

Ms. Lisa Jackson
Administrator of USEPA
USEPA Headquarters
12000 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

RE: ATTENTION DOCKET ID NO. EPA-HQ_OAR-2008-0476.

**RESOLUTION OPPOSITION WITH REQUEST FOR RECONSIDERATION AND
CALL FOR CONGRESSIONAL INTERVENTION IN THE MATTER OF WISE
COUNTY, TEXAS BEING DESIGNATED AS MEMBER OF DALLAS-FORT WORTH
(DFW) AREA NAAQS 2012 EIGHT HOUR OZONE NONATTAINMENT AREA.**

Director Jackson:

On behalf of the City of Boyd, Boyd, Wise County, Texas, please accept this letter with attached City of Boyd Resolution 2012-8 as official notice of request for re-review and reconsideration of your Conclusion Decision to add Wise County to the DFW Area nonattainment designation.

Respectfully,

Brent Wilson,
Mayor
City of Boyd
Boyd, Wise County, Texas

Cc List: Attached

CITY OF BOYD
BOYD, TEXAS, WISE COUNTY, TEXAS

RESOLUTION NO. 2012-8

**RESOLUTION IN OPPOSITION OF THE CONCLUSION
BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA)
TO DESIGNATE WISE COUNTY, TEXAS AS AN ADDITION TO
THE DALLAS-FORT WORTH AREA NAAQS 2012 EIGHT-HOUR
OZONE NONATTAINMENT AREA**

The City of Boyd, Boyd, Wise County, Texas, respectfully submits this Resolution of Protest to the EPA and associated Administrative Officials, along with a Call for warranted United States Congressional Intervention of the EPA 2012 designation of inclusion of Wise County, Texas into the Dallas-Fort Worth Area (DFW) Nonattainment Regional Area.

With this Resolution of Protest, City of Boyd requests a full re-review by the EPA of the Technical Analysis Support Documentation and other associated Scientific Facts as were duly and timely submitted during the called EPA Comment Periods, by both Wise County and the Texas Commission on Environmental Quality (TCEQ).

Thus, the basis of this Resolution with call for review is formulated on justification of the previous actions and is so cited as being as follows:

WHEREAS, the Environmental Protection Agency (EPA) Executive Director and certain other EPA Officials have submitted the Executive Director's Conclusion Document as being announced on or about the 1st day of May, 2012, which includes the Conclusion statement that Wise County, Texas (Wise County) is to be designated as an addition to the present nine (9) county Dallas-Fort Worth (DFW) Area list of designated nonattainment of the 2008 eight-hour ozone standard, listed by air quality planning area; and

WHEREAS, on October 31, 2011, the TCEQ submitted to the appropriate EPA departments and officials its recommendations for designation of areas in Texas with regard to the 2008 National Ambient Air Quality Standard (NAAQS)

for eight-hour ozone of 0.075 parts per million, which included the recommendation, along with associated Technical Analysis Support Documentation that provided the EPA an enormous amount of written and illustrated justification as to why Wise County should not be designated within the nonattainment area; and

WHEREAS, throughout the following months through February, 2012, and during the EPA's designated Public Comment time period, Wise County and the TCEQ presented the EPA with additional follow-up information and support documentation which clearly demonstrated that the EPA's assessments of its own Factors (and especially *EPA's Factor 2: Emissions and Emissions-Related Data*) were in gross error, and did not include those certain essential **scientific and monitored** TCEQ report revisions related to the oil and gas sector pneumatic emissions for the Periodic Emissions Inventory; and

WHEREAS, under *EPA's Factor 2: Emissions and Emissions-Related Data*, it is apparent that the EPA ignored Wise County's minute 2010 population of 59,127 as compared to the DFW nonattainment area population of approximately 6.2 million people, along with Wise County's 2008 Vehicle Miles Traveled (VMT) being at 969 million miles as compared with an area-wide VMT of 61.9 billion miles, thus, by any true reasoning, it would be unexpected that these type emissions to have any significant contribution to ozone formation; and

WHEREAS, under *EPA's Factor 3: Meteorology (weather/transport patterns for the DFW Area)*, in summary of the data and information previously provided by the TCEQ and Wise County, it is also apparent that the EPA either erred and/or ignored the facts that the DFW area typically experiences high ozone on days that are warm, sunny, winds either from the east or southeast, or slow wind speeds; Which means that Wise County is usually downwind of the DFW urban plume and unlikely to contribute to high ozone values at the location of analyzed ozone monitors in neighboring counties (**Wise County has no monitors located within Wise County**) Given the DFW area's large population, automobile fleet, and variety of industry, the DFW area produces enough emissions on its own volitions to result in a high ozone day when stated meteorological conditions are favorable – without the contributions of any of Wise County's factor numbers of population, VMT, and oil and gas activities; and

WHEREAS, under the TCEQ's Supplemental Analysis on *Factors 2: Emissions and Emissions Related Data* and *Factor 3: Meteorology (weather/transport patterns)* for the DFW area, the TCEQ utilized an additional modeling tool, Comprehensive Air Quality Model with extensions (CAMx) Anthropogenic Precursor Culpability Assessment (APCA) as additional complementary information to the meteorology and emissions factors. The TCEQ did not use the updated oil and gas sector pneumatic emissions being submitted by the TCEQ in October 2011 to the EPA for Periodic Emissions Inventory from scientific and technical modeling and source apportionment analysis as provided, **and therefore the VOC emissions as calculated by the stated**

resources/analysis methods are most likely overestimated in the modeling; and

WHEREAS, the City of Boyd fully agrees with and supports Wise County Judge Bill McElhaney's previous comments to the EPA, including scientific and technical data, other pertinent information, and the June 15, 2012, Resolution of the Wise County Commissioners Court respectfully requesting re-consideration of the EPA 2012 designation of inclusion of Wise County, Texas into the Dallas-Fort Worth Area (DFW) Nonattainment Regional Area.

WHEREAS, the City of Boyd has concluded from all the noted information and attached reports reviewed in other Analysis and Reports received in prior correspondence, along with the stated comments and conclusions as contained herein, that the EPA has not provided Wise County a sufficient and accurate review of the evidence and data as submitted by Wise County and the TCEQ to support its conclusive decision to add Wise County to the designated nonattainment area of DFW Region, and therefore has denied, with prejudice, a lawful offer or opportunity to interact and work together with Wise County's local government officials, the State of Texas TCEQ, industry leaders, Economic Development Boards, Chambers of Commerce, and other stakeholders of Wise County in regards to EPA's air quality monitoring / decision making process, nor has EPA directly shared its specific data and justification leading to said Conclusion to place Wise County in the nonattainment region with no rebuttal process; and,

WHEREAS, a nonattainment designation would impose unwarranted significant economic ramifications on members of the , citizens of the Boyd Area, and Wise County in general, and that it is clear that EPA lacks sufficient scientific data to justify this Conclusion decision in regards to Wise County's inclusion designation;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF BOYD OF BOYD, TEXAS, WISE COUNTY, TEXAS:

Section 1. City of Boyd respectfully requests that the EPA Director and other Congressional Officials remove Wise County from its Conclusion list of designated nonattainment Counties within the DFW Area immediately, being for those reasons and associated justification so stated within this Resolution.

Section 2. The City of Boyd recognizes the benefits of Wise County governments and leadership working with the Texas Commission on Environmental Quality (TCEQ) and to develop and implement plans, policies, programs and projects to improve the air quality in the Dallas-Fort Worth Metropolitan Area and comply with EPA regulations.

Section 3. The City of Boyd affirms its full support for Wise County governments to work with the TCEQ and EPA in apprising and determining true present and future statuses of air quality in Wise County, Texas.

Section 4. This resolution will also be transmitted to the TCEQ Commissioners, the Governor of the State of Texas, the North Central Texas Council of Governments, other Entities and concerned stakeholders of Wise County; and all of Wise County's Honorable Federal and State Legislative Representatives.

Section 5. This resolution was voted upon and unanimously approved by the Boyd City Council of the City of Boyd to be in effect immediately upon its adoption; said Directors being: Mayor Brent Wilson, Council Members Norman Pickett, Crystal Keiper, Rodney Scroggins, Rodney Holmes and Gary Brown

I, the undersigned, do hereby certify that this **ORDER** was resolved and adopted by the attending City of Boyd Directors, so named hereinabove, and, thus **PASSED AND APPROVED** in a regular scheduled City Council Directors' Meeting this 7th day of August, 2012.

By: Brent Wilson
Brent Wilson
Mayor
City of Boyd
Wise County, Texas

Attest: Joy Patterson
Joy Patterson, City Secretary
City of Boyd
Boyd, Wise County, Texas

