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From Phil Major <pmajor@wcmessenger.com>

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cc

Subject ATTENTION DOCKET ID NO. EPA-HQ\_OAR-2008-0476

OFFICE OF THE EXECUTIVE SECRETARIAT

Message Body

July 17, 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 Look Local Wise County Task Force, Wise County, Texas, please accept this letter with attached Look Local Wise County Task Force Resolution No. 1 as official notice of request for re-review and reconsideration of your Conclusion Decision to add Wise County to the DFW Area

nonattainment designation.

We do not believe that Wise County's inclusion was based upon valid scientific evidence and would invite the EPA to use hard data, rather than unreliable modeling, to reach its conclusions.

Respectfully,

Phil Major  
President  
Look Local Wise County Task Force  
PO Box 2253  
Decatur, Wise County, Texas 76234

Cc List: attached:

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OEX Processing Information

**LOCAL WISE COUNTY TASK FORCE  
WISE COUNTY, TEXAS**

**RESOLUTION NO. 1**

**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**

In the matter of the United States Environmental Protection Agency (EPA) Responses to State and Tribal 2008 Ozone Designation Recommendations and its conjunctive conclusive decisions made from the EPA final “2012 Spring Review” of said 2008 Ozone Designation Recommendations in regards to ATTENTION DOCKET ID NO. EPA-HQ-OAR-2008-0476, the Look Local Wise County Task Force, Wise County, Texas, respectfully submits this vigorous 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, Look Local Wise County Task Force 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**, On or about May 1, 2012, the Environmental Protection Agency (EPA) announced that Wise County, Texas, 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; and



**WHEREAS**, On October 31, 2011, the Texas Commission on Environmental Quality (TCEQ) recommended to the appropriate EPA departments, with supporting technical documentation, as to why Wise County should not be designated as part of the DFW non-attainment area; and

**WHEREAS**, From October 2011 through February 2012 and during the EPA's designated public comment period, Wise County and the TCEQ presented the EPA with additional support documentation which clearly demonstrates that the EPA's assessment of its own emission and meteorological factors (*EPA's Factor 2: Emissions and Emissions-Related Data*) were either ignored, incorrect, and/or did not include revised TCEQ scientific and monitoring data, including TCEQ report revisions related to the oil and gas sector pneumatic emissions for the Periodic Emissions Inventory; and

**WHEREAS**, According to EPA data, Wise County's minute 2010 population was 59,127, (or only approximately 0.95% of the current nine county DFW non-attainment population of approximately 6.2 million) and Wise County's 2008 vehicles miles traveled (VMT) of 969 million miles compared to the DFW area's 61,900 million (61.9 Billion) VMT reasons that it would be highly unexpected that VMT emissions for Wise County would have any significant contribution to DFW ozone-formation.; and

**WHEREAS**, Data from the *EPA's Factor 3: Meteorology (weather/transport patterns for the DFW Area)*, clearly shows that prevailing winds are from the east and southeast, meaning that Wise County is usually downwind of the DFW urban plume and unlikely to contribute to high ozone values (There are currently no ozone monitors located within Wise County) and given the DFW area's large population, automobile fleet, and variety of industry, the DFW area produces enough emissions on its own to result in a high ozone day – **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 EPA 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 Look Local Wise County Task Force has concluded from all the noted information and attached reports reviewed in other Analysis and Reports, along with the stated comments and conclusions as contained herein, that the EPA has not provided the citizens of 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**, the Look Local Wise County Task Force 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; and

**WHEREAS**, a nonattainment designation would impose unwarranted significant economic ramifications on members of the Look Local Wise County Task Force, and citizens of 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 LOOK LOCAL WISE COUNTY TASK FORCE OF, WISE COUNTY, TEXAS:**

**Section 1.** The Look Local Wise County Task Force strongly and 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 Look Local Wise County Task Force 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 Look Local Wise County Task Force 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 Board of Directors of the Look Local Wise County Task Force to be in effect immediately upon its adoption; said Directors being: Phil Major, Cyd Bailey, Carey Williams, William Myers, Jody Adams, Tiffany Evans, Lisa Caraway, Frieda Haley, Amber Fogelman, Joe Neil Henderson, Amanda Williams, Debroah Mann, Susan Miller, Caleb Lahue.

I, the undersigned, do hereby certify that this **ORDER** was resolved and adopted by the attending Look Local Wise County Task Force Directors, so named hereinabove, and, thus **PASSED AND APPROVED** in a regular Look Local Wise County Task Force Directors' Meeting this **17th day** of **July, 2012**.

By: \_\_\_\_\_  
**Phil Major, President**  
**Look Local Wise County Task Force**  
**Wise County, Texas**