

US EPA ARCHIVE DOCUMENT



July 19, 2012

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

OFFICE OF THE  
EXECUTIVE SECRETARIAL

2012 JUL 30 PM 1:24

RECEIVED

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 A MEMBER OF DALLAS-FORT WORTH (DFW) AREA NAAQS 2012 EIGHT HOUR OZONE NONATTAINMENT AREA.

Dear Director Jackson:

On behalf of the Newark City Council, Newark, Wise County, Texas, please accept this letter with attached Newark City Council Resolution No. 274 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,

A handwritten signature in blue ink that reads 'Matt Newby' followed by a circled 'd'.

Matt Newby  
Mayor  
Newark City Council  
Newark, Wise County, Texas

cc: Caryn Dunn  
Administrative Coordinator  
Wise County  
P.O. Box 393  
Decatur, TX 76234

CITY OF NEWARK, WISE COUNTY, TEXAS  
RESOLUTION NO. 274

**A 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 City of Newark, 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, the City Council of Newark, Texas request 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 the 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 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, 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 designation 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's 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 diminutive 2010 population was 59,127, 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 61.9 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 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 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 Newark City Council 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 and the TCEQ a sufficient and accurate view 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, Chamber 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 Newark City Council 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 citizens of the City of Newark and surrounding 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 COUNCIL OF THE CITY OF NEWARK, WISE COUNTY, TEXAS:**

**Section 1.** The Newark City Council 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 Newark City Council 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 Newark City Council 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 approved by Newark City Council to be in effect immediately upon its adoption; said Mayor and City Councilmembers being: Mayor Matt Newby, Mayor Pro Tem Laura Pixler, Councilmember Robert Wells, Councilmember Linda Anderson, and Councilmember Chana Massey.

I, the undersigned, do hereby certify that this **ORDER** was resolved and adopted by the attending Newark City Council, so named hereinabove, and, thus **PASSED AND APPROVED** in a regular scheduled Newark City Council meeting this 19<sup>th</sup> day of July 2012.

By:   
Matt Newby, Mayor  
Newark City Council  
City of Newark, Wise County, Texas

Attest:   
Diane Rasor, City Administrator  
City of Newark, Wise County, Texas