

US EPA ARCHIVE DOCUMENT



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HOUSE OF REPRESENTATIVES  
DISTRICT 128

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July 12, 2012

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

Re: Letter in Support of Wise County's Petition for Reconsideration of EPA's  
Designation of Wise County as Nonattainment for the 2008 Ozone NAAQS.

Dear Administrator Jackson:

I am writing to express my concern about EPA's recent decision to designate Wise County nonattainment for the 2008 ozone NAAQS and include that county in the Dallas-Fort Worth ozone nonattainment area. EPA's decision was announced shortly after the discovery of comments by then-EPA Region 6 Administrator, Al Armendariz, stating that EPA's enforcement goal was to "crucify" the oil and gas industry. I am concerned about the impact of this decision on the citizens of Wise County and the precedent this decision may set for future Texas area designations.

Recently, Wise County has filed a petition with EPA requesting that EPA reconsider that designation. I would urge you to give careful consideration to that petition. As you know, Wise County does not have a federal ozone monitor. As such, in order to designate Wise County nonattainment EPA must demonstrate that emission sources in Wise County make a meaningful contribution to the DFW nonattainment area's ozone exceedances. EPA relies heavily upon HYSPLIT modeling analysis in finding a contribution. Yet HYSPLIT modeling only estimates hourly positions of wind parcels and is not capable of directly measuring the transport of ozone from one area to another. The fact that back trajectory analysis is of limited use in tracking ozone contribution and transport was made clear in EPA's Technical Support Document supporting its 2004 area designations for the 1997 ground-level ozone NAAQS:

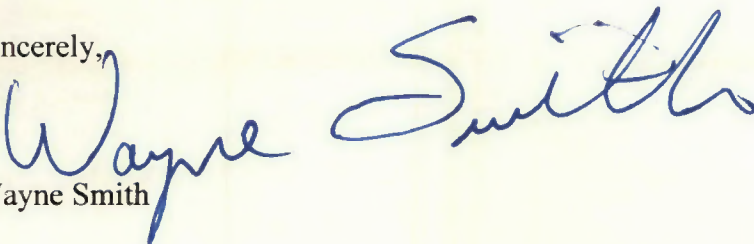
While trajectory analysis can be helpful it has significant limitations as it does not take into consideration atmospheric chemical processes, the injection of emissions, or the deposition of material along the trajectory path.

Technical Support for State and Tribal Air Quality Designations and Classifications, April 2004, Chapter 3, at 3-202 (<http://www.epa.gov/ozonedesignations/1997standards/tech.htm>).

The Texas Commission on Environmental Quality has done a commendable job of demonstrating that Wise County emissions rarely, if ever, contribute to ozone violations in other counties. TCEQ has also presented evidence showing that urban portions of the Dallas-Fort Worth area contribute to ozone levels in Wise County, not the other way around. EPA has not provided sufficient justification to utilize a wind analysis in this case, when it has disregarded that same wind analysis in other instances.

For all of these reasons, I request that you consider Wise County's Petition for Reconsideration carefully and urge you take a fresh look at all facts presented to you in the reconsideration process.

Sincerely,

  
Wayne Smith

cc: Sam Coleman, Region 6 Acting Administrator