

US EPA ARCHIVE DOCUMENT



Delivery Via E-Mail

July 19, 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.**

Administrator Jackson:

On behalf of TXI Operations, LP, please accept this letter as official notice of request for re-review and reconsideration of your Conclusion Decision to add Wise County to the DFW Area nonattainment designation.

TXI Operations, LP, has been a part of Wise County for close to sixty years, as we have been operating our Bridgeport Stone Plant there since 1953. As a member of this community, we are troubled with the lack of scientific basis with which the EPA has determined to designate Wise County as part of the DFW nonattainment area.

TXI supports the shared position of the Texas Commission on Environmental Quality (TCEQ) and Wise County that this county should not be included in the DFW nonattainment area. TCEQ has already recommended to EPA that Wise County should not be designated as part of this nonattainment area and has demonstrated that EPA's assessment was conducted with factors that were erroneous and did not include revised TCEQ data or corrections. Additionally, it is important to note that there are no air monitoring stations within Wise County, and that part of the EPA's basis for including Wise County in the nonattainment area was data collected from air monitoring equipment in a neighboring county which is prevailing upwind of Wise.

By EPA's own data, Wise County's population, total VOC and NO_x emissions, and annual vehicle miles travelled all pale in comparison to the totals of those figures within the existing DFW nonattainment area. Further, prevailing winds in the region are from the east and south, which means that Wise County is usually downwind of any emissions from the area, not generally a contributor. It cannot be over-emphasized that including Wise County as part of the DFW nonattainment area would impose significant undue economic consequences upon the citizens and businesses of Wise County. A designation with such significant economic ramifications should not be issued lightly, or with such a great degree of doubt regarding the foundation of the reason and basis for the decision. If Wise County were included by EPA as part of the

DFW nonattainment area, TXI is certain that the EPA would hold the county to a much higher burden of proof for a demonstration of attainment than that to which EPA is currently holding itself.

For these reasons, and for the reasons previously posited by both TCEQ and Wise County, TXI strongly asserts that Wise County should not be a part of the DFW nonattainment area, that the data is insufficient to reach the current conclusion and that EPA re-review and reconsider this Conclusion Decision.

Respectfully,



David Perkins
Vice President
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