

US EPA ARCHIVE DOCUMENT

**WISE COUNTY COMMISSIONERS COURT
WISE COUNTY, TEXAS**

RESOLUTION NO. FY12 – 07

**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, Wise County, Texas (Wise County) 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, Wise County 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, 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 61,900 million 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 Wise County Commissioners Court 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, and other stakeholders of Wise County in regards to EPA's air quality analysis / 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 exchange; and,

WHEREAS, a nonattainment designation would impose unwarranted significant economic ramifications on Wise County, 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 WISE COUNTY COMMISSIONERS COURT OF WISE COUNTY, TEXAS:

- Section 1.** The Wise County Commissioners Court 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 Wise County Commissioners Court recognizes the benefits of 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 Wise County Commissioners Court affirms its full support for the proposal 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, the Mayors of all Wise County cities, 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 members of the Wise County Commissioners Court to be in effect immediately upon its adoption; said members being: Precinct No. 1 Commissioner Danny White; Precinct No. 2 Commissioner Kevin Burns; Precinct No. 3 Commissioner Harry Lamance; Precinct No. 4 Commissioner Terry Ross; and County Judge Bill McElhaney.

I, the undersigned, do hereby certify that this **ORDER** was resolved and adopted by the attending Wise County, Texas Commissioners Court Members so named hereinabove, and, thus **PASSED AND APPROVED** in a regular term duly scheduled Wise County, Texas Commissioners Court Meeting this 29th day of MAY, 2012.

By: _____

Bill McElhane
Bill McElhaney,
County Judge
Wise County, Texas

Attest:

Sherry Lemon

County Clerk, Wise County, Texas
Sherry Lemon

