



STATE OF TEXAS
OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

January 22, 2011

Mr. Lawrence E. Starfield
Administrator
Deputy Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Administrator Starfield:

I am pleased to inform you that Texas continues to make progress with our air quality. Since 2000, Texans have seen a 53 percent reduction in industrial sources of nitrogen oxide emissions and a 27 percent reduction in ozone, both outpacing the national average. The Houston area recently met the eight-hour National Ambient Air Quality Standard (NAAQS) for ozone for the first time, while the Dallas/Fort Worth area is within one part per billion of meeting the standard.

Pursuant to the requirements in Section 107(d)(3) of the Federal Clean Air Act, enclosed is the recommendation for designation of areas in Texas with regard to the 2010 one-hour primary nitrogen dioxide (NO₂) NAAQS of 100 parts per billion.

The Texas Commission on Environmental Quality (TCEQ) recommends that all counties in Texas with applicable NO₂ monitoring data (see Attachment A) be designated attainment and all other areas be designated as unclassifiable/attainment, based on the three most recent years of quality-assured air data from the current monitoring network for the years 2007-2009.

Enclosed is a resolution, with 2009 supporting data, containing the 2010 NO₂ NAAQS designation recommendation.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Bryan Shaw at (512) 239-5510.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry".

Rick Perry
Governor

RP:tbpg

Enclosures

cc: ~~Bryan W. Shaw, Ph.D., Chairman, TCEQ~~

Attachment A

Design Values by County for NO₂

County	EPA 2006-2008 Design Values (average 98th percentile) ppb	EPA 2007-2009 Design Values (average 98th percentile) ppb
El Paso	67	65
Harris	62	54
Tarrant	60	54
Dallas	58	55
Bexar	54	52
Ellis	45	44
Jefferson	42	41
Brazoria	38	37
Denton	37	35
Montgomery	36	35
Orange	36	34
Hunt	32	30
Kaufman	31	30
Gregg	30	31
Travis	26	24
Smith	23	21
Harrison	21	19

Source: EPA's Air Quality System database (<http://www.epa.gov/ttn/airs/airsaqs>)

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 1, 2010

The Honorable Rick Perry
Governor of Texas
State Capitol
P. O. Box 12428
Austin, TX 78711-2428

Dear Governor Perry:

The United States Environmental Protection Agency (EPA) revised the National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO₂) to 100 parts per billion for the one-hour standard on January 22, 2010. Section 107(d)(3) of the Federal Clean Air Act (FCAA) requires the governor of each state to submit to the EPA a list of all areas with a designation recommendation of attainment, nonattainment, or unclassifiable.

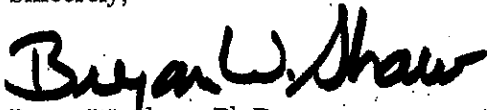
The Texas Commission on Environmental Quality (TCEQ) recommends that all counties in Texas with applicable NO₂ monitoring data be designated attainment and all other areas be designated as unclassifiable/attainment, based on the three most recent years of quality-assured air data from the current monitoring network for the years 2007 through 2009.

Because the EPA is also requiring a new monitoring network as part of the revised NO₂ NAAQS, it is possible that the EPA will exercise its authority under the FCAA, §107(d)(3) to redesignate areas from unclassifiable/attainment to attainment or nonattainment after the state has collected three years of near-road monitoring data, beginning in January 2013.

Enclosed are a resolution, cover letter, and attachment containing the designation recommendation for your signature to be submitted to the EPA by the January 22, 2011, deadline.

If I can be of any assistance, please contact me at 512-239-5510.

Sincerely,


Bryan W. Shaw, Ph.D.
Chairman

Enclosures

cc: Toby Baker, Office of Budget, Planning and Policy, Office of the Governor
Mark R. Vickery, P.G., Executive Director, TCEQ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
THE STATE OF TEXAS
COUNTY OF TRAVIS



I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

LaDonna Castanuela NOV 22 2010

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

**Resolution Concerning Nitrogen Dioxide
National Ambient Air Quality Standard Designations**

2010-1496-RES

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on November 18, 2010, to discuss and consider designation recommendations for the 2010 one-hour primary nitrogen dioxide (NO₂) National Ambient Air Quality Standard (NAAQS) for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA revised the NO₂ NAAQS effective April 12, 2010, establishing a new one-hour primary NO₂ NAAQS at 100 parts per billion (ppb); and

WHEREAS, the Commission acknowledges that the Federal Clean Air Act (FCAA), § 107(d), requires the EPA, after the promulgation of a new or revised NAAQS, to designate areas as attainment, nonattainment, or unclassifiable; and

WHEREAS, the Commission acknowledges that the FCAA, § 107(d), also establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the new one-hour primary NO₂ NAAQS for their state, including appropriate geographic boundaries; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the new one-hour primary NO₂ NAAQS of January 22, 2011; and


WHEREAS, the Commission acknowledges that the EPA recommends States identify areas not in compliance with the new or revised NAAQS using the most recent three years of air quality data, preferably data from calendar years 2007 through 2009, stored in the EPA Air Quality System (AQS,) from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58; and

WHEREAS, the Commission finds that based on AQS monitoring data from 2007 through 2009, all monitors in Texas with data eligible for comparison to the new one-hour primary NO₂ NAAQS meet the revised NAAQS (Attachment A); and

RESOLVED, that the Commission hereby requests the Governor of Texas to submit a designation recommendation of attainment for all areas of the state with EPA's Air Quality System monitors demonstrating that the 2010 one-hour primary NO₂ NAAQS and that the rest of the State be designated as unclassifiable/attainment for the 2010 one-hour primary NO₂ NAAQS to the EPA for consideration, along with data analysis supporting this recommendation, by the EPA's requested deadline of January 22, 2011.

Issued date: **NOV 22 2010**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., Chairman