

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*

March 22, 2010

Docket No. EPA-HQ-OAR-2005-0172  
U.S. Environmental Protection Agency  
Mail code 6102T  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Re: *Federal Register*, Vol. 75, No. 11, January 19, 2010, National Ambient Air Quality Standards for Ozone, Proposed Rule

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA) proposed revisions to the National Ambient Air Quality Standards (NAAQS) for ozone. The following is a brief overview of our comments.

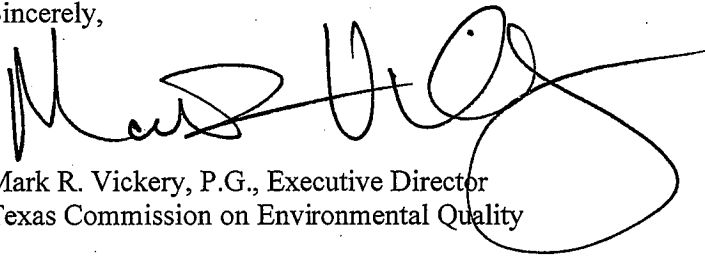
- The TCEQ is in disagreement with the EPA's proposal to revise the eight-hour standard to a level within the range of 0.060 to 0.070 parts per million (ppm) because of uncertainties relating ambient ozone concentrations to personal exposures and limitations of the epidemiological and clinical studies used as the basis of the revisions. Because of the considerable implications of these revisions, it is extremely important that this policy decision incorporate all of the relevant scientific data and that the data be analyzed using appropriate statistics.
- The TCEQ does not agree with the proposal to establish a distinct secondary ozone standard, different from the primary standard, because the proposed secondary standard: is arbitrary in form; the selected level is indistinguishable from background; does not yield appreciable benefits; is based on studies that may be inappropriate for identifying empirical vegetation effects; and may inappropriately overestimate damages.
- The TCEQ is opposed to the EPA's proposal to require that all decimal digits supported by the calculation software must be retained for actual calculations of eight-hour averages and three-year average ozone values.
- The TCEQ does not support the EPA's proposed broad and unfettered general discretion to use incomplete data and any other data known to EPA but not a part of the federal or state monitoring network to calculate design values for comparison to the NAAQS for purposes of determining attainment or nonattainment.
- The TCEQ does not support the EPA's proposed broad and unfettered general discretion to consider data collected from non-federal reference method monitors that has not been submitted to EPA's Air Quality System.

March 22, 2010

- The TCEQ is opposed to the accelerated designation schedule. This schedule, combined with the reconsidered standard proposed as a range rather than at a specific level, does not allow for meaningful public input, nor does it provide adequate time for states to conduct technical analysis in support of designation recommendations. The EPA should extend the time for states to submit designation recommendations.
- The EPA's statement that the proposed ozone standard reduction would have no significant impact on small business is disingenuous. Changes to the NAAQS do directly impact requirements for emissions of all sources, both large and small.
- The proposed range of the primary ozone NAAQS will drastically increase the number of distant emission sources that can contribute policy-relevant quantities of ozone to cities.

Enclosed please find our detailed comments. If you have questions, please contact Mr. David Brymer, Air Quality Division Director, at (512) 239-1725 or [dbrymer@tceq.state.tx.us](mailto:dbrymer@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark R. Vickery', with a large, stylized flourish at the end.

Mark R. Vickery, P.G., Executive Director  
Texas Commission on Environmental Quality

Enclosure