



April 3, 2007

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

Dear Governor Perry:

Harris County and the City of Houston hereby respectively request that you submit a proposal to the Environmental Protection Agency (EPA) for the Houston-Galveston-Brazoria (HGB) region to be reclassified from a "moderate" to a "serious" nonattainment area. This reclassification, if approved by the EPA, would extend the HGB region's attainment date from 2010 to 2013. The bases of our request are outlined below.

### Background

Harris County, the City of Houston, and various other stakeholders in the region worked closely with the Texas Commission on Environmental Quality (TCEQ) from 2002 – 2004 to develop an attainment State Implementation Plan (SIP) for the HGB region regarding the one-hour ozone standard. We succeeded in achieving this goal after twenty-five years of effort in 2006 when the EPA approved the SIP as it had been submitted by the TCEQ.

The TCEQ and the HGB region then had to immediately turn their attention to the development of an attainment SIP for the more stringent, eight-hour ozone standard that the EPA had finalized in 2005. Air quality modeling completed by the TCEQ demonstrated the significant challenges the HGB region would face in order to attain this standard when it concluded that the far-reaching and substantial reductions in Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOCs) included in the one-hour SIP would have to be reduced by another 50% or more in order to attain the eight-hour standard, which was scheduled to occur just two years after the 2007 attainment for the one-hour standard.

Consistent with the EPA's timelines, the TCEQ has proposed a revised SIP regarding the eight-hour ozone standard for submittal to the EPA on June 15, 2007. The City of Houston and Harris County have three key concerns about the SIP the TCEQ has proposed, which are:

1. It contains only a small proportion of the NOx and VOC reductions that are necessary to attain the eight-hour ozone standard;
2. On its face, the proposed SIP does not appear to meet the EPA's criteria for administrative completeness and approvability; and
3. An administratively incomplete and/or unapproveable SIP by the EPA would prompt needless litigation and the imposition of sanctions that would result in the loss of highway funds in the region and strict limits on economic growth.

Harris County, the City of Houston and others have submitted a comprehensive set of recommendations to the TCEQ to amend the SIP that it has proposed to assure as much progress as is possible in reducing ozone levels in the region by 2010. A copy of the City and County's request to the TCEQ is attached for your review and information.

### The Reclassification Imperative

There is broad-based agreement that it is not feasible for the HGB region to attain the eight-hour ozone standard in 2010. Federal preemption is the fundamental reason, particularly with regard to emissions from diesel fueled vehicles and equipment. These emission sources, which account for almost 60% of the region's remaining NOx levels, may only be regulated by the EPA. The engine standards that the EPA has finalized, which will be fully implemented in 2010, are effectively reducing NOx emissions from diesel vehicles but not at the rate needed to attain the eight-hour ozone standard by 2010.

Harris County and the City of Houston's specific request regarding reclassification are as follows:

- Submittal of a request to the EPA to reclassify the HGB region from a "moderate" to a "serious" nonattainment area as part of the June 2007 SIP submittal;
- Provisions for submittal of a mid-course review SIP in 2008 or 2009 demonstrating attainment; and
- Prompt development and implementation of an air quality research agenda by the TCEQ and the Texas Environmental Research Consortium to analyze the large quantities of data collected during the 2006 Air Quality Study II to support development and finalization of the mid-course review SIP in 2008 or 2009.

Some have argued that a double bump-up to "severe nonattainment" status with an attainment date of 2018 is appropriate. We believe this action is imprudent at this time for several reasons. First, an eleven-year delay in attaining the eight-hour ozone standard is unacceptable to our citizens at this time, and until there is a clear demonstration that even with our best efforts such a delay is necessary. Additionally, preliminary data collected during the Texas Air Quality Study 2006 suggest that reductions in formaldehyde, a pollutant that has not been targeted for reductions to date, could reduce the region's ozone by a significant amount. These potential ozone reductions, coupled by those that may be achieved through the EPA engine standards, the Texas Emission Reduction Plan and the various additional control measures that Harris County and the City of Houston have proposed to the TCEQ may enable the HGB region to attain the eight-hour ozone standard by 2013. Finally, reclassification of the HGB region to a "severe

nonattainment” area could be requested at a later date, perhaps in 2011 or 2012, if the region really is unable to attain the ozone standard by 2013.

Governor, there is broad-based and bipartisan support for our request to reclassify the HGB region from a “moderate” to a “serious” nonattainment area at the earliest opportunity. Accordingly, we respectfully request your favorable consideration of this request.

Sincerely,



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Ed Emmett, County Judge  
Harris County



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Bill White, Mayor  
City of Houston

Attachment