



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

February 4, 2010

Alfredo Armendariz, Ph.D.
Regional Administrator
U.S. Environmental Protection Agency (EPA), Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Administrator Armendariz:

Pursuant to the requirements in Section 107(d)(3) of the Federal Clean Air Act and the October 8, 2009, letter from your office, enclosed is the recommendation for designation of areas in Texas with regard to the 1997 annual National Ambient Air Quality Standards for fine particulate matter (PM_{2.5}).

The Texas Commission on Environmental Quality (TCEQ) developed the enclosed recommendation and supporting data by considering currently available monitoring data in the Houston area from the 2006-2008 period. The State of Texas' recommendation also takes into account the 2009 data, which will be certified in accordance with the EPA requirements. TCEQ recommends that Harris County continue to be designated attainment.

TCEQ understands EPA plans to use the most recent three years of certified monitoring data as the basis for the designation. Additionally, TCEQ staff is available to work with you regarding the appropriate data submission for newly certified monitoring from calendar year 2009.

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

Sincerely,

A handwritten signature in black ink that reads "RICK PERRY".

Rick Perry
Governor

RP:tbp

Enclosure

cc: Bryan W. Shaw, Ph.D., Chairman, 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 DEC 28 2009

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

**Resolution Concerning the 1997 Annual Fine Particulate Matter 2.5 (PM_{2.5})
National Ambient Air Quality Standard Designation Recommendation**

Docket No. 2009-1969-MIS

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on December 4, 2009, to discuss and consider proposed designations for the 1997 annual PM_{2.5} 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 requested submittal of designation for the 1997 annual PM_{2.5} NAAQS through a letter received by the Governor of Texas on October 8, 2009; and

WHEREAS, the Commission acknowledges that the FCAA, §107(d)(3), establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the 1997 annual PM_{2.5} NAAQS for their state; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the 1997 annual PM_{2.5} NAAQS of 120 days from receipt of the October 8, 2009 letter; and

WHEREAS, the Commission acknowledges that the EPA recommends states identify attainment/nonattainment areas using the most recent three years of air quality data, 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 acknowledges that 40 CFR Parts 50 and 51 grant the EPA authority to exclude air quality monitoring data from regulatory determinations related to exceedances or violations of the NAAQS and avoid designating an area as nonattainment, or redesignating an area as nonattainment, if a State adequately demonstrates that an exceptional event has caused an exceedance or violation of a NAAQS; and

WHEREAS, the Commission finds that based on certified AQS monitoring data from 2006-2008 excluding exceptional events, and the most recent data from 2009, which will be certified and submitted in accordance with EPA requirements, all monitors in Texas with data eligible for comparison to the 1997 PM_{2.5} Annual NAAQS were

reviewed, and the Commission finds that all of Texas should be recommended as attainment or unclassifiable;

RESOLVED, that the Commission hereby requests the Governor of Texas to submit a recommendation of attainment for the 1997 annual PM_{2.5} NAAQS to the EPA for consideration, by the EPA's requested deadline of February 5, 2010, and directs commission staff to provide supplemental information to the EPA to support designations, as necessary.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw

Bryan W. Shaw, Ph.D., Chairman