

My Oral Comments for Houston EPA Hearing

February 2, 2010

Hello, I am Valerie Covey, Williamson County Commissioner, Pct 3. Williamson County, Texas is one of the fastest growing counties in the country with a current population of approximately 400,000 estimated to almost triple in the next two decades. We are located just north of Austin, Texas.

The citizens of Williamson County proactively support clean air and a healthy environment. Williamson County has voluntarily been an active participant in clean air efforts including the Clean Air Coalition, Clean Air Force, Clean Air Partners, Early Action Compact, and an enhanced vehicle inspection and maintenance (I&M) program since 1993. Williamson and Travis Counties are the only two counties in Texas which are designated attainment AND voluntarily opted into the I&M program. Williamson County and most of its cities have enforced heavy duty diesel anti-idling ordinances and other emission reducing measures. We were the first area in Texas, again voluntarily, that entered into a MOA with TCEQ on anti-idling enforcement.

Our citizens also understand, however, that a healthy, vibrant economy provides the capital for measures to improve the environment, including clean air. A

nonattainment designation is costly to the taxpayers and extremely difficult for an area to provide the infrastructure and job creation needed for a growing populace because the permitting requirements are so onerous. Plus, decisions regarding infrastructure expansion or creation are taken away from local control, even if funding is strictly local.

Williamson County has made great progress in reducing ozone levels through voluntary and citizen supported measures. EPA's own reports documents this decline showing the design value for our area decreasing from 90 ppb ten years ago to 75 ppb in 2009. Immediate implementation of significantly lower standards would be detrimental. We ask for a gradual implementation of any reduction in the ozone standard to allow for more timely and accurate scientific data to be evaluated.

Our area is the prime example of a successful Early Action Compact model. It would be reasonable with the successes already mentioned to reward those areas that have been diligent in seeking to **voluntarily** comply rather than imposing the heavy hand of inflexible governmental implementation that would restrict counties for many years to come. We request that the successful EAC model be continued.

Transport ozone from current non-attainment areas and from Mexico adversely affects the Williamson County and Travis County ozone load. Transport modeling shows that 60% to 80% of local O₃ load is from non-area source transport. This means that on days with elevated ozone the background levels alone exceed the proposed new primary standards. Proposed rules and attainment timetables do not sufficiently differentiate between transport and local sourced VOC and NO_x. We request that the Agency recognize the role of transport/background ozone in the calculations and implementation of ozone standards.

Further, timetables for attainment unduly penalize areas subject to transport/background ozone. Also, the time period to regain attainment status begins at designation, well before a conformity plan (SIP) is even prepared leaving little time for conformity. This leads to a self-fulfilling recipe for continual non-attainment and long term detrimental consequences. We request that there be a transitional implementation of any reduction of ozone ambient air standards.

We have grave concerns about the decision making process that went into the reevaluation and scientific review of the 2008 data as well as some of the supporting evidence; and what we think are inaccurate conclusions based on equivocal, indeterminate and questionable reading of the data.

A significant part of the proposed rules are set by *“the judgment of the Administrator.”* Other quotations from the proposed rules including ***“an adequate margin of safety”***, ***“an unacceptable risk of harm, even if the risk is not precisely identified”*** , ***“increasing uncertainty associated with [the] understanding of the likelihood of such effects at lower O₃ levels”*** indicate that the decision making process is one of policy and perhaps politics and not science.

Thank you for the opportunity to provide these comments. We also expect to provide written comments during the comment period.

In summary,

1. We disagree strongly with the retroactive and punitive nature of the proposed standards and would request that the primary standard remain at the 2008 O₃ level of 75 ppb and that the secondary O₃ standard be identical to the primary standard;

2. We request that there be a transitional implementation of any reduction of ozone ambient air standards;

3. Through Williamson County's voluntary measures, great improvements in the ozone level have been achieved. We request that the successful Early Action Compact model be continued.

And finally,

4. Consideration of transport and background O₃ should be a major factor in the Agency's approach to areas presently in attainment. Bottom line, if the ozone standards are reduced to the lower end of the proposed levels, it really won't matter what we do locally because of the amount and impact of transport and background O₃.

Thank you.