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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 11, 2006

The Honorable Joe L. Barton
U. S. House of Representatives
6001 West Interstate 20, Suite 200
Arlington, Texas 76017

Dear Representative Barton:

I enclose an excellent white paper urging reform of the State Implementation Plan (SIP) process for many of the reasons you and I have previously discussed. The paper, "Revising the SIP Process: Finding a Better Approach to Cleaner Air," was written by Jed Anderson, an attorney with the SIP Transformation Workgroup.

As TCEQ approaches the deadline for proposing our DFW and HGA 8 Hour SIPs, I am ever more acutely aware that federal preemption of mobile sources make the state's SIP efforts largely futile. As you are aware, DFWs and HGAs current attainment date of 2010 precludes utilizing the NOx emission reductions from mobile sources that will thereafter soon accrue as a result of effective dates for federally required cleaner engines and fuels. Modeled reductions from the new federal engine standards show that in 2012 as much as 3ppb reduction from the current 91 ppb design value. This is great news were it not for the 2010 attainment date. The timing of federal controls must be consistent with the state's requirements to submit SIPs demonstrating attainment.

Evidently, Texas is not alone in needing mobile source reductions in order to achieve the 85ppb 8 Hour Standard. As the deadlines for submittals of 8 hour SIPs approach, I am hopeful that other states will join Texas in a plea for SIP reform. At the least, attainment dates must be aligned with effective dates for federal measures which reduce emissions from mobile sources. The ozone dominating, driving NOx emissions in DFW will, indeed, be steadily and significantly reduced after 2007 when the federal engine standards and fuels come into play. I believe it is only through these federally controlled mobile source reductions that DFW will attain the 8 Hour standard. It is folly to try to craft a SIP for 2009-10 attainment in DFW without these mobile source reductions.

I hope you will share this white paper urging SIP reform with your colleagues on the House Energy and Commerce Committee. I look forward to discussing this matter with you in the coming months. I highly value your expertise and leadership on these issues.

Thank you for your work for Texas.

Sincerely,

Handwritten signature of Kathleen Hartnett White in cursive script.
Kathleen Hartnett White
Chairman

Enclosure