



GOVERNOR GREG ABBOTT

October 12, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Via Email

Subject: Voluntary Reclassification of Texas 2015 Ozone Standard Moderate Nonattainment Areas

Dear Administrator Regan:

I am exercising my authority under federal Clean Air Act (CAA), §181(b)(3) to request voluntary reclassification of the Bexar County, Dallas-Fort Worth, and Houston-Galveston Brazoria 2015 ozone standard nonattainment areas from moderate to serious. EPA has left Texas no choice but to request voluntary reclassification of these areas by establishing absurd state implementation plan (SIP) submittal deadlines, changing the accepted approaches for how to meet CAA requirements while SIP development is in progress, and failing to provide states with timely guidance on how to meet these moving goalposts, all of which demonstrates disrespect for limited state resources.

EPA placed an undue burden on states to develop and implement complex plans for moderate nonattainment areas on an unreasonably compressed timeline. Effective November 7, 2022, EPA established a deadline for states to submit required plans by January 1, 2023, a timeline of less than two months. EPA knowingly set states up to fail by establishing a deadline that was impossible to meet. EPA's compressed timeline did not provide a reasonable amount of time for Texas to develop new attainment plans, evaluate controls, conduct rulemaking, and give affected businesses sufficient time to implement control requirements that could demonstrate attainment by December 2023.

All of these failures on the part of EPA have put Texas at risk of potential sanctions and federal implementation plans that could have lasting detrimental impacts to industry in our state. I am requesting voluntary reclassification of these nonattainment areas to protect the Texas economy and my fellow Texans from the unreasonable consequences of EPA's failures.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott".

Greg Abbott
Governor

cc: Earthea Nance, EPA Administrator for Region 6
Jon Niermann, Chairman of TCEQ
Kelly Keel, Interim Executive Director of TCEQ