



Texas Requests Reclassification of Houston Nonattainment Area
Beveridge & Diamond, P.C., 2007
Austin, Texas

By letter dated June 15, 2007 to EPA Administrator Stephen Johnson, Texas Governor Rick Perry requested that EPA reclassify the Houston-Galveston-Brazoria (“HGB”) ozone nonattainment area from moderate to severe nonattainment status. The request indicates that TCEQ has determined that it would be “practically impossible” for the HGB area to achieve compliance by the June 15, 2010 attainment date applicable to moderate nonattainment areas. Reclassification to severe nonattainment status would extend the date by which attainment must be achieved to June 15, 2019. Texas submitted the request pursuant to EPA’s recommendation that Texas seek reclassification for the HGB area.

Governor Perry’s letter notes the unique challenges that Texas faces with regard to achieving attainment, progress that Texas has already made with reducing ozone levels in that part of the state, and initiatives pursuant to which further progress is anticipated such as the Texas Emission Reduction Program and the use of Texas low emission diesel. Additionally, the request expresses a commitment that Texas will work with EPA to set a deadline for SIP submittal pursuant to the reclassification, noting that such SIP should be submitted as soon as practicable but not later than June 15, 2010.

Texas’ reclassification request can be accessed at
<http://www.tceq.state.tx.us/implementation/air/sip/Hottop.html>