

February 22, 2011

The Honorable Gina McCarthy
U.S Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 5406, Mail Code 6101A
Washington, DC 20460

RE: Implementation of New Ozone Standards, Statement of Elected Officials of
Williamson County, Texas

Dear Ms. McCarthy:

You have recently received a proposal from the Central Texas Clean Air Coalition (CAC) requesting that EPA consider implementing the proposed ozone standards under Title I, Part D, Subpart 1, of the Clean Air Act, rather than under Subpart 2, for most areas of the country.

Williamson County, Texas, just north of Austin, is an active participant in the Central Texas Clean Air Coalition (CAC). The CAC is an association of elected officials representing local governments in the five-county Austin-Round Rock-San Marcos metropolitan region of Central Texas, and is responsible for the development and implementation of the area's voluntary ozone control plan. Williamson County is presently designated as in attainment under current standards and Williamson County stands in agreement with the CAC and the other government entities regarding this proposal.

While standing with the other governmental entities on this proposal, the county would also restate its position regarding proposed ozone standards. In public hearings and in written response to proposed changes, Williamson County maintains the position that the current standards, as established as a part of the 2008 review, are appropriate.

The CAC's proposal is as follows: that the EPA implement any new ozone standards under Subpart 2 primarily for areas the courts have required EPA to do so, namely, areas with eight-hour ozone design values exceeding 0.09 parts per million; for areas where the court has not required EPA to use subpart 2, it should strongly consider the use the subpart 1. The CAC believes that this will lead to more expeditious attainment of the NAAQS while being less costly and more equitable at the same time. We believe the courts have confirmed EPA's authority to implement the new ozone standards in this manner and EPA has stated as recently as January 20, 2009, that it believes that it has the authority to implement a revised eight-hour ozone standard in this manner (see 74 FR 2939). Comments provide in the CAC proposal letter detailed the legal basis and policy case for taking this action.

As stated in the CAC letter, the CAC believes that its proposal will lead to "more affordable, less intrusive means to achieve the same ends," as President Obama wrote in his *Wall Street Journal Op-Ed* on January 18, 2011. Williamson County joins in inviting the EPA to hold a public meeting in Austin on implementation rule issues prior to publishing its proposal, just as it held public meetings to solicit input prior to proposing the implementation rule for the 1997 eight-hour ozone standard. We share with EPA the commitment to protect public

health while maintaining a vibrant economy, and look forward to your response on this important matter.

Best regards,

Dan A Gattis, Williamson County Judge