



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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AIR AND RADIATION

MAR 31 2011

The Honorable Samuel T. Biscoe  
Travis County Judge  
Chair, Central Texas Clean Air Coalition  
Capital Area Council of Governments  
6800 Burluson Road, Building 310, Suite 165  
Austin, Texas 78744

Dear Judge Biscoe:

Thank you for your letter dated February 25, 2011, regarding implementation of the new ozone standards. In that letter, you indicated the support of the Central Texas Clean Air Coalition for 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. Your letter and enclosed materials laid out the history of the U. S. Environmental Protection Agency's (EPA) approaches to implementing previous ozone standards and the resulting court decisions. You also presented your rationale for why you believe implementing the proposed standards under Subpart 1 for areas with 8-hour ozone design values less than 0.09 parts per million is consistent with the Clean Air Act.

EPA is currently in the process of developing a proposed rule for implementing the final ozone standards and we will review your comments and take them into consideration. Our intent is to publish the proposal at the same time that we complete our current reconsideration of the 2008 standards. As part of our implementation proposal, we will describe our approach to applying Clean Air Act requirements to new standards in light of the various court decisions and explain our rationale. This will include a specific discussion of whether areas should be subject to Subpart 1 or Subpart 2. Once you have had a chance to review our proposal and rationale, I encourage you to submit additional comments as appropriate. We will factor in all of the comments we receive when we complete the implementation rule.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope the information provided is helpful. If you have further questions, please contact me or Laurel Schultz of my staff at (919) 541-1949.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gina McCarthy".

Gina McCarthy  
Assistant Administrator

