

Dallas Morning News
By Randy Lee Loftis

EPA to expand Dallas-Fort Worth smog-violation area

Rejecting a recommendation from Gov. Rick Perry, the EPA's regional chief in Dallas said Friday he will expand the nine-county North Texas smog-violation area to include Wise and Hood counties, in part because of air pollution from Barnett Shale drilling.

Regional Administrator Al Armendariz wrote to Perry saying the Environmental Protection Agency had traced high ozone levels in western Tarrant County back to emissions from Wise and Hood counties, major natural gas production areas.

The move marks the first time the region's gas operations have prompted a major change in the geography of Dallas-Fort Worth clean-air planning.

Perry wrote in an Oct. 31 letter to Armendariz that the EPA should make no changes in the North Texas counties covered by mandatory anti-smog programs. Perry's preference would have left Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant counties under such clean-air efforts.

Instead, the smog-violation area will grow to include Hood and Wise counties if the EPA proposal becomes final next spring.

Adding those counties would not change clean-air requirements for the other counties. It would mean Hood and Wise counties would face the same tighter rules for industrial pollution and other measures that have long been routine in the other nine smoggy counties.

Perry vs. the EPA

In greater Houston, the EPA overrode Perry's recommendation and added Matagorda County to the existing eight-county smog area.

This latest split between Perry and the EPA under President Barack Obama comes as the governor has made hobbling the federal agency a tenet of his flagging presidential campaign. In seeking the Republican presidential nomination, Perry has branded the EPA a jobs killer. The EPA and its backers say improved public health benefits the economy.

At home, Perry has accused the EPA of trampling on Texas' rights. The state has clashed with the federal agency over air pollution rules and the mandatory federal regulation of industrial emissions of greenhouse gases.

Perry opposes greenhouse gas limits; Texas, alone among the states, refuses to issue permits for greenhouse gases to power plants and other facilities, so the EPA is issuing them in Texas.

Texas has sued the EPA over several policies, but federal courts have not issued final rulings.

No lawsuits are pending over the boundaries of ozone violation areas. The Texas Commission on Environmental Quality, run by three commissioners appointed by Perry, was preparing a response to the EPA's decision.

Allison Castle, the governor's communications director, said the state has until Feb. 29 to respond.

Wise County Judge Bill McElhaney and Hood County Judge Darrell Cockerham, the two counties' chief executives, could not be reached for comment.

The EPA said figures from two pollution inventories show that Hood and Wise counties produce smog-causing emissions out of proportion to their share of the region's population.

Each of the two counties has less than 1 percent of the region's 2010 population of more than 6.8 million.

But data from a national inventory of pollution sources done in 2008 reveal that Wise County accounted for nearly 10 percent of the region's emissions of volatile organic compounds and Hood County emitted nearly 4 percent.

Volatile organic compounds, or VOCs, are smog-causing chemicals related to petroleum. State and federal studies have documented emissions of VOCs from Barnett Shale natural gas operations.

Emission results

The EPA also cited results of a special inventory of Barnett Shale emissions that the Texas Commission on Environmental Quality performed in 2009. Of the 11 counties with emissions data on gas operations, Wise County was first, accounting for 42 percent of the total. Hood County was fourth, accounting for nearly 15 percent of the total.

The legal term for the smog zone is nonattainment area, meaning an area has not attained the federal health standard for ozone, or smog. The process of declaring a nonattainment area involves ozone readings over a three-year period, plus a look at emissions, population and vehicle-usage trends and wind patterns.

The EPA cited research and reviews of all those factors in making its decision on expanding the North Texas nonattainment area. A county also can be included because its emissions contribute to violations in nearby areas.

Within a nonattainment area, the federal Clean Air Act requires state officials to take steps to lower ozone levels within a set time. Deadlines vary according to the seriousness of a region's problem.

Steps typically include mandatory limits on industrial pollution and annual smog checks for vehicles. Regional planners also must demonstrate that their transportation plans, chiefly highway construction and mass transit, are consistent with clean-air goals.

States often use voluntary programs as well, such as Texas' ongoing incentive grants for replacing older, dirtier diesel engines in Dallas-FortWorth and greater Houston with newer, cleaner models.

Missing a federal deadline for cleaning up the air can mean even tougher measures become necessary. Despite widespread belief, a metro area cannot lose its federal highway funding merely for having dirty air, but only for failing to submit an acceptable smog plan after numerous chances.

History of limits

The EPA has threatened North Texas with such planning-related penalties only once because of delays by state officials. The standoff was resolved, and no sanctions were imposed.

The latest EPA smog listing for North Texas is part of the implementation of a tighter ozone standard that President George W. Bush approved in 2008. Bush's ozone limit was 75 parts per billion, the first revision since the 1997 standard of 80 ppb.

Bush's standard was controversial since the EPA's external science advisers said the limit should be no higher than 70 ppb to protect public health.

Obama was widely expected to lower the 2008 smog limit this year as a chief element of his environmental policy. But in the face of congressional opposition, he postponed a decision until 2013, when either he begins his second term or a new president takes office.

What happened: The EPA overrode Gov. Rick Perry's recommendation and said it would add Hood and Wise counties to the other nine North Texas counties that violate the federal limit on ozone, or smog. Perry had recommended no counties be added.

What it means: Hood and Wise counties would be included in regional clean-air planning and will face tighter limits on pollution sources. Already under such measures are Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant counties. Those nine counties face no new requirements.

Why it happened: The EPA said emissions from Barnett Shale gas operations, plus population and traffic trends and weather patterns, made the additions necessary.

Why it's significant: It brings Barnett Shale emissions more fully into regional clean-air strategies and extends anti-smog planning into areas that are seeing new urban growth.

What's next: The EPA will take public comments on the proposed addition and said it will issue a final decision next spring.

SOURCES: Environmental Protection Agency; Texas Commission on Environmental Quality