

**The Minutes of the
Air Improvement Resources Executive/Advisory Committee Meeting
Alamo Area Council of Governments
8700 Tesoro Drive, Suite 100, San Antonio, Texas
Wednesday, June 18, 2003, 9:00 a.m.**

Executive Members

Com. Jay Millikin, Chairman, Comal Co
Judge Nelson Wolff, Vice-Chair, Bexar Co.
Gene Uptain, Greater Bexar CCC
Judge Marvin Quinney, Wilson County
Councilman, Ernest Hernandez, City of Seguin
Mayor Raymond Ramirez, City of Floresville
Mayor Adam Cork, City of New Braunfels

Guests

Edmund Ortiz, Primetime News
Chris Anderson, Express-News
Mike Magee, TCEQ
Kate Williams, TCEQ
Michael Stock, Randolph AFB
Theresa Hahn, USAF
Tim Trimmer, Citizen
Mayor Charles Ruppert, City of Cibolo
Stanley A. Dabney, Alamo Cement
Debra Engler, SAWS

Air Tech Members

LeeAnne Lutz, City of San Antonio
Cyndi Levesque, City Public Service
Mike Riley, City of Seguin
Forrest Mims, Guadalupe Co.

Advisory Members

Susan Ghertner, H.E.B.
Mike Riley, City of Seguin
Forrest Mims, Guadalupe Co.
Julie Brown, TxDOT
Julie Klumpyan, Valero
Rebecca Gray, American Lung Asso.
Pete Donahoe, Holt Co.
Ken Bercaw, New Braunfels C of C
Aleisha Knochenhauer, M.M. Matts.
Charissa Barnes, TSIA

Citizens to be Heard

Mike Riley
Forrest Mims

AACOG Staff

Al Notzon, Exec. Dir.
Dean Danos, Deputy Dir.
Peter Bella
Dorothy Birch
Steven Smeltzer
Brenda Williams
Isabel Chacon
Berti Vaughan

I. Roll Call

Chairman Millikin called the meeting to order and asked that the roll be called. Dean Danos called the roll and declared a quorum.

II. Approval of Minutes

Chairman Millikin asked the Committee for consideration of the May 28th minutes. Peter Bella pointed to a new set of minutes he had passed out to everyone with several typographical corrections provided. Chairman Millikin pointed to page two, section four where he (Millikin) speaks about "reminding the committee that the four monitors and their readings were used in non attainment designation." He asked that the comment be changed to reflect "readings were used in consideration of non attainment designation". Mr. Mims pointed out page eleven the third paragraph from the top mentioned working on one new amendment not two. Mike Riley pointed to page five four lines from the bottom which

said, "Mr. Notzon asked why that didn't come up at the time the minutes were being approved Mr. Riley replied he was in the back gathering materials because he had arrived late." Mr. Riley asked that the line be revised to read "he was in the back gathering materials because the material had arrived late." After a review of the typographical corrections, Chairman Millikin asked for a motion to approve the minutes. Mayor Cork motioned for approval of the minutes. Judge Quinney seconded the motion. Chairman Millikin asked if there was any discussion. There was none. Chairman Millikin called for the vote and the minutes were approved with the revisions.

III. Citizens to be Heard

Chairman Millikin asked the first speaker, Mike Riley to address the committee. Mr. Riley said that the previous day with a vote of six to two the Seguin City Council had supported House Bill 1891, the Paul Amendment to the Clean Air Act by resolution. He urged the committee to do so also. Mr. Riley then relinquished his time to Forrest Mims. Mr. Mims thanked AACOG for organizing a public workshop in which citizens were allowed to ask questions. He thanked Mr. Notzon for allowing the revising of the format of the meetings to take place. He admonished the elected officials for not being present during the meeting while thanking Commissioner Millikin for attending. He felt that the technical committee members should also have been present. He praised Mayor Ruppert as the only elected person who stayed for the entire meeting and reminded the committee that Mayor Ruppert had been unanimously appointed by the Guadalupe County Commissioner's Court to represent the county at the Air Executive Committee. He said unfortunately the by-laws did not permit that however he hoped the by-laws would be changed at some point because it was very difficult for the Guadalupe County commissioners to be at the meetings and the County Judge had some serious medical problems.

Mr. Mims described HB 1891 as the proposed amendment to the federal clean air act that will exempt the area from all air quality violations caused by smoke from distant fires. Mr. Mims said he was very happy to announce that CPS had joined Seguin and Cibolo in endorsing HR 1891. He looked forward to seeing the City of San Antonio City Council also endorse the amendment. He also requested the Air Executive Committee endorse the amendment. Mr. Mims said "it would not end the Early Action Compact and it would not terminate the committee but it would protect us from air quality violations over which we had no control." Mr. Mims concluded his presentation by pointing to the existing San Antonio smoggy sky as a regional problem extending over the entire eastern half of Texas. He hoped that when AACOG made a public announcement on air quality violations that blame would not be placed on San Antonio because the ongoing pollution event was caused by VOCs and other materials that existed from that regional pollution.

Chairman Millikin asked if there were any other persons who wished to address the committee. Dan Cardenas, Director of Environmental Services with the City of San Antonio asked to speak. Mr. Cardenas told the committee that he had been meeting with the newly elected city councilpersons to help explain what it is the city was doing as a community to protect its citizens. Mr. Cardenas said in particular they had been looking at the Early Action Compact and the proposed recommendation for designation of San Antonio and Bexar County. They were also interested in what the impact of the expansion of additional counties into the MSA would have on air quality efforts in the community. Mr. Cardenas asked for the committee's help in providing answers. Mr. Cardenas proposed sitting down as a group to identify a number of questions to use in the education of the elected officials. Chairman Millikin said he appreciated the city's interest and that an entrée into understanding the issues was to have some representation from city council on the committee.

Judge Wolff said he was confused on the issues of the MSA. "We have four counties and four major cities working together. Where does that leave us?" Judge Wolff said he didn't want to waste his or his staff's time if the venue was not the right venue to solve the problem. Judge Wolff asked if the TCEQ staff present had any comments. Mr. Magee explained the TCEQ process in determining the possible nonattainment area recommendations. He commented that the TCEQ needed to find some basis to establish some common ground to go forward with the MSA changes and they looked at different ways to do this. They found that when they looked at the MSAs and CMSAs some things worked in some areas and didn't work in others. Next, TCEQ looked at what counties were monitoring violations and where they could consistently apply the standards to every county in the state and arrive at a set of initial recommendations. He stressed that there were two chances to revise the recommendations before the EPA goes final in April 2004. Mr. Magee was able to sit in with Chairman Huston and Commissioner Marquez in Kilgore while in Northeast Texas. Mr. Magee said, "I think he (Commissioner Marquez) framed it very well when he said 'don't get hung up with the labels of attainment and non-attainment these are concepts that change a lot from day to day and from county to county. What remains constant through all this is the regional air quality planning group.'" Mr. Magee said, "That is the consistent thread that holds all of this together through the future." Kate Williams with TCEQ reiterated Mr. Magee's comments. She reminded the committee that the Executive Director's recommendation is only the initial recommendation and the beginning of the process. The TCEQ Commission would meet on Friday June 20th to finalize the recommendation and then it had to go to the Governor for his review. Then EPA would come back with their recommendations. Ms. Williams explained to the committee that there was a second part of the recommendation that talks about the Texas air quality planning regions. Ms. Williams explained, "There may be areas that are in non attainment but they can somewhat change based on monitoring from year to year." Ms. Williams continued. "The Air Quality Planning Regions do not change. Those are the counties we need to be working with to get the reductions to get the areas cleaned up. The recommendations say that we will be working with the Air Quality Planning Regions. We may be recommending a non attainment designation in this area only for that core county but we may need to be looking towards the rest of those counties for the reductions to actually get that entire area into attainment." She used the Dallas MSA area as an example. She said that the core county was designated in non-attainment and the surrounding five counties did participate in the planning process and opted to be in the I & M program as well as a number of other different measures. She concluded by saying that even though a county is not included in a non attainment designation it did not mean they are not part of the planning process and that the local planning group might not look at them for control measures to help clean up the area. Mr. Williams asked if that made sense to the committee. Judge Wolff commented that the only thing that made sense was that all the cities were in the same boat. He said, "They all had vehicle emissions traveling through each city and we don't know where they come from, how much, and from what area."

Judge Marvin Quinney said he had attended the elected officials meeting and that according to Chairman Huston, this was a progressive thing and that the number of vehicles would be inspected in Bexar County at first. Judge Quinney told the committee that he had commented to Chairman Huston that the political backlash would be in inspection and maintenance and asked if the Houston and Dallas area inspection and maintenance program could be quantified and reported to the public. If so it would be useful to the region. Chairman Huston replied that there was very significant evidence that inspection and maintenance was a very effective measure. Judge Quinney asked if inspection and

maintenance was an effective means, then why it wasn't applied across the state? Chairman Huston said it would be highly unlikely especially because of the western part of the state. Judge Quinney said that from his standpoint after having participated on the committee for four years representing Wilson County with a population of 34,000 he could do little to help or little to hurt the issue. He continued, "But a place at the table hasn't cost anything in Wilson County and it is only going to cost us if we go into inspection and maintenance. However, if that's one of the means to control it and clean the air up then we will be very happy to participate but not if it doesn't."

Chairman Millikin said he had attended the meeting in Austin the day before and that he had walked away with a feeling of unanimity. The Chairman commented how difficult it was for elected officials to raise their hand on control strategies knowing that the public had a dislike for them. He stated that, "The bottom line is that every elected official that I know of has an obligation to sustain and support the public health." He reminded the committee that it was a congressional mandate dating back to 1970 to work on these issues and that "we are the last metropolitan area to wring our hands over this." Chairman Millikin was hopeful that if during the summer in not vastly exceeding the federal air quality standards that it may be a sustaining value to what TCEQ recommends.

Councilman Hernandez remarked that there was a need to let it be known that air quality was a regional problem and that Seguin needed to be part of the solution. He pointed to many people who lived in Seguin who hoped to get jobs with the Toyota plant and the city was hoping to get a distributing center. He mentioned the many people working in the San Antonio area who come from Seguin. He felt that the article had given people against inspection and maintenance a forum to say they were not part of the problem therefore they didn't need to be part of the process. He hoped that would be remedied and that he was having a difficult time defending TCEQ's recommendation.

IV. Ozone and Particulate Matter Report

Peter Bella asked the committee to look at the written data report that contained information reflecting four highest eight-hour ozone concentrations in 2003 as of June 17th. He noted that since the last meeting on May the 28th, the figures over the last month reflected a number of fresh readings over 85 ppb. He explained the table showed the top four listed monitoring sites as regulatory monitors and the six below as ACOG monitors. He reminded the committee that the next table contained the fourth highest 8-hour average values of the three year period and that any monitor of the top four regulatory monitors could put us into violation of the three year average. However, it was too early to tell as it was only the first part of the season and the greatest number of high ozone values are typically recorded in August or early September.

Forrest Mims commented that on the May 30th episode at the New Braunfels Airport, the air was flowing directly from Calaveras over CAMS 504 and the ozone that afternoon at that site was 8 parts per billion higher than at Seguin and at Garden Ridge. He said, "This is a very important designation because it shows the role of CPS when its plume passes over those sites." Secondly, Mr. Mims remarked that during the violation for Seguin on May 28, 2003, the wind was coming from the north. He wanted to make it clear that it was not coming from Seguin.

Mr. Bella discussed the particulate matter report. The particulate matter readings had not changed fundamentally since the last report of May 28th. There were not looking for questions on non attainment with the current readings.

Va. Revised Clean Air Plan Meetings

Peter Bella reported on the sixth Clean Air Plan Workshop. The meeting was held the previous Saturday in the AACOG Board Room. The workshop began with a different format. Mr. Bella explained that the meetings would be held once a month. He outlined the change in format. There was a question/answer session for the first hour of the workshop. He explained that staff would answer questions previously asked and then try to answer fresh questions. If research was needed, staff will conduct the research and answer on the FAQ sheet found on the AACOG website. The second hour is a Formal Comment period during which citizens make statements. He provided the transcript from the meeting to the committee and thanked Dorothy Birch for typing out the transcript. He asked Dorothy if she had any comments on the attendance. Ms. Birch said there were 21 individuals signed up to ask questions and unfortunately staff couldn't get to all of them. There were 25 individuals signed up to give formal comment.

Councilman Hernandez asked Mr. Bella for clarification on the new format which he had discussed with him previously while at his office. It was his understanding that the meeting was going to be strictly for staff and citizens so that citizens were not intimidated by elected officials; consequently, he did not attend for that reason. Mr. Bella said the idea was that the format was set up for staff and citizens during the question and answer session in the first hour, with the second hour for formal comments during which the elected officials could attend. The format was set up in this manner in order to avoid any question of proper conduct regarding the Open Meetings Act.

Mayor Cork explained that he was self employed and would not be able to attend on Saturdays because he worked on Saturday in order for his employees to have Saturday time off with their families. He appreciated the AACOG staff for providing the second best thing, verbatim transcripts of the meetings.

Forrest Mims commented in response to Councilman Hernandez. He said that the citizens were not intimidated by elected officials. They were concerned that there were no elected officials at the meetings. In addition he said that the meetings act problems were easily solved by "simply posting the meetings". Lastly, he asked for an explanation of the meeting that Councilman Hernandez had mentioned and asked if there had been a quorum at that meeting.

Mayor Cork asked for a point of order. He asked how Mr. Mim's question was related to the agenda item. Chairman Millikin responded that he didn't know and proceeded with the meeting's agenda.

Mr. Notzon explained to the committee that the change in format was recommended by Peter and Dorothy. Although he was given credit for it he said they deserved the credit and he had merely approved the new format. Mr. Notzon noted that, under the Open Meetings Law, unless a discussion item is placed on the agenda, elected officials cannot respond to citizen questions and so bring up issues that are not on the agenda. Mr. Notzon explained that was why they allowed the one-hour session for questions and answers without elected officials so there would not be a violation. In addition, because citizens requested a response to their questions, the change of format allowed staff to respond immediately if they had the answers.

VI. Public Education Committee Report

Ms. Birch gave a report on the Air Quality Health Alert status. To date there have been eight AQHA episodes. She had spoken to the TCEQ meteorologist and was told that tomorrow (June 19) would probably be another health alert day. She reported that the AQHA mailing list was growing by leaps and bounds because of the long-term advertising. She pointed to the summary of the Air Quality Outreach efforts, which she had handed out for their review. She noted confirmation of nineteen television pieces, seventeen radio pieces, more thirty-five print news pieces, nineteen presentations of civic and business groups, nine school related outreach events, eighteen events, public meetings, or workshops all within the first six months of 2003. She reported on several other recent events with neighborhood associations, summer camps, work with the South Texas Asthma Coalition, and with the TCEQ on the Open Burning Workshop and the Neighborhood Resource Center. In terms of the communication plan, Ms. Birch said work was still being done on campaign proposals for a number of media sources.

VII. Air Committee Nominations (Item was tabled for a later date as nomination was still awaiting approval from Air Force)

VIII. Clean Air Plan Update

a. Action Item: Approval of 1st Biennial Progress Report; due June 30, 2003

Mr. Bella reported on the 1st Biennial Progress Report as a required document deliverable on June 30th under the Early Action Compact. He described it as a progress report on how the region's air quality planning committee was doing. The report had been previously given to them during the Executive meeting in May for their review and he was now soliciting their approval of the report to send forward as the progress report. Judge Wolff asked what in the report had been done aside from process and what if any control measures had been included. Mr. Bella explained that the strategies were listed in the appendices of the report. The strategy set was published on the 16th after their approval and that finding the most effective control strategies is a work in progress. Mr. Bella said that the strategy set published was what they were currently considering as candidates and the most effective clean air strategies had yet to be certified by the committee. Chairman Millikin explained that the strategies still needed to be bounced off the photochemical model to determine their effectiveness before they would come to the committee for consideration. Judge Wolff asked when that would be. Mr. Bella said they were currently working with EPA and TCEQ on the photochemical model analyses. He believed they would begin within the next few weeks to begin with the clean air strategy runs to determine their effectiveness. Judge Wolff asked when the committee was expected to review those recommendations. Mr. Bella responded that March 31st 2004 was the deadline for their approval. Mr. Bella pointed to the Clean Air Appendices A to the report which addressed emissions reductions and cost estimates on each control strategy that required ongoing work by staff. Mr. Bella also pointed out that they would need to run a large number of strategies and that each strategy required nine hours to run and numerous hours of analysis afterwards. Judge Wolff asked when he would be able to tell the committee what control measures they could consider. Mr. Bella estimated it would be several months before this committee had a selection of control strategies to consider. Judge Wolff asked if perhaps by the end of the year. Chairman Millikin said probably in late fall.

Judge Quinney asked Mr. Bella if the refinery was still adding additive to the fuel. Mr. Bella asked if he was talking about Reid Vapor Pressure and then answered yes that it was an on-going state rule. Judge Quinney remarked that just so the public didn't get the wrong idea that during the last four years the committee had been sitting here and not doing anything but discussing only what they might do, he mentioned the fuel additives, the

education on not topping gas tanks, car pooling, as well as inspection and maintenance testing were all actions they had encouraged. Mr. Bella said that was correct. In addition, Mr. Bella pointed to the Texas Low Emission Diesel that Valero is now producing, shipping and is in use in this region. Judge Wolff said it would be very helpful to him in order to explain to his court and constituency what had already been done by the committee's past actions beyond just the voluntary efforts. He wanted to know what the committee had done that he could point to that has been positive, concrete and that will lead us to the additional strategies they needed to consider. Steve Smeltzer also pointed the use of alternative fuels as another positive accomplishment.

Judge Wolff mentioned a disturbing report saying that NISD was considering dropping use of propane drive vehicles. Mr. Notzon said that what you had was in effect the school district wanting to continue the program but the problem is the manufacturer is no longer making that specific engine. The good news, Mr. Notzon continued, is that the last legislature passed legislation for funding of the Texas Emissions Reduction Plan. He commented that there was a nice article in the paper by Peter Holt talking about the need for working on clean air strategies, specifically the ability to upgrade diesel as being one of the keys. Mr. Notzon also pointed to the work being done by the Metropolitan Partnership on Energy. Judge Wolff said the County and City were working on energy policies that would be pro-active to the goals of the committee. Mr. Bella said he would direct staff to gather a list of activities for the committee's review that were going on locally.

Mayor Ruppert pointed out that some up-to-date emissions reduction information was not included in appendix A. Specifically, strategy number 53 which was to support City Public Service reduction of NOx emissions on all power plants by 50% by the year 2005. Mayor Ruppert said that during the meeting on Saturday morning Steven Smeltzer mentioned that the emission reduction amount is 38.72 tons per day NOx. Mayor Ruppert assumed that since it wasn't included in the final document that was due on June 16th he requested that the information be immediately included in the report so that it could be placed into the air modeling. Mr. Bella said he didn't see any reason why the information couldn't be included in the document.

Chairman Millikin asked for a motion to move on the biannual report. Mayor Cork moved that the committee accept and move forward with the report. The motion was seconded by Judge Wolff. Chairman Millikin asked if there were any further questions. There being none, he called for the vote. The motion passed unanimously.

VIII b. Changes to the Nation's Metropolitan Statistical Area Boundaries

Mr. Bella referred to a press release sent out by TCEQ. In the document, TCEQ Executive Director Margaret Hoffman announced her preliminary proposed recommendations for areas to be designated in non-attainment of the EPA's new eight-hour health-based air quality standard for ozone. Mr. Bella ran through a few of the ideas involved:

- By law, states must propose air quality designations, which they submit to EPA. The Clean Air Act allows non-attainment, attainment and unclassifiable as the designations.
- The TCEQ Executive Director proposed that Bexar County would be classified as non-attainment deferred.
- EPA might modify the designation. If they do, the states will have 120 days to show that EPA's designations are inappropriate, if they so desire.
- There is a consent decree that requires the EPA to promulgate designations by April 15th 2004.

- The Executive Director proposed non-attainment designations for the eight-hour ozone average NAAQS on two points. 1) All counties that are currently in non-attainment area for the one hour ozone standard (except El Paso which has been showing improvement and scheduled to become an attainment area). 2) In all counties with 2000-2002 monitored data showing a violation the eight-hour standard.

Mr. Bella referred to a slide show to point out what counties were proposed as non-attainment and attainment according to the TCEQ Executive Director.

- He explained that the executive director had suggested just Bexar County be deferred non-attainment due to the signing of the EAC. The EAC continues to protect member areas.
- The EPA has the final say on the non-attainment area boundary. The EPA has historically suggested MSA boundaries for the ozone areas.
- On June 6th, the US Census Bureau revised their boundary designations nationwide and added Atascosa, Bandera, Medina, and Kendall Counties to the SA/MSA.

Judge Wolff asked if the EPA could decide to put all eight areas rather than four in the SAMSA designation. Mr. Bella responded that he would be very surprised if they would include the entire eight-county MSA. However, given the fact that, historically, the EPA has suggested the MSA boundary should be the one-hour ozone non-attainment area boundary, this produces a "creative tension" between what the EPA has historically suggested and what the Executive Director of TCEQ now suggests.

Judge Quinney pointed out that the Commissioner had mentioned the significance of our signing the EAC in contrast to El Paso who is having a hard time getting off the non-attainment list because they were not in an EAC.

Mayor Cork expressed confusion on the proposed designation from TCEQ. Mayor Cork stated, "to tell us that, number one, we want everyone in the area to be a part of the solution but we're only going to assign the label to the center core says that they've never been an elected official and don't understand politics." For example, he cited trying to read the headline of the Herald Zeitung, which said we don't have to do anything about air quality because we are not in the area designated non-attainment. But your elected officials have chosen to make you go through these extra steps of their own volition. Mayor Cork continued, "It totally disarms the ability of the surrounding communities that want to help solve the problem. By definition we have been removed from the problem although we are not in reality removed from the problem. It's an illogical step." Judge Wolff concurred.

Chairman Millikin remarked that he would continue his efforts because he had not yet heard from the EPA and he was re-energized from what he had seen and heard in Austin the day before. That however did not preclude him from recognizing the political reality of the challenge.

Mayor Cork pointed out that his latest numbers show that a little more than 40 percent of the population in the City of New Braunfels traveled to Austin or San Antonio to work everyday. It was illogical to exclude them from being part of the solution as they traveled into an area which is in a non-attainment area that is having to come up with control strategies to solve their air quality problems.

Chairman Millikin also had pointed to leaders in Comal and Guadalupe Counties, Seguin and Chambers of Commerce organizations that everyone up and down IH35 was also

traveling through Austin and San Antonio to work. Mr. Bella reminded the committee that the inclusion of those four counties is based on the definition for the MSA that says that if you've got 25 percent of your workforce in the outlying county employed in the core county or if 25 percent of the outlying county's workforce comes from the core county, the definition would apply for designation as part of the MSA.

Mr. Bella continued with the TCEQ schedule.

- During the Friday, June 20th TCEQ Commissioner's Work Session, the commissioners will finalize their recommendations.
- TCEQ will take their comments to Governor Perry.
- Governor Perry will forward his comments to the EPA by July 15th.
- The state will have another chance to change their recommendation once the 2003 ozone data is finalized; this data will probably be certified in October 2003.
- Once the final eight-hour implementation policy is available as a rule in December 2003, the state will again have an opportunity to make changes to their designations submitted to the EPA.

Mr. Bella pointed to an overview of the recommendations made by TCEQ. He noted the following:

- Bexar County has been recommended "deferred non-attainment" for the eight-hour ozone levels
- The "nonattainment" recommendation is because of the 86 ppb three-year average violation at CAMS 23 and "deferred" because of the EAC
- Wilson Co. has no monitors showing attainment or nonattainment
- Comal and Guadalupe are listed as in attainment but with incomplete date. He asked TCEQ about this and was told that the monitors and their values in these areas could be used later.
- While AACOG's monitors are not sited for regulatory use, their siting does not compromise the data quality, according to Dr. Sullivan.

Mr. Mims stated that Mr. Bella's final comment was quite intriguing because we had been told repeatedly that the monitors did not meet the standards. Mr. Mims asked if CAMS 23 data was used to find us in nonattainment. The three-year average of fourth-highest annual average at CAMS 23 was 86 ppb, used as a nonattainment average. This was the instrument that had an 11.8 ppb positive bias all last summer. Mr. Mims added that what was missing from that report is that Houston has mandatory emissions testing and Houston is having the worst ozone violations they've ever had. Mr. Mims reported that Chairman Huston said that Mr. Mim's hypothesis was possible, that by having emissions testing in Houston which cut back on NOx, you could also cause an increase in ozone in the urban core. Mr. Mims said emissions testing only projected 2.9ppb anyway. Chairman Millikin said that on the other hand, if the 2.9 ppb keeps us out of nonattainment then it's the way we need to go.

VIII. c Report by City Public Service

Joe Fulton thanked the committee for the opportunity to make an instant replay of a report he made to the Technical Committee two weeks ago. He said his intention was to shed some light on the subject that seemed to be part of a campaign of misinformation about City Public Service and its emissions and it was his sincerest hope to shed some light of truth using factual data.

Using a power point presentation, Mr. Fulton explained a chart showing twenty-four years worth of air quality history in San Antonio. The chart indicated that, in reference to the EPA health based standard for carbon monoxide sulfur dioxide and hydrogen dioxide, the levels in San Antonio were very low for many pollutants. And the data showed that PM 2.5 and PM 10 levels are very, very low. He said the problem in Bexar County and the surrounding region is ozone and you could see it was not a new problem. It had been an eight-hour problem for a very long time and pointed to this as the purpose for which the Air Quality Committee existed; to deal with that issue.

He said that some citizens have claimed that if the CPS plants could be shut down, the ozone problem would go away. Nothing could be further from the truth. There are six compelling pieces of evidence that support a different view.

- Sixty percent of ozone precursors come from the Mobile source category. This category is made up of cars, trucks, buses, airplanes, and lawnmowers, etc. It's anything that you can move around. The area source category includes things like filling stations, body shops that support the mobile source category. Then you have the point source category, "concentrated" sources that include power plants, cement companies, Sony, Phillips, structural metals, etc. The data showed that CPS contributed something under six percent.
- If you look back in the history of ozone monitoring in San Antonio, it goes back thirty years. You can see that the highest levels of ozone occurred in San Antonio in the 1970's, before the coal plants were built. You obviously can't blame a coal plant if it doesn't exist at that point in time.
- Another compelling point is to compare San Antonio and Austin. The data showed that Austin had higher eight hour ozone levels than San Antonio until the year 2002 and in fact Austin busted the standard before San Antonio. There are no coal plants in Travis County. There are no coal plants in the counties surrounding Travis County. You can't blame coal plants on Austin but again a lot of finger pointing goes to the coal plant in Bexar County.
- The last four years CPS has spent between sixty and seventy million dollars to reduce its one emission that is converted into ozone and that is the NOx emissions from the power plants. You can see we have been very successful by reducing our emissions by fifty percent. The data showed what ozone levels have been over the same time frame. If CPS coal plants were the cause of the ozone violations then you would expect the ozone levels to go down. Quite the contrary, ozone levels are going up.
- Using previous modeling done by AACOG and TCEQ episodes of plume animations, Mr. Fulton argued that the episodes were not caused by CPS on high ozone days. You could not conclude after looking at all of the data for the five days in 2002 with the plume animations that the ozone was caused by CPS with the exception on June 8th.
- Everyone contributes to the ozone. The question is, how much pollution do you produce and are you a large contributor. All evidence points to several sources.

(Turned Tape Over; Some Words Missed)

Mr. Mims: Yes, Even though their emissions total may be small compared to the overall area, it is sizeable nonetheless and is all released in a narrow plume from a stack. This allows ozone to form downwind along the edges of the plume and to prove that, we have the May 30th event in which the ozone at the New Braunfels airport was 8 ppb higher than the two adjoining monitors. And then we have the scientific evidence from the Baylor Aircraft study showing that power plant plumes in Texas measured five different coal-burning power plants typically produce along the edges of the plume 32 to 50 ppb ozone. Mr. Mims

continued to state that CPS is a problem but “I think it is a workable problem. And I really don't think it is appropriate to say that my scientific findings are inappropriate when they are discussed in the Baylor Aircraft Study.”

Mr. Fulton responded that the Baylor Aircraft Study looked at a bunch of power plants in Texas. Some, in East Texas, are releasing their plumes into a high VOC rich area because the piney woods have a lot of ozone. The studies in San Antonio show dramatic reductions when they are flying through the plume. Which is what Mr. Mims just said about concentrated sources of NOx emissions can actually reduce ozone.

IX. Air Technical Committee Reports

Mr. Bella reported on three items for Renee Green, who was on vacation.

- Improving Air Quality Monitoring: Have not had a chance to address at the last technical committee meeting. The idea was to improve the quality of the on-going monitoring. The first step being considered is writing a letter to TCEQ asking that they give special attention to monitors in areas showing monitor values very near the standard as well as looking at other ways to improve the entire process. The issue will be taken up at the next meeting and then the AIR Tech Committee hopes to have some recommendations for the AIR Executive / Advisory Committee.
- Chlorine and Ozone Formation: Mr. Bella reported that during the AIR Technical Committee Meeting, Pete Breitenbach presented TCEQ's position which was that we would better spend our time and money looking at NOx and VOC reductions.
- HR1891: Mr. Bella reported that members of the Technical Committee, specifically Mr. Mims and Mr. Bella, would take a look at the pros and cons of 1891. They will write up a set of points for further consideration by the Technical Committee, which directed them to go far and wide looking for opinions on the ramifications of 1891. Mr. Bella said that after an initial inquiry, it was expected to be sometime in late August before that item was brought out of committee in the federal legislative process. Chairman Millikin asked that when they had something drawn up he wanted to run it through the AACOG Legislative committee for their consideration.

Mr. Mims commented on the chlorine and said that TCEQ had essentially repudiated their own research. He said that the gentleman who appeared said, in reference to the paper about chlorine and ozone connections, "after all, if you are publishing a paper and you are trying to impress other people you go for the big number not the little one, right?" That's not right and there are two papers that TCEQ helped fund and in the second paper, "when chlorine chemistry is accounted for, predicted ozone levels are enhanced by up to sixteen ppb in the Houston area." So the gentleman who repudiated these papers needs to take another look because about half that enters as background maybe higher than that. We are looking at one ppb violation for our area. If we are getting 3 ppb ozone reduction from Houston caused by chlorine we need to talk to our neighbors in Houston whatever they can do to reduce that because that will bring us in full compliance.

Charissa Barnes commented that Judge Wolff's statements earlier in the meeting were very important and as well as comments that there was not a lot of time to run the modeling. I think that the last issues the Technical Committee and the AACOG staff has had a lot of resources tied up with some of these issues and some of them do have merit. As a Technical Committee member, Ms. Barnes asked the AIR Executive Committee to tell them what they should be doing. She felt that continuing to debate the last issues was counter-productive. She asked if the Committee had any recommendations that would help go

forward from today to help meet their goals. Chairman Millikin said his priority was the 55 to 56 control strategies that needed to be bounced off the photochemical model. Mayor Cork concurred. He agreed that a report was needed which was quantifiable including cost and how much the improvement is going to be. Mayor Cork said he anticipated little battles on what the data really says and he didn't want to be side-tracked going after those little items when they knew there were some big items they needed to go after. They needed to be solution-oriented not process-oriented.

X. Legislative Issues

Mr. Bella reported that SB 11 59 was signed by the governor. The bill allows for Early Action Compacts areas to design state inspection maintenance programs. The new legislation was championed by Austin and staff would be working with them to see if they could put something together as a package.

Mr. Bella explained HB 1365 provided TERP funding and, since it has been signed, seems to be ready to go. This bill provides funding through a surcharge on the sale, lease, or rental of all off-road, heavy-duty diesel equipment at two percent of the sale, lease or rental amount.

XI. Other Issues

Chairman Millikin said goodbye to Mike Magee who was stepping up as a two region coordinator. He introduced Kate Williams as his replacement.

XII. Adjournment

With no further business to conduct the meeting was adjourned.