

**The Minutes of the
Air Improvement Resources Executive/Advisory Committees Meeting
Alamo Area Council of Governments
Wednesday, December 13, 2006, 1:30 p.m.
Marriott Plaza Hotel, 555 South Alamo
San Antonio, Texas 78217**

Executive Committee Members

Chairman Jay Millikin, Comal Co. Commissioner
Mayor Patrick Heath, City of Boerne
Judge Donald Schraub, Guadalupe County
Councilman Jim Tremblay, BCCC

Technical Committee Members

Renee Green, Bexar County, Chair

Guests

Debra Engler, SAWS
Joe Jesse Sanchez, HISD
Sally Farris, COSA
T. Landon, Guadalupe Co.
Susan Peery, The Garner Law Firm
Mary Q. Kelly, Garner Law Firm
Brian Pietruszewski, Garner Law Firm
Judith York, NEISD
Gina Maranto-Castro, HISD
Terry Casey, NISD
Martha Gomez-Gonzales, UTSA-Prep
Karen Hartmann, EISD
Fernando Mureau, EISD

Advisory Committee Members

Susan Ghertner, HEB
David Newman, City of San Antonio
Forrest Mims, Guadalupe County
Rick Hite, TCEQ
Rebecca Gray
Commissioner Tommy Adkisson
Mike Riley, City of Seguin
Dan Titerle, SAWS
Bill Bushman, AFCEE
David Newman, COSA
Stanley Dabney, Cemex Cement of Texas

AACOG Staff

Al Notzon, Executive Director
Dean Danos, Deputy Director
Gloria Arriaga, Executive Deputy Director
Peter Bella, Director, Natural Resources
Steve Smeltzer, Environmental Manager
Heather Willden, Commute Solutions Assistant
Berti Vaughan, Administrative Assistant

I. Roll Call Chairman Millikin called the meeting to order. He asked that the roll be called. Dean Danos called the roll and declared a quorum. Chairman Millikin wished Mr. Notzon Godspeed on his retirement and thanked him for his work on the Air Quality Committee. Chairman Millikin also thanked Judge Schraub for his service on the committee.

II. Citizens to be Heard There was none.

III. Approval of Minutes Chairman Millikin asked for a motion to approve the Minutes of October 25, 2006. Mayor Heath moved to approve the minutes. Councilman Tremblay seconded the motion. Chairman Millikin pointed out two spelling errors. He asked for the vote with the corrections. The motion passed.

IV. Ozone and Particulate Matter Report

a. Status update: 8-hour average ozone NAAQS & 70 ppb standard
Mr. Bella reported on particulate matter. He said levels remained consistently well below the standards required.

Chairman Millikin moved to action item # **V.d.** Mr. Bella informed the committee that the Early Action Compact Semi-Annual Report had been reviewed and approved by the Air Technical Committee for their consideration. Mayor Heath motioned for approval of the report. Mayor Tremblay seconded the motion. Chairman Millikin called for the vote. The motion passed unanimously.

Environmental Stewardship Award Presentations: Mr. Notzon described the purpose of the environmental stewardship awards as encouragement for organizations to take steps to improve the air quality in the region. Chairman Millikin pointed to the importance of participating educational institutions in the effort to keep the air clean. He congratulated the recipients as deserving recognition for their model behavior. Chairman Millikin announced the following recipients of the Environmental Stewardship Awards for 2006.

- **Candlewood Elementary** (Judson Independent School District) for their walking school bus program and commute solutions program participation since 2003 encouraging parents and students to make healthier choices for our air.
- **Northeast School of the Arts**-International School of the Americas Magnet High School on the Robert E. Lee campus for actively participating in the commute solutions program since 2003-the program draws students from all over the district.
- **San Antonio Prep Summer City Wide Program** is a pre-freshman engineering program that is held in various university campuses. They have been actively participating in the program since 2004 and draw students from all over the city.
- **Edgewood Independent School District** for starting an idle reduction program which included implementing a no idling policy, they reworked bus routes to reduce the redundancy of routes, received an AACOG anti-idling workshop, and are currently looking for grants to increase their retrofits.
- **Harlandale Independent School District** for making innovative structural changes to reduce driving time for their employees, using more bicycles for their law enforcement personnel, re-arranging schedules to combine shifts so that when people go out to work sites more people can travel in vans vs. traveling at different times and in individual vehicles.
- **Bexar County** has long been a Clean Cities program participant, built the first publicly accessible ethanol station in Texas, implemented a VIA bus pass subsidy program in which all Bexar county employees can ride the bus for free, installed Solar Heaters in the Bexar County Jail.

V. Clean Air Plan Update

a. Review: Final Extension of Nonattainment Deferral; Final Rule of 11/29/06

Mr. Bella explained that the EPA had notified the region that the non-attainment Deferral had been extended into the 2007 ozone season under the EAC. The final rule defers the region's non-attainment status under the federal 8-hour average ozone standards until April 15, 2008. Mr. Bella said the final ruling allows the EAC to proceed and the San Antonio region will not be subject to federal non-attainment planning and programmatic requirements prior to April 15, 2008. At this time, the region's air quality status under the Clean Air Act will be dictated by ozone concentrations during the 2005-2007 timeframe for demonstrating compliance with federal clean air rules.

b. Overview of Nonattainment Policies and Planning Procedures

Renee Green reported that the Air Technical Committee had begun the process of planning for the worst—the potential non-attainment designation at the end of next ozone season. They wanted to make certain that the AIR Executive Committee was aware of the process. Peter Bella presented an overview of the non-attainment designation process through a power point presentation. The presentation covered the following points.

- Permits for new or modified major stationary sources issued on or after the effective date of NA must reflect major NSR under the 8-hr ozone NAAQS
- Transportation Conformity—Met with MPO, FHWA, AACOG, TxDOT, EPA, TCEQ on Oct. 25 to discuss TC
- RACM: the State must submit with the AD a SIP revision demonstrating that it has adopted all control measures necessary to demonstrate attainment as expeditiously as practicable and to meet any RFP requirements.
- In reviewing SIPs under Subpart 1, EPA will evaluate whether the emission control measures in the SIP and the timing of implementation and attainment provisions to ensure all RACM are adopted and implemented as expeditiously as practicable and that the attainment date is as expeditious as practicable.
- Reasonable further progress (RFP) would be met by ensuring emissions reductions needed for attainment are implemented... by the beginning of the ozone season prior to the attainment date.
- Contingency measures are required to be implemented in the event of failure to meet a milestone or attain the 8-hr ozone NAAQS and must accompany the AD SIP.
- Identify all AQ mitigation funding sources; determine eligibility
 - Congestion Mitigation and Air Quality (CMAQ) Improvement Program
 - Texas Emissions Reduction Plan (TERP)
 - Air Monitoring (Section 105) Grants Program
- Continue to work with TCEQ on future air quality planning strategies for the region, development of SIP credit

Commissioner Millikin said he had skipped over item **IV.a.** He asked staff to report on:

IV. a. Status update: 8-hour Average Ozone NAAQS and 70 ppb standard

Peter Bella summarized the NAAQS Review Process, staff recommendations, review recommendations and timeline involved in the process as follows:

NAAQS Review Process

- 1. **Technical:** EPA's Office of Research and Development develops a "criteria document"
 - evaluation of latest scientific knowledge re: health and welfare effects
 - EPA must consider the advice of the Clean Air Scientific Advisory Committee
- 2. **Policy:** EPA develops "staff paper" (*July '06*)
 - translate the science into policy decision terms
- 3. Before either docs inform policy: review by scientific community, industry, public interest groups, the general public and CASAC.
- . Based on the scientific assessments in the criteria document and on the information and recommendations in the staff paper, the EPA Administrator determines whether it is appropriate to propose revisions to the standards.

Staff Recommendations

- From EPA's 2nd staff paper (*July '06*); two options with regard to revising the level:
 - (1) retain the current primary eight-hour (8-hr) NAAQS of 0.08 parts per million (ppm); or
 - (2) consider a reduction in the level of the primary O3 NAAQS within the range of alternative 8-hr standards included in Staff's exposure and risk assessments (which included a range from 0.064 to 0.084 ppm) with primary focus on an O3 level of 0.07 ppm with a range of forms from third- through fifth-highest daily maximum.

Review Recommendations: CASAC

•Staff paper has been reviewed by the CASAC: "Peer Review of the Agency's 2nd Draft Ozone Staff Paper," was released October 24, 2006.

–*"There is no scientific justification for retaining the current primary 8-hr NAAQS of 0.08 parts per million (ppm), and*

–*"The primary 8-hr NAAQS needs to be substantially reduced to protect human health, particularly in sensitive subpopulations."*

•*"The CASAC unanimously recommends a range of 0.060 to 0.070 ppm for the primary ozone NAAQS."*

Schedule/Timeline

•The Administrator's proposed decisions are published in the Federal Register.

–*Federal Register* Notice of Proposed Rulemaking Mar 28, 2007, with a preamble that presents rationale and **solicits public comment**.

•6. Administrator makes final decisions after considering comments received on proposal.

–*Federal Register* Notice of Final Rulemaking Dec 19, 2007

Mr. Bella concluded the presentation with a synopsis containing 2004-2006 8-hr 03 4th highest averages in Texas that indicated mostly non-compliance with the 3-year averages at or above 85 ppb. He said lowering the 3-yr average at or above 75 ppb. would increase the non-compliance not only in this region but nationwide. Mrs. Green said the Air Technical Committee would continue monitoring the process and report back to the Air Executive Committee as the process proceeded.

V. c. Action Item: Consideration and possible approval of proposed Legislative Recommendations from the AIR Technical Committee

Mr. Bella explained that they had passed a budgets and priorities resolution earlier on August 23rd making a request of TCEQ. He said the proposed resolution for their consideration mirrors what was contained in the TCEQ resolution and is addressed to the Legislature and approved by the Air Technical Committee. Chairman Millikin asked for a motion to approve the legislative recommendations. Mayor Heath made the motion to approve the resolution. Councilman Tremblay seconded the motion. The motion passed unanimously.

d. Action Item: Early Action Compact Semi-Annual Report, due Dec. 31, 2006
This item was approved earlier.

e. Action Item: Consider and possible action regarding transport issues
Mr. Bella explained that the request by the Air Technical Committee to ask TCEQ for a response to their October 24th letter was no longer necessary since as of yesterday TCEQ had responded to their October 24th request.

Dealing with the question of air permitting and modeling, Mr. Bella reported that they had made a request to the TCEQ and the Legislature to consider requiring a photochemical modeling air quality impact analysis as part of the TCEQ's air permit application evaluation process and require balancing mitigation measures to ensure no adverse air quality impacts to the State or to the San Antonio regional air quality attainment goals. He said that AACOG staff with the staff of the Near Non-attainment areas had provided TCEQ with a proposed protocol for the impact analysis using photochemical modeling. However, TCEQ staff had not been given approval to proceed with the project. Mr. Bella said that the NNA group collectively were taking action to assist in the development of a petition for rulemaking and were developing a petition to state

legislators regarding the requirement to implement a protocol for use of photochemical modeling in the process of air permit applications by the state. He reported that the Air Technical Committee members from Bexar County and San Antonio will ask their respective intergovernmental liaisons to become involved in this effort, AACOG staff will research the state statute giving TCEQ authority to grant air permits, and will draft a brief description of the permitting/modeling goals, and local governments will ask legislators to carry the process forward to enact this change.

a. Other Issues

- a. **Action Item:** Consideration and possible approval of nomination of Stanley Dabney, representing Cemex Cement of Texas, to the AIR Advisory Committee

Chairman Millikin nominated Mr. Dabney to the AIR Advisory Committee and asked for a motion to approve his membership to the AIR Advisory Committee representing Cemex Cement of Texas. Mayor Heath made the motion to approve his membership to the AIR Advisory Committee. Commissioner Millikin seconded the motion. The motion unanimously passed.

- b. **Action Item:** 2007 Meeting Calendar

Staff asked the committee to consider approving the 2007 meeting calendar which coincided with the AACOG Board of Director's meetings. Mayor Heath made the motion to approve the calendar. Councilman Tremblay seconded the motion. The motion passed.

- c. **Action Item:** Consideration and possible approval of revision to AIR Committee Bylaws regarding Absenteeism of Committee Members from Meetings

Mrs. Green asked that they consider removing this item from the agenda until the AIR Technical Committee had more time to re-visit the by-laws. Chairman Millikin agreed.

- d. Federal Recommendations: Revising the Ozone Standard Down

This item was discussed earlier in the agenda under IV. a

- e. Notes on New Rules Proposed for Houston & Dallas regions

Mr. Smeltzer reported that today the TCEQ Commissioners reviewed the SIP revisions for Dallas and Houston. Both areas needed to demonstrate attainment for the 8-hour standard by 2009. He said the good news is that Dallas' SIP did demonstrate attainment with modeling and using way of evidence. The bad news is Houston didn't even try to demonstrate attainment in 2009. They said in their SIP that they couldn't meet the requirements of the 8-hr standards and they are not going to meet attainment by 2009. Houston said that 2018 was a more realistic year and they didn't even try to demonstrate attainment in 2018. In 2018 they needed 256 tons of NOx reductions. For example in comparison, San Antonio budget for NOx is 200 tons for the whole region and they need a reduction of 254 tons. By 2018 with all of their controls they get about a 150 ton reduction so they are going to be 100 tons short of NOx in 2018 to reach attainment. So they do not project reaching attainment in 2009. They noted to EPA that 2018 may be a more suitable attainment year, but reaching attainment would be difficult then. Mrs. Green said that it was going to be very interesting to see how the EPA accepted their SIP. Mrs. Green wondered if federal sanctions would be applied or whether a federal implementation plan would be applied. Discussion was held on the implications to our region because of transport and other possible policy changes due to Houston's inability to fall into attainment.

Chairman Millikin asked that the AIR Technical Committee come up with an easily understood visual display that can be used by the newspapers and perhaps the weather station forecasters use starting next spring. He stressed that it be something very easy to understand to give the public every opportunity to understand how important this subject is and the “penalties that we are apt to have befall on us if we don’t succeed. “

Mr. Danos said he had asked Brenda Williams to kick off a concerted media effort along with the AIR Public Education Committee to accomplish his request.

b. **Adjournment.**

With no other business to conduct, Chairman Millikin adjourned the meeting.