

**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, January 29, 2003, 9:00 a.m.**

Executive Members

Mayor Patrick Heath, Chair, City of Boerne
Commis. Jay Millikin, Vice-Chair, Comal Co.
Gene Uptain, Greater Bexar CCC
Judge Marvin Quinney, Wilson Co.
Councilman Ernest Hernandez, City of Seguin
Mayor Adam Cork, City of New Braunfels

Advisory Members

Commis. John Kight, Kendall Co.
Ken Bercaw, New Braunfels C of C
Bill England, Neighborhood Asso.
Dean Word, Word Construction Co.
Julie Klumpyan, Valero

Guests

Mike Magee, TCEQ
Renee Green, Bexar County
Charissa E. Barnes, Off. Insp. Sta.
Scott Erickson, MPO
Edmund Ortiz, Primetime News
Chris Anderson, Express-News
Dub Smothers, Citizen to be Heard

AACOG Staff

Al Notzon, Exec. Dir.
Dean Danos, Deputy Dir.
Peter Bella, Director of Natural Res.
John Quebe, Clean Cities Coord.
Brenda Williams
Dorothy Birch
Isabel Chacon
Berti Vaughan, Admin. Asst.

I. Roll Call

Chairman Heath called the meeting to order and asked that the roll be called. Dean Danos called the roll and declared a quorum. Chairman Heath welcomed those in attendance and suggested that those present introduce themselves. He reminded the committee of the upcoming deadlines and commitments and asked committee members to bring their schedules to the next meeting

II. Approval of Minutes

Chairman Heath asked for consideration of the minutes. Bill England motioned for approval of the minutes. Mayor Adam Cork seconded the motion. Chairman Heath asked if there was any discussion. There was none. He called for the vote and the minutes were unanimously approved.

III. Citizens to be Heard

Chairman Heath called upon Dub Smothers who had signed up to speak to address the committee. Mr. Smothers started his presentation by thanking AACOG for setting up the public hearings. He found them to be very informative. Mr. Smothers informed the committee about fuel cell technology brought about by Plug Power, GMC, and Toyota in Michigan. He mentioned that GMC and Toyota had been working together for the development of fuel cell parts and the establishment of hydrogen filling stations to help set up the infrastructure within the United States. Another important partnership included Toyota, General Motors and Exxon Mobile. They were in agreement regarding fuel cells with fuel cell vehicles of hydrogen in the long term and a hydrocarbon fuel in the short and

medium term. He was excited about Toyota locating in the area because it would help bring the fuel cell revolution into Texas and San Antonio.

IV. Citizens Comments: First Public Meeting on the Clean Air Plan, January 22

Mayor Heath called upon staff for a report on the citizen comments made during the January 27th meeting. Peter Bella thanked the public and the committee for attending the first public meeting. He felt it had been a successful event and said that meetings would be held monthly. The next meetings were scheduled on Wednesday evening, February 22nd and Saturday March 22nd in the morning. Mr. Bella handed out the written comments for their perusal. Discussion was held on re-occurring public statements on the effects of transport, public education, and smoke transport from other areas. Renee Green expressed frustration over the same issues re-occurring and the misinterpretation of those issues.

Ms. Green pointed that one of the reoccurring statements that is continually being brought from citizens is that EPA has never withheld anybody's highway dollars and that they are not going to do it now. She pointed to a recent statement made by Becky Webber from EPA. Since the Dallas SIP was never approved Dallas will be notified this summer if TERP is not fully funded through the legislature session that sanctions will begin regarding the withholding of federal highway dollars this summer. Because their SIP was approved, Houston has about eighteen months to take care of their problems. However Dallas has to begin the sanctions clock immediately. The financial impact will be devastating if sanctions occur.

Mayor Heath asked that they ask technical staff for clarification on possible sanctions and to report on their findings in the February meeting since their seemed to be some ambiguities about existing sanctions.

Judge Quinney asked if they would be able to gauge the effectiveness of the I&M program in Dallas and Houston. Chairman Millikin replied yes.

Mayor Cork commented on the numerous complicated issues that required hours of research and background information. This research and information was done to enable the committee to understand the issues in order to make intelligent decisions. Mayor Cork noted that they lived in a society where everyone wants a sound bite and who felt that those four seconds helped make them experts. He pointed out that the committee needed to do a better job of creating a frequently asked question sheet and facts sheet that allow the public to see exactly what the committee was doing. The fact sheet needed a reference that explained to the public where the information comes from not with the full detail of the reference but just so they can look it up themselves if they choose. Therefore they would have the information in a very succinct fashion to look at. Lastly, he pointed out that there were always going to be people who did not believe your science and resources and that was their prerogative. If they were provided with that information, be able to go down the bullet points and say this is why we believe what we believe then move on. He pointed out that if all their time was spent trying to battle over the truth of the science nothing would get accomplished.

Commissioner Millikin agreed with Mayor Cork. He went on to mention two items. First he reported that he had recently found out that there are five counties and five cities around the Dallas area that were not part of the MSA who voluntarily entered vehicle emissions testing.

Secondly he did not understand why the state of the city address did not address air quality as one of the major issues of this region.

Mr. Notzon noted that there would be a year of data that they could gauge from Dallas but data would also be gathered from Denver and other metropolitan areas. He was concerned on the time available to gather the data.

Mr. England commented that most of the citizens that he spoke to were confused by the arguments that some people raise in public meetings. They have not accepted the fact that an air quality problem exists and that it needs to be addressed and has been addressed. He suggested that in the public meetings somewhere along the line, someone who is not an elected official needed to voluntarily stand up and defend their position. Secondly, Mr. England asked if there was any possible way to make the air quality problem a state program. If the state highway patrol was going to enforce the program then why was it a regional problem. He mentioned the LIRAP program a state program being run by the state.

Mr. Millikin stated that there were 256 counties and that they had all not been designated non attainment. There were also counties who were losing population and would be adamantly opposed to any statewide sanctions. Chairman Heath said that there was also the question of money. There was a reduction of funds being made at the state level.

Judge Quinney supported Mr. England's comments. He defended the idea and said it was possible if everyone approached it with an open mind.

Mr. Bella said he would make every effort to present the information forward to introduce people to some new ideas.

V. AIR Public Education Committee Report

Mayor Heath asked Dorothy Birch to make the Air Public Education Committee presentation. Ms. Birch presented a power point report that; reviewed last year's outreach and public education efforts, presented the proposed comprehensive public education outreach and public plan and previewed the upcoming air quality education special events. She reminded everyone on the Ozone Season Kick-Off March 29th from 8 a.m. to 3 p.m. She invited everyone to be there and gave a short report on the activities scheduled for the event on that day.

Dean Danos thanked Ms. Birch for her hard work and reminded the committee that she was one person with a huge mission. Her work required a consolidated effort on the committee and her volunteers.

Councilman Uptain commended on Ms. Birch on her work and recommended that the cost to the consumer be brought up in her outreach efforts.

Councilman Hernandez asked Ms. Birch if there was a way to respond quickly to erroneous questions/messages during the public meetings. Ms. Birch recommended that the structure of the meetings be held to specific time limits. Chairman Heath suggested that frequently asked questions be provided by staff.

VI. AIR Technical Committee Report

Mayor Heath called upon Peter Bella to present the information. Peter discussed consideration of a “Deferred Non-Attainment “ designation and the questions that arose during the AIR Technical Committee meeting. He explained that it was initially hoped that a designation of non-attainment could be avoided through the Early Action Compact. However, EPA guidance issued in November 2002 with a U.S. District Court Consent Decree¹ stated “that EPA would recognize the local area’s commitment to early action by provisionally deferring the effective date of the nonattainment designation.” Subsequently, the language in the Early Action Compact reflected that, if an area designated non-attainment does not meet the terms of the Compact, then the non-attainment designation would become effective according to EPA’s 8-hour ozone implementation guidelines.²

Mayor Heath reminded the committee that “what has been paramount to us and our citizens all along has been not so much nomenclature as the positive aspects of compliance which has been clean healthy air and the negative aspects of non-compliance which are sanctions primarily in the form of capacity building, and other kinds of federal plans. I think you are suggesting there has been a nomenclature change but the Early Action Compact still protects this area no matter what the designation, protects us from the effects of possible designation until 2007.”

Mr. Bella and Ms. Green agreed this nomenclature did not represent a substantive change. Commissioner Millikin remarked that the options were very clear to everyone, either the job was done or deferral was no longer an option.

Mr. England asked if there was a tentative date for non-attainment designation. Mr. Bella replied that he was awaiting eight-hour implementation guidance from the EPA, but designations were anticipated for sometime in 2004.

Mr. Bella proceeded to ask for direction on the designation concepts and offered several letters for consideration with three different options. Chairman Heath noted that the meeting was running late. He asked that discussion be closed on the item until the February meeting until there was more data.

After a brief presentation by Peter Bella, Chairman Heath also made the recommendation to defer the TxDOT Construction item discussion to the February agenda. Mayor Heath suggested that Mr. Bella use the letter to invoke a meeting with Mr. Word and TxDOT

¹ The EPA and a number of environmental groups agreed upon a schedule for EPA to promulgate air quality designations for the 8-hour ozone standards by April 15, 2004. This agreement is embodied in a consent decree that was lodged with the U.S. District Court for the District of Columbia on November 13, 2002. The following day, an explanatory memorandum was issued, subject: Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts, From: Jeffrey R. Holmstead, EPA Assistant Administrator. From the memo, page 4, under part C. Early Action Compacts: “... For participating areas that are monitoring a violation of the 8-hour ozone standard, EPA would recognize the local area’s commitment to early action by provisionally deferring the effective date of the nonattainment designation. The deferral of the effective date of the designation would be contingent upon the participating area’s meeting all terms and milestones of the compact.” The memo is available (as of February 19, 2003) online as http://www.epa.gov/ttn/oarpg/t1/memoranda/8hod_gd.pdf

² See especially sections 19 and 20 of the Early Action Compact Memorandum of Agreement, signed December 9, 2002, online as <http://www.aacog.com/cap/CAP2002.html> - 5, which reflect this language.

officials before the February Meeting. Mr. Word stressed his and his industry's objection to the recommended consideration as presented by Mr. Bella.

VII. Other Issues

Peter Bella made a short presentation on his meeting with Toyota and individuals from the Chamber of Commerce. He was impressed with Toyota's willingness to work with the committee if they chose to locate in San Antonio and said they would have representation on the committee. Mr. Bella presented preliminary information based on emissions inventory shared by Toyota. He noted that no impact estimates were available since the photochemical model, currently under refinement, would be required for any technical analysis.

VIII. Adjournment

With no further business to conduct Mayor Heath adjourned the meeting.