

**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, February 26, 2003, 9:00 a.m.**

**Executive Members**

Mayor Patrick Heath, Chair, City of Boerne  
Com. Jay Millikin, Vice-Chair, Comal Co.  
Gene Uptain, Greater Bexar CCC  
Commissioner James Wolverton, Guadalupe Co.  
Walter Ague, for Councilwoman Conner, COSA  
Mayor Adam Cork, City of New Braunfels

**Advisory Members**

Com. John Kight, Kendall Co.  
Susan Ghertner, HEB  
Dean Word, Word Construction Co.

**Air Tech Committee**

Joanne Walsh, MPO  
Renee Green, Bexar County  
Charissa E. Barnes, TSIA  
Scott Erickson, MPO  
Pam Bransford, COSA

**AACOG Staff**

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

**Guests**

Edmund Ortiz, Primetime News  
Chris Anderson, Express-News  
Mike Magee, TCEQ

**Citizens to be Heard**

Nancy Strack  
Charles Ruppert  
Mike Riley  
Forrest Mims  
Cyndi Levesque

**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.

## II. Approval of Minutes

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

## III. Citizens to be Heard

Chairman Heath called upon the first speaker Nancy Strack to address the committee. Ms. Strack read the following prepared statement:

Because so many citizens believe so strongly that emissions testing is a waste of time and money, I've been attending the various clean air committee meetings and reporting back to the citizens who can't attend.

Did we misunderstand when we were told that monthly public meetings were going to be held because AACOG committee members wanted to hear questions and comments from the citizens?

At the public meeting in January, members of the AACOG committee who were present showed lack of respect to the citizens who were there by talking amongst themselves or playing with the remote or walking about the room instead of listening to the citizens to be heard. We can't be heard if you don't listen! We reacted to your disinterest and nothing constructive was accomplished.

Members of AACOG took that disrespect to a different level when we had the second of such meetings on Saturday. The citizens were here. Only two members representing AACOG were present, Forrest Mims and Jay Miliken. The rest of the committee members didn't even have the courtesy to show up! I'm checking into whether this lack of participation from AACOG meets the EOPA guidelines for public participation.

The disrespect continues. I overheard Mr. Miliken question Forrest Mims about his credentials just before the meeting on Saturday and when Mr. Mims tried to produce them, he rudely shoved them away without looking at them and, with contempt, said they meant nothing.

Because, unlike you, we are limited to only three short minutes to speak and find it faster to read than to wing it, the honorable mayor of Cibola read a very impressive and effective speech. Mr. Miliken made the snide comment afterward that it was a shame the mayor couldn't write his own speech.

Is this behavior an embarrassment to the rest of you? Do you find it acceptable? You may not be responsible for other members' behavior but if you continue to allow it, you're in contempt as much as he is.

We've also heard the slang terms used by committee members to refer to the citizens you represent.

I mentioned it Monday and I'd like this in the minutes today, arrogance, disrespect and inappropriate behavior by any AACOG committee member will not be tolerated! Your professionalism should match the level of the responsibility you've been given!

You've been working on this issue as I understand it, for about 4 years and until Monday we haven't seen any evidence that you're doing anything to appeal our high readings or to dispute the erroneous readings at Marshall High School. Right now it's just a letter that's been drafted but why did it take so long to get even this far?

How can we encourage other businesses such as Toyota to come to Bexar and surrounding counties if they think we have a clean air problem when, except for transported pollution, we don't have a problem?

None of this nonsense would even be necessary if you did your job from the start and appealed the high readings. There is no way that emissions testing can possibly eliminate the pollution that we're not responsible for. Your motives, therefore are questionable when you include emissions testing in your Air Pollution Control Strategies!

Allowing someone to serve in any capacity on any AACOG clean air committee when they stand to make a personal financial gain if emissions testing were to be passed also makes your motives suspect and defeats all the good that you may be trying to accomplish. It doesn't pass the smell test!

I submitted questions to the committee members on Monday and ask that those same questions be asked of the committee members present today. The questions along with replies received to date as well as our response, are to be put on record in compliance with the Federal Clean Air Act's requirement for public participation. The first five questions require individual responses.

**We'd like for each of you to answer the following five questions. Please keep your answers concise. I want these five questions on record in compliance with the Federal Clean Air Act's requirement for public participation.**

1. Knowing what you know right now (that is, the other cities and states have stopped doing emissions testing without being penalized by the EPA and that the EPA has stated emissions testing doesn't work and that the days we were in non-attainment were due to transported pollution and if no cars were on the road those days we still would have been in non-attainment) and knowing that overwhelmingly the citizens in Bexar and surrounding counties do not want emissions testing, if you were to vote today, would you vote for emissions testing? If yes, why?
2. Are you in an elected position? What credentials do you have to make you an expert on the issues you'll be voting for regarding air quality?
3. Do you, or anyone you know (that includes any members of AACOG), stand to gain financially if emissions testing were to be forced on us? Is that person allowed to vote on this issue?
4. Have scientific facts and satellite photos provided by Mr. Forrest Mims and Mr. Mark Langford been made available to you? Do you understand them? Do you give them the same importance as the information provided to you by Mr. Peter Bella? If not, why not?
5. What kind of work do you do? What type of business is it?

**The following questions are being submitted in writing and I will expect a prompt reply. This request is also to be placed in the minutes in compliance with the Federal Clean Air Act's requirement for public participation.**

Has AACOG appealed any of the regional pollution episodes that caused ozone violations in San Antonio? If not, why not? If so, which ones?

Has AACOG appealed measurements made by the defective instrument at Marshall High School? If not, why not?

Is a representative of the emission testing business on this committee? If so, has this person made any motions or voted on committee business? If so, explain why this is not a conflict of interest.

Why did this committee fail to include CPS on the list of air pollution control strategies you are now reviewing?

Is CPS planning to build any other coal burning power plants?

Does CPS have a member on this committee?

Is this person allowed to vote?

Next, Chairman Heath called upon Charles Ruppert, Mayor of Cibolo to address the committee. He presented the following written statement:

Mr. Chairman, members of the Air Improvement Resources Executive/Advisory Committee. Last Saturday, I attended the Second Public Meeting on the Clean Air Plan. Mr. Peter Bella, natural resources director for the Alamo Area Council of Governments, spoke of some 90 different control strategies under consideration. He then focused on five strategies to be recommended, one of those being-vehicle emissions testing. Numerous members of the public signed up to speak, including me. Not a single person spoke in favor of Mr. Bella's recommendations. Perhaps the front page of Sunday's Gazette-Enterprise says it all "AACOG raked over coals on Clean Air Plan."

Only two and a half months ago, on December 9, the Early Action Compact was signed. The ink is hardly dry and already Mr. Bella wants this committee to approve vehicle emissions testing. Upon review of previous newspaper articles it is interesting to note how quickly Mr. Bella has changed his position.

For example, in an October 9 Express-News article by Roger Croteau, he wrote, "Like the commissioners in Comal County, the Guadalupe County Commissioners made sure they were not committing themselves to supporting vehicle emissions testing before they gave the plan their support. I'd like to leave the issue of testing behind, because it does not have anything to do with what we are looking at today," said Peter Bella, . . . , "all this is, is a commitment to study the issue." Really, how much study did take place in the four and a half months since that statement was made? Also in the article, Mr. Bella reassures the Guadalupe County Commissioners

concerned about vehicle emissions testing, "...we'll look at every other option first." Hmmm, I guess that means the other 85 options have already been looked at and deemed no good.

In a special to the Gazette-Enterprise, Mr. Bella wrote "If we sign the compact, we can retain local control and meet our own goals." Well, by recommending vehicle emissions testing as one of the first control strategies, it appears Mr. Bella is meeting the EPA's and TCEQ's goals.

Ladies and gentlemen, I am thoroughly disappointed in Mr. Bella's decision to recommend vehicle emissions testing as one of the first control strategies. It makes me question his true motives when he lobbied for the Early Actio Compact. I hope you do, too. Please note that I have not criticized any committee member. I truly believe that no one on this committee wants vehicle emissions testing. I ask that you reject it and focus on the other 89 strategies. Thank you for your attention.

Chairman Heath called upon Mike Riley the third person signed up to speak. Mr. Riley relinquished his time to Forrest Mims.

Chairman Heath called upon the fourth person signed up to speak, Forrest Mims. Mr. Mims said that the last time he attended the Air Executive meeting his main concern had been the committee's compliance to the Open Meetings Act. The issue was resolved through Gloria Arriaga and Al Notzon and he thanked them for their courteous response to his concerns. He also thanked Mr. Notzon for organizing the Air Technical Committee. Mr. Mims reported that he would be presenting three papers at the Annual Meeting of the Texas Academy of Science at Stephen F. Austin University. One of the papers covered the air pollution problems that AACOG faces. The paper he's giving discusses how ozone reduction strategies being reviewed by the Air Tech Committee are dwarfed by massive pollution events from other states and regions. He went on to say that the most comprehensive tailpipe testing program will reduce ozone by less than three parts per billion. The control strategies he discussed showed that tailpipe testing results showed minimal reductions in ozone. He claimed that five of the smoke events last summer increased ozone by approximately forty parts per billion. Mr. Mims pointed to Colorado fires, Arkansas and Louisiana produced agricultural fires, prescribed fires by the Federal and State Governments and Mexico, the giant coal burning smoke from TBA in Tennessee, the Alcoa plant in Rockville, Texas fueled by low grade lignite that it purchases from CPS in San Antonio as attributable to the pollution. Mr. Mims also claimed that satellite imagery showed that the September 12-14 pollution event essentially matched the smoke pollution in Brazil on the same day. He remarked that those were the two worst pollution events on the planet for a three day period of which nothing could have been done. He said that they could have shut down the CPS plant and it would not have helped. The violation would have remained at thirty parts per billion. He felt it was critical that the committee be aware of this information/science. Mr. Mims stated that the Federal Clean Air Act specifically allowed states and local bodies governments to negotiate the states that pollute. He was critical of AACOG refusal to take advantage to negotiate the states that pollute. He felt that there was a voting member on the committee who had a conflict of interest in the matter who stood to gain financially on the implementation of tailpipe testing. Mr. Mims continued, meanwhile ozone added by Toyota and a possible new CPS coal burning power plant would seriously compromise any reduction in the gains of tailpipe testing. Mr. Mims concluded by requested that the Air Executive Committee instruct the Air Tech to propose serious strategies for dealing with the real source of the problem; the regional events which caused enormous spikes illustrated on the visual handout they had been given.

Mr. Mims reiterated Ms. Strack's comments. He said that it was a shame that more members had not shown up. He pointed out that he and Jay Millikin had disagreed on many issues but at least he had attended the meeting. Mr. Mims also studied the EPA

requirements for a public meeting and was going to recommend to the air tech committee that they reschedule the meeting. He also pointed to the lack of decorum in comments he said were made by members of the staff and the committee which poked fun at the number of traffic lights in Floresville and whether Seguin could survive without San Antonio and so forth. He concluded by saying that he was going to try be as friendly as he could be and admitted he had been very aggressive when he first met the members of the committee. He felt that they get a lot more done working together than working against these air pollution events from other states than they could being divided amongst themselves.

Chairman Heath called upon Cyndy Levesque to speak. Cyndy Levesque, introduced herself as supervisor of permits for City Public Service and a member of the Air Technical Committee. Ms. Levesque informed the committee that she had provided Mr. Bella with a list of control strategies that City Public Service that included point source reductions and fleet changes such as the purchase of ethanol energy vehicles, emissions testing and other programs such as demonstration efforts with fuel cells and solar energy. Ms Levesque requested more time during the March meeting to provide more details on the provided strategies. She impressed on the committee that the main reason for speaking to them was to assure them that CPS is in full cooperation with AACOG, the committee, and other business leaders in stepping up to offer the strategies and other strategies for the Early Action Compact and Clean Air Plan. She acknowledged that CPS's point sources contribute NOX to the area and had demonstrated good faith in reducing NOX by forty five percent spending forty million dollars in its efforts. CPS had another goal set to reduce NOX by fifty percent by the year 2005 and are prepared to spend another twenty million dollars to accomplish that. In conclusion Ms. Levesque wanted the committee to know that CPS was in full cooperation with the committee, had endorsed the Clean Air Plan, and were working together with out businesses and industries to put forth the best plan possible to EPA and TCEQ to reduce the ozone precursors in the area.

Chairman Heath thanked the speakers and those in attendance for their presentations and interest.

#### **IV. AIR Public Education Committee Report**

Dorothy Birth presented a short power point report on the preliminary results off of the education survey. Her report indicated that 95 % believed that air pollution could affect their health, 66% believed that air pollution can affect a region's ability to attract tourism and new business, only 43% have heard or read about the Clean Air Plan, and 81% had heard or seen the phrase "Air Quality Health Alert". On preliminary results affecting behavior the three items of concern were: reducing personal stress, reducing the time they spend in traffic and reducing health risks These three won out over saving money, and reducing dependency on foreign oil. On Clean Air Actions that individuals are most likely to take in order were: regular vehicle maintenance, combining errands, turning off their engines while waiting, not topping off or overfilling the gas tank, refueling in the evening, walking or bicycling on short trips, carpool and riding a bus.

Ms. Birch also reported on the following upcoming activities and events: Ozone Kick Off event on March 29<sup>th</sup> CPS Northside Service Center 8 a.m. to 3 p.m. and the various activities presented during the event, Spring Air Quality Health Alert Season Sign Ups, and Participation on Environmental Awareness Family Day at the Witte Museum on March 1<sup>st</sup>.

#### **V. Citizens Comments: Second Public Meeting on the Clean Air Plan, February 22**

Mayor Heath called upon staff for a report on the citizen comments made during the Feb. 22nd meeting. Peter Bella began his presentation by reading the first sentence of a headline by Mr. Oconnell appearing on the Seguin Gazette Enterprise. "A number of Guadalupe County residents took a public meeting designed to discuss proposed revenues for regional pollution issues as an opportunity to bash public officials for considering vehicle emissions testing among those plans." Mr. Bella explained the format of the public meeting as an educational and informational meeting and presented all the comments made by those present at the meeting. He told the committee that he was responding to the public requests. He also stated that he would be going through control strategies to inform the attendees on the progress being made. He asked if the committee had any recommendations on the meeting format. Adam Cork commented that he appreciated the effort put forth by Mr. Bella to provide the committee with the comments and information presented during the public meeting. He remarked that as elected officials it was not physically possible for them to be everywhere at the same time and that as elected officials they had many requirements on their time. However, having the report Mr. Bella provided gave them at least gives them the opportunity to review what those comments were. Commissioner Millikin clarified some comments. He pointed out that Mr. Bella did not recommend I & M or anything else. The Air Technical Committee did. He thanked Mr. Bella for the amount of work he was doing and reminded the committee of the deadlines approaching that required a set of control strategies designed to bring our region into compliance with the clean air plan by March 24, 2003. Commissioner Wolverton was concerned over the comments made about Guadalupe County. He did not know under what context they were used however, it did not promote good will. Mayor Heath acknowledged the Commissioner's concern.

## **VI. Clean Air Plan Update**

### **a. Review of Control Strategy Matrix and CMAQ projects**

Mr. Bella presented a handout on the control strategy matrix. Mr. Bella explained that they had gone through one half of the control strategies. Mr. Renee Green explained that the review of strategies one by one required QECs for each strategy. They needed to be Quantifiable, Enforceable, and Creditable. Ms. Greene told the committee that they would be provided with three separate lists containing strategies after their review. The first list would be those control strategies that would be QEC. The second list would be those that are voluntary control strategies provided by major stakeholders and may be quantifiable and measureable. The third list will be those future voluntary control strategies that potentially might be able to get credit for. Mr. Bella brought their attention to CMAQ projects and the related funding to their attention. Mr. Notzon reminded the committee that a letter needed to be sent forward on behalf of the region to TCEQ on the issue of smoke and particulate matter transport and their effect on ozone readings. Mayor Cork motioned to dispatch the proposed letter to TCEQ. Commissioner Millikin seconded the motion. The motion passed.

## **VII. AIR Technical Committee Report**

### **a. Discussion of "Deferred Non-Attainment" designation concept**

Renee Green asked that the technical committee thought it was in their best interest to wait to make a recommendation on designation. She explained that it appeared that the EPA was going to allow the governors until June of 2003 for their recommendations.

### **b. Discussion regarding San Antonio/Austin Regional meeting with TXDOT: Construction contract w/"Rain Days" for AQHA Days**

Peter Bella said that at the request of the technical committee a letter had been sent to Mr. Kelly at TxDot on the road construction work stoppage. Mr. Bella recommended calling a round table discussion with Mr. Kelly, and Mr. Word. Mr. Word commented that his industry the trade association, the Association of General Trade Contractors of Texas was inflexibly opposed to any kind of work stoppage on maximum productivity work days. He said he and the industry would be happy to sit down and discuss the issues again, this time with the Austin, San Antonio region. Mayor Cork commented that there had been many problems with the construction on I-35 in New Braunfels. He felt that the construction crews needed to be rewarded with incentives to complete the work. He pointed out that idling cars due to construction was not conducive to good air quality. Commissioner Kight remarked that as a past TxDot employee he knew that there were engineering and design problems that could be avoided in the planning stages of each project. Mr. Word agreed that if the contractors were included in the process many efficiency problems could be avoided.

**c. Report: Sanctions Imposed under Non-Attainment Designations**

Mr. Bella reminded the committee that they had asked staff to look into how EPA imposed sanctions when faced with non compliance. Mr. Bella provided information on preliminary research being done on the request and remarked that the task was complex and needed more time to complete the task. He explained the information on the hand out and said he would be expanding the table and the paths taken on non attainment within the eight hour standard and one hour standard. Chairman Heath thanked Mr. Bella for the information and agreed on the time extension. Vice Chair Jay Millikin remarked that it was very important that the public understand the compliance and sanction issues. He endorsed the needed time and effort needed to accomplish the research.

**VIII. Other Issues**

**a. Consideration of Bylaws for the AIR Committee system**

Peter Bella interpreted a draft set of bylaws for their consideration. He directed their attention to the first article which named the committees, the mission set forth, the membership pre-requisites, the voting system, and method of accepting new membership. He asked that the committee review the document and submit their recommendations. Chairman Heath asked that the committee review the information and make their recommendations and conclude the formalizing of the document at the March meeting.

Peter Bella provided an article to the committee's attention which pointed out that Toyota did not consider north central Texas as a location because it is a non attainment area.

John Quebe provided information on the upcoming Clean Cities Workshop. He invited the committee to attend a reception during the Conference.

**IX. Adjournment**

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