

**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, August 27, 2003, 9:00 a.m.**

**Executive Committee Members**

Com. Jay Millikin, Chairman, Comal Co.  
Gene Uptain, Greater Bexar CCC  
Mayor Raymond Ramirez, City of Floresville  
Mayor Adam Cork, City of New Braunfels  
Councilman Ron Segovia, City of San Antonio  
Judge Marvin Quinney, Wilson County  
Renee Green for Judge Nelson Wolff, Vice-Chair,  
Bexar Co.  
Judge Donald Schraub, Guadalupe County

**Guests**

Jeanne Geiger, MPO  
Chris Anderson, SA Express-News  
Teresa Vargas, City of San Antonio  
Kate Williams, TCEQ  
Todd Mills, Toyota North America  
Gary Ross, Toyota North America  
Rick Hite, TCEQ Region 13  
L.S. Berger  
Stanley A. Dabney, Alamo Cement  
Edmond Ortiz, Primetime Newspapers  
Dub Smothers

**Citizens to be Heard**

Linda Reeves  
Mark Langford  
Mayor Charles Ruppert, City of Cibolo

**Advisory Committee Members**

Com. John Kight, Kendall Co.  
Rebecca Gray, American Lung Asso.  
Dan Titerle, SAWS  
Julie Brown, TxDOT  
Susan Ghertner, H.E.B.  
Mike Riley, City of Seguin  
Aleisha Knochenhauer, Martin Marietta  
Materials  
Bill England, Neighborhood. Asso.  
Charissa Barnes, TSIA  
Ken Bercaw, New Braunfels C of C  
Forrest Mims, Guadalupe County

**Technical Committee Members**

LeeAnne Lutz, City of San Antonio  
David Newman, City of San Antonio  
Ana Sandoval, VIA

**AACOG Staff**

Al Notzon, Exec. Dir.  
Dean Danos, Deputy Dir.  
Peter Bella  
Dorothy Birch  
Steven Smeltzer  
John Quebe  
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. Chairman Millikin welcomed Judge Schraub with Guadalupe County and Councilman Ron Segovia with the City of San Antonio to the meeting.

**II. Approval of Minutes**

Chairman Millikin asked the Committee for consideration of the July 23rd minutes. Bill England made the motion to adopt the minutes. Mayor Adam Cork seconded the motion. Chairman Millikin asked that corrections be made on the spelling of "exceedances". Mayor Cork seconded the motion for the minutes as amended. Chairman Millikin called for the vote. The motion unanimously passed.

**III. Citizens to be Heard**

Chairman Millikin asked if there was anyone who wanted to address the committee. Linda Reeves introduced herself to the committee and expressed concern over the implementation and effectiveness of emissions testing. She said the process was ineffective, costly and detrimental to senior citizens and was intended to create more bureaucracy. She used the state of Kentucky as an example of eliminating a program that was creating hardships for its citizens. In conclusion she said that the program did not work and only took money from senior citizens which was forcing them to make choices between medication, food, or paying for

emissions testing. Chairman Millikin thanked Mrs. Reeves for her comments and said he wanted to make it clear that emissions testing was not under consideration at this time.

#### **IV. Ozone and Particulate Matter Report**

Chairman Millikin asked Peter Bella to present the ozone and particulate matter report. Mr. Bella referred the committee to an ozone document handout. Mr. Bella noted that the report was a monthly update on regional ozone levels recorded at the local air quality monitors.

- The report contained information reflecting four highest eight-hour ozone concentrations as of August 26, 2003. The first table in the report consisted of the fourth highest 8 hour values reported by four area regulatory monitors; San Antonio Northwest C28, Camp Bullis C58, CPS Pecan Valley C678, and Calaveras Lake C59. The remaining monitoring sites included in the report are owned and operated by AACOG for information and produced data for photochemical modeling.
- The next table indicated the fourth highest eight-hour average ozone readings for San Antonio, from 1999-2002. The report showed that both the Marshall High School (San Antonio Northwest C23) and the Camp Bullis (C58) monitors were in violation of the 3-year average.
- The last table on the first page compiled a three year average of fourth highest eight-hour ozone values, using current fourth-highest values so far in the 2003 ozone season.
- The second page graph illustrated high ozone readings by two-week periods by region for the Dallas/Fort Worth, Houston/Galveston, San Antonio and Austin regions. This graph depicted seasonal high ozone values recorded at area monitors and the second graph showed historical trends for high ozone values in the San Antonio region. The data indicated the highest values occurred towards the end of the ozone season in late June, late August and late September.

Mr. Mims thanked Mr. Bella for the report and pointed out that September was sugarcane-burning season in Louisiana. Mr. Mims said sugarcane burning had already begun and had caused every one of our local violations.

Mr. Bella reported on local particulate matter levels. The recorded values indicate that the area continues to stay well within the federal standards.

#### **V. Air Public Education Committee Report**

Dorothy Birch gave the following air public education update:

##### **Air Quality Health Alerts**

- Air Quality Health Alerts to Date: 14
- Air Quality Health Alerts in August: 1 on 8/08/03
- Total Exceedance Days (8-hour, 85 ppb standard) at EPA/TCEQ Monitors: 6
- Total Exceedance Days (8-hour, 85 ppb standard) including AACOG Monitors: 9

##### **List Status:**

- 322 Fax Recipients (0 new)
- 432 Email Recipients (11 new)

##### **Recent Presentations/Events:**

- SAMA Environmental Seminar - July 24
- Central Library Family Time - July 28
- SW Community Association - July 28
- San Antonio Neighbors Together - July 30
- NW Neighborhood Alliance - August 6
- Boeing Commute Solutions/Air Quality - Aug. 21

##### **Upcoming Outreach & Events:**

- Back to school: School Pool - currently have seven schools on board (Oak Hills ES, Adams Hill ES, Wheatley MS, NW Crossing ES, NESA/ISA HS, Candlewood ES, Medical Careers HS with Sun Valley ES for employer program)

- Presentations re: transportation and air quality to PTAs
- Outreach to school nurses re: AQHAs at those schools
- Calling all civic groups to request permission times at their upcoming meetings
- September Outreach:
  - Harvard Business School Alumni Club
  - Wheatley Middle School PTA
  - SAISD Parent and Child Fair
  - Candlewood Elementary Open House
  - American Urban Forest Conference
- Communications Plan
  - Commercials airing on
    - Television: News9 San Antonio, WOAI, and WB/FOX Family Zone
    - Radio: KXTN, KROM, WOAI, KAJA
  - Currently revising the Car Care 101 booklet for re-production

## **VI. Air Committee Nominations**

### **a. Action Item: Consider appointment of new AIR Advisory Committee Member: Stanley Dabney, Alamo Cement Company**

Commissioner Millikin presented the nomination of Stanley Dabney from the Alamo Cement Company for appointment to the AIR Advisory Committee. He asked for discussion. There was none. Adam Cork made the motion to accept the nomination of Stanley Dabney to the Air Advisory Committee. Judge Quinney seconded the motion. Chairman Millikin asked for discussion there was none. Chairman Millikin called for the vote. The motion unanimously carried.

## **VII. Milestones and Timelines in the Clean Air Plan**

### **a. Clean Air Strategies Update**

#### **i. Austin's Proposed I/M Program**

Using a power point presentation, Mr. Bella reported the following on this informational item being considered in the Austin MSA:

- I/M Refresher
  - I/M: Inspection and Maintenance"
  - State program to inspect on-road vehicles that are 2-24 years old
  - Operated and enforced by the DPS
  - Targets pollution from cars and trucks responsible for 45% NOx and 27% VOC (Bexar Co., 1999)
- What is On-Board Diagnostic II testing?
  - Uses the "brain" or computer on-board the car on 1996 or newer vehicles
  - Computer in car monitors engine performance
  - Records data which can indicate malfunctions or deterioration
  - OBDII test: Connect on-board car computer to inspection computer and download information
- What is Acceleration Simulation Mode testing?
  - Uses treadmill for the drive wheels and a gas sensor in the tailpipe
  - Tests the vehicle "under load," more accurately identifies vehicle emissions
  - For vehicles older than 1996 and less than 25 years old; no on-board computer in car
- What is Remote Sensing?
  - Allows testing of vehicles in motion while they're on the road
  - Harmless laser passes through exhaust fumes
  - Beam is reflected to a sensor
  - Reflected light is analyzed to determine vehicle emissions
  - Camera snaps picture of license plate to allow owner/vehicle notification
- Austin's Draft I/M Program
  - In the discussion stages with Austin, Round Rock MSA I/M Committee (five counties)
  - Enabled by SB 1159, allowing EAC areas to design their own I/M state programs

- Data no complete: missing cost and emissions reductions achievable totals
- Pros and Cons
  - Remote Sensing as used here not creditable
  - Austin is negotiating w/TCEQ & EPA
  - Currently, only OBDII is creditable
  - Passing Remote Sensing is not passing ASM
  - Costs and possible tons reduced not known
  - Likely more effective than OBD II alone
  - Tests entire fleet

Dan Titerle asked how they planned to handle the data and get it into the proper hands. Mr. Bella replied that the vehicle could be identified from a picture of the vehicle's license plate taken during the test. The owner of a vehicle that failed would be notified and would be required to take the car to an inspection station for an Acceleration Simulation Mode emissions test. Mr. Titerle asked who would be handling the process. Mr. Bella replied the Department of Public Safety. Mr. Bella introduced Major Robert Burroughs with DPS in the audience in case anyone had any questions. Renee Green remarked that the local governments would still have to set up some sort of centralized testing area so that the cars that failed the remote sensing could have access to the ASM testing. Kate Williams with TCEQ replied that DPS would handle the ASM testing and that the local governments would handle LIRAP.

Mr. Notzon asked whether there was an approach to accommodate more people at a lower cost. In other words, if there was a failure rate of a certain percentage through remote sensing would everyone need to go through ASM testing. Or is there a way to prescreen everybody effectively if it turned out that 80 percent didn't need the ASM testing which is both costly and time consuming. Commissioner Kight concurred with Mr. Notzon and added that many people were afraid to go through the test fearing failure. He mentioned his trepidation in testing his older vehicle and found that it passed because he maintained it well.

Mr. Notzon pointed out to the committee that when the eight local governments entered into the EAC it was specifically to empower local decision making. If this had not been done San Antonio would have been in the state program similar to Dallas, and Houston without any exceptions, without local design. Mr. Notzon said the EAC allows regions to look at other alternatives and he was pleased that there were other ideas coming forward that allowed them to look at other ways to design the EAC and to examine new ideas.

Commissioner Millikin remarked to everyone that reviewing the Austin draft I/M program was another opportunity to look at what other areas were doing to develop their EACs and to share information about their clean air efforts.

Bill England stated his concern over the economic side of the ASM testing.

Mayor Cork commented that there remained a lot to work out on an I/M program and thought it encouraging they had some options to look at. In regards to the cost, he reminded the committee that if you originally estimated that a certain percentage of the 1995 and older cars were going to be ASM-tested but you put that fleet through a different testing mechanism, you can't expect the cost to be the same. If fewer cars were tested by ASM, the purchase of ASM equipment would end up being reimbursed by fewer tests. He concluded by pointing out that the very people they said are going to be impacted the most are going to be least able to afford it and were going to have a greater burden to carry if that was the final cost reimbursement structure.

Discussion was held on the logistics involved in the state inspection process and the LIRAP program. Major Burroughs with the DPS fielded questions on the process. He commented that the ASM drive-through would work. It would help in the diminishing need for expensive equipment as the vehicles became dated at 1996 and older. Vehicles would pass through the sensors and would have either a pass/fail notice. If they received a fail notice they would have a certain number of days to make repairs before they pass inspection through the state inspection stations.

## ii. Ongoing Local Efforts

Mr. Bella referred to a sixteen page document prepared as requested in the previous board meeting by Judge

Nelson Wolff. The report consisted of a variety of Clean Air Strategies locally developed and currently in use. The document outlined on-going clean air efforts and the proactive work of business, industry and citizens throughout the area such as:

- Texas Low-Emission Diesel Fuel
- Lower Reid Vapor Pressure Gasoline
- Transportation Demand Management
- TransGuide Traffic Management System
- Air Quality Health Alerts
- Delay in School Start Dates
- Alternative Fuel Refueling Stations
- Alternative Fuel Vehicle Use
- Adopt a School Bus
- On-Board Refueling Vapor Recovery
- Low Sulfur Gasoline
- Gas Cap Testing
- Cleaner Compression-ignition Vehicles and Equipment
- Tier III Heavy Duty Diesel Equipment
- Cleaner Spark-Ignition Off-Road Vehicles and Equipment
- Cleaner Locomotives
- Cleaner Recreational Marine Engines
- Cleaner Lawn & Garden Equipment
- Cleaner Electrical Generating (Power) Plants

### **iii. Update to the Clean Air Strategies**

#### **Action Item: Consider approval of letter to TCEQ and EPA requesting clarification of impact of expanded MSA on the Early Action Compact**

Mr. Bella gave the committee a historical update on the signing of the EAC with the existing MSA and presented the contents of the draft letter written to the EPA and TCEQ on the new MSA.

Chairman Millikin noted that Mayor Ruppert had signed up to speak on the item. Mayor Ruppert stated the following:

"Thank you Mr. Chairman, good morning ladies and gentlemen. Bottom line up front, this letter is superfluous and tells the four additional MSA counties they can further delay participation in the Early Action Compact pending a formal response from TCEQ and the EPA. I now read from the minutes of the July 23 2003 meeting which this committee just approved this morning.

'Mayor Charles Ruppert reminded the committee that during the previous month approval has been made to include Atascosa, Kendall, Bandera, and Medina Counties in the San Antonio MSA. If in fact the solution is going to be a regional solution and it is going to be based on the MSA then he wanted to recommend to the committee that they move forward as fast as possible on changing the by-laws if necessary to include committee memberships from these four counties and their seats and to get their members actively involved with the committee. '

During the recent air quality designations, the TCEQ commissioners were very specific. They expect all MSA counties to participate in regional clean air planning, any MSA county that chooses not to participate does so at its own peril. TCEQ will revisit all county air quality designations on conclusion of the ozone season in November, therefore the by-laws need to be amended now and to designate memberships for Atascosa, Kendall, Bandera, Medina Counties and their largest cities. If the four new MSA counties choose not to participate at least they cannot claim an exception from regional clean air planning for lack of having voting positions on our air committee. Ladies and gentlemen this letter sends the wrong message to the four new MSA counties, the by-laws should be amended so they can be held accountable for any future non participation. Thank you, sir."

Chairman Millikin expressed concern over offering eight other governmental entities the opportunity to vote on control strategies that in effect may not apply to those eight governmental entities whatsoever. He speculated that the EPA did not have plans to fold them into the existing four county Early Action Compact region and reminded them that TCEQ had already taken three of them out of the four county region as far as deferred non attainment status was concerned.

Forrest Mims said that as indicated in the CAMS 502 readings at Fair Oaks Ranch some of the highest ozone readings were downwind of San Antonio. He said Mayor Ruppert's comments were very relevant and he speculated that they would see very high ozone readings in Kendall County and in western Bexar County after Toyota was in place. He said the other four counties needed to be involved now.

Commissioner Kight commented that enforcement was a factor and up to now the rural counties had no input into the EAC and their admittance into the process all of sudden could change the entire EAC.

Judge Schraub remarked that "if what they were saying was that Bexar County did not want to be influenced by surrounding counties, the surrounding counties don't necessarily want to be influenced by Bexar County either. There were two sides to that piece of bread."

Chairman Millikin assured Judge Schraub that the item was placed on the agenda by his concern, not by either Judge Wolff or Mayor Garza. He was concerned about what the impact would be on the four county Early Action Compact region.

Mayor Cork remarked that it seemed like a reasonable measure to ask the EPA what their intentions are with these additional areas. If they are not going to include the additional areas then why have them in as voting for the measures. Without the EPA telling the committee what their intentions are then the committee is being rather presumptuous in telling them what their intentions are. They had a representative telling us that it could be dangerous so it seemed logical to follow that guidance.

Kate Williams responded that if the committee sent the letter to the EPA there would be discussion between the EPA and TCEQ about what the possibilities were and some of those discussions had occurred already about what the impact is in changing the MSA. She didn't believe there had been any conclusions about what the impact would be. She stated that there has not been any idea or suggestion to include a county in the EAC against their will because they had been included in the expanded MSA.

Mike Riley asked her if any decisions made within an EAC would affect the new members of the MSA. She replied that decisions made within an EAC would only be binding on the participating members. In the San Antonio EAC it was the four signatory counties.

Mr. Notzon noted that Bexar County had a total of four votes according to the bylaws. Concerning the bylaws, he pointed out they clearly stated that "Membership shall be extended to similar local governments brought into the San Antonio Metropolitan Statistical Area through US Census redesignations of the SA/MSA boundary." The bylaws clearly permitted them to join so there was no need to change the bylaws.

Mike Riley asked if they had been extended an invitation. Mr. Notzon replied yes. He reminded them that the existing MSA members had chosen voluntarily to be a part of the EAC because it was the choice that would allow them the opportunity to chart their own course through consensus. The intent to gather everyone to the same table was to find out where the consensus was. They did not intend to give advice that they knew was going to be rejected. So that is the whole reason for throwing out the wide net getting people around the table to come out of the process with something that was acceptable to everyone. He wondered why they had battles over something that was basically going to be a voluntary decision made by local governments. Whether they bring in the existing new MSA members or not, clean air strategies would be implemented at their choice not the committee's. He emphatically stated that the COG would not be used to force any local government into a process that is actually adverse to them. The COG had a reputation for being a voluntary association that represented and empowered local governments. He reminded them they were trying to find a solution or common ground for all local governments and that is why they entered into the EAC because it was the only process that would allow that to happen. The EPA process does not allow that to happen. The EAC does and a decision had to be reached between now and next March in which they decided whether they were able to find a common ground with the EAC. If they didn't then the default as stated by Chairman Huston was that they go under the EPA system's designation.

Mike Riley asked if a presentation had been made to the new members of the MSA on the process so they could be aware of the air quality work. Mr. Notzon explained yes and that the Area Judges had been approached by Chairman Millikin to explain the expansion of the MSA during an AACOG board meeting.

Judge Quinney stated that his small county would not greatly impact the EAC however, he choose to be at the table with the voice to help in the planning and avert being designated.

Chairman Millikin said that everyone at the table had a vote. He said that although he understood Mr. Notzon's comments he didn't completely agree with them. Chairman Millikin pointed out that Mr. Notzon ended up with

the comment that the end result is that if we don't step forward and agree to the EAC decisions or the decisions made by people at the table and those counties and those cities don't agree with what we are recommending, then the EPA has control over their program. The EPA may not have control over any planning in the new MSA member counties, Chairman Millikin concluded.

Mayor Cork motioned that the letter be sent to EPA. Judge Quinney seconded the motion. Chairman Millikin asked for the vote. The motion was unanimously approved.

## **b. Next Milestones**

### **i. Trend Line Analysis**

Steven Smeltzer gave a power point presentation on Emission Trend Line Analysis of the San Antonio MSA; a milestone in the Early Action Compact due on September 30, 2003 consisting of the following information:

- Purpose: Attainment Demonstration
  - Address emissions growth for at least 5 years beyond Dec. 32, 2007 (i.e. 2012)
  - Ensure attainment of the 8-hour ozone standard
  - Based on the Early Action Compact region (Bexar, Comal, Guadalupe, & Wilson Counties)
- Purpose: Demonstration Methodologies
  - An annual review of growth (especially mobile and stationary sources) to ensure control measures and growth assumptions are adequate
  - Identification & quantification of federal, state, and/or local control measures
  - All relevant new point sources
- Potential New Point Source Emission Growth: Several projects are scheduled to occur in the San Antonio MSA between the years of 1999 and 2012
  - New Point Sources: Bexar County
    - Toyota Manufacturing Plant
    - Tessman Landfill Gas Power Station
    - New CPS Coal Power Plant
  - New Point Sources: Guadalupe County
    - Guadalupe County Power Plants
- Conclusions
  - Decreasing NOx and VOC emissions occur over time in almost every category
  - Overall decrease in emissions for 2007 and 2012
  - Point Source VOC and Area Source VOC are increasing
  - Results indicate that San Antonio will pass the trend line analysis
  - Data will be included in the maintenance for growth plan due March 31<sup>st</sup> 2004 with the Early Action Compact
- Emissions Estimation Methodologies
  - Area Sources
    - Adjustment factors from the Economic Growth Analysis System) model
    - Population projections from Texas Water Development Board
  - Mobile Sources
    - MOBILE 6 model
  - Point Sources
    - Regional data provided by the Texas Commission on Environmental Quality
    - City Public Service
- Emissions Estimation Methodologies
  - Non-Road Sources
    - Adjustment factors from the Non-Road Model
    - Railroad emissions were calculated using EPA approved methodology
  - Toyota Sources
    - Point source emission estimates provided by Toyota
    - Non-Road model and employment data were used to estimate equipment emissions
  - Airport/Military and Biogenic Sources
    - Emission estimates were unchanged
- State Rules requiring Power Plant Emission Reductions
  - Senate Bill 7
    - The bill requires reductions in emission of nitrogen oxides and sulfur dioxide from grand-fathered electric utility generating units

- Senate Bill 766
  - The bill redefines the current permitting hierarchy according to the significance of emissions.

## ii. 2007 projection in the Photochemical Model

Steve Smeltzer presented a power point presentation on the 2007 projection in the photochemical model; an Early Action Compact milestone due September 30, 2003 consisting of the following information:

- Introduction
  - Purpose
    - Develop a future case SIP quality modeling projection (2007)
    - Based on the Sept. 13-20, 1999 photochemical model
    - Used for Control Strategy Development
- Meteorology and Input Parameters
  - 2007 Projection inputs are the same as base case 1999
  - Met Run 5g (latest Meteorology run)
  - Set ozone at 60 ppb for the Boundaries and Initial conditions
  - Brought stress conditions
- Model Setup
  - 2007 Emission Inventory
    - Some projection methodology used in the Trend Line Analysis
    - Day specific emissions compared to average ozone season (for example temperature and time of the year when activity occurs)
    - Includes all control strategies implemented in Houston for the 2007 Houston SIP
    - Includes all state/federal mandated control strategies
    - Includes Toyota in the 2007 projections
- Conclusions
  - 2007 Projection is completed for the September 13-20h 1999 photochemical model
  - Local and Regional Emission Inventory projections are completed
  - Includes all new point sources

## c. Technical Updates

### i. Photochemical Model Update

Steven Smeltzer presented a power point report giving a photochemical model update consisting of the following information:

- Introduction
  - Purpose: Comparison of Predicted Ozone levels with Baylor Aircraft Data and Analysis of the NOx disbenefit curve
- Conclusions
  - The model is predicting and reacting as expected
  - Model meets EPA performance statistics and diagnostic tests
  - As NOx decreases, ozone increases
  - The model is accurately predicting this trend
  - There may be a NOx disbenefit during the episode
  - September 20, 1999 may be suitable for modeling

Mr. Smeltzer mentioned a new existing Mobile6 emissions inventory, which Mr. Bella would address.

### ii. Action Item: Consider approval of Modeling Finalization Request to TCEQ and EPA

Renee Green, AIR Technical Committee Chairperson informed the committee that a newer version of Mobile 6 emissions would become available for use and that this particular version was unanticipated and unplanned when they had signed the EAC. She said they were in a position where all the information presented by Mr. Smeltzer had to be finalized in order to begin the process of programming in the control strategies to meet their milestones in 2004. She concluded by saying that they could not begin the control strategies analysis until there was some sort of verification that the model is final. She referred the committee to a draft letter to EPA and TCEQ which stated that they were going to move forward with the current version of Mobile6 and that they were not waiting on the new version which may or not be out the next couple of weeks. Otherwise, she said that time and deadlines would not permit staff to complete control strategies until December and the local governments have to make a decision in March.

Mayor Cork said he understood the need to send the letter forward. He suggested modifying a sentence to read "unless we hear from you by October 1, 2003 we will continue on our current course". Mayor Cork made the motion to move forward with the modification. Chairman Millikin seconded the motion. After discussion on staff's efforts to stay in communication with TCEQ on this important issue and the similar problem Austin is encountering, the motion was put to a vote. The motion unanimously carried to move the letter forward with the proposed modification.

## VII. Other Issues

### a. Action Item: Consider support of HR 1891

Discussion was held on the referral of this item to the next meeting. Renee Green asked if they could postpone the item until the October 1, 2003 meeting when Judge Wolff could attend. Judge Schraub stated his concern about the bill's timeline in Congress and wanted the item considered today. Chairman Millikin said the item was introduced in Congress on April 30, 2003 and had not gone to committee. Mr. Mims insisted that as of yesterday, the bill was in subcommittee he had sent his power point presentation to them the previous evening and told them that this morning he would be allowed to brief the committee and that he had made many changes after briefing the AIR Technical Committee. He would have to write back and tell them that he was not allowed to make his presentation. Mr. Mims also pointed out that Mark Langford had signed up to speak in Citizens to be Heard during the last AIR Technical meeting and now he was not being allowed to speak today as well. He criticized the committee for denying them the right to address the committee and said they should have spoken less about emission inventories. Chairman Millikin said that the agenda had been followed and they found themselves short of time.

Mayor Cork recommended that they listen to the remaining citizens to be heard and wait until the next meeting for action on the item. Chairman Millikin said the intent was good however, they only had five minutes left until the Area Judges Meeting and said that they might not always agree however there was never any intent to preclude anyone from speaking their mind. Bill England suggested they listen to them until time ran out.

Chairman Millikin called on Mayor Charles Ruppert who read all the letters of support of HR 1891 from the following cities to date:

- City of Cibolo Resolution # 1248 passed and approved May 13, 2003
- City of Marion Resolution passed and approved June 16, 2003
- City of Seguin Resolution # 03R-76 passed and approved June 17, 2003
- City of Live Oak Resolution # 1544 passed and approved July 8, 2003
- City Public Service letter of support dated May 21, 2003
- Mayor Ruppert reported that Mayor Craig Morton contacted him from Converse saying that they would have a resolution for council approval at their next regular City Council scheduled agenda.

He concluded by saying that only the EPA and other Federal Agencies can enforce the Clean Air Act with respect to interstate and international transport pollution. HR 1891 reinforces the federal governments responsibility to take action against polluters beyond state jurisdictional boundaries. He said HR1891 would end the EPA sanctioning areas for pollution that they did not create and pollution that is beyond their control.

Mark Langford with Citizens Organized for Good Science urged all government officials to support House Bill HR1891 and made the following comments:

- The amendment allows states exemptions due to terrorism pollution, forest fires, agricultural fires, dust storms, industrial accidents, and volcanic eruptions.
- Science has shown that bio mass burning can contribute to high ozone levels.
- Cities like San Antonio that only have high ozone events when unusual weather patterns bring additional ozone precursors stand to benefit dramatically from such a bill.
- The bill would have made it easier to exempt San Antonio from transport of high ozone events like those of September 2002 last year.
- If they could have avoided that one event San Antonio would have ended below the 85ppb for the three year averages for both monitors.
- He concluded that as far as critics of the bill go, he asked that they examine some of the people who were opposed to the amendment.
- He criticized the American Lung Association who opposed the bill as having funded the state of the air report for 2003 and only gave high marks to uninhabited areas of the state.
- As far as those not supporting the bill, because some legal professionals might find a legal loop hole, Mr.

Langford asked that they remember that there is not a law in the books that has not been challenged by some group or person.

Chairman Millikin, concerned over the lack of time, repeated for the record that Judge Wolff who asked for the item to be placed on the agenda was not present nor was the representative for the City of San Antonio present for the vote. But he asked Mr. Mims to proceed with his presentation.

Mr. Mims criticized the order of items on the agenda. He gave his report entitled "HR1891 Updates the Antiquated Clean Air Act". He repudiated critics of the bill. He concluded by giving reasons why the bill should be supported as follows:

- It would protect citizens for being penalized for air quality violations they do not cause.
- It will end the status quo of us tolerating major bio mass burning in neighboring states
- It will place responsibility on those who cause the violations
- It will stop expensive air quality plans like I&M that raise fees and taxes but fail to address the real problem
- It will provide us time to solve our own problems without EPA intervention
- It will update the Clean Air Act

He asked for their support. He also reported that there were five other amendments which have yet to reach Congress currently being drafted/prepared.

### **VIII. Adjournment**

Commissioner Kight made the motion to adjourn. Judge Quinney seconded the motion. The meeting was adjourned.

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