

**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, October 1, 2003, 9:00 a.m.**

**Executive Committee Members**

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

**Guests**

Debra Engler, SAWS  
Bob Burroughs, DPS  
Susan Stuver, TEES  
Kate Williams, TCEQ  
Susan Heath, Southwest Airlines  
Gary Ross, Toyota N. America  
Christine Ortega, Southwest Airlines  
Dub Smothers, Citizen  
Mike George, National Park Service

**AACOG Staff**

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

**Advisory Committee Members**

Commissioner John Kight, Kendall Co.  
Rebecca Gray, American Lung Asso.  
Dan Titerle, SAWS  
Julie Brown, TxDOT  
Kevin Fareri, USAA  
Mike Riley, City of Seguin  
Dan Felix, Zachary Construction  
Bill England, Neighborhood. Assoc.  
Charissa Barnes, TSIA.  
Ken Bercaw, New Braunfels C of C  
Forrest Mims, Guadalupe County  
Todd Hemingson, VIA  
Pete Donahoe, Holt Co.

**Technical Committee Members**

Renee Green, Bexar Co., Chair  
David Newman, COSA  
LeeAnne Lutz, COSA  
Cindy Levesque, CPS  
Ken Zigrang, TxDOT-SA  
Jeanne Geiger, MPO

**Citizens to be Heard**

Mayor Charles Ruppert, City of Cibolo  
Mark Langford

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**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 August 27th minutes. Mayor Cork made the motion to adopt the minutes. Bill England seconded the motion. Chairman Millikin called for the vote. The motion unanimously passed.

**III. Citizens to be Heard**

Chairman Millikin asked if there was anyone signed up who wanted to address the committee.

Citizen #1: Mark Langford with Citizens Organized for Good Science presented a statement. Mr. Langford's statement is attached to the end of these minutes, as submitted.

Citizen #2: Charles Ruppert, Mayor of Cibolo, read a statement. Mr. Ruppert's statement is attached to the end of these minutes, as submitted.

#### **IV. HR 1891**

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

Chairman Millikin reminded the committee that Judge Wolff had requested consideration of the agenda item and deferred the HR 1891 item until Judge Wolff was present at the meeting. Renee Green indicated he was on his way to the meeting.

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

Chairman Millikin asked Peter Bella to present the ozone and particulate matter reports. Mr. Bella pointed to the monthly ozone report which was available in their packets. He reported that there had not been an exceedance that ranked amongst the fourth highest values since the early part of September. He pointed to the cool and wet weather as precluding the occurrence of exceedances as historically typical in September. He referred to the graph, "Historical Trends in Ozone Exceedances in the SA Region" which supported his comments.

Mr. Bella presented the particulate matter report referring to the Handout containing information using the PM 10 at CAMS 301 National Ambient Air Quality Standard for Particulate Matter of 10 microns or less and the PM 2.5 National Ambient Air Quality Standard for Fine Particulate Matter of 2.5 microns or less. The tables indicated that the area values continued to stay well under the federal standards.

Mr. Bella asked the committee to scan the fifth page of the report containing excerpts from an article entitled *Study Finds Net Gain from Pollution Rules; OMB Overturns Past Findings on Benefits*. "The study concludes that environmental regulations are well worth the costs they impose on industry and consumers, resulting in significant public health improvements and other benefits to society in comparison to the benefits of enforcing new clean-air regulations during the past decade and to the money spent by industry, states and municipalities to retrofit plants and facilities and other changes to comply with new clean-air standards." Chairman Millikin thanked Peter for including the article. He personally wanted to see a broader review of the study and was happy to see the results of the report. This article is online as <http://www.washingtonpost.com/wpdyn/articles/A7586-2003Sep.html>. The OIRA index is online as [http://www.whitehouse.gov/omb/inforeg/regpol-reports\\_congress.html](http://www.whitehouse.gov/omb/inforeg/regpol-reports_congress.html).

After Judge Wolff's arrival, consideration of HR 1891 was further delayed by Chairman Millikin so that staff could duplicate information provided during the previous meeting. The item would be considered later in the agenda.

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

Dorothy Birch provided the committee with a comprehensive air quality update report and handout as follows:

- Air quality Health Alerts to Date: 20
- Air Quality Health Alerts in September: 6
- Total Exceedance Days (8-hour, 85 ppb standard) at EPA/TCEQ Monitors: 8
- Total Exceedance Days (8-hour, 85 ppb standard) including AACOG Monitors: 11
- Four Highest 8-hour ozone concentrations Chart for 2003
- Historical information on health alerts and exceedances from 1999 thru 2003

Mrs. Birch also provided a twenty-two page matrix on Air Quality Outreach Efforts 2003 as follows:

#### Earned Media

- 25 Television Pieces
- 24 Radio Pieces
- 56 Print News Pieces

#### Presentations/Events:

- 28 presentations to civic or business groups
- 22 events or public meetings
- 20 School related education events
- 2,600 children have been reached through Fox/WB TV assemblies

Charissa Barnes commended Mrs. Birch and her staff for a job well done in their public education efforts which were showing great improvement. Mrs. Barnes remarked that outreach messages were appearing everywhere and Mrs. Birch and her committee were to be commended for their diligence. Mrs. Birch thanked Mrs. Barnes and gave credit to the Public Education Committee who worked hard along with her to accomplish outreach goals.

#### Recent Presentations/Events:

- Harvard Business School Alumni Club
- SchoolPool Visits: Wheatley Middle School, Candlewood Elementary, SAISD Parent/Child Fair, Hartman Elementary
- Air Quality Assemblies: Foster, Stafford, Loma Park, Graebner Elementary Schools
- American Forrest Conference

#### Upcoming Presentations

- Continuing SchoolPool Efforts
- Begin Doing More PTA Presentations
- Outreach Efforts to School Nurses
- Continuing call to Civic Groups
- General Kruger Neighborhood Asso., Leadership New Braunfels Program, Metropolitan Planning Organization Transportation Planning Working Group
- Beacon Hill Elementary, Gruene Elementary School, Am. Cancer Society Halloween Party

Work continues with the communications plan.

- Commercials on air quality and carpooling issues on: News Nine San Antonio, WOAI, WB/Fox Family Zone, KXTN, KRON, WOAI, KAJA, and KONO

Mayor Heath extended his appreciation for efforts with parent teacher organizations. He pointed to the need to educate the many parents lined up in the morning and in the afternoon who sat idling with their car windows rolled up with their air conditioners on. Mrs.

Birch said that she had sent out a letter to all the schools in the AACOG Region informing them about the available presentations.

Chairman Millikin thanked Dorothy and commented on a couple of things to consider next season. He asked that they consider writing a letter to encourage weather forecasters to heighten their report during Air Quality Health Alert Days and to write a letter on behalf of him and Judge Wolff to all the school districts to purchase air quality health alert flags.

**(Item HR1891 Revisited)** Chairman Millikin opened discussion on item HR1891. Forest Mims reported that he had spoken to Congressman's Ron Paul's legislative aide. He said that the amendment was under active consideration in Congressman's Joe Barton's sub-committee. They think it will be postponed until January because adjournment is scheduled for the end of October. He said he (Mr. Mims) had sent another five amendments for consideration. He learned from Barton's committee that the entire clean air act is being reviewed. Mr. Mims felt that it would be very wise for the committee to endorse HR1891 because it shows the need to update the obsolete sections of the clean air act.

Judge Wolff made comments in support of HR1891. Mayor Cork provided a few observations on the broadness of the language especially pertaining to agricultural burning. Mayor Heath pointed out that legislation moves much more slowly at the federal level than it does at the state level. He suggested that the whole process of legislation at the federal level is much more complex than simply endorsing a piece of legislation. He commented that it behooved the committee to move carefully as they considered any kind of support until it was known where any bill is headed. He supported Tom Hornseth, County Engineer's comments during the last meeting to consider waiting to see what is going to be done to the Clean Air Act as a whole before endorsing legislation. Rebecca Gray said that the Lung Association was opposed to endorsing any legislation at this time. She pointed to the item as distracting to what the committee is trying to do for the region. She recommended postponing any action at this time.

Forest Mims commented to the committee that they still needed to come up with a Clean Air Strategy long before the legislation was enacted into law. He remarked that if they didn't do anything the smoke from Louisiana would override whatever car emissions strategies would provide.

Judge Wolff made the motion to support HR1891. Chairman Millikin asked for a second. There was none. Motion failed.

## **VII. Air Committee Nominations**

### **a. Action Item: Consider appointment of new AIR Advisory Committee Member: Gary Ross, Toyota**

Commissioner Millikin presented the nomination of Gary Ross representing Toyota for appointment to the AIR Advisory Committee. Judge Wolff motioned to nominate Mr. Ross for membership to the Air Executive Advisory Committee and said he would be a key representative from the industry. Adam Cork seconded the motion to accept the nomination. Chairman Millikin asked for the vote. The motion carried unanimously.

Forrest Mims commented that since Toyota would be the largest single VOC source in the region he was happy that Mr. Ross had been selected to the committee. In addition he asked that Mark Langford be nominated to serve on the committee. Chairman Millikin said that consideration for Mr. Langford was not on the agenda. If Mr. Langford desired to

contact elected officials on the committee to ask for their endorsement he could do so and ask that it be placed on next month's agenda.

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

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

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

Mr. Bella reminded the committee that he had presented a report during the previous meeting informing them about Austin's use of SB 1159 which allowed them to design their own I & M program. He explained the possible use of four different ways to test vehicles in the state of Texas. He briefly presented the following information.

- 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)
  
- 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 down-load information
  
- 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
  
- Two-Speed Idle testing
  - Like ASM without the treadmill.
  - Does not place vehicle under load
  - Less precise; less costly
  - Does not test for oxides of nitrogen (NOx)
  
- 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

Mr. Bella reported that originally Austin's Draft I/M Program was attempting to negotiate with TCEQ and EPA for credit on the idea of using remote sensing as creditable mandatory testing. Since that last report, they were now proposing to use two speed idle testing for older vehicles, OBD for 96' vehicles or older, and do random testing using remote sensing. The proposed inspection program was still in the discussion stages with TCEQ.

Kate Williams representative for TCEQ explained that the Austin group felt the ASM test was more successful in Texas. Bill England asked if they had considered the cost of the program. Ms. Williams said that was the next phase for committee consideration. Mr.

England asked if LIRAP was going to be considered. Mrs. Williams said they wanted LIRAP as part of the program.

Renee Green reminded the committee that two speed idle testing provided reductions for VOCs but not NOx reductions. She remarked that Travis County may not need NOx reductions locally to achieve attainment. And that although the two-speed idle was a cheaper test it doesn't give you the NOx reductions that was needed in Bexar County who had an older fleet to contend with. She said it was important that the lack of NOx reductions following a program such as Travis County would not negate the whole purpose of having emissions testing in vehicles if that is the control strategy needed to get this area into attainment. Chairman Millikin concurred with Mrs. Green's comments and added the consideration of LIRAP much more probable as having a socio-economic impact for this region than it may be in the high-tech region in Austin.

Charissa Barnes agreed with Mrs. Green's comments. She remarked that when looking at control strategies it was going to be a balancing act as to what pollutants needed to be cleaned up as to the cost of the citizens. When talking about vehicle emissions inspection it was her opinion that Austin was going in the right direction with vehicle emissions tail-pipe testing instead of remote sensing or OBD when dealing with older vehicles.

Al Notzon asked if the only existing program in Texas with two speed idle tailpipe testing was in El Paso and if they also used OBD testing. Mrs. Williams said El Paso only used two speed idle tailpipe testing and that they did not have a LIRAP program. Mr. Notzon remarked that El Paso's use of tailpipe testing provided them with an example of costs/issues involved in running that program. Mrs. Barnes asked if operating costs for the two speed idle program in El Paso had updated costs available. Mrs. Williams replied that they were using current costs for their assessment.

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

Mr. Bella gave the committee an updated presentation on preliminary results on clean air control strategies being considered for modeling by AACOG staff. He said this was strictly an informational item and contained preliminary ideas on work that had begun and had not yet gone before the air technical committee for their consideration. He remarked that he hoped that by the end of October, staff would be able to begin the modeling required for the attainment demonstration under the Early Action Compact. Preceding that would logically be a set of likely strategies that the committee would want them to model. He explained that through some work done with the MPO and others he had some very preliminary results as follows:

### **On-Road Control Strategies Considered**

- On-Board Diagnostic Systems Test (OBD-II)
- Acceleration Simulation Mode Test (ASM)
- Two Speed Idle Test (TSI)
- Heavy Duty diesel Vehicle Inspection
- Reduced Sulfur Level in Gasoline
- TX-Low Emission Diesel Fuel (TX-LED)
- Reid Vapor Pressure (RVP), 7.0 and 7.2 psi)
- Stage I Vapor Recovery
- State II Vapor Recovery
- Restriction on Diesel Idling

#### Combined Use of On-Road Control Strategies

- Acceleration Simulation Mode (ASM) I/M Test with OBD-II
- Two Speed Idle (TSI) I/M Test with OBD-II
- Reduced Gasoline Sulfur with RVP of 7.2psi and Stage I Vapor Recovery
- Reduced Gasoline Sulfur with RVP of 7.2psi, OBD-II and Stage I Vapor Recovery
- OBD-II, Gasoline RVP of 7.2 psi, and Stage I Vapor Recovery

#### Non-Road & Area Source Control Strategies

##### Non-Road

- Synchronized roadway works and AQHA days
- Airports electric ground support equipment
- Accelerated equipment turnover, non-road engines

##### Area

Auto body refinishing/coating control  
Reduced VOC in consumers products  
Control on degreasing and surface cleaning solvents  
Spray technique training  
Ban on cutback asphalt operation  
International energy conservation codes (IECC)

#### Alternative Power Sources

- New CPS Coal Powered Plant is due to go online by 2009
- Estimated to produced 5.93 tons per day NOx
- Other power sources:
  - Natural Gas Powered Fuel Cells
  - Combined Cycle Gas
  - Simple Cycle Gas
  - Solar
  - Wind

#### Next Steps:

- Work with affected industries and TCEQ to determine compliance abilities and limitations
- Explore other reductions methods
- Refine cost analyses and reductions attainable estimates
- AIR Technical Committee review for modeling prioritization suggestions
- Target Oct. 29<sup>th</sup>: 1<sup>st</sup> Modeling Advisement

Mr. England asked if cost was considered by the Air Technical Committee when recommending potential control strategies. Renee Green said that cost per ton reduction was being considered which included total cost impact for industry and the consumer.

Forrest Mims said he supported Mr. England's concern and pointed out that the numbers indicated that to save one part per billion ozone in this region will cost 27 million dollars.

### **iii. Regional Clean Air Strategies**

Mr. Bella asked the committee to refer to the Regional Clean Air Strategies document in their packets. He explained that on September 1, staff from the TCEQ, AACOG, CACO in Austin, CAMPO and the TLM planning areas met to discuss possible regional control strategies for implementation in eastern Texas. The meeting was based on the idea that, if any of the three "near-nonattainment" areas could not meet their reduction requirements in

their EACs through local planning measures, it might be necessary for the regions to request of TCEQ further reductions through state mandates.

Among the strategies considered:

Stage I Vapor Recovery

Oil and gas well pump emissions

Lower Reid Vapor Pressure

Idling restrictions for Heavy Duty Diesel Vehicles

Cetane Enhanced Diesel Fuel

Mr. Bella concluded that the staff of TCEQ is now researching existing state rule to see whether these strategies can be written as regional rules, and what the time and legal requirement would be. AACOG anticipates more information within a week or two.

Kate Williams commented that there was one issue on the list, the legislature has already addressed and was off the table. It was the Cetane Enhancement concept, which was beyond the jurisdiction of the TCEQ. Other than that all the other measures were being looked at.

## **b. Technical Updates**

### **i. Attainment Demonstration Model Status**

Steven Smeltzer explained that technical staff was working with the near non-attainment areas of Austin, Corpus Christi, and Victoria to develop a photochemical model for all regions to test control strategies. In the process they have selected different control strategies to run in the photochemical model. Mr. Smeltzer gave a synopsis of the photochemical process and testing results using recommended control strategies.

Mr. Mims questioned the cost analysis of one of the tests saying that it was very costly per ton to decrease ozone levels by a small amount. He said the public would not stand for the cost.

Renee Green reminded the committee that the tests Mr. Smeltzer had run were not control strategies that were being modeled. This was a sensitivity analysis to determine what has the greatest potential for reductions. Either NOx reductions or VOC reductions or a combination of both. What Steven was doing was trying to show the committee how the model was sensitive and where those reductions have to occur both in NOx and VOCs. She said he was not arguing a specific strategy and do so at this point was way premature because that specific strategy had not been run in the model yet.

Mr. Bella asked the committee to review the letter that contained text from Chairman Huston in response to the Air Executive Committee's "intention to move forward with use of the initial MOBILE6 on-road emissions inventory in both the current September 1999 base year model and in the 2007 attainment year model, and to use this 1999/2007 photochemical model set for the analysis of control strategies, SIP revision and attainment demonstration analysis required in the Early Action Compact/Clean Air Plan." Mr. Bella pointed out that they had been required to use the version two or TTI upgrade which is a more accurate upgrade and they are glad to have it in the model. Technical staff of TCEQ, the EPA, the CAPCO in Austin, the University of Texas at Austin and AACOG have met five times since August 25<sup>th</sup> on this topic. They have finalized the 1999 photochemical model and were anticipating EPA's approval but were not waiting for their response. They were moving forward with the 1999 model. One of the other concerns was whether they would be

required to do a 2002 base case, which would have also been problematic. It will not be required, however, they still had to verify what the design value would be. Mr. Bella said this was very important for our attainment demonstration model. It affects how far we have to reduce our emissions.

Kate Williams remarked that they move forward and not wait for a response from EPA.

## **ii. Final Approval of September 30 EAC Milestones**

### **1. Action Item: Final Approval: Trend Analysis**

Mayor Cork moved that the committee approve the trend analysis as submitted. Chairman Millikin seconded the motion. Chairman Millikin asked for discussion. There was none. He called for the vote. The motion unanimously passed.

### **2. Action Item: Final Approval: 2007 Photochemical Model Projection**

Chairman Millikin asked Mr. Langford if he wanted to address the committee. Mr. Langford had a question about Peter and Steven's presentation. According to the May 24<sup>th</sup> documents it showed that the ASM and ODB would reduce emissions by 6.1 tons on the VOCs and 4.7 on the NO<sub>x</sub> and today's presentation was showing 8 tons on the NO<sub>x</sub> and over 6 tons on VOCs. He asked what the difference was. Mr. Bella explained there was a great deal of difference. He said there were a large number of revisions and changes and were awaiting the 2007 model finalized before they really talked in terms of the effectiveness of the control strategies. Mr. Langford asked Mr. Bella if the information he presented this morning was closer to what he thought was accurate. Mr. Bella replied it was the most recent update. Mr. Langford asked if as of today if they were closer to 8 tons and 6 tons. Mr. Langford said that according to Steven's presentation if they reduced 20 tons of NO<sub>x</sub> or 20 tons of VOCs and he understood it wasn't finalized either, it was a reduction of less than 1 part per billion ozone based on their presentation.

Mr. Smeltzer gave a short presentation on the 2007 Photochemical Model Projections.

Chairman Millikin asked for a motion for approval of the 2007 Photochemical Model Projections. Mayor Cork motioned for approval. Mayor Heath seconded the motion. Chairman Millikin asked for discussion. Renee Green wanted the committee to know that the item had been carefully reviewed by the Technical Committee. Chairman Millikin called for the vote. Motion passed unanimously.

## **iii. Next Milestone: Draft State Implementation Plan**

Peter Bella reminded the committee that the next milestone was March 31<sup>st</sup> 2004 is the deadline for signature of the Early Action Compact's control strategies which requires a SIP development. He wanted them to know that a draft SIP was being prepared for the end of December.

Renee Green said that the technical sub-committee understanding the importance of what Peter Bella had just said had begun meeting twice a month to get the plan developed. The meetings were scheduled for the second Monday at 1:30 and the fourth Monday at 10 a.m. in the board room. Chairman Millikin suggested that the committee begin thinking about the possibility of meeting beginning at 8 a.m. during scheduled Air Exec. Meetings.

## **IX. Other Issues**

### **a. TERP RFP Workshop: November 13, 2003**

Mr. Bella presented information on hosting the TERP workshops being presented by AACOG on November 13<sup>th</sup>.

Judge Quinney commented on El Paso and their status. His understanding was that they had reached attainment and because they had no Early Action Compact they had to deal with red tape to get out of non attainment. Secondly, he referenced a meeting with Chairman Huston who, when asked about HR 1891, stated that current laws do protect us from smoke.

Renee Green commented that Chairman Huston was not re-appointed by the governor when his term expires. She said that Commissioner Marquez was going to continue forward representing those with Early Action Compacts.

Mr. Notzon wanted to make a presentation in November of what the Clean Air Strategies are to the public and then within a week's time find a date the executive committee could hear comments from the public. He wanted to select a date in which the most public officials could be available to attend. He asked the committee to look at their calendars on either Wednesdays or Saturdays for the public meeting.

Mr. England expressed his appreciation for the citizen comment information from all the public meetings that Dorothy Birch has provided.

**X. Adjournment**

Chairman Millikin motioned to adjourn.

Audio Tape(s) of Meeting Minutes Available through AACOG. A nominal fee will be charged.

## Citizens to be Heard

Comments of Mark Langford with Citizens Organized for Good Science, as submitted:

I am using my 3 minutes of "Citizens to be Heard" to ask your committee to nominate and approve my joining the Air Advisory Committee.

According to the Air Advisory bylaws, as the founder of Citizens Organized for Good Science and a small business owner for almost 20 years, I should be a legitimate candidate for becoming a member of the Air Advisory Committee.

I can bring to the Air Committee two valuable tools for making proper "air decisions".

1. I am a "certified" life long asthmatic who even today, when we are having low ozone, must take two medications for my asthma and two medications for my severe allergies. Only an asthmatic can understand what a person suffering from this illness goes through on a daily basis. Only an asthmatic can share "insight" with fellow committee members on new studies and how they relate to San Antonio's air quality.

Two weeks ago, a fellow asthmatic and a classmate of my daughter at O'Connor High School tragically died from this terrible illness. As an asthmatic that has experienced many serious attacks that have sent me to the emergency room for oxygen or my personal physician's office, I know that allergies, some, cold air and perfumes play an important roll in asthma attacks. In this tragic case, we don't yet know what caused his fatal asthma attack, but we do now tat it was not high ozone. Even though TCEQ forecasted a high ozone day, the highest 8 hr average for that date was 55ppb. Ragweed and mold counts, though, were high for that date.

2. As the founder of Citizens Organized for Good Science, I have spent the past year attending almost every Air Tech Advisory Committee meeting and sharing a book's worth of ozone information with your group. Without our COGS members sending me important studies and without the work of Forrest Mims, your committee would have only gotten part of the ozone story. AACOG and TCEQ do a great job of keeping all of us informed on ozone matters, but any group of decision makers should not get such important information from just one main source...just as all of us should never trust one newspaper or other media for our only source of news.

As an example, I have distributed a 2003 Ozone Report that I'm convinced would never have been generated by TCEQ, the EPA or AACOG. After reading it, you will see that San Antonio saw a 53% decrease in high ozone days and a 9ppb decrease in 8 hr, 4<sup>th</sup> highest average readings. Meanwhile, Houston, which spent millions of dollars testing their cars, saw 16% more ozone days and an increase of 3 ppb in their 8hr, 4<sup>th</sup> highest average readings.

I thank you for your time and look forward to assisting the Air Advisory Committee.

Comments of Charles Ruppert, Mayor of Cibolo, as submitted:

Good morning, ladies and gentlemen. Today, I shall address the EPA's memorandum on boundary guidance for the 8-hour ozone standard, dated March 28, 2000 and how it pertains to the MSA.

As everyone already knows, the most quoted phrase in this memo is on page 5, "EPA recommends that the Metropolitan Statistical Area or the Consolidated Metropolitan Statistical Area serve as the presumptive boundary. . ." This phrase convinced four counties to sign the Early Action Compact last December. Less than three months ago, the TCEQ commissioners recommended air quality designations for Governor Perry's signature based on the fact that all MSA counties in Texas were participating in Regional Clean Air Planning. At the public hearing Chairman Huston spoke of how regional problems require regional solutions. It was also said that the quickest way for an MSA county to be designated non-attainment is to stop participating in Clean Air planning.

Now that our MSA has doubled in size to 8 counties, this committee seeks clarification on the EPA memo. Interesting how clarification is needed now for the 4 new counties when the phrase "MSA serves as the presumptive boundary" was considered sufficient last December. Nowhere in this 12-page EPA memo does it mention any kind of grace period or exception to the rule for new MSA counties with respect to the Presumptive boundary. Yet, there are those on this committee who hope that a double standard will apply and thus require only 4 counties in an 8 county MSA to remain as the presumptive boundary.

Despite the glaring equal protection violation such a decision would create what was more disturbing were comments made during the discussion of how the 4 new MSA counties might "dilute" the vote of the original 4 counties. The notion of only welcoming representation that does not apply critical analysis, nor exercise independent thought, and instead act as "rubber stamps" for the sake of cronyism is an anathema to our republican form of government. Yes, the rural counties may have different concerns than the urban counties when it comes to which clean air strategies would work best for them. Still, this does not justify keeping them from becoming voting members on this committee and allowing them to vote on all action items.

Keep in mind the very real possibility of TCEQ and EPA not settling on a 50% MSA participation Clean Air Plan. Are committee members ready to accept the ramifications of not abiding with the MSA presumptive boundary? Are Atascosa, Bandera, Kendall, and Medina County prepared to be designated as non-attainment for not participating in the final Clean Air Plan? I urge this committee to accept the 4 new MSA counties as VOTING members before any apologies must be made.