

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

**Executive Members**

Com. Jay Millikin, Chairman, Comal Co  
Judge Nelson Wolff, Bexar Co., Vice-Chairman  
Mayor Patrick Heath, Mayor 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  
Judge Donald Schraub, Guadalupe County

**Guests**

Jeanne Geiger, MPO  
Bob Burroughs, DPS  
Heather Evans, TCEQ  
Kate Williams, TCEQ  
Bill O'Connell, Wilson County News  
Terri Landan, Guadalupe County  
Jim Tremblay, City of Windcrest  
Al Astran, San Antonio River Authority  
Debra Engler, SAWS  
Jeannie Geiger, MPO  
Gary Raba, Raba-Kistner/SA Chamber of Commerce

**Air Tech Members**

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

**Advisory Members**

Com. John Kight, Kendall Co.  
Gary D. Ross Jr., Toyota  
Dan Titerle, SAWS  
Julie Klumpyan, Valero  
Mike Riley, City of Seguin  
Pete Donahoe, Holt Co  
Bill England, Neighborhood. Asso.  
Charissa Barnes, TSIA.  
Ken Bercaw, New Braunfels C of C  
Jamie Goldspink for Kevin Ferrari, USAA  
Todd Hemingson, VIA  
Stanley A. Dabney III, Alamo Cement Co.  
Ryan DeBarros for A. Knochenhauer, MMM

**Citizens to be Heard**

Mayor Charles Ruppert, City of Cibolo  
Mark Langford,  
Mike Riley

**AACOG Staff**

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

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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 October 1st minutes. Mayor Cork made the motion to adopt the minutes. Mayor Heath 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. Mike Riley read and submitted a prepared statement (attached at the end of these minutes).

Citizen #2: Mark Langford remarked on several items. He pointed to a Clean Air in Central Texas Meeting taking place on Wednesday, November 5. He was curious to know if there would be time to learn about some of the modeling information by November 5 because one of the first things people would want to know is how effective the control strategies are going to be in reducing ozone in San Antonio. He asked if there was no answer by then why would there be need for a workshop? He remarked that people would be frustrated to find out that they really don't know. Mr. Langford also commented that Austin only has 20 percent fewer vehicles in San Antonio. And yet they show that if they do an I/M program, they will be reducing VOCs and NOx by 50 percent of what we are showing in San Antonio. He questioned whether Austin was underestimating or San Antonio was overestimating. He also mentioned that he didn't hear from Ed Martin whether Texas State Inspections Association members will show additional profits from Austin and San Antonio launching an I/M program.

Chairman Millikin replied that most of what Mr. Langford was asking needed to be directed to the Air Tech Committee first before the Air Executive Committee addressed them.

Citizen #3: Charles Ruppert read a prepared statement as submitted (attached at the end of these minutes).

### **IV. ACOG Staff Reports**

#### **a. 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 the ozone season ended on October 31<sup>st</sup> and there had not been an exceedance that ranked among the fourth highest values since the early part of September. He directed their attention to the bottom table of the first page indicating the 2001, 2002, and 2003 three-year periods, two monitors showing values above the threshold allowed and the same for the years 2000, 2001 and 2002.

In the Particulate Matter report, Mr. Bella described data for the two standards using the PM 10 and the PM 2.5 monitor recordings. The tables indicated that the area values continued to stay well under both the federal standards.

Mr. Bella directed their attention to the very last page of the report. The chart indicated where in the ozone season the total of exceedances from 1995 to 2002 occurred. Three exceedances occurred in early October. He noted that there were no exceedances during the end of October and it was likely there would not be anymore for the current season.

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

Dorothy Birch provided the committee with the following air quality update report.

- Air quality Health Alerts to Date: 22
- Air Quality Health Alerts in September: 8
- Will turn in a report at the end of the month on entire ozone season

- Fax List Status is at 322 recipients
- 457 e-mail recipients (9 new)
- Found out that NISD sends alerts to every single school in their district
- Will be encouraging every school to fly their air quality health alert flags
- Air Quality Health Alert Signs will be prepared for nurses' doors
- Will prepare a letter from the Committee's signature to the media encouraging them to keep up and increase coverage of air quality health alerts for the 2004 season.
- Earned Media: 2 Print News Pieces and 4 separate news items issued
- 4 presentations to civic or business groups
- 6 school related events or meetings
- Will continue school pool efforts. Over 160 families have requested match lists
- Are continuing requests from civic groups requesting presentations at their meetings
- In November after ozone season is over will be issuing a news release to let media know what we did this season- what the numbers were.
- On November 5<sup>th</sup> there will be a Clean Air in Central Texas Meeting
- On November 18<sup>th</sup> there will be another Clean Air in Central Texas Meeting
- On November 13<sup>th</sup> there will be a Texas Emission Reduction Plan Workshop
- On November presenting to the Highland Park Neighborhood Association and will have a booth at Texas Recycle Day
- Communications Plan: Continuing advertisements on News Nine San Antonio, WOAI TV, and WB and the Fox Family Zone, On radio: WOAI, KHJA, KONO.
- Continuing Plan for the Ozone Season Kick-Off 2004

Councilman Hernandez asked Mrs. Birch if outreach efforts had been made to nursing homes to purchase flags. Mrs. Birch said there were some who received information on air quality health alerts, there needed to be a concerted effort to recruit more senior citizens homes. He also asked that she make an effort to focus information on the inner city of west side San Antonio. Mrs. Birch replied that efforts could possibly be made a part of the opening of the ozone season kick-off.

Chairman Millikin concurred with Councilman Hernandez's interest in outreach and stressed the need to continue efforts to aggressively pursue public education in the news media, school districts, as well as other community entities.

Charissa Barnes asked Mrs. Birch what dates were being considered for the Ozone Season Kick-Off. Mrs. Birch replied they were considering several dates but they were in conflict with several major events. The dates were still being discussed. Mrs. Barnes said her association wanted to be involved in the kick-off. Mrs. Birch acknowledged her request.

### **c. OMB Report: The Value of Clean Air**

Mr. Bella directed the committee to a handout from the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB). The report was issued to Congress, entitled "Informing Regulatory Decisions: 2003 Report to Congress on the Costs and Benefits for Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities." Mr. Bella explained that the report is required of the OMB as a comprehensive accounting statement including an estimate of the total annual costs and benefits of Federal rules and paperwork by agency and agency program and by major rule. An analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth, as well as recommendations for reform, is required as well.

From the Executive Summary:

“[The] OMB reviewed 107 major Federal rulemakings finalized over the previous ten years (October 1, 1992 to September 30, 2002). The estimated total annual quantified benefits of these rules range from \$146 billion to \$230 billion, while the estimated total annual quantified costs range from \$36 billion to \$42 billion. The majority of the quantified benefits are attributable to a handful of clean-air rules issued by EPA pursuant to the 1990 amendments to the Clean Air Act.”

The following webpage information was provided containing the report [http://www.whitehouse.gov/omb/infoereg/regpol-reports\\_congres.html](http://www.whitehouse.gov/omb/infoereg/regpol-reports_congres.html).

Mr. Bell provided a brief power point presentation entitled **Financial Benefits of Clean Air Improvements**. The Power Point Presentation contained the following information:

- Report: Office of Management and Budget
  - OMB reviewed 107 major Federal rulemakings, Oct. 1992 to Sept. 2002
  - Total benefits: \$146-\$230 billion
  - Total costs: \$36-\$42 billion
  - “The majority of the quantified benefits are attributable to a handful of clean-air rules issued by the EPA pursuant to the 1990 amendments to the Clean Air Act”
  
- Reported Savings: Estimates of Annual Benefits and Costs of Major Federal Rules: Selected Programs and Agencies October 1, 1992-September 30, 2002  
**(millions of 2001 dollars)**
  - Agency/ Energy; Energy Efficiency and Renewable Energy/ Benefits-4700-4768/ Costs-2472
  - Agency/Health & Human Services; Food & Drug Admin./ Benefits-2016-4551/ Costs-481-651
  - Agency/ Labor; Occupational Safety & Health Admin./ Benefits-1804-4185/ Costs-1,056
  - Agency/Transportation; National Highway Traffic Safety Admin./ Benefits-4321-7,634/ Costs 2791-5288
  - Coast Guard; Benefits 72/ Costs 1,195
  - Agency/Environmental Protection Agency; Office of Air/ Benefits-**117,888-177,330**/ Costs **17,861-20,561**
  - Agency/ Office of Water; Benefits-891-8,076/ Costs 2,418-2,931
  
- Agency website information: [http://w.whitehouse.gov/omb/infoereg/2003\\_cost-ben\\_final\\_rpt.pdf](http://w.whitehouse.gov/omb/infoereg/2003_cost-ben_final_rpt.pdf)
  
- Clean Air rules from EPA: Four EPA rules account for most of the aggregate Clean Air benefits:
  - Two rules limiting NOx and PM emissions from heavy duty highway engines
  - Acid rain rule (limiting sulfur dioxide emissions)
  - Tier 2 rule limiting emissions from light duty vehicles
  
- Conclusions:
  - Health and Social Benefits were 5-8 times greater in *economic terms* than the costs of complying with clean air rules.
  - Savings in hospitalization and emergency room visits, premature death, lost workdays: \$118-\$185 billion –verses-
  - Plant/facility retrofits, other changes designed to reduce SO2, PM, O3 precursors: \$20-\$23 billion—Estimated: Oct. '92 & Sept. '02

## V. Air Technical Committee Reports

**a. Technical Update:**

Renee Green asked if she could move on to item number four; the action Item dealing with the request from the Technical committee to allow the Executive committee to approve the direction that the Technical committee was heading with the modeling. Commissioner Millikin asked if there was any objection to the request made by Renee Green. There was none. Ms. Green explained that the technical sub committee had taken the very long list of control strategies that had been submitted to the EPA in June and based on recent developments in legislation they condensed the list down. The initial work that was done by the technical committee and the AACOG staff had broken down the strategies for non-road separately from area and point sources so they could look at each individual category. They grouped emissions reductions (tons per day not ozone reductions) to achieve implementing these strategies both in VOCs and NOx. The next step would then be to model these emission reductions to determine a result in ozone reductions. Mrs. Greene pointed to the cost per ton reductions. Based on the cost per ton reduction the amount of tons estimated that can be reduced, the Air Tech Committee has recommended for on-road strategies that they model the first three I/M measures: ASM with OBDII, TSI with OBDII, and OBDII only as well as the last three combinations; Reduction in sulfur beyond the federal rule, lowering the RVP in unleaded gasoline in stage I, dropping the stage one vapor recovery from 125 thousand gallons per month down to 50,000 gallons per month. The second combination includes gas sulfur plus RVP 7.2 plus one I/M component, OBDII component testing the 1996 or newer cars with on-board diagnostics and the third combination eliminates the gas sulfur strategy and includes the OBDII plus stage I. Ms. Green said that based on the analyses that the technical committee had made on these six on-road solutions, they had the greatest potential for reduction in ozone based on the reduction in emissions.

Mayor Heath asked that either Mrs. Green or Mr. Bella explain the meaning of Stage one. Mr. Bella explained that when the tanker rolls up to the gas station to fill up the gas reservoirs in the gas station that pumping procedure emits gasoline fumes. Stage One stations that pump 125,000 gallon a month or more are required to use a technology that recovers the vapors and pumps them back in the tanker truck. It is called Stage I Vapor Recovery.

Mayor Heath recapped the modeling recommendations.

- ASM with OBD II
- Two Speed Idle (TSI) with OBDII
- On-Board Diagnostics II (OBD)
- Gas Sulfur+RVP7.2+Stage I
- Gas Sulfur+RVP7.2+OBDII+Stage I
- RVP7.2+OBDII+Stage I

Bill England asked Julie Klumpyan to explain how from the standpoint of Valero this would affect emissions and cost as compared to Dallas. She explained that the stage I rule required stations with 125,000 gallons or more to comply. The rule did not apply to the smaller gasoline stations. She pointed that the smaller outlying areas would be affected because the city of San Antonio was already complying by the rule.

Clarification was requested. Mr. Bella explained that the idea was if instead of 125,000 gallons a month you use 50,000 gallons a month you save three and a half tons a day in emissions in the four county MSA.

Judge Quinney remarked that the general consensus from the citizens is concern over the maintenance and inspections more than anything else. Previously when meeting with Chairman Huston he was asked if there was quantified information from the Dallas/Ft.Worth and Houston area available for our citizens to see the difference. He replied yes and also said that it would be presented. Judge Quinney was concerned they were moving too fast on voting for the emissions testing.

Chairman Millikin assured Judge Quinney that they were not voting to impose the inspection and maintenance question. Staff was merely prioritizing the series of modeling that they were to analyze and present for later consideration.

Chairman Millikin responded to Mr. England's earlier question about the cost of vapor recovery. Chairman Millikin remarked that "whether it was LIRAP with \$27 up front, vapor recovery, or whether it is a different engineering on fuels, cost was not going to be avoided. Cleaning the air was not going to come free." Mr. England commented that the citizens he had spoken to did not object to paying a reasonable increase for cleaning up the air. Chairman Millikin replied he understood his point however, "efforts to scuttle the early action compact, leads us to EPA's direction where we don't have any differences from one county to another because everybody marches to the same drum beat with EPA." If we lose in our effort to justify to the federal and state environmental agencies that we have the capability of cleaning up the air ourselves, then EPA comes in like they are doing in Houston and Dallas. Then the programs become automatic and we have less control.

Mayor Cork synopsised the topic on the table by asking if what was being asked was "to approve modeling these items so we can basically convert the tons per day anticipated and turn them into ozone through the model so that we know what the net impact would be on our ozone action next year or the following years if we were to go through anyone of these projects. It's not a debate as to whether we should be doing OBDII or not. It's a matter of looking at the chart and saying are those the right strategies that stand the best chance of reducing ozone."

Chairman Millikin concurred. He stated it was a matter of prioritizing the strategy options.

Mr. Bella reminded the committee that there were many possible strategy combinations which would be presented to them and that these were the first six being proposed to them for their consideration.

Julie Klumpyan requested that when they returned the results of the modeling if they could include the cost effectiveness of the combinations of strategies. She pointed to the gasoline sulfur as very expensive to do and recommended that the Valero staff have input to help staff make that assessment.

Commissioner Kight asked that the terminology be defined so that it could be understood by the public.

Renee Green posed the question for approval of the nine control strategies. Bill England motioned for approval of the strategies. Judge Wolff seconded the motion. Mark Langford expressed concern over the numbers they were going to put through the model. He pointed to a disparity between Austin's and San Antonio's numbers. He was also concerned that the results of the modeling would be ready by the proposed deadlines.

Chairman Millikin called for the vote. The motion unanimously passed.

Charissa Barnes announced she would be submitting a report to the committee on the results of the Air Check Texas Program during the meeting on Dec. 17<sup>th</sup>.

Dorothy Birch commented that the public education committee was involved in the translating of technical terms into understandable terms for the public.

Chairman Millikin suggested a change on the agenda to accommodate the arrival of TCEQ Chairman Marquez.

## **VI. AIR Committee Nominations**

- a. Action Item:** Consider appointment of new AIR Advisory Committee Member Gary Raba, Greater San Antonio Chamber of Commerce

Chairman Millikin asked for a motion to appoint Gary Raba representing the San Antonio Chamber of Commerce to the AIR Advisory Committee. Mayor Cork made the motion for Mr. Raba's appointment. Gene Uptain seconded the motion. The motion unanimously passed.

## **VII. Other Issues**

- a. Clean Air for Central Texas: Public Presentation/Workshop for Clean Air Strategies, November 5, 2003**

Dorothy Birch reminded the committee about the public meeting scheduled for November 5, 2003 and encouraged their attendance.

- b. TERP RFP Workshop: November 13, 2003**

Dorothy Birch reminded the committee about the upcoming TERP workshop scheduled for November 13, 2003. She presented the invitation and agenda. She explained the purpose of the workshop which was to give as many individuals or owners of the type heavy diesel equipment that can be paid for and upgraded by the 150 million dollars available in state funding. The workshop would also provide an understanding of the grant application. She reported on outreach efforts made through every association and chamber of commerce to recruit individuals to attend the meeting and help make it easier for them to understand the grant process and to get their fair share of the 150 million dollars available. She also invited the vendors that have the type of equipment needed to retrofit or upgrade as exhibits in the lobby area. Mrs. Birch provided on-line registration information for the workshop.

Renee Green gave a brief update on Austin's I/M control strategy development. She reported that during the technical committee meeting on Monday it was mentioned that Austin is going in the direction that is in the best interest of Austin with two-speed idle with OBDII. Mrs. Green said Austin was not going to get the NOx reductions through the two-speed idle and they are looking for a NOx reduction from a requirement that major employers do a trip reduction study in telecommute. Mrs. Green concluded that their strategy would require special rules by the state and that the cost estimates were very large and the reductions in NOx very low. Consequently, the technical committee was going to continue to monitor Austin's strategy. She reiterated that San Antonio needed to consider cost and the lowering of NOx through modeling.

## **Air Quality Policy Issues: Commissioner Ralph Marquez, TCEQ**

Chairman Millikin welcomed Commissioner Marquez to the meeting and asked him to make his comments. His comments are verbatim as follows:

Commissioner Marquez: Good morning thank you for having me here. Thanks for working with us. It feels pretty lonely enough when you are working by yourself and everybody is working against you. This is a case where we are working together and we've been working together for a long time. Thank you also because I have the opportunity to work areas at a national level, working with the other 49 states working through advisory committees through EPA. So, I hear a lot of what is happening throughout the entire country on air issues. And I want to thank you because you have done a great job, you may not realize how much people throughout the country are looking at this area. You were the ones who pushed for an early action compact concept. Those of you who worked on it for a while realize that it went through four different versions of the program until we finally got EPA to agree to one. You drove that program and today there are 31 other areas in the country that are thankful to you for having done that because they jumped onto the band wagon. They are pursuing Early Action type activities and trying to do what you are doing except that they are far behind where you are. People throughout the country are asking what is San Antonio doing because you are the leaders of the pack. And I thank you because it is very nice to go to national meetings and people praise what is happening in Texas and what is happening in San Antonio.

And that is all great and that's all good it makes us all feel really good but as difficult as that may have been at one time that was the easiest part. The tough part comes now. Now is when we have to make the tough decisions because it is not easy. It is going to take a lot of effort and a lot of compromise and a lot of patience in working together. For three years we tried to make this Early Action Compact happen, now the next three or four years we have got to deliver the goods. Once you are in the spotlight for the entire country, I know this area is not going to fail in doing it. Who here doesn't expect this area to grow? And to grow above the national average for the next four to six years. And growth is going to present even more challenges. So, when I look at the Early Action Compact deadlines we have some very tough ones to go through now. We have to meet a 2007 deadline but I hope that we are planning for many years to come because this area will continue to grow and we need assure we don't get into this kind of bind in the future.

There is a concept, and I will probably ramble a little but I'm going to say a few things that might interest this city to get questions from you to have a dialogue. I haven't been in San Antonio in quite a while, maybe five years back and then Bob Huston sent me to Houston and Dallas/Ft. Worth and Beaumont, Texas. So I am very happy to have the opportunity to work with you again. One of the things that went into our thinking when we were looking at Texas air issues is the idea of regional air planning. We were looking at what the regions might be exactly, we knew that all of eastern central Texas had an air problem and we pretty much divided that area and then we had non-attainment areas that were carved from that area. The rest of it are pretty much artificial boundaries just to say air pollution doesn't recognize political boundaries is not a shared view I think everyone of you understands that. We looked at all of this in central Texas four years ago and we realized that we impacting each other. It's no longer just the Midwest power plants polluting the Northeast, or Atlanta polluting North Carolina. When we look at pollution today you notice that we have gained we see that we contribute to pollution in Oklahoma, St. Louis, and in Chicago. We see pollution coming from the Midwest, from Atlanta coming into Texas. I know one of the issues here is how much pollution is coming from the outside. You see it as somebody else's problem rather than our problem. No, I am firm believer it's always our problem. It's our health and it's our growth and it's our problem. Can we solve the problem all by ourselves isolated from the rest of the country or the rest of Texas? Probably not. You

could shut down the rest of the country and still have problems here in San Antonio. And that's what we are finding out everywhere. We look at Dallas, it's the same thing. Dallas is being heavily impacted by pollution from outside the state. We can shut down everything outside the state and Dallas still cannot meet the standards. It is no different here. So, what is the mix of actions that we have to take? I was at a clean air advisory committee for EPA two or three weeks ago to hear (*difficult to hear*) make a presentation. One of the issues we discussed and he brought up in his presentation is the contribution from outside the areas. And how is EPA going to deal with that. There is a pretty strong and well-accepted belief among most people working these issues that it is going to take a combination. It's going to take a strong local action but it is also going to have to take some accommodation for the pollution that is coming into the area. But just as pollution is coming into San Antonio, it is also going out of San Antonio. We are being affected here by somebody else's pollution but somebody is being affected by pollution here in San Antonio. So, just to say it is not our problem and we don't need to press and really make some sacrifices, that means we are ignoring the problems that are caused by pollution here in San Antonio or somewhere else. So we've taken an approach at TCEQ and I believe that EPA is coming around to that way of thinking, that we have to get reductions all over the eastern and central part of the U.S. And everyone is going to have to make some tough choices to ease pollution locally to help themselves and to help the neighbor. I know that this is an issue that you have been wrestling with, knowing what the right mix is. There is also the issue of timing because with the EAC deadlines you have to go faster than other folks. That is being recognized and there are some things that are being looked at as to how can we match those dates for example. Some are going to clean up sooner. How is that going to be handled. There are no answers right now to some of those questions. They are being looked at and the good thing is that two years ago these problems were not well understood. Now there's a lot more acceptance to the pollution problem as more Eastern U.S., East Texas, when we look at the smaller world than we had in the past.

The other thing I want to mention if you raise that very same concept to this specific area, who should be involved in making these tough choices? Which counties should be a part of it. I pretty much take the same approach that is happening nationwide and the same approach that would include Eastern Central Texas—it is going to take everyone. Everyone has got to do whatever can be done. Does that mean everyone's got to do exactly the same thing? No I am not saying that. But everyone has got to make some contribution to reducing pollution in the area. I've been very outspoken about it. There are four counties that have signed an Early Action Compact agreement and that's really what is important to us. That agreement of working together as good neighbors because everyone is going to have to make a contribution. Even in the situation that you look at today well the contribution from this area might not be very large. Think what is going to happen five years from now. What the roads will be. What this area is going to look like. And looking at 2007 you have to look at the maintenance plan that's going to take you to 2012. What is going to be happening to those areas around San Antonio and Bexar County by 2010 and 2012? Again I think there're some tough choices and tough responsibility to have without thinking more that we work together, that we plan together, that we make some sacrifices together.

Let me stop here because I am really interested in hearing your questions and your comments.

Judge Quinney: I represent Wilson County, about 34,000 population. Inspection Maintenance seems to be the biggest hang up with the citizenry. We'd asked Chairman Huston about the statistics from the Houston and Ft/Worth Dallas area and Mrs. Green

shared some statistics a while ago that indicate that I/M makes a tremendous difference. My thought is after the 2000 census, areas such as Victoria, San Antonio, Austin, Midland and different areas have entered into the picture now and that there should be the votes in the Texas Legislature to just make inspection maintenance state wide. Since the Department of Public Safety oversees this program and I know the worry is that some of the smaller counties, the smaller stations, doesn't have the money for the equipment. In those instances I suggest that some of the grant money that is being used for studies everything be utilized or place some equipment back in those places and that portion of the fee go back to the state for payment on that equipment. But the very things you said, it's all of our problems, it's people that live in Junction and drive into San Antonio, so forth and so on. All of those things come to play in that situation so I just really believe that if we had a concerted effort at the legislature to come up with inspection maintenance statewide. That it is quantified that it does work. Those are my comments.

Commissioner Marquez: It's a good thought. We have pretty much divided Texas in two and we said West Texas doesn't have (*difficult to hear*) and we are really going to alienate all of the legislators of West Texas by imposing things to them that don't make any sense. So, West Texas was out of the picture immediately. I think that when we look at East and Central Texas that may be a do-able thing. I believe the part we have to think through in a concept like that is that automobiles after 1996 have improved tremendously. They put out less than ten percent (of the) pollution than cars ten years earlier were putting out. And the cars coming out in the next two or three years are going to put 90 percent less than that. So we are going to be seeing a lessened contribution. Now, we still need to maintain them. But this day could come with the On-Board Diagnostics and that is a pretty simple test and probably will not be either expensive or inspection stations will not be difficult to conduct that kind of test in the future. The problem now while we have this mix of still a fairly large number of cars that are older than 96' and those are the ones that do the polluting and those are the ones where it becomes very costly to do those tests. So I think your concept maybe I/M should be something we do in all of East and Central Texas, that may have a little merit in the future as we learn more about these issues and we experience growth and have to deal with getting over this hump of the number of cars that could use a simplified test might make it easier in the future to expand the program.

Chairman Millikin: Commissioner Marquez, I know you and several of us have been before you and the rest of the TCEQ Commissioners. You know we have worked in this region as a four-county region since Mayor Peak and Mayor Heath chaired this committee working as a four-county region based upon the Clean Air Act as you know talks about Clean Air being a regional issue. We have expanded the metropolitan statistical area based upon census data to now include the San Antonio MSA as being an eight-county region. Our position here has been we have worked this clean air requirement in the San Antonio MSA as a four county issue recognizing that additional counties may be brought into the MSA but they were not part of as an example Commissioner Kight's County, Kendall County. They were not part of the four partners in the Early Action Compact. They are now brought into the Metropolitan Statistical area based up census data. Is it TCEQ's intent to include those four additional counties who were not part of the Early Action Compact to be brought into this process now?

Commissioner Marquez: One of the difficulties we are having and many of you are aware of is that EPA has not finalized their rules concerning the eight-hour ozone standard implementation. So there are still many things up in the air on how they are going to designate areas and what choices they are going to make. We are trying to get that flushed

out and learn as much as we can learn and anticipate hopefully we will make the right guesses as to which way EPA is going to go. We're staying very, very close. As a matter of fact we're having people from Washington, Dallas, and North Carolina coming down to Austin next week and part of that is to not only tell us what is happening here but find out where they are at with the implementation of the ozone standard. What I hear unofficially is that the EPA is more likely to go with the existing MSA's and not make a change with the new MSA's based on the 2000 census because it really creates such a change through out the entire country as they have to readjust which ones are in, which ones are out that it would set everything back for a couple of years if they try to do that at this point. Again just forgetting about the political boundaries I think we need to keep looking at air control regions and looking at where is it that we're getting impact from and where can we get the most bang for our buck. I think areas that are growing faster that have large point sources have to be looked at. The Early Action Compact in this initial process... if you start changing the entities that have been involved in it at this point and time with just the few months that we have left in planning its going to be very, very difficult to keep them all together. After we go through the next few steps if we look at modeling, we look at monitoring and showing that other areas have impact. I think we need to be addressing that.

Chairman Millikin: Thank you Commissioner, we've got an Area Judges meeting at 11 o'clock. Your response to that question is what I think many of us felt the appropriate response would be. Thank you again for your time and your leadership in this Clean Air challenge that many of us face.

#### **IX. Adjournment**

With no further business to conduct the meeting was adjourned.

#### **Attachments: Citizens to be Hear Comments:**

Citizen #1: Submitted by Mike Riley, Seguin

At the Guadalupe County Commissioners' Court Tuesday the 28<sup>th</sup> day of October 2003 Regular Meeting, a resolution in support of H.R. 1891, to amend the Clean Air Act to prohibit liability for the effects of emissions, and emission byproducts, resulting from or caused by an act of nature, and for other purposes, was passed unanimously by the court.

Guadalupe County Commissioners' Court a signatory to the Early Action Compact joins the City of Seguin, another signatory to the Early Action Compact as passing resolutions supporting HR 1891. Also, the Cities of Cibolo, Marion, Live Oak, and now from an e-mail the City of Helotes have resolutions in support of this bill in the U.S. Congress. The Guadalupe County Commissioners' Court as well as the City Councils of Cibolo, Marion, Live Oak, and now Helotes plus City Public Service of San Antonio, Texas, in a letter dated May 21, 2003 supporting the passage of HR 1891, are showing leadership in this important matter of HR 1891.

I commend the Honorable County Judge of Bexar County, Nelson Wolff, for trying to introduce HR 1891, and have a record vote from this Air Improvement Resources Executive Committee; unfortunately, he could not obtain a second.

Thank you Judge Wolff for your leadership in this matter.

I urge AACOG, Bexar County Commissioners Court, the City of San Antonio, and this August Committee to pass similar resolutions in support of HR 1891.

Citizen # 3: Submitted by Mayor Charles Ruppert

Good morning, ladies and gentlemen. Today, I shall address Agenda Item VI. Air Quality Policy Issues: Commissioner Ralph Marques, TCEQ.

Last December, Bexar, Comal, Guadalupe , and Wilson County approved the Early Action Compact. Prior to the vote, discussion focused on the EPA's guidance memorandum, dated March 28,2000, which recommended that the MSA serve as the presumptive boundary. This year, On June 20<sup>th</sup> and July 14<sup>th</sup>, I attended the meetings of the TCEQ Commissioners. Again, the EPA's guidance memorandum, dated March 28, 2000 was mentioned. Also said by the TCEQ commissioners were "Regional air quality problems require regional solutions" and "The quickest way to non-attainment is for an MSA county to leave the Early Action Compact". When I returned from Austin, there was no doubt in my mind what TCEQ expected in terms of air quality policy or whether MSA counties should participate in finalizing a Regional Clean Air Plan.

Then all of a sudden, San Antonio's MSA doubled in size. We were no longer a four county MSA. We became an eight county MSA. I then urged this committee at its July 23<sup>rd</sup> meeting to immediately accept the 4 new MSA counties as VOTING members. I urged it again at the August 27<sup>th</sup> meeting and yet again at the October 1<sup>st</sup> meeting. What seemed abundantly clear about how the MSA should serve as the presumptive boundary now appears to be in question.

Did the EPA retract or supercede its March 28,2000 guidance memorandum? Did the TCEQ commissioners revise or amend their stated positions from just three short months ago? If the answer to these questions is "no," then why does this committee seek clarification? Why does the TCEQ representative to this committee seek clarification? Why does the TCEQ representative to this committee act as though clarification is needed? Why do those serving on this committee who oppose H.R. 1891, and believe we should take responsibility for cleaning up air pollution that originates outside of our jurisdictional boundaries, also oppose the four new counties within our MSA boundary from serving as voting members and whose participation in any final Clean Air Plan would result in greater regional air quality improvement on a much larger scale?

I sincerely hope Commissioner Marquez will address these air quality policy issues. Some may wish that a double standard would apply between the original MSA and the new MSA. The simple truth is: any double standard is inherently wrong. Whatever guidance is given with respect to the four new MSA counties should be equally applicable to the four original MSA counties. If regional problems require regional solutions, then any Clean Air Plan with only a 50% MSA county participation should be neither encouraged nor acceptable.