

**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, December 22, 2003, 9:00 a.m.**

Executive Members

Com. Jay Millikin, Chairman, Comal County
Judge Nelson Wolff, Vice-Chairman, Bexar County
Mayor Patrick Heath, City of Boerne
Mayor Adam Cork, City of New Braunfels
Judge Marvin Quinney, Wilson County
Mayor Raymond Ramirez, City of Floresville
Gene Uptain, Greater Bexar County Council of Cities

Guests

Kate Williams, TCEQ
Megan Goode, TCEQ
LeeAne Lutz, City of San Antonio
Daniel V. Cardenas, City of San Antonio
Teresa Haan, Randolph AFB
Debra Engler, SAWS
Danny Krizneth, TxDPS

Air Technical Committee Members

Renee Green, Co-Chair, Bexar County
Ana Sandoval, Co-Chair, VIA
Ken Zigrang, TxDOT
David Newman, City of San Antonio

AACOG Staff

Al Notzon, Executive Director
Dean Danos, Deputy Director
Peter Bella, Director, Natural Resources
Steven Smeltzer, Environmental Manager
Berti Vaughan, Administrative Assistant

Advisory Members

Julie Klumpyan, Valero
Dan Titerle, SAWS
Kevin Fareri, USAA
Rebecca Gray, American Lung Association
Mike Riley, City of Seguin
Pete Donahoe, HoltCat
Aleisha Knochenhauer, Martin Marietta
Materials
Bill England, Neighborhood. Association
Todd Hemingson, VIA
Forrest Mims, Guadalupe County
Stanley Dabney, Alamo Cement Company

Citizens to be Heard

Mayor Charles Ruppert, City of Cibolo
Mark Langford,
Kathleen Langford
Aubrey Langford
Forrest Mims
Sarah Mims
Minnie Mims
Nancy Strack
Mike Riley
Rod Cole
Rosa Garcia
Mark Jenschke
Jim Cleveland

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 commended and thanked the Air Executive, Advisory and Technical Committees on all the work they have done in the past year towards cleaning up the air in the region. He cautioned that the information they were to receive was preliminary and warned to keep the information in context. He asked that the following year they emphasize

work on Air Quality Health Alert Days and lastly he mentioned visiting with Commissioner Marquez in Austin to discuss a continuing dialogue between TCEQ and EPA on whether deferred non-attainment refers to one county, Bexar or four counties, Bexar, Comal, Guadalupe, and Wilson. Commissioner Marquez was quoted in the newspaper after we received a letter from EPA region 6 to the governor that the EPA had until April 15th to decide on the one county or four counties issue. Chairman Millikin pointed out that the decision was critical to this area well before April 15th. Particularly critical in determining whether vehicle emissions testing was going to be necessary, although he expressed hope that it would not be necessary for the region.

II. Approval of Minutes

Chairman Millikin asked the Committee for consideration of the October 29th, 2003 minutes. Mayor Cork made the motion to adopt the minutes. Judge Wolff 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. Mr. Danos indicated that Mark Langford, Kathleen Langford, and Aubrey Langford were first on the sign up sheet. Mr. Langford asked that Kathleen's and Aubrey Langford's time be given to him for his presentation and asked that the order of presentations be switched with Forrest Mims going first. Mr. Danos called out the next people signed up to speak as Forrest Mims, Sarah Mims and Minnie Mims. Mr. Mims asked that Sarah and Minnie Mims' time be given to him for his presentation. Mr. Danos indicated that he had a total of nine minutes to make his presentation.

Citizen #1: Forrest Mims remarks were recorded, and a verbatim transcription of those remarks is included at the end of the minutes.

Chairman Millikin thanked Mr. Mims for his presentation. Dean Danos pointed out the allotted nine minutes which Mr. Langford had to make his presentation.

Citizen #2: Mark Langford with Citizens Organized for Good Science remarks were recorded, and a verbatim transcription of those remarks is included at the end of these minutes.

Mr. Danos called Nancy Strack to the podium.

Citizen #3: Nancy Strack read a prepared statement which she submitted and has been included at the end of these minutes.

Chairman Millikin called Charles Ruppert to the podium.

Citizen #4: Charles Ruppert read a prepared statement which he submitted and has been included at the end of these minutes.

Mr. Danos advised Mr. Ron Cole that he had nine minutes to make his presentation.

Citizen #5: Ron Cole. Mr. Cole's comments were recorded, and a verbatim transcription of those remarks is included at the end of these minutes.

Chairman Millikin called Mark Jenske to the podium.

Citizen #6: Mark Jenske. Mr. Jenske's comments were recorded and verbatim transcription of those remarks is included at the end of these minutes.

Mr. Danos called upon Jim Cleveland to make his comments.

Citizen #7: Jim Cleveland. Mr. Cleveland's comments were recorded, and a verbatim transcription of those remarks is included at the end of these minutes.

Chairman Millikin asked if there were any other citizens signed up to speak. Mike Riley said he had signed up to speak.

Citizen #8: Mike Riley read a prepared statement which he submitted and which have been included at the end of these minutes.

Chairman Millikin thanked Mr. Riley. Chairman Millikin commented that one thing had to be abundantly clear as it has been to most of the elected officials for the past five years as they have been working on the air quality issue. He explained "The issue is not to juggle figures up or down or inconvenience or overtax people, the idea behind the effort in the Clean Air Act which was established by the U S Congress in 1970 is to protect the health of the public."

IV. Clean Air Update

a. Clean Air Plan

Action Item: EAC Milestone Approval: 2nd Biannual Progress Report

Peter Bella referred to an available document entitled 2nd Biannual Progress Report. He pointed out that the document was reviewed by staff and the technical committee several times and was coming to them for final approval. He invited comments from the AIR Executive Committee on the contents of the document. He explained it was a part of the EAC and was required by the EPA to meet the milestone deadline. The document showed the EPA and TCEQ where the region was in their thinking and the progress being made. Chairman Millikin reiterated the document as a status or progress report due to the EPA by the end of the month and asked for a motion for approval of the report. Mayor Adam Cork moved for approval of the report. Bill England seconded the motion. The motion passed unanimously.

b. Technical Updates

i. Attainment Demonstration Modeling Results

ii. Further Modeling of Clean Air Strategies for the EAC

Peter Bella gave the committee background information on some of the requirements set by the EPA on modeling. He pointed out that they required two three-year sets of data. His presentation consisted of the following information:

Design Value Basics

Modelers should "review monitored data from (a) the 3-year period "straddling" the year represented by the most recent available emissions inventory (e.g, 1995-97, for a 1996 inventory), and (b) the 3-year period used to designate an area 'non-attainment.'" The current design value used in the modeled attainment and screening tests is the higher of the two estimates obtained from (a) and (b)." *page 35, "Draft Guidance On The Use of Models and Other Analyses In Attainment Demonstrations for the 8-Hour Ozone NAAQS"*

(a) For our EAC region, the 3-year period "straddling" the 1999 Photochemical Model Emissions Inventory is 1998-2000.

(b) For our EAC Region, the 3-year period used for our anticipated nonattainment Designation is 2001-2003.

“Current” Design Value Calculation

1999 Photochemical Model Emission Inventory, 3 year period, 1998, 1999, 2000; Highest ozone value = 89.33 parts per billion Average CAMS 23 = “Current Design Value Truncates to 89 parts per billion.

Non-attainment Designation Basis 2001, 2002, 2002 = 86.00 parts per billion Average CAMS 23 based on the 4th highest ozone value for every year averaged over a 3 year period at an individual monitor.

Key: 1999-2007 Change Shown By Model

Current Design Value (1999) = ?Future Year Design Value (2007)?

Predicted Ozone Level (1999) = Predicted Ozone Level (2007)

Current Design Value (1999) = 89.33=89 parts per billion

Predicted Ozone Level (1999)= 89.37 = 89 parts per billion

Predicted Ozone Level (2007)= 85.18ppb=85 parts per billion

Future Year Design Value (2007)=?

Why the 1999-2007 drop in the Model?

Recall: Change in Anthropogenic Model Emissions, 1999-2007

| | Average Tons/Day | | Percent Reduction (99-07) |
|-----|------------------|------|------------------------------|
| | 1999 | 2007 | |
| NOx | 247 | 193 | 21.9% |
| VOC | 225 | 186 | 17.0% |

Key: 1999-2007 Change Shown By Model

Current Design Value (1999)=/Future Year Design Value (2007)?

Predicted Ozone Level (1999)-Predicted Ozone Level (2007)

Current Design Value (1999)=89.33=89parts per billion

Predicted Ozone Level (1999)= 89.37ppb= 89 parts per billion

Predicted Ozone Level (2007) = **84.82** = 85 parts per billion

Note: the “Current Design Value” is calculated from ozone concentrations observed on local monitors.

The “Predicted Ozone Levels” both in 1999 and 2007 are those given by the photochemical model.

This simple equation is solved for the unknown 2007 “Future Year Design Value.”

Words of Caution

- **84.82 ppb is very close to 85 parts per billion**
 - Some clean air strategies required to bring number down farther from 85 ppb
 - “Safety” margin
 - Emission Inventory/Model Imprecision
- Non-Governmental Organizations may want to see vehicle Inspection and Maintenance in our EAC.
- Implementation of some strategies highly advisable from a technical perspective.

Updates in the Photochemical Model

- Completed 1999 Base Case
- Completed 2007 Attainment Year Case
- Completed updating regional emissions outside of Texas

- Analyzed Sensitivity Runs
- Completed Selected Control Strategies Runs

Modeled Ozone Reductions from Anthropogenic (Human Made) Sensitivity Runs at CAMS 23, September 15-50, 2007

- Toyota removed 0.01 parts per billion
- CPS Spruce I Coal Plant Removed 0.10 parts per billion
- Coal Power Plants Removed 0.64 parts per billion
- Houston Removed 1.81 parts per billion
- Corpus Removed 0.51 parts per billion
- Austin Removed 0.20 parts per billion

Cost per Ton of NOx=VOC) Reduced by On-Road & Area Control Strategies for 2007 Base Year, 4- County Area

| | |
|---|----------|
| ASM with OBDII+RVP7.0+Stage1 (25,000) Degreasers+Wood | \$5,000 |
| RVP7.0=OBD11=Stage 1 | \$6,100 |
| RVP 7.0=Stage1 | \$3,800 |
| RVP 7.0 | \$3,500 |
| RVP 7.2=OBD11 = Stage 1 | \$6,200 |
| TSI with OBD11 | \$9,600 |
| ASM with OBD11 | \$10,800 |
| OBDII | \$8,400 |
| Wood Furniture Coating (operations would recover any training costs due to the reduction in materials used) | |
| Wood Furniture Coating | \$10,000 |
| Degreasing-Solvent Based | \$1,000 |
| Stage 1 VR-25000 gal | \$4,300 |
| Stage 1 VR-50000 gal | \$2,900 |

Modeled Ozone Reductions from Individual Anthropogenic Strategies At CAMS 23, Sept 15-20, 2007

| | |
|---|------------------------|
| Degreasing (Equipment) | 0.28 parts per billion |
| Degreasing (Solvent) | 0.31 parts per billion |
| Stage I: 25,000 | 0.15 parts per billion |
| Stage I: 50,000 | 0.09 parts per billion |
| RVP 7.0 | 0.08 parts per billion |
| OBD II | 0.26 parts per billion |
| TSI/OBDII | 0.34 parts per billion |
| ASM/OBDII | 0.43 parts per billion |
| Based on a Design Value of 84.83 Percent Reduction in Ozone | |

Modeled Ozone Reductions from Combined Anthropogenic Strategies At CAMS 23, Sept 15-20, 2007

| | |
|---|------------------------|
| RVP7.2=OBDII Stage I | 0.39 parts per billion |
| RVP7.0 Stage I + Degreas +(Equip) | 0.48 parts per billion |
| OBDII =RVP7.0 +Stage I +Degreas (Equip) | 0.72 parts per billion |
| ASM/OBDII+RVP7.0+Stage 1 | |
| +Degreas (Solv) + Wood Coat (Spray) | 0.95 parts per billion |

Next Steps:

- Continue work with affected industries and TCEQ to determine compliance abilities and limitations
- Explore other reductions methods (i.e Dry Cleaning)
- Refine cost analyses and reductions estimates
- Determine requirements for further modeling
 - Complete regional Stage I and RVP 7.0 runs
 - Complete Stage I vapor recovery at 25,000 gallons
 - Thresholds, Degreasing Equipment, and Two Speed Idle (TSI) Inspection and Maintenance Test with OBD-II run
 - Other Runs
- Long Term: work with state and federal government on transport issues

Judge Wolff asked for clarification on some of the data in the report. He asked if the data from the emissions testing control strategy modeling indicated a savings of .43 or one half of the one percent of the predicted ozone level. If he understood the data correctly it “doesn’t make any sense” to use emissions testing as a control strategy. Judge Wolff credited the staff for interpreting the data honestly in the modeling runs and said that the fair analyses of the scientific data should make Mr. Mims agreeable.

Mr. Mims commented that staff had done a fantastic job on the model however he pointed out to the judge that if they put in the optical depth they would save another .23 parts per billion. He estimated it was more than half of the Accelerated Simulation Mode test.

Chairman Millikin agreed with Judge Wolff’s reasonable conclusion. The data was substantially less than had been anticipated. Renee Green, Chairperson of the Technical Committee, said that the purpose of providing the presentation/data to the committee today was that the next step was to complete a Draft a State Implementation Plan due at the end of January. This would enable the committee to digest the information. The Executive Advisory Committee was going to have to make a decision as to what control strategies needed to be included in the plan. She was pleased that there was a combination of control strategies in the report. She directed their attention to the RVP 7.0 Stage I Vapor Recovery and Equipment Degreasing combination which exceeded the reduction they would achieve from emissions testing. She reaffirmed that she had never been a proponent of emissions testing and that she had always asked that other combinations be tested and was excited to have found something that looked to be as effective as emissions testing without the burden on the public. She also reiterated that the technical committee did now want to make recommendations as to which control strategies to select without the modeling runs. She concluded, “This will give you the tools to give us direction back from the committee as we move forward to development that draft SIP.”

Judge Wolff asked Ms. Green what they would need to know about degreasing and asked for the definition of RVP 7.0. Ms. Green explained the following: Reid Vapor Pressure is the composition of the gas. You drop the volatility of the gas down to a level such that you don’t have the incomplete combustion that you would normally see. The Stage 1 Vapor Recovery has already been discussed. That is when the large tanker trucks come into the gasoline stations and drop the fuel. Stations are required if they sell more than 25,000 gallons per month to provide a return line back from the underground storage tanks to the tanker. The degreasing of equipment is an operational process that reduces the emissions from equipment cleaning operations and there are some state rules that are currently on the books such that we could simply petition the TCEQ to be included within those rules. So

certain manufacturing certain processes here in the county would be required to adhere to those types of processes that already in practice in Dallas and Houston and some of the other areas that employ this particular degreasing requirement. Judge Wolff asked if it was cost effective. Ms. Green replied yes.

Mr. Bella made the point that the 84.82 is not a number they anticipated seeing any change in. He explained that staff was currently verifying and working with TCEQ to make sure that the reductions in NOx and VOC are accurate because they were not as solid as they needed to be as yet.

Judge Quinney asked if regarding the OBDII testing if the .26 percentage given would fluctuate if as each year went by and 10% of the vehicles became '96 models or later. Would this figure raise and the other one lower? Mr. Bella replied yes. Judge Quinney commented that from the beginning "some folks don't feel that this has been an argumentative or obstinate group." He point out that "our whole procedure has been to find out the best course and to follow it and this information helps us to reach that goal." He felt that they were painted as opponents of tail pipe testing when all the time they've asked for more information to determine its effectiveness.

Chairman Millikin remarked that the overriding responsibility the committee had was to protect the health of the public. He stated " if it is vehicle emissions testing or whatever the control strategy may be that is necessary to do that to verify to the federal government and to the state authorities that we have the capability, the will, the knowledge, the ability to do it here locally without the federal or state government being involved, that's what was being sought And whether it is vehicle emissions testing which would appear at the moment is not necessary, I would think you would see smiles in every elected official's face if that's the case." Chairman Millikin pointed out that they had not yet come to the final determination on that matter and reminded them that they were eight hundredths parts per billion away from being in violation of the federal standard, and that is too close as far as he was concerned. He thought that there were some control strategies which were not near as onerous as far the public is concerned but they need to be considered by the technical committee and evaluated by the elected officials well before March before they had to go to the federal and state government with our end result.

Mayor Cork said they were points well made and made the following comments: He pointed out that "they said from the very beginning that they were not doing anything other than asking for the right information so the right decision could be made and clearly the right information was coming forward. He wanted a good understanding what our contribution to air quality issue is. They talked about transport and know that it exists and we say that in vehicle emissions testing we can only accomplish a half of percent impact towards that 85 parts per billion. But assuming our metropolitan statistical area did not exist what would the air situation be right now?" Steve Smeltzer said if they dropped the four county metropolitan statistical area with no human ozone contribution from that area that the ozone would drop .25 percent or 22 ppb. Mayor Cork asked "if they wanted to know the effectiveness of any of the measures we are looking at we really needed to be comparing the number of parts per billion that you show on your slide to 22 parts per billion not a 5 parts per billion which is when you are over the federal limit." He cautioned everyone to do the division with the right numbers.

Mr. Notzon pointed out that as they moved to consider what other strategies they could look at one of the things that was still valid is taking the polluting cars that are responsible and

how to get them off the road. He said that was still a value whether they went into a full blown Inspection & Maintenance Program or not. The question would be what could we do that might be able to address that issue. Renee Green said that two years ago they had done a basic analysis of remote sensing only as a control strategy and there were other issues and concerns on the cost, and once you told a car it failed the test where do you send it to get it tested. She offered to resurrect the information and take a look at it during the January meetings and see if it requires updating and see if it is something that may or may not be feasible. She pointed to Austin who has repeated the exercise using remote sensing as a potential control strategy so as not to Inspection & Maintenance test every particular vehicle, and they have disregarded that component because they have found it unfeasible to do. She pointed out that Austin although technically in attainment was still going forward with Inspection & Maintenance testing in their Early Action Compact planning.

Mike Riley commented that many times he had the feeling it was the tail wagging the dog. He said it was the local laws and ordinances that were not being enforced that are on the books. He stated that there was one San Antonio policeman giving tickets for smoking vehicles. Perhaps if they all contributed to the ticket writing effort we would have a significant reduction in smoke in Bexar County and from the other areas. I've always been a proponent of enforcing the laws in the books not write more laws. Renee Green was in agreement but explained that the problem with the law in the books was that there was no requirement to fix the vehicle only that they pay the fine. Mr. Riley responded that if they were ticketed enough they would fix or park the vehicle.

Mayor Heath remarked on the discussion during the meeting as illuminating and particularly helpful and appreciated the thoroughness of the remarks of our citizens for the most part and the healthy discussion that this meeting represents following a number of months and number of years of healthy discussions of this committee. He made the following points:

"We've been admonished over the years from the scientific perspective to be skeptical of data. . . to give it a healthy respect, to look at it closely, but to be scientifically skeptical of data and recording instruments. Therefore I think we have to apply the same kind of skepticism without rejoicing at how close we are as you and Mayor Cork has suggested how close we are to the line. We need to be skeptical when we are that close to the line. If we throw out one set of data and then whole-heartedly accept another set we are being inconsistent. I appreciate the rigor and if you will the life of passion that Mr. Mims and others represent when they speak to us in scientific terms it is very helpful. I contrast that with the passionate and disrespectful tone I sometimes hear in the citizens that sometimes address this committee in that way. If the members of this committee and elected officials in general are admonished to be courteous and respectful to citizens, it should work both ways. I also suggest that we all strive to put aside our stereotypes of citizens and members of this committee and elected officials. I would suggest also as we have continued as we have done in the past I think and done quite well to banish from our minds any suggestion of conspiracies. Those maybe belong in the newspaper but they do not belong in a serious discussion like this. Finally, I would suggest in terms of the limited opportunities and experiences I've had in Washington with some lobbying that if we are serious about affecting some changes in the Clean Air Act that we go to Mr. Billy Touzin who is the Chairman of the appropriate committee in the House of Representatives. It is the Chairs of the Senate Committees and the House Committees who control what actually gets passed and what doesn't get passed. I think that's where the effort should be paid."

Bill England asked to comment. He said that the basic problem with the citizens that he represents and speaks to is their concern with the cost and LIRAP program. He asked if

Bexar County was subject to LIRAP fees. Renee Green replied no. Only if they chose emissions testing and only if they opt into the LIRAP. Kate Williams explained that in the non attainment areas the fee was still collected however, she did not think that had to occur in the near non attainment areas because there is that flexibility in the Early Action Compact areas.

Mr. Mims said he appreciated the comments made by Mayor Heath about being skeptical about results because that's the way science works. Mr. Mims said he was puzzled on how everything he saw was based on CAMS 23. "I simply asked TCEQ to provide all the correspondence on that and there is an enormous amount of correspondence establishing a major problem with that instrument." It seemed to him that the committee would be much more responsible by going to the EPA and saying that TCEQ has rejected the data. He said that EPA told him that they would retract the data if TCEQ will. He said let's use CAMS 58 it works much better. He also said there was also an error in 1999 in CAMS 23 and nobody has talked about that. He thought it was essential to have accurate data and ask why nobody's done anything about CAMS 23.

Chairman Millikin replied that they "were not here to second guess the state who ran the program. They were here to inquire if there is reasonable doubt about information which has been achieved for the past five years under this program."

iii. Calendar for Presentations before EAC Signatory Governments

Mr. Bella reminded the committee about the SIP deadline. He presented the committee with a calendar designating when the governmental agencies met. He asked that they begin to think about when they would have to have their agenda items in for consideration for approval of the SIP at the end of March. Renee Green added that they would be given a draft resolution which could be used to adopt the state implementation plan. In January they would be given the draft implementation plan and the model resolution which would give elected officials February and hopefully the first part of March to take it to the local elected officials. Chairman Millikin asked that they plan ahead of the March deadline. The Chairman surmised that if they were not discussing emissions testing in March that the discussion with commissioner's courts and city councils would probably a little easier to make.

Mr. Notzon reminded the committee that they needed to look at exactly what was on the table with the EAC and the SIP. He reminded the committee of several plus and minuses that needed to be considered. Some being transportation dollars, congestion mitigation dollars and the other public health. He pointed out that those are some of the things the committee has to determine and when they make recommendations to local government it is in light of all of that. He remarked that the committee still had the option of being able to get out of a SIP through the EAC. Once the State Implementation Plan was adopted for this area under the EAC then the region was under that SIP and subject to it. He saw two options, the first being staying out of being designated nonattainment and design our own set of strategies the other is back off of it and take our chances at being designated. He said it's not just saying it's a clear cut issue on the air quality and the numbers in the photochemical model. Secondly, Mr. Notzon announced that Julie Brown was just appointed as the deputy district engineer for this Texas Dept of Transportation region. Mr. Notzon thanked the committees for their efforts and invited them to partake in the holiday refreshments.

Mr. Bella said the draft SIP and a copy of the Clean Air Plan were also included in their packets or their review.

V. Adjournment

With no further business to conduct the meeting was adjourned.

Attachments: Verbatim Transcription of Comments Made by Citizens to be Heard :

Citizen #1: Forrest Mims verbatim remarks: Mr. Mims said his presentation was entitled "A Practical Clean Air Strategy for AACOG." He said that the former strategy emphasized I & M testing and for five years AACOG has worked on that and presented it to the committee with various plans for this. I&M testing cost \$27.50 over and above the vehicle and inspections fee with the average vehicle repair would be \$325. And estimated failure rate was 15 percent which gave the total of 76 million dollars to the citizens of the four county area if you are to have the most rigorous I & M testing. The question is would that still be a strategy? The Clean Air Act mandates clean air it also mandates quotes "best available air quality monitoring and modeling unquote". Now the EPA attorney differs with that he doesn't think that we have to have the best available air quality monitoring and modeling but the Clean Air Act says that so I am going to stand by that. And the EPA and TCEQ have not met the monitoring and modeling standard required by the Act. So let's look at best available air quality and monitoring first. TCEQ did not reveal or acknowledge a serious error in 2002 ozone measurements until a private citizen independently found the error in the measurements. And I did that by simply looking at the data for a full year 2002. TCEQ after the fact acknowledged an error in the instrument about 9 percent at the 85 ppb level There's the level right there and here's the EPA limit and at the top there's the 9 percent error and an e-mail from TCEQ that you have not seen. And so I looked at the data for this year and here's the same monitor CAMS 23 after the instrument has been operated properly and you see that we rarely exceed the 85ppb limit and if we merge last year with this year we see the affect that that huge error had on San Antonio's ozone values. This is without a correction to the bad data. Now, here's an e-mail that I sent to Dr. Sullivan on September the 4th at 9:30 a.m. about finding this problem. This is before TCEQ divulged to the public they had a problem. And I wrote to Dave, "It appears there could be a significant problem with San Antonio ozone measurements that needs immediate attention by TNRCC. The recent extraordinarily high ozone readings by CAMS 23 require a thorough check of the instrument using accepted methodology. The letter went on in great detail to explain how to do that. And then there was a brief delay of an hour and Dr. Sullivan then sent an e-mail not to me but to his staff "CAMS 23" meeting needed as soon as possible. You've not seen this e-mail. Quote I want to meet as soon as possible to discuss what action we should take regarding the San Antonio CAMS 23. I see a political storm brewing unless we act fast. This is an internal e-mail by TCEQ staff and here are the actions that are in Dr. Sullivan's letter. Throw out all CAMS 23 data since the first of January year 2000. Use the best engineering judgement to adjust the data and then he says go with the data as is but co-locate another ozone system at CAMS 23 each action has significant draw backs. And then Dave signs the letter. Wrong. Action number one is the only appropriate solution to the problem. You throw out bad data in science. You do not adjust bad data and you do not publish bad data. But that's not what TCEQ selected. They selected that option. And here's a letter from Brian Lambeth today, the same day only an hour later. CAMS 23 meeting needed as soon as possible. The bottom line is that ozone instruments appear to be more accurate more often then the ozone generators in the calibrators. The current result is less accurate data. You have not seen this e-mail. The latest problem at CAMS 23 would not have occurred if we were not adjusting the data for the calibrations and gentlemen I can provide you with a complete file of this correspondence going in great detail in the intentionally adjusted upward data that TCEQ gave this committee without telling you. Recommendation from me not from TCEQ: Internal TCEQ e-mails and memos prove that CAMS 23 had serious problems going back to at least 2000. TCEQ admits that its adjustments to CAMS 23 seriously inflated the ozone readings. The proper choice presented by Dr. Sullivan is therefore his first choice throw out all CAMS 23 data since the January the first of the year 2000. That's the only solution and why is that important? It affects your design value. Now lets look at best available air quality modeling for a second. It's in the Clean Air Act. AACOG's CAMx photochemical ozone model does not meet the best available mandate of the Clean Air Act. Ozone production requires ultra violet sunlight that's why it's a photo chemical model. Air pollution and natural haze block ultra violet and reduce ozone production, notice reduce ozone production. The model does not use the best value. AACOG's modeling results are skewed upwards by failing to use the proper optical depth. They use a default optical depth not the measured optical depth. The measured optical depth is available from satellite data. I have it in Seguin. I provide that to the committee. The committee requested that data. Said that the data would be used. I can produce the e-mails pointing to that affect and then later said they did not use the data. Using optical depth data measured by precision instruments from the ground. I have a fourteen year record of that here. Or the Terra and Aqua satellites that provide the same numbers reduces the ozone predictions by .23 ppb which is half the savings you would get from testing all cars through the most rigorous test. Use the proper optical depth in the model is the recommendation. And finally three, the real problem. In every ozone exceedance recorded to date in the San Antonio area we have measured high _____ levels coming into the area. I've been saying that from this

podium for two years. I did not say this however, this was written by TCEQ Chairman Robert Huston in a letter to Jay Millikin dated April 4, 2003. Everybody on this committee was given a copy of that letter. Here is a typical reason for his letter. This is September 10th last fall. And these are fires detected by modus instrument off the Terra and Aqua satellites. These contribute to the massive ozone violations of September 12 through 14th. What's amazing about this is TCEQ did not have this image available to them because they didn't know about it and so they blamed the air pollution on the Tennessee Valley Authority and the Ohio Valley only neglecting to realize these 450,000 acres of sugar cane were being burned in Louisiana and southern Arkansas. AACOG's former case for I and M would do this. I've left out everything that we are not considering. I've only put in the most significant test that's right here the ASM test. Here's the model amount of ozone, here's the ASM test and that would save us as of several weeks ago 2.9 ppb. A single massive smoke event would produce that much ozone dwarfing the 2.9ppb. So my case for the past two years has been don't do the test get rid of the smoke. Now I have new data. Here's our new limit ozone model and now here's the as you can see the trivial savings of .4 ppb and then we see the smoke still is the same. Recommendation: The core science behind the Clean Air Act does not require current knowledge. AACOG should join Judge Donald Schraub, Judge Nelson Wolff, CPS, Guadalupe County, Seguin, Cibolo, Live Oak, Schertz, Marion and Helotes and endorse HR 1891. AACOG should ask governor Perry to negotiate with states that send pollution to Texas and in closing Guadalupe County and citizens organized for good science are playing a national leadership role in regional air quality issues and for that we thank you for providing the motivation. We invite AACOG to help us clean up the Clean Air Act and the EPA and sharply reduce regional air pollution. Thank you very much I'll give you some handouts later.

Citizen # 2 Mark Langford

I have some handouts to pass out. I want to wish everyone in the room a Merry Christmas and Happy Holidays. I do want to thank the AACOG staff for the amount of time and effort they have put into all of this. We may not agree in the direction of the time and effort but I do as a small business man do appreciate people that do show up on the weekends and at nights to do beyond the normal course of duty. I do appreciate that and Steve I really do appreciate the work that you've put into the photochemical model.

OK, Now that we agree that vehicle emissions testing is not necessary I made a little to do list. It is sort of like a Christmas list. Ah and and Mr. Commissioner Millikin brought this up earlier this morning but before we get too excited about all this I think that we all need to see a written agreement with the EPA that they agree with our discussion not to force San Antonio motorists to test their emissions. Secondly make sure the EPA will agree to keep us as non-attainment deferred until 2007. So we just want to make sure all of this clarified before we get excited about this. Another one of the to do list. Start working on legal and congressional changes to the Clean Air Act before 2007. Ah I'm not a major gambling person I do go to Vegas every couple of years or so but I would be more than happy to wager a bet that after 2007 even with the reductions in emissions that we will go beyond 85 ppb if we don't address the regional problems that Forrest Mims was referring to earlier on. Number four: submit CAM 54 design value to the EPA and number five submit Forrest Mims' optical depth data. The EPA needs to see CAM 58 design value and I think even if we can't legally give them CAM 58 and we have to go CAM 23 which I disagree with it. But I think that we should at least run another design value based on CAM 58 and up here we have some figures on that. On 1988 we got 87ppb in 99' 87 ppb so we came up with a three year average of 84.66 instead of 89.33. Running the same ratio and Steven I may be a little bit off on this and we would need to talk afterwards about how we could do that but based on my estimate I come up with 80.38 ppb instead of 84.82 design value. And if anything it could even be a little bit lower than that using CAM 58. Again I know your computers are going to be able to give you more accurate representation but CAM 58 should come in lower than CAM 23 and this gives us much more room to breathe. I know we are looking at very very small percentages below 85ppb. EPA needs to see CAM 58 design value, these are some other things. CAM 23 has a long history of producing inaccurate ozone readings both low and high as Forrest Mims talked about. CAM 23 is also surrounded by an old building. It is close to Eckert Rd. across the street from John Marshall High School and has trees within fifteen feet away. Now I've looked at some of the EPA guidelines for monitors. It looks like it is ok but it is kind of on the fringes of what's ok. And especially the tree being fifteen feet away and I have a picture of it I took this weekend. As you can see, there's the tree that's very close. There's a big building. Now up there at the very top is the ozone intake for the monitoring device and it is up at about 25 to 30 feet up which is still under the EPA guidelines but it's a lot higher than what ozone should really accurately be measured. But that's the building I am talking about and if you look at where the roof is pitched when you get any kind of breezes that could affect the overall measurement of it, along with the tree. That's a pretty large mesquite tree off to the right. The other thing that we should address is the Clean Air Act has many scientific problems that should be pursued by San Antonio before 2007. Number 1, as an asthmatic this one really a major problem with me. None of the ozone studies that I've seen so far and I keep looking for anyone to produce any of them that do. And I am looking myself. None of them include pollen data when they are doing these tests. And as most of you know by now asthmatics react to allergies in allergic reactions and if they don't put pollen data within these studies to me they are not telling the whole story. There is no allowance for living near heavily forested areas. By 2007 even San Antonio 58% of our VOCs will be produced by trees or biogenic sources. Some of the other

cities in this country are even closer to larger forested areas and they may have a higher density of VOCs. There's also no allowance for seven states having twice as long of an ozone season. Washington State has an ozone season of four months. Texas has an ozone season of at least ten or eleven months. There's also no easy way for a city to exempt themselves from regional pollution events. We need to endorse HR1891 and any other amendments to the Clean Air Act that allow cities and states to effectively exempt themselves from regional pollution events. And lastly on this list ozone monitors that are allowed to be plus or minus twenty percent without allowing cities at plus or minus twenty percent attainment. Some additional suggestions: I'm still in favor of increasing fines or rurally trying to get the smoking vehicles off the road. Higher research groups need to examine what chemicals are in our air during regional ozone events. Take samples in rural areas that are up wind from San Antonio during these events. Use county and city attorneys to examine whether it is constitutional for the EPA to impose an impossible regulation because background ozone is seventy percent of our readings it is economically impossible for San Antonio to comply. Show the EPA that rural monitors like Seguin can go over 85ppb which we noticed this past year. There was one day when Seguin got 86 ppb even though our air was not affecting them. And I appreciate your time this morning.

Citizen #3 Nancy Strack

Great presentations Forrest and Mark! Did you notice in Jay's opening remarks that he did not give credit to the Citizens who worked long and hard? I must thank two men that I have worked with and admire more and more every day, Forrest and Mark. They are gentlemen first and foremost who have always been honorable, polite and respectable. Thanks for being on record as appreciating the efforts of the citizens who have tried to make a difference. Forrest, thanks for your many trips to San Antonio, your hours of research and for having the patience of Job trying to get your requests for information from AACOG answered. I admire and love you dearly. Thanks to all members of the COGS! Our voices are not and will not be silent.

Thanks to Al, Dean, Jay and Peter for attending the public meetings and to Charles Ruppert for being the only elected official to come and fight for his constituents. Thank you gentlemen for being here today.

It appears everyone is in agreement that, with less than ½ of one part per billion reduction in ozone, emissions testing is **ineffective** and **unnecessary**. Because we all want clean air at a fair price, this is great news. Emissions testing has finally been pronounced **dead**. We are counting to **bury** it.

AACOG staff has worked hard and either efforts are applauded. They stopped prematurely, however, by making sure we have only the strategies in place that we can control to keep us in attainment. We must also be protected from the events beyond our control that put us out of attainment. After all, AACOG proved that San Antonio contributes only 25% of its ozone. It's the remaining 75% that we don't contribute that requires your immediate attention.

Forrest has been working non-stop to get legislative protection from these events that the TCEQ agrees put us out of attainment. When he asked last Monday what AACOG had planned, instead of answering the question, Renee went into a diatribe that I don't think anyone understood. The gist of it appeared to be that AACOG was doing nothing about it! We ask you to get a guarantee through legislature and/or from the EPA protecting us from the events beyond our control that put us out of attainment.

Please welcome the assistance of Forrest to help you with the task ahead. He has no personal or political agenda at stake. No one was afforded equal opportunity to challenge Peter Bella's eloquent presentations. While Peter can tell you what the books say, his overall knowledge on ozone is amateurish in comparison to the professional knowledge backed by science and years of research that Forrest has. He does this for a living! He is a good man. Please let him help you.

Finally we ask that you insist that AACOG abide by the Public Information Act and remind them it's the law.

This has been a curious year that just gets "curiouser." Renee, Peter and Jay are strong proponents of emissions testing but their personal agenda must not take precedence over what's best for the citizens. Along with the unchallenged biased word of Mr. Bella and the chair of the technical committee being quoted as still hoping for the emissions testing and running ramrod over committee members and citizens, Jay has stood up in front of the citizens and waved his copy of the Clean Air Act like the Bible. We waited for the collection plate to be passed and then realized that's what emissions testing was for. These three individuals that you have put in leadership positions have an historical stand on emissions testing. Is it reasonable for us to be cautiously optimistic?

We have been telling you for four years what the AACOG staff finally figured out. Maybe you've been listening to the wrong people.

Thank you. Have a blessed and safe holiday. We look forward to working with you next year.

Citizen # 4: Mayor Charles Ruppert

Good morning. In a letter to Texas Governor Rick Perry, dated December 3rd, EPA Region 6 Administrator Richard Greene recommended Guadalupe County be included in the San Antonio MSA non-attainment boundary based solely on the March 2000 EPA guidance memorandum. Fortunately, we are a nation governed by the rule of law.

The Clean Air Act's 8-hour ozone standard is the law, not an EA guidance memorandum. In a court of competent jurisdiction, the law is entitled to greater weight than a guidance memorandum. The EPA has no statutory authority to enforce a higher standard than the law requires. Recognizing this simple truth, the City Council of Cibolo unanimously passed Resolution #1264 requesting the rule of law be upheld and that Governor Perry and TCEQ stand firm on their previous recommendations. Copies of the resolution have been mailed to Governor Perry and TCEQ. The City Council of Cibolo also requests that the Guadalupe County Commissioners Court and this committee pass and approve a similar resolution.

After two iterations of clean air strategy modeling, the verdict is in. ASM with OBD II vehicle emissions testing is the most expensive control strategy. It will cost \$10,620 per ton for an overall reduction in ozone of .43 parts per billion. Compare that to degreasing solvent and Stage I Vapor Recovery greater than 25,000 gallons. Combined, these two strategies would cost only \$5,872 per ton and reduce ozone by .46 parts per billion. Less cost and more results. The modeling shows conclusively that strategies other than tailpipe testing are more feasible and provide better cost-benefit analysis.

Lastly, I would like to recognize those individuals who remained focused on good science over the desires of regulators. They include Congressman Ron Paul for introducing H.R. 18891, Bexar County Judge Nelson Wolfe for his motion to support H.R. 1891, the Guadalupe County Commissioners Court, Cities of Seguin, Marion, Live Oak, and Helotes for passing resolutions in support of H.R. 1891, and CPS for their letter of support, TCEQ's Dr. Jim Neece, AACOG's Steven Smeltzer, KTSA's Brad Messer, Ricci Ware, and Carl Wigglesworth, Ward's AutoWorld, and of course, Forrest Mims, Mike Riley, Mark Lanford, Nancy Strack, along with the many, many other citizens to be heard. All deserve credit for rightfully addressing the folly of vehicle emissions testing. We do not need to make the same mistake as Minnesota, Missouri, Kentucky, Colorado, Florida, Georgia, or Houston. Therefore, I request this committee have the courage to eliminate, once and for all, vehicle emissions testing as a possible control strategy. Thank you.

Citizen # 5 Rod Cole

Good Morning. Make no mistake about it, the environmental movement is the rule of socialism in the United States. The leaders of this movement intend to eventually take away part ownership of everything we own, our land and especially our privately owned vehicles. This will be accomplished among other things by producing clean air standards so draconian that we will be forced to ride public transportation. Which incidentally AACOG supports through its radio and television ad campaign. Enabled by activist judges at all levels, elected government officials whose principal interest is in getting re-elected and with their useful idiots in the media such as Chris Anderson who faithfully parrot the party line without questioning anything that is said the militant environmentalist movement is well along the road of governmental control of every aspect of our lives. When explaining the necessity for the EPA to hold Guadalupe, Wilson and Comal Counties in violation of federal ozone limits along with the principal main violator Bexar County, Commissioner Jay Millikin stated that as reported by Chris Anderson of the Express-News "you can kiss off any chance that the outlying counties would take constructive action to clean up the air" and it would get tough votes to get commissioner's courts and large city councils in Comal, Guadalupe, and Wilson counties to support anything but it would be absolutely impossible if we not be designated along with Bexar. Commissioner Millikin's attitude is so typical of many of the government thugs who want to control your life by fear. Despite the fact that AACOG's own data has consistently shown Guadalupe, Comal and Wilson Counties in attainment, Commissioner Millikin has consistently been on record in support of holding the entire twelve county metropolitan statistical area accountable for a problem they do not have. Furthermore, even Bexar County is not always a contributor to the problem attributed to them as AACOG has been proven on many occasions by pre-eminent scientist Forrest Mims. AACOG has left no stone unturned to bismirch or discredit the reputation of this scientist who has done research work with both NAASA and EPA. but is not considered competent by AACOG. AACOG director Al Notzon stated fortunately local governments trusted the Alamo Area Council of Governments to act in their best interest. At every subject government opted into the Early Action Compact choosing to work together on a regional clean air plan rather than waiting for the federal government hammer. Government to borrow George Washington's style "it is not eloquence, it is not persuasion, it is not reason. . . government is force." Government Despots seek to increase their own power by reducing yours. They accomplish this by speaking in half truths. Renee Green is a classic example of this. On KTSA, Renee got on there unchallenged and said we are responsible for 75 percent of our emissions. Truth is

elimination of all San Antonio's pollution will lower ozone readings only by twenty five percent. What about the remaining 50 percent? Another statement, automobiles generate forty to sixty percent of our pollution. The truth is AACOG own data shows that by 2007 all motor vehicles not just cars will emit 35 percent of the total NOX. The good news is that you have a great deal of power. Witness the recall of Davis in California and another governor back east is about to experience a recall election. I call upon all citizens to step forward, organize petition drives, and remove these jack booted thugs from the control of your lives. Keep a watchful eye on Fidel Castro wanna be Hugo Chavez president of Venezuela who will provide an accelerated view of Government control. Finally never forget the scene of Saddam Hussein in his capture living like a rat in a spider hole. We can take control of our lives by simply standing up to despots of government like the citizens of California recently when they threw Gray Davis out. I would suggest if your county judge is not going along and doing the right things that you start with him. Other government people, in Comal county I'd start with Adam Cork and Commissioner Millikin. They are trying to jam something down your throat. Let's get people out and remove these people from office. Also I encourage the support of HR1891. I would suggest that everyone lobby their own representatives to make sure that this gets passed.

Citizen # 6 Mark Jenke.

There's not much more that I could have said better than those before me. My biggest concern is Hr 1891. In terms of the folks that are supporting it. I just received an e-mail from Leticia Van de Putte in support HR 1891. I think there is a movement adrift toward understanding the means to upgrade, change or amend the Clean Air Act to make things a little bit easier to work with. I appreciate your time this morning thank you.

Citizen # 7 Jim Cleveland

Thank you for allowing me the opportunity to address this meeting. My name is Jim Cleveland and I live in the Northwest part of San Antonio. I have a congenital ? muscular dystrophy. I wanted to address the issue of air quality. It is very important to me. To impose regulations requiring automobile emissions testing seems to be a tremendous waste of tax payers dollars. The reduction of emissions are extremely low and seems hardly worth the expense. Right now I am facing a loss of some of the services I currently receive through the Texas Department of Health and Human Services. Passage of this ineffective law could very well take money from services I receive and placed into an ineffective fix to correct a not very real problem that has no foreseeable solution. I hope and pray this is considered a great deal before another useless fee to local tax payers and motorists. Thank you.

Citizen # 8 Mike Riley

I just have a couple of suggestions after hearing the speakers today. Perhaps its prudent that we take a step back and pause for a moment because of recent events about vehicle emission testing. Maybe perhaps we should as body encourage our leaders to have city and county attorneys look at our (AACOG's) participation in our EAC, EPA & TCEQ. And define for ourselves what our objectives are and what are the responses to our concerns from these governmental agencies. Contact the Governor's office and lobby it for the Governor's Office to participate in regards to all facets of Clean Air particularly with other countries, other states, the Federal Government as to their outside smoke events causing Texas problems. Most importantly lobby our Congressional and state leaders with our concerns and problems. I just think this is a prudent course of action that we can do when we are investigating things that are quantifiable. Thank you.