

Agenda Item No. 6

**Resolution of Central Texas Clean Air Coalition on Air Quality
Priorities for the 81st State Legislature**

DRAFT

WHEREAS, ozone levels in the five county Austin/Round Rock MSA as measured at the CAMS 3 Site in Travis County have exceeded the 2008 federal 8-hour ozone standard; and

WHEREAS, the Central Texas Clean Air Coalition (CAC) is an association of locally-elected officials in the Austin/Round Rock MSA formed to respond proactively to the region's elevated ozone levels by developing and implementing air quality improvement plans targeted to the region's specific circumstances; and

WHEREAS, the CAC entered into an 8-hour ozone flex program (8-O3 Flex) agreement with the Texas Commission on Environmental Quality (TCEQ) and the U.S. Environmental Protection Agency (EPA), the purpose of which is to continue implementation of emission control strategies initiated under the Early Action Compact (EAC) and implement additional measures sufficient to maintain compliance with the 1997 federal 8-hour ozone standard through 2013; and

WHEREAS, under the EAC and current 8-O3 Flex, local governments in the Austin/Round Rock MSA approved and implemented strategies to reduce ozone pollution, including, but not limited to: motor vehicle emissions testing; heavy vehicle idling limits; voluntary workplace-based programs to reduce commuting emissions, gas station storage tank filling requirements and emissions reductions from local power plants; and

WHEREAS, implementing the EAC/8-O3 Flex emission reduction measures affects the region's citizens and businesses, who have, in large part, willingly implemented the measures to ensure the clean air needed for public and economic health; and

WHEREAS, evidence strongly suggests that the continued success of the locally supported air quality program is in jeopardy and that the region's hard-earned air quality gains may be compromised by increased pollution due to emissions growth and transport; and

WHEREAS, the CAC has no authority to address emissions outside the MSA and must depend upon the State to ensure emissions outside the MSA do not degrade the region's air quality;

NOW, THEREFORE BE IT RESOLVED by the Central Texas Clean Air Coalition that the 81st Texas State Legislature is hereby urged to support legislation addressing the following recommendations and strategies to protect and preserve Texas air quality and public health while promoting economic prosperity:

1. Ensure the Texas Commission on Environmental Quality (TCEQ) has explicit legislative authority and direction to:
 - a. Analyze individual and cumulative effects of all criteria pollutant emissions from proposed significant point sources, including power plants, when considering a permit application. Analysis of ozone effects should include photochemical modeling of impacts to downwind areas under typical high ozone conditions;
 - b. Require significant new point sources, including power plants, in attainment areas to meet the strict emissions standards of nonattainment areas if those plants will adversely affect the air quality in nonattainment, or near-nonattainment areas;
 - c. Require TCEQ permitting procedures to consider the most recently proven process and emission control technologies to comply with federal Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements.
2. Allocate all funds collected for the Texas Emission Reduction Plan (TERP) to that program and insure availability of these funds to affected areas, including Central Texas, proportionate to their contributions to the fund and in accordance with needs demonstrated in air quality management plans.
3. Appropriate all Low Income Repair and Assistance Program (LIRAP) funds collected for this purpose and utilize such funds for emission reductions pursuant to HB 1611 and for other programs that can reduce mobile source air pollution. Remove the matching requirement imposed upon counties to promote participation in LIRAP Local Initiative Air Quality Projects.
4. Support the TCEQ's proposed Legislative Appropriations Request (LAR) that maintains current funding levels for air quality planning activities to reduce ozone in the Austin, Corpus Christi, San Antonio, Tyler-Longview-Marshall, and Victoria areas of the state.

PASSED AND APPROVED THIS 17th DAY OF DECEMBER, 2008.

Signed,

Mayor Will Wynn, Chair, Central Texas Clean Air Coalition