



MARKED AGENDA
CLEAN AIR COALITION MEETING

CAPCOG Pecan Room
 6800 Burlleson Rd.
 Building 310, Suite 165
 Austin, TX 78744

January 13, 2010 - 12:00 p.m.

Clean Air Coalition:

Chairman
 Judge Samuel T. Biscoe
 Travis County

Vice-Chair
 Mayor Alan McGraw
 City of Round Rock

Vice-Chair
 Commissioner Karen Ford
 Hays County

Commissioner William Pina
 Bastrop County

Mayor James Bertram
 City of Lockhart

Commissioner Ron Morrison
 Williamson County

Mayor Mike Hendricks
 City of Luling

Mayor Marc Holm
 City of Elgin

Mayor Susan Narvaiz
 City of San Marcos

Mayor Terry Orr
 City of Bastrop

Judge H. T. Wright
 Caldwell County

CAC Members or designated representatives in attendance: Judge Samuel Biscoe (Travis County), Mayor Alan McGraw (City of Round Rock), Council Member Chris Riley (City of Austin), Council Member Patty Eason (City of Georgetown), Commissioner William Pina (Bastrop County), Mayor Marc Holm (City of Elgin), Commissioner Karen Ford (Hays County), John Dean (City of Round Rock), Commissioner Ron Morrison (Williamson County), Mayor James Bertram (City of Lockhart), Pharr Andrews (Austin Energy), Matt Russell (Austin Energy), Adele Noel (Travis County), Shana Norton (CAMPO), Tammy Thompson (UT), Colin Barth (TCEQ), Deanna Altenhoff (CAF), Cathy Stephens (CAMPO), Peter Bella (AACOG), Betty Voights (CAPCOG), Bill Gill (CAPCOG), Faith Melgaard (CAPCOG), Kristin Parsons (CAPCOG)

I. Welcome new members

II. Public Comment

(3 minute limit per speaker)

Scott Johnson (public citizen) stated that he felt that the Austin area is not doing enough to address emissions from nonroad sources, mainly construction equipment. He stated that the Austin area is under-represented in regional applications for Texas Emission Reduction Program (TERP) funds. He stated that commercial landscaping issues (equipment being used) also need to be addressed. Scott also emphasized the importance of combining the concepts of land use and transportation planning in the region's efforts to clean the air.

III. Discussion of EPA Proposed Revision to Ground-level Ozone Standards

Bill Gill and Cathy Stephens
 (25 min)

Action Item: *Judge Biscoe suggested the previous comments submitted to EPA be circulated amongst the CAC members to give the jurisdictions an opportunity to submit additional comments in draft form. CACAC to send out reminder of the deadline to jurisdictions to submit suggestions for comment letter to the EPA in the next few weeks. Look to National Association of Counties and Texas Association of Regional Councils and other organizations for comments to possibly adopt.*

Mayor Alan McGraw asked if Round Rock will need to have a regulatory monitor in order to determine whether Williamson County will be included in designation, based on the proposed monitoring revision stating that "urban areas with populations between 50,000 and 350,000 people operate at least one ozone monitor." Bill Gill stated that all of the counties within the metropolitan statistical area (MSA) are considered in the same urban area, so no additional regulatory monitor is required for Williamson County.

James Bertram asked if it had already been decided that all 5 counties within the MSA have to

be included in designation. Bill Gill stated that it has not already been decided by the EPA which counties to include. The State will submit recommendations on which counties to include to EPA by January 2011 and EPA will consider these and make their proposal by April 2011. Following that proposal, comments can be made to EPA regarding which counties should be included in the designation.

Cathy Stephens stated that we would like to submit comments on behalf of the CAC by EPA's response deadline of March 22. The CAC previously submitted comments in response to the proposed 2008 standard and Cathy suggests "recycling" those previous comments and adding anything additional and submitting it to the EPA. She reviewed the major points of the previous comments which are included in the handout.

Cathy suggested some additional comments in regards to the secondary standard:

- *The use of urban area monitors are being used to determine compliance of what is essentially a rural issue (crops, ecosystems, etc.)*
- *The secondary standard is supposed to address public welfare effects (Cathy read the US code definition of public welfare); however, in the current proposal, the EPA is only addressing vegetation, crops and ecosystems, and have not addressed any additional categories listed in the definition of public welfare).*
- *Calibration requirements of the ozone monitors; as the standard lowers, the precision of the calibration becomes more critical in determining compliance.*

Judge Biscoe and Mayor McGraw suggested a phase-in approach for the implementation of the lower standard. Both McGraw and Biscoe mentioned being opposed to using old data or having the standard apply retroactively, preferring that the standard be set and then you collect compliance data, rather than setting the standard and using previous years' data. Using previous years' data punishes jurisdictions. McGraw likened it to lowering the speed limit to 60 and then giving someone a ticket because they drove 70 on the road 3 years ago. Both McGraw and Biscoe thought that the retroactive approach might be illegal and thought that lawyers should be consulted. Mayor Holm suggested that attainment schedules should be timed to correlate with significant emission reductions accruing from federal measures on mobile sources.

It was agreed that the comments should mention that the CAC is all for reducing ozone to protect public health and we should highlight all the region has done voluntarily to improve air quality, mentioning specific measures. Also, it should be noted that all the positive things we have done to reduce emissions locally can be negated by emissions transported in from other areas (and we can't solve our problem until the transport issues are solved). A comment regarding emissions from outside the country was suggested as well. It was stated that we should recognize that high background and transported emissions are beyond local control and it is up to EPA and TCEQ to ensure those sources of emissions are dealt with.

Commissioner Ford recommended that we get commuter rail data as well as other future data to show the transportation related air quality improvements that are already in the works.

It was stated that the secondary standard should use the full two years for implementation and not be implemented on the same timeline as the primary standard.

IV.2009 Ozone Season and "Big Push" Update

Faith Melgaard (5 min)

Dr. Tammy Thompson (20 min)

Presentations given by Faith and Tammy can be found on CAC webpage

(<http://www.capcog.org/divisions/regional-planning/clean-air-coalition>).

V. 8-Hour O3 Flex Plan Update

Bill Gill and Cathy Stephens (15 min)

1. EPA Response to Annual Reporting and Discussion of Timing for Annual Report
Because the region met the 2008 ozone standard, we can reduce the reporting period to annual (next one due in June 2010).
2. Responses to Letters of Invitation to Join the Coalition
In response to the letters of invitation, the Cities of Sunset Valley, Georgetown, and Taylor have opted to be new members.

VI. Discussion of Vehicle Inspection Sticker Fraud and Idling Enforcement

Adele Noel (5 min)

Adele Noel with Travis County gave a summary of the database that NCTCOG has available for identifying fraudulently issued inspection stickers. The database is available to any area that would like to use it. For more information, email Richard McComb at the following address:

Email contact for NED, Richard McComb, 817-608-2340, rmccomb@nctcog.org

VII. Review of Ozone Monitoring Data and Issues with Equipment Accuracy

Bill Gill (10 min)

Action Item: Consider sending a letter to TCEQ requesting equipment be checked and adjusted as necessary to improve accuracy. CAC motion to send letter to the TCEQ passed unanimously.

VIII. Presentation and Comment on CAPCOG's TCEQ Air Quality Grant Work Plan Activities for FY 2010/11

Faith Melgaard (5 min)

CAPCOG staff is working with the TCEQ to negotiate a contract for air quality planning work for the next two years. CAPCOG is proposing to continue the work that has been conducted over the years including monitoring, modeling and emissions inventory. Once the final draft of the work plan associated with this contract is available, staff will send it to the CAC for review. If you have suggestions for work that you would like to see included in the work plan, contact Bill Gill at bgill@capcog.org

IX. Other Business and Next Meeting Date

(5 min)

Next CAC meeting to take place on February 10, 2010 after next CAPCOG Executive Committee meeting (limit to 2 hours meeting time). The only item on the agenda will be the comments to EPA on the proposed ozone standard.