



**Capital Area Council of Governments**

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**MARKED AGENDA**

**CLEAN AIR COALITION MEETING**

**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

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

March 10, 2010 - 12:00 p.m.

*Attendees: Judge Samuel T. Biscoe (Travis County); Mayor James Bertram (City of Lockhart); Commissioner Karen Ford (Hays County); Commissioner Ron Morrison (Williamson County);(Mayor Marc Holm (City of Elgin); Mayor Alan McGraw (City of Round Rock); Council Member Chris Riley (City of Austin); Commissioner William Pina (Bastrop County); Sarah Holland (CAF); Scott Johnson (Citizen); Ed Polasek (City of Georgetown); Matt Russell (Austin Energy); Cathy Stephens (CAMPO); Shana Norton (CAMPO); Betty Voights (CAPCOG); Bill Gill (CAPCOG); Faith Melgaard (CAPCOG); Kristin Parsons (CAPCOG); Adele Noel (Travis County); Jon White (Travis County); Gary Boyd (Williamson County); Sheila Jennings (CAPCOG); Council Member Patty Eason (City of Georgetown)*

**I. Welcome new members**

*Judge Biscoe called the meeting to order and recognized Georgetown as the newest member of the Clean Air Coalition.*

**II. Public Comment**

(3 minute limit per speaker)

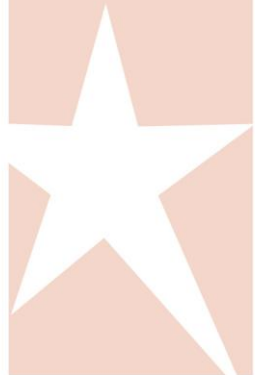
*Scott Johnson citizen advocate for air quality made the following comments:*

*I created a program in 1996 – 1997 for buying new mowers electric, cordless. I passed out brochures for the program to those in attendance. Landscaping emissions are a large source of VOC emissions, a very small source of NOx emissions, but to keep pace with growth this program is important. Brochure talks about how you can reduce emission from riding. Anyone in attendance is welcome to use the brochure for their own purposes. We need to look at programs that we have implemented in the past and see if they are operating properly. One program that has not been implemented well is the heavy duty vehicle idling rule. Round Rock initially issued six citations for violating the rule, but this may be more than we have done since this that time. Keep in mind the importance of doing better with what we are already doing and at implementing new measures with cities and counties.*

*Mayor McGraw asked Scott Johnson how long a battery lawn mower last between charges. Scott said 60-75 minutes between charges with normal grass. The battery would need to be replaced about every two years, but the cost of the battery would be less than keeping a gas lawn mower properly maintained.*

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

Bill Gill and Cathy Stephens (40 min)



- *Discussion of comments to be submitted by individual coalition members*

**Bastrop County:** *Commissioner Pina stated that Bastrop submitted a letter yesterday and recommends that the EPA keep the standards at 75 ppb and to consider background ozone and continue modeling.*

**Williamson County:** *Gary Boyd stated that they hired Oris Solutions to help them draft comments. Relied on statements made in EPA documents that there is no bright line for setting the standard below 80 ppb. Therefore, Williamson County recommends that EPA not lower the standard past 75 ppb. Will be taking final comments to the court this coming Tuesday.*

**Hays County: (Draft, yet to be approved by Commissioners Court)** *Commissioner Karen Ford stated that Hays County went over comments yesterday at Commissioner Court. Hays County recommends that the standard be set at 70 ppb. Their comments discussed implementation and transport issues. They said that as far as MSA designation, if they adopt a standard Hays cannot comply with they would ask that the EPA designate based on population.*

**Travis County:** *Adele Noel and John White with Travis County worked on Travis Counties comments. Judge Biscoe stated that the Commission took a final vote and passed the comments at yesterday's Commissioners' Court. Adele Noel stated that Travis County recommends that the EPA set the standard no lower than 70 ppb. And should consider transport and pursue vehicle emissions and fuel efficiency standards and to change the way the primary standard is calculated. The fourth highest 8-hour ozone value and or the 7<sup>th</sup> highest 8-hour value during the ozone season since we are so impacted by transport. Recommend that the entire MSA be designated based on other counties impact on Travis County. Judge Biscoe said that 60 is so much lower than 75 so we thought it should be set at 70 so that the added advantage is that it would provide incentive to continue working towards a standard that is achievable.*

*Mayor Bertram asked why Travis County would recommend that Bastrop and Caldwell be designated nonattainment even though Caldwell county does not have a population high enough to have a monitor. Mayor Bertram stated that the City of Lockhart will be sending comments to EPA that will be on the council agenda next week. They will be recommended that the standard remain at 75 ppb.*

*Judge Biscoe said that Travis County did not single out Caldwell and Bastrop. Travis County recommended that at a minimum Travis, Williamson and Hays Counties are designated nonattainment.*

*Jon White commented that the recommendation of Travis County reflects the fact that historically the EPA has designated based on the MSA.*

- *Review and discuss comment options*

*Action Item: Consider sending comments to EPA or other appropriate action*

*Commissioner Morrison said that he is concerned that recommending 70 ppb to EPA might send the message that the area can meet an even lower standard.*

*Mayor McGraw stated that there is not enough information about implementation at this time to recommend a standard. There are too many unknowns.*

*Judge Biscoe stated that the Coalition should only comment on areas of agreement and if there is not agreement there should not be comments.*

*Mayor Holm asked Cathy and Bill to address what federal standards are in place on the manufacturing industry or automobiles that will help with anticipated growth.*

*Cathy Stephens said that vehicle emissions standards for light duty vehicles went into place in 2004 and for heavy duty in 2007. It takes about 20-25 years to turn the national fleet over or even regional fleet. Based on CAMPO modeling, emissions are trending downward all the way out to 2025, but after this they start to go up again without taking into account the CAFE standards that were just adopted by the Obama Administration.*

*Bill stated that if you look at the emission inventory there is not a lot of manufacturing in the area, the large source is vehicles. The heavy duty vehicle standards that went into place this year will have a huge impact on this source. When you talk about intrastate source the EPA will tell you that controlling these sources is up to the TCEQ. For interstate emission the EPA passed CAIR, which reduced emission from power plant and cement kilns. CAIR has been sent back to EPA by the courts for review and EPA should consider any new ozone standards with any changes to CAIR.*

*Judge Biscoe stated that the EPA's stance is that the emissions from outside the country can be considered, but as far as emission in the country the EPA is considering this an American problem that needs to be fixed.*

*Judge Biscoe recommended that the Coalition find points of agreement to put into comments. The two areas of disagreement are the level of the standard, and the area to be designated. The areas of agreement might be that transported emissions should be considered.*

*Commissioner Ford asked if we were given credit for the emissions that are transported into the area would be meet the standard?*

*Bill stated that there is currently no effort or methodology to identify transported emissions in this way.*

*Mayor McGraw noted that there seems to be only two paragraphs in the draft comments of possible disagreement. The two paragraphs at the top of page two concerning the level of the standard.*

*Both Judge Biscoe and Mayor McGraw recommended that a statement be added that reflects the Coalitions agreement to reaffirm proactive support of measures to reduce emissions.*

*Each entity, city or county, is free to submit comments from each area. Mayor Bertram asked that a statement be made that each area reserves the right to submit their own comments. Judge Biscoe said that this statement should be made in a cover letter along with a statement about what the Coalition is.*

*Mayor Bertram made a motion that the comments be approved with the top two paragraphs on page 2 deleted and not make any comments that address the level of the standard or the area to be designated. Commissioner Pina seconded the motion. The motion passed unanimously.*

#### **IV. Consider additional membership for CAC** Cathy Stephens (10 min)

- *Recruitment of new members*

*Letters were sent to all cities in the MSA with a population greater than 10,000. New members who joined were Taylor, Georgetown and Sunset Valley.*

*Cathy asked for the assistance of elected officials on the Coalition to follow up with the other areas that have yet to respond to the invitation. Judge Biscoe agreed that this was a good idea and recommended that staff remind members by contacting them within the next 30 day with the letter and request for assistance.*

*Mayor Bertram recommended that there be reminders sent to jurisdiction who have committed to participating in the Coalition so there is someone that is aware that they should carry on attendance when new local elected officials take office.*

- *Procedure for joining CAC and obligations of members*

#### **V. Other Business and**

- *Discussion of previous legal proceedings concerning Oak Grove power plant* Travis County Staff (10 min)

*Judge Biscoe stated that Travis County put up \$10,000 and \$15,000 was obtained from elsewhere for a lawsuit. It appears that the lawsuit was lost. Judge Biscoe stated this was the Coalition's participation in the lawsuit against one of the coal plants that was projected to pollute our area and that based on the facts presented by the lawyer that was hired it would not be wise to continue with the case.*

*With no objection Judge Biscoe stated that Travis County would notify the lawyer not to proceed any further. No objections were voiced.*

*Commissioner Ford recommended that a letter be drafted to go to the Senate Natural Resources Committee and to the House Environmental Regulations Committee concerning Oak Grove and the work that was undertaken against the plant. Judge Biscoe said if we think it would help this should be done and that a draft should be ready for review at the next Coalition meeting.*

*Jon White stated that there is still some opportunity to keep "poking this with a stick." The EPA recently notified the TCEQ that they were considering revoking some of their authority under the Clean Air Act with respect to Public Participation, Best Available Control Technology and specifically with relation to Public Notice, and consideration of alternative fuels with PSD permits. Recently the EPA has disallowed some Title V permits up in Arkansas where the state environmental agency did not consider alternative fuels. So there is EPA guidelines specifically state that on a case by case basis they can look beyond the 50 km radius that is typically reviewed.*

- *Next Meeting Date*

*The next meeting will be held in June for approval of the 8-Hour O3 Flex Annual report.*

*Judge Biscoe made a motion to adjourn and all were in favor.*