

**Clean Air Coalition Advisory Committee
Monthly Meeting
Thursday, April 8, 2010 from 1:30 – 3:00 pm
CAPCOG Offices
6800 Burleson Road, Building 310, Suite 165
Austin, Texas
Conference Call***

MARKED AGENDA

Attendees: Cathy Stephens, Andrew Hoekzema, Adele Noel, Tom Weber, Deanna Altenhoff, Pharr Andrews, Sarah Holland, Natalie Hossain, Bill Gill, Faith Melgaard, Kurt Johnson

1. Welcome, Introductions and Citizen Comments

Mr. Kurt Johnson with the Williamson County Public Policy Coalition attended the meeting at the CAPCOG office and requested to comment. Mr. Johnson stated that he came to the meeting to participate in discussion about HDV idling rule.

Mr. Johnson wrote a memorandum to the Williamson County Commissioners court concerning their statements to EPA and comment letter to EPA on the proposed ozone standard revisions. Mr. Johnson stated that the issue addressed in the memo is that there has been some level of misrepresentation on the part of Williamson County on what they are doing concerning HDV idling enforcement. The details of Mr. Johnson's concerns can be found in the memo posted at the following link: <http://www.wilcocoalition.com>

2. EPA Update

Carrie Paige was not able to join the call, but Cathy received some updates via email. Cathy had questions for Carrie concerning item 4 and 6 on this agenda. Carrie recommended that CACAC contact Region 6 permitting people to get more insight on item 4 and that she had not heard of the potential opportunity for an ozone flex program.

Andrew Hoekzema with TCEQ said he does not know the total effects of item 4, but that there has been permitting rule changes proposed recently and likely more to come.

Tom Weber asked is someone from TCEQ could join us at the next CACAC meeting to give an update on the issues related to item 4. Andrew stated with he would request that a TCEQ representative that could provide more information on item 4 join the next CACAC meeting. Cathy will work with EPA on getting more updates as well.

Discussion took place about the requirements outlined in the EPA presentation concerning the proposed rule and implementation. Speculation was made that EPA is likely to set the standards at 65 or 70, but are not likely to set it at 60. It appears that they may use a new classification scheme that could result in a higher nonattainment classification for us than we had previously supposed. This would mean a longer time to attain the standard, but also more requirements.

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The ozone implementation rule from EPA should be available later this month.

3. TCEQ Update

Andrew stated that he had received clarification concerning the way that EPA determines what area they might designate nonattainment. If the EPA chooses to designate the consolidated metropolitan statistical area (CMSA) the designation would include Burnet County. TCEQ is working on a document to be sent to CAPCOG that contains potential control measures that might be considered for the area.

Bill asked if TCEQ would be open to a meeting with local areas after the implementation rule it comes out to discuss the implication of the rule on each area to help focus comments to EPA. Andrew said he would pass the idea of a meeting along to TCEQ staff to determine if it would be a possibility.

4. Effects of EPA's disapproval of part of TCEQ's permitting program

See discussion under item 2.

5. Annual 8-Hour Ozone Flex Program Report

EPA approved moving from semi-annual to annual reporting for the 8-hour O₃ Flex plan. May 2009 to April 2010 will be the period that the next report covers. The report is due June 30th. Reporting forms will be sent out to participating jurisdictions by April 19th and will be due back by May 20th. The report will also include information on the I/M program, remote sensing, and other continuing EAC commitments. A presentation of the report will be given during the May CLEAN AIR Force Technical Advisory meeting on May 27th and at the CAC meeting on June 9, 2010.

6. Comments on EPA's Proposed Revisions to the Ozone Standard

- **EPA's response to Bastrop County (possible new Ozone Flex Program)**

EPA'S response to Bastrop comments on the revisions to the ozone standards states that a Flex program may also be offered for the new standards. A copy of EPA response letter can be found here:

<http://www.capcog.org/documents/airquality/cacac/april2010/2010-04-05%20EPA%20response%20to%20Bastrop%20County's%20Comments%20on%20Revisions%20to%20Ozone%20Standard.pdf>

7. It's Ozone Season!

- **Heavy Duty Vehicle Idling Limits Enforcement**

Enforcement has started for the heavy duty vehicle idling rule.

Kurt Johnson mentioned that in the City of Jarrell along IH35 there is a Flying J truck stop that the idling rule should be enforced at. Mr. Johnson said that Jarrell does not have an agreement with TCEQ to enforce the rule, but has an enforcement agreement with Williamson County. Kurt asked if Jarrell can enforce the idling rule or if the County can enforce the rule based on their agreement with Jarrell. Andrew

Hoekzema with TCEQ asked that a list of specific questions be sent to him concerning the idling rule so that he can have their legal department review them. Mr. Johnson stated that he will add a link to the Jarrell interlocal agreement with Williamson County at the following link: <http://www.wilcoalition.com>

Mr. Johnson also asked if the training requirement that Williamson County has in their implementation rule is required for each area. Faith Melgaard with CAPCOG stated that implementation rules vary for each area and are specific to each areas enforcement plans. Adele Noel stated that Travis County does not have a training requirement in their implementation rule.

TCEQ is in process of rule making to amend the idling rule with the following changes:

- *Add an exemption for armored car;*
- *Extend to rule to the entire year as opposed to just during the ozone season; and*
- *Remove Sept expiration for sleeper berth exemption.*

Mr. Johnson stated that he sent open records request to ask Williamson County about the idling rule and why they have not implemented it. He stated that Williamson County's response was that there are no time limits to enforcing the rule in their agreement with TCEQ. Mr. Johnson stated that the issue in Williamson County with trucks idling on the side of the highway that it is outside of the corporate limits.

Mr. Johnson also stated that the other issue of concern is the comments from Williamson County was the outside air emissions from larger sources and he is concerned that not enough has been done to stop sources like coal fired power plants.

Bill Gill stated that the Clean Air Coalition has done a lot in the past on this issue including letters from the coalition chair concerning proposed plants.

- **CAF Ozone Season Kick-off**

Deanna Altenhoff stated that the CLEAN AIR Force had their ozone season kick-off on April 1st. Mayor Leffingwell, Steve Conti and Tim Mohen of AMD all gave presentation concerning the importance of reducing ozone emissions.

8. Vehicle Emissions Testing Fraud Update

Adele Noel stated that the idling enforcement program will go to the Travis County Commissioners' Court on April the 20th for the Sheriff and the Constables to enforce the vehicle emissions fraud stickers. Constables have found that the majority of the fraud stickers are coming from used car lots. The majority of the counterfeit and fake stickers are being found in north and east Austin. Adele stated that the citation would go to the person who owns the vehicle and not the dealer.

9. Meeting with EPA Region 10

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Bill and Cathy met with an EPA region 10 representative about the voluntary air planning done in the region. Bill stated that he thought it was good that programs as far away as region 10 had heard about our voluntary programs in our area.

10. Commute Solutions Coalition meeting

A workshop was held about the future of the Coalition this week and Cathy will be following up with a summary on next steps. The next Commute Solutions Coalition meeting is scheduled for Friday the 16th to avoid conflict with the CLEAN AIR Force's TX Lehigh plant tour.

11. Other Business

- **Other meetings/webinars of interest**

EERE – Department of Energy group has webinars once or twice a month on issues of interest in renewable energy. CAPCOG may try to find a place to put future webinars up on the Web site.

*You may join the meeting via conference call by dialing 512.974.9300 and pressing 123568 at the prompt.

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