

**Clean Air Coalition Advisory Committee
Monthly Meeting
Thursday, May 13, 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, Shana Norton, Bill Gill, Faith Melgaard, Natalie Hossain, Ed Polasek, Andrew Hoekzema, Holly Brightwell, Jessica Woods, Adele Noel, Sheena Thiruselvan, Pharr Andrews, Carrie Paige

1. Welcome, Introductions and Citizen Comments

2. EPA Update

- **Possible EPA webinar for near-nonattainment areas, will discuss local initiatives to improve air quality**

3. TCEQ Update

Andrew stated that SIP revisions for Dallas area were proposed because the area did not attain 1997 ozone standard by the deadline. The proposal for Dallas would be to reclassify them as Serious. Dallas' design value is at 87 and needed to be 84. EPA has stated that once the new ozone standard is in place they will not be allowing reclassifications for the previous standards.

In response to the citizen in Williamson County who attended the last CACAC meeting with questions on the idling rule: Andrew with TCEQ consulted with legal staff at TCEQ on the idling questions. TCEQ cannot provide legal guidance on local legal issues between jurisdictions.

The TCEQ idling rule is currently open for comments. Informal comments are due tomorrow. More information about the idling rule and rule making can be found here:

<http://www.tceq.state.tx.us/implementation/air/sip/vehicleidling.html>

4. Update on EPA's Proposed Ozone Standards

- **Region's design value is now 71 ppb, nonattainment under proposed standard**
As of May 6th the design value is 71 ppb so the Austin area is now in potential nonattainment status for proposed standard. Preliminary monitoring shows that the Austin area would be in nonattainment at the upper end of the proposed ozone standard.

The new standard that comes out in August will wipe out the 2008 standard of 75 ppb. It has been speculated that if the standard is not finalized by one year from the date the 2008 standard was put on hold (March 2010), the EPA will have to designate areas under the 75 ppb standard if they go beyond this timeline. Carrie with EPA said that she does not see designations happening under the 75 ppb standard even if the one year hold is exceeded. The 2008 standard was challenged and the resolution to that was the reconsideration. Carrie said it is not likely that we would see designations under the 75 ppb standard, but at this point that is just a speculation. Carrie said that it looks like an implementation rule for the 2010 standard will not be proposed until the end of August so that it is proposed when the

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standard is finalized. And, it will likely be early 2011 for final implementation rule, most likely March 2011. There will be a 30 day comment period for the implementation rule. Reviewing and responding to comments usually takes around 4 months. Carrie said that the options for classification/classification scenarios are currently still in the draft implementation rule. Carrie stated that EPA will be taking comments in implementation rule on which baseline year should be used. The baseline is the starting point for Reasonable Further Progress. At this point the baseline year might be 2008 or 2011.

Bill asked Carrie in nonattainment NSR starts the day the area is designated nonattainment? Carrie and Andrew both said that they think that it starts as soon as an area is designated nonattainment. Carrie will follow up with a definite answer to this question from the EPA permitting folks.

On June 2nd and 16th 2-3:30 p.m. EPA will be conducting Webinars for areas that have not previously been designated nonattainment to provide information on the designation process. Presentation will include information on what has been done in the Austin Area under the EAC and 8-O3 Flex. EPA may offer an option for 8-O3 Flex type programs under the new standard and might support amending the current 8-O3 Flex to cover the revised standard.

Cathy asked Andrew with TCEQ if they would also support amending the 8-Hour O3 Flex for the revised standard. Andrew said that he would check with management about this question and get back with the group.

- **Design value will determine nonattainment classification, marginal or moderate**
- **EPA's proposed Implementation Rule expected June or July –**
 - **Will contain 3 or 4 classification options**
 - **Opportunity for comment**

5. Informal comments to TCEQ on revisions to Heavy Vehicle Idling Restrictions

Details of draft comments prepared for discussion by the CACAC can be found here:

<http://www.capcog.org/documents/airquality/cacac/may2010/HDV%20Idling%20Rule%20Changes%20Comment.pdf>

Bill read the comments to the group. No one participating in the meeting expressed concerns about CACAC submitting the informal comments to TCEQ. The comments will be submitted by tomorrow's deadline. There will also be an opportunity to submit formal comments in the near future. Comments should be sent to ncastillo@tceq.state.tx.us.

6. Annual 8-Hour Ozone Flex Program Report due May 20th

- **Jurisdictions and Participating Agencies**
- **Programs – CAF, ACPP, Commute Solutions**
- **Transportation Emission Reduction Measures (TERMs)**

Please submit report forms and updates by May 20th so that they can be included with the annual report to TCEQ and EPA. Please submit your forms and updates to fmelgaard@capcog.org.

Also, make sure to include information about any idling enforcement activity during the 2009 ozone season.

7. Clean Air Coalition meeting 6/9 at CAPCOG from 12:00 to 1:30 – Agenda

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- **Update on proposed ozone standard and possible nonattainment designation**
- **Consider approval of 8-hour Ozone Flex Program Annual Report**
- **8-Hour Ozone Flex Program maintenance for growth measures**
- **Follow-up regarding potential new members**
- **Consider recognition of the Texas Lehigh Cement Company**
- **Other?**

There is a potential need to reinvigorate the more formal nature of CACAC and possibly update bylaws and request CAC opinion. Cathy recommended that an item be added to the June CAC agenda to discuss the bylaws.

Andrew with TCEQ recommended that the CACAC look at using the TCEQ's standards for forming stakeholder groups and consider membership changes that would qualify the group as a more formal stakeholder group. Andrew said that he will ask his management about sending TCEQ stakeholder guidance to CACAC for review.

Andrew asked Carrie with EPA if the EPA is still considering using the CSMA as the nonattainment boundary. Carrie said that the CSMA could be a starting point but would not be the "end all be all" for designation. Other factors outside of CMSA will come into play.

Andrew suggested that the CACAC consider the potential need for extending the boundaries for CACAC participation beyond the MSA. Cathy suggested that this issue be brought to the CAC and addressed when looking at the bylaws for both the CAC and CACAC.

Cathy asked what boundary designation guidance EPA will be using for making designation. Carrie stated that the memo on the nine factors issued in 2008 would still be used for designation.

8. Vehicle Emissions Testing Sticker Fraud Enforcement Update

On Tuesday and Wednesday May 25th and 26th Travis County will be offering training on sticker fraud enforcement for 45 constables and 10 sheriff's deputies on how to use NEDS (the database that license plates can be entered in to determine fraud).

Travis County is also working with the Austin Police Department for training police. Ed Polasek said he will notify the police chief in Georgetown of the training.

9. Other Business

Discussion took place concerning the recently release EPA greenhouse gas tailoring rule.

Following the meeting Carrie sent the following link for information on this proposal:

<http://epa.gov/nsr/actions.html#may10>

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

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