

REGIONAL AIR QUALITY PLANNING COMMITTEE

MEETING SUMMARY

Thursday, October 30, 2008
H-GAC Conference Room A
3555 Timmons Lane, 2nd Floor
Houston, Texas 77027

MEMBERS PRESENT:

Charles Airiohuodion (Alternate), Jed Anderson, Craig Beskid, Rhonda Boyer (Phone), Dan Hoyt, Matthew Kuryla, Robert Lanham, Paul Newman (Alternate), Snehal Patel, Karl Pepple, Matthew Tejada, G. Michael White, Beth Whitehead, Paulette Wolfson, and Julie Woodard

STAFF PRESENT:

Kelli Angelone (H-GAC), Lola Brown (TCEQ), Connie Chao (H-GAC), Andrew DeCandis (H-GAC), Graciela Lubertino (H-GAC), Crystal Spencer (H-GAC), Diana Sullivan (TCEQ), Shelley Whitworth (H-GAC), and Carl Young (EPA)

MEMBERS NOT PRESENT:

Dana Blume, Elena Craft, Catarina Cron, Sarah Dreiling, Dee Ann Haney, Larry Mann, Mark McClelland, Adam Smith, Jeff Suggs, and Mary Ellen Whitworth

CALL TO ORDER:

Mr. G. Michael White called the meeting to order and all members were welcomed for attending. Since the conditions for quorum were not initially met, this was postponed until later in the meeting.

AGENCY REPORTS:

TCEQ UPDATE – Lola Brown, TCEQ

Ms. Lola Brown began her update with reporting that effective tomorrow, the HGB ozone non-attainment area will be classified as severe nonattainment for the 1997 National Ambient Air Quality Standard for ozone with an attainment date no later than June 15, 2019 or as soon as practicable. The technical work is continuing on the SIP revision which must be submitted to EPA by 2010. TCEQ will be having a stakeholder meeting Monday, November 03, 2008 from 1:30pm to 3:30pm at H-GAC to discuss the initial 2018 modeling results. The meeting will include updates on the development status of the next SIP revision, a report from H-GAC regarding the local meetings, and will discuss potential control strategies. The TCEQ executive recommendation regarding the new 2008 8-hour ozone standard will be available on the website by close of business November 21, 2008 and will be presented on the commissioner's agenda on December 10, 2008. Ms. Brown concluded her update with announcing that as of October 01, 2008, Kim Herndon is the new SIP team leader with her team.

EPA UPDATE – Carl Young, EPA

Mr. Carl Young began his update with a quick cover of 1.) Revised Ambient Standard for Lead – October 15, 2008 EPA revised the Ambient Standard for lead from 1.5 to 0.15 (micro gram per cubic meter). The standard is a rolling 3 month average over a 3 year period; previously EPA looked at quarterly average. In conjunction with revising the standard for lead, EPA is improving the existing lead monitoring that works and is requiring monitors being placed in areas with sources such as industrial and urban areas with more than 500,000 people. For more information including fact sheets, please visit www.epa.gov/air/lead/. 2.) Update on EPA's Clean Air Interstate Rule – The Clean Air Interstate Rule was EPA's strategy to reduce interstate transporting emission contributing to the non-attainment of PM2.5 and ozone standards in the eastern United States including Texas. EPA received an adverse court ruling on an optional setup of 3 interstate trading and the court ask for new round of legal briefing from the litigants; outcome is pending. 3.) Houston Classification – The Houston nonattainment areas will be classified as a severe area and the report was published in the October 01, 2008 Federal Register. The reclassification request by Governor Perry was submitted in 2007 for the 1997 8-hour ozone standard of 85 ppb. EPA's action for reclassifying the area established an area attainment date no later than June 15, 2019. EPA's

Federal Register Notice that was published October 01, 2008 includes many comments received on the reclassification issues.

PRESENTATION:

AN OVERVIEW OF THE BY-PRODUCT SYNERGY PROCESS – *Andrew Mangan, U. S. Business Council for Sustainable Development*

(Please refer to handout.) Mr. Andrew Mangan delivered his presentation “An Overview of the By-Product Synergy Process”. Mr. Mangan spoke on information such as: 1.) Markets 2.) WBCSD Regional Network 3.) CO2 Emissions – 450 Stabilization Case Achievable or Science Fiction? 4.) Markets – Energy Efficiency 5.) By-Product Synergy – What is it? 6.) Projects are Regional or Local and can be linked or scaled nationally. 7.) The By-Product Synergy Process 8.) Chicago Waste to Profit Network 9.) Steel & Cement Synergy 10.) 40 Dow Business Lines from Six Plants 11.) Estimated Value to Dow from Gulf Coast Phase I 12.) Economic Benefit Achieved Through 13.) The Keys to Unlocking Synergies 14.) Metrics 15.) Path Forward 16.) www.usbcسد.org. The presentation included several charts, maps and studies.

THE EPA PERSPECTIVE ON THE BY-PRODUCT SYNERGY PROCESS – *Lisa Price, EPA*

(Please refer to handout.) Ms. Lisa Price delivered her presentation “The EPA Perspective on the By-Product Synergy Process”. Ms. Price spoke on information such as: 1.) Waste Management Perspective 2.) Main Points 3.) Waste Generation 4.) MSW Production 245 Million Tons 5.) Waste Generation Rates 1960-2003 6.) What is Integrated Materials Management? 7.) Safe Management: Cradle to Grave 8.) Current MSW Management Practices in the U.S. 9.) Factors that Influence the Balance 10.) EPA’s Waste Management Policy 11.) Why the Change? 12.) More Factors Influencing Policy 13.) Why Should we Look at MSW as an Energy Source? 14.) Current Environmental Benefits 15.) Emission Comparisons – CO2 16.) Emission Comparisons – SOx 17.) Emission comparisons – NOx 18.) Conclusions. The presentation included several charts, reports and studies.

ACTION ITEMS:

APPROVE G. MICHAEL WHITE AS TEMPORARY RAQPC CHAIR FOR THE CURRENT MEETING
RAQPC members unanimously approved as the temporary RAQPC chair since neither the current Chair nor Vice-Chair were able to attend the current meeting.

APPROVE MEETING SUMMARY

July 31, 2008 meeting summaries were motioned, seconded, and approved.

HOLD ELECTIONS FOR RAQPC OFFICERS – *Andrew DeCandis*

Elections for the RAQPC Officers Executive Committee was moved, seconded and all were in favor to elect the following candidates.

Chair – Mathew Tejada (Citizens/Environmental)

Vice Chair – Paulette Wolfson (Local Government)

Immediate Past Chair – Dana Blume (Business/Industry)

Beth Whitehead (Business/Industry)

Elena Craft (Citizens/Environmental)

Snehal Patel (Local Government)

APPROVE RAQPC POLICY SUBCOMMITTEE DRAFTED POSITION ON EPA ADVANCED NOTICE OF PUBLIC RULEMAKING FOR GREENHOUSE GASES – *Karl Pepple*

Mr. Karl Pepple began with announcing that there was a brief conference call regarding this action item yesterday and they encountered some technical difficulties, however were able to draft a draft proposal that needs some tinkering.

COMMENTS:

- We are working with a number of clients and trade groups on comments that oppose EPA regulations of greenhouse gases (GHGs) under the existing Federal Clean Act. There is a great sense that this a bad idea with recent federal regulated measures taking greater shapes such as the Dingell-Boucher Draft Climate

Change Bill that was floated earlier this month. It seems to us that this is a national issue, if not a global one, that is. Andrew Mangan slide made clear that to avoid 450ppm CO₂ in the atmosphere by 2050, we need large scale societal changes, nuclear, energy efficiency, Carbon Capture and Storage (CCS), or other technologies that are underway but not fully developed. The Dingell-Boucher proposal and other pieces of Federal Legislation aim massive incentive programs and those objectives to suggest to EPA that they apply existing Clean Air Act measures to CO₂. The average restaurant with small capacity ovens and fryers could become subject to major federal permit obligations. These are the kinds of unintended consequences that we are talking about when we apply some of the explicit federal legislative mandates on Clean Air Act pollutants to smaller sources. The idea that EPA regulates CO₂ through the Clean Air Act, in some fashion while we wait for Congress this seems like a bad idea. It's gathered that the letter is toned down a bit on the specifics; it doesn't say anything about Best Available Control Technologies (BACT). How much tinkering can we do? It's gathered that there are different people on different sides of this issue. It was suggested that individuals can file their complaints with EPA from both sides of the issue; and not necessarily have H-GAC call the winner or loser.

- It is agreed with the idea of using the current Clean Air Act to regulate greenhouse gasses. The situation was compared to how you would use a George Forman grill to make ice cream; the two just don't work out. This is not the best use of our time. There are some consensus issues we can move forward with. The first paragraph is generally liked; however, one thing that is very important is that we continually do not discuss the integration of air quality planning. Most of the attention over the last ten years has been about ozone issues. Potentially, we could talk about EPA and Congress needs to look at multi-pollutant planning from a systems point of view and figure out what is the most sufficient way and prioritizing so we can look at all the various air quality climate change concerns. I like the idea of moving forward and look at issues for our community.
- One of the things I don't like about the first paragraph is that it serves a fact "any" GHG measures will have collateral benefits. I'm not sure how we know that or how we get H-GAC to say that, "any" is an awful strong term; it was suggested to use the word "some".
- The point of this is being responsive towards this advance notice of rule making; your comments doesn't answer your concerns here with regards to the intent of this, maybe a different venue from where we are in the industry. I know we are a 4 square; I have my comments prepared and we are orchestrating comments nationwide to regulating greenhouse gasses under the framework of the Clean Air Act. This is a catastrophe waiting to happen. We have enough problems already operating and navigating the traps under the Clean Air Act, we're going to complicate it geometrically if move in this direction. This is a bad idea for a host of technical reasons; we would be faced to work in an interim bases under the Act for a decade before we would hold to see any the effects of a new rule. The way we dealt with other issues in the past did not create turmoil within RAQPC.
- It was questioned if there is something we can work on right "now" to start reductions or is there nothing else out there that we can start right now. Do we just build an inventory and then wait?
- It was suggested that we can do a lot of things on our own and that's what we should do. We are directing our comments back to EPA in terms of what we think they should do to help us out and there are some consensus issues. We can change some things in the first paragraph; we can develop saying something about looking at these things and addressing them the most sufficient way possible. Pushing forward with energy efficiency is probably something that all of us agree saves money, saves pollutants, and so forth. I think there are some very simple things that perhaps we can move forward with. It's fun to get something done in this group; its fun to come together with some of these things.
- A major concern would be that we send forward comments that say, "build a registry" and then wait for the situation to move forward at some point in the future. I think somewhere in this we need to say there is a urgent situation and we need to do something between step A and step C, we need a step B. Detail local measures and what EPA can do to support local and state measures, and let people know that this is

a serious issue. Between waiting for the ideal regulations to be formed and building a registry, we want to do some things.

- One thing that EPA is doing is streamlining and tightening the structure for underground injection of CO₂; these are the kind of things that need to be done to get to an end point. Subjecting restaurants and large commercial buildings to permitting and other traditional Clean Air Act tools is a bad idea. If we want to comment on the UIC Program and encourage EPA to sharpen the UIC Program so we can make underground injection a reality. If we want to comment on EPA's upcoming proposal with regarding guest registry, we should do it.
- In regards to ozone, we see at the monitor some good progress from the SIP tools; those are the goals these Clean Air Act structure that the ANPR is talking about. I think that this rulemaking docket is wrong to encourage EPA to step forward and take action on. People have very strong views on both sides of the issue regarding ANPR should lead EPA to take this step in subjecting to CO₂ restrictions.
- Question: Do you think there's any kind of consensus point that we all can agree upon that is beneficial for our community?
Answer: Yes, but I think it's on the UIC docket and I think it's on the upcoming registry docket and plenty of dockets with no regrets, good steps forward for EPA. Unless, we think that this group is going to stand up to the H-GAC Board, recommend the EPA not regulate the GHG under these under programs. I struggle with rather we can write a letter vague enough.
- One option that was discussed yesterday on the conference call was not so much the permitting idea but rather or not the performance standards could be crafted because they could be more targeted to certain industries. Certain operations might be an effective tool under the Clean Air Act in the interim because legislation will get passed and inventory will get collected, and it will be 5-10 years until we have implementing rules for the GHG regulations. This option was a general agreement on the conference call. If we say statements indicating that the Clean Air Act is not the best tool and there are some elements of the Clean Air Act for an example; the performance standards could also include units or the books might be address CO₂.
- It is difficult to close the Pandora's Box and avoid the permitting hammer when you propagate a MSPS. Anyone constructing or modifying a restaurant in a significant way.
- It is a concern that the statues will not let EPA do it that way; this is too rigid. It will have to be prescriptive even if they use discretion and didn't apply anyone could file litigation to force the action to whatever the level they want. This is the wrong direction to go.
- Question: Do we try to go down the Clean Air Act path or do we wait for the legislation?
Answer: I think the consensus would be if there was that in-between step. From the county-side, we are still working on what our position is going to be on this issue. The deadline to submit comments is too short to craft something meaningful.

At the end of this discussion, it was decided that no action would be taken on this matter.

THE STARS AT NIGHT, ARE BIG AND BRIGHT... SO TURN OFF THE LIGHTS TEXAS – *Jed Anderson*

Mr. Jed Anderson presented "The Stars at Night, are Big and Bright... so Turn off the Lights Texas" concept commercial for the committee's consideration. Mr. Anderson encouraged the committee to share the concept with your organization and friends to help lift this idea off the ground. No action taken – pending until next meeting.

INFORMATION ITEMS:

H-GAC DIRECTION – *Shelley Whitworth, H-GAC*

Ms. Shelley Whitworth began H-GAC's Direction by informing the committee that H-GAC is currently working on: 1.) H-GAC received the off-road mobile 2018 inventory last week and the Final Short List Control Strategies Catalog, Technical Report, and Supporting Materials are due on February 20, 2009. 2.) H-GAC will be having the Draft Short List Control Strategies Public Meeting on Monday, November 03, 2008. 3.) As soon as we get inventory qualifications on the short list, H-GAC will schedule stakeholder meetings. 4.) H-GAC will be moving forward with the Public Comment Period. 5.) The Draft Short List Control Strategies Catalogs and Technical Report are due December 05, 2008. 6.) The Short List will soon be submitted to TPC for final adoption in January 2009. 7.) The Short List of Control Strategies Recommendations will be submitted to H-GAC Board of Directors on February 17, 2009. 8.) A contract from TCEQ was received last week regarding a third party TERP – \$5 million to build for local governments. 9.) H-GAC Board approved 5 additional projects (Totaling 874.05 tons per year of NOx reduction and 164 contracts under this program.) 10.) H-GAC Board approved Gulf Coast Center Connect Transit. 11.) The 2008 Air Quality Initiatives Report is available. 12.) We are the largest vanpool in the nation. 13.) A TERP Workshop teaching Grant Proposals will be held at H-GAC on November 10, 2008.

POLICY SUBCOMMITTEE REPORT – *Karl Pepple, City of Houston*

No report given.

AIR QUALITY REPORT – *Diana Sullivan, TCEQ*

(Please refer to handout.) Ms. Diana Sullivan delivered the Houston Air Quality Report.

- For year 2008 to date, the Houston/Galveston non-attainment area has experienced 32 days with at least one monitor in exceedances of the one hour standard (>125ppb). These exceedances were monitored at the 26 monitoring stations that meet the EPA regulatory requirements.

The highest eight hour average concentration (106ppb) occurred on July 17, 2008 at the Northwest Harris County monitor.

The highest one hour average concentration (138ppb) occurred on October 25, 2008 at the City of Houston – Park Place (C416) monitoring site.

- The 2008 year-to-date California South Coast Air Basin Ozone Summaries are attached.
 1. 2007 8-hour >85ppb = 79 days
 2. 2008 8-hour >75ppb = 124 days
 3. 2008 1-hour >125ppb = 25 days
- Hurricane Ike Issues
Impacts of debris burning on air quality

PUBLIC COMMENT:

- No Public Comments announced.

ANNOUNCEMENTS:

- No Announcements.

NEW BUSINESS:

- The next RAQPC meeting is scheduled for Thursday, December 04, 2008 at 1:30 P.M.

ADJOURN

- If you have an item you wish to be added to the agenda for a future meeting, please e-mail Andrew DeCandis at andrew.decandis@h-gac.com.