

February 13, 2009

Mr. J. Marcus Hill
First Assistant
Harris County Attorney's Office
1019 Congress, 15th Floor
Houston, TX 77002-1700

Dear Mr. Hill:

Thank you for your comments regarding the Houston-Galveston-Brazoria 8-Hour Ozone State Implementation Plan (SIP) Control Measures Short List. The Texas Commission on Environmental Quality (TCEQ) and H-GAC continue to examine a wide range of voluntary control measures. Additionally, your letter commented specifically on sections of the report as well as specific control measures. Responses to each of these comments follow:

- *Qualitative Review of Master List, 1-3*: Thank you for your comment. The final version of the report will clarify and expand the description of PQSE and other SIP criteria.
- *Quantified Evaluation of Measures, 5-1*: The voluntary control measures which become part of the final SIP submittal to TCEQ can and will only be adopted by TCEQ in the event that an entity within the Houston-Galveston-Brazoria region is able to commit to create, implement, and enforce the control.
- *Bicycle and Pedestrian Action, Id. 1*: H-GAC understands that the conversion of roads to bicycle lanes is not possible or practicable in all cases. Nonetheless, retrofitting existing roads to accommodate bicycle lanes is a common practice and is only one of the options explored in this measure which H-GAC feels should be available to local governments to enact where appropriate.
- *Public Agency Clean Fleet Program, Id. 6*: H-GAC appreciates your comment and will edit the final report to account for your suggestion.
- *Electric Vehicles, Id. 7*: H-GAC recognizes the practical difficulty in the integration of budding technology into established systems and it may not be practicable at this time, however in future years it may be practicable.

Cleaner Diesel Fuel, Id. 11: H-GAC appreciates your comments. This control measure would be implemented only as a voluntary measure. This does not disqualify this measure from inclusion in the SIP

- *Preferential Parking for HOV Lane Users, Ids. 39 and 47:* Since this is a voluntary measure, it is not necessary that all entities within the region participate in each measure. In the case of this particular measure, all entities may not be able to implement due to issues such as those which you mentioned in your comment. This does not disqualify this measure from inclusion in the SIP
- *Local or Regional Fuel Taxes/Vehicle Taxes, Ids. No. 59-60:* H-GAC appreciates your comments. Because this control measure cannot be implemented locally, it will be removed from the final report.
- *Traffic Signals and Flows, Ids. 76-83:* H-GAC congratulates Harris County on their visionary efforts in emission reductions, and encourages them to enter into an MOA so that their reduction efforts can be properly cataloged in the SIP.
- *Mandatory or Voluntary Compressed Work Week, Id. 106:* H-GAC congratulates Harris County on their visionary efforts in emission reductions, and encourages them to enter into an MOA so that their reduction efforts can be properly cataloged in the SIP.
- *Purchase Vans for Vanpools, Id. 109:* H-GAC supports a successful program encouraging this particular control measure. The participation level in this program supports the validity of offering this control measure to the entities of the region.
- *Limitations on Idling of Heavy-Duty Vehicles, Id. 126:* As noted in your comment, TCEQ does promote this control measure in other metropolitan areas throughout Texas. H-GAC is monitoring these existing anti-idling programs outside of the region and has begun to promote this option within the Houston-Galveston-Brazoria region.
- *Enhanced Enforcement for Smoking Vehicles Program, Id. 139:* H-GAC recognizes the important role of law enforcement in this control measure. H-GAC is currently working with jurisdictions within the Houston-Galveston-Brazoria region to develop funding and methodology for such a program.
- *Voluntary Replacement/Retrofit Programs, Id. 5b:* H-GAC appreciates your comments.
- *Government Construction Incentives, Id. 8:* H-GAC appreciates your comments on this control measure. The inclusion of any of these measures within the SIP is contingent upon the creation of voluntary commitments from local governments.

If a local government does not specifically commit to this measure, it will not be legally bound to carry it out despite inclusion of the measure within the SIP.

- *Landscape Ordinance, Id. 29:* Since this is a voluntary measure, it is not necessary that all entities within the region participate in each measure. In the case of this particular measure, all entities may not be legally able to implement due to issues such as those which you mentioned in your comment. This does not disqualify this measure from inclusion in the SIP
- *Readability for the Public:* H-GAC appreciates your comments, and will work to improve readability for the general public in the final report.

You can follow the progress and see a more detailed summary of the SIP process, the timetable for the rest of the process and the on- and non-road control measures at the H-GAC SIP website: <http://www.h-gac.com/taq/airquality/sip/mobile/default.aspx>

Sincerely,

Shelley Whitworth
Air Quality Program Manager