



AGENDA MEMORANDUM

Future Item for the City Council Meeting of February 20, 2018
Action Item for the City Council Meeting of February 27, 2018

DATE: February 1, 2018

TO: Margie C. Rose, City Manager

FROM: Tom Tagliabue, Director, Intergovernmental Relations
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Resolution recommending restoration of funding to the Texas Commission on Environmental Quality for air quality monitoring and mitigation programs for near non-attainment communities to remain in compliance of federal ozone standards

CAPTION:

Resolution to recommend restoration of funding to the Texas Commission on Environmental Quality for air quality monitoring and mitigation programs for near non-attainment communities essential to remain in compliance with the National Ambient Air Quality Standard (NAAQS) for ozone established by the United States Environmental Protection Agency through the Clean Air Act.

PURPOSE:

The Corpus Christi Air Quality Group, of which the City of Corpus Christi is a member, is working with other near non-attainment areas and interested stakeholders to push for restoration of the \$6 million biennial appropriation to the Texas Commission on Environmental Quality (TCEQ) for near non-attainment communities which was vetoed by Governor Greg Abbott in the 2018-2019 General Appropriation Act.

BACKGROUND AND FINDINGS:

From 1995 through 2017, the Texas Legislature appropriated funding to the TCEQ and directed funds via rider to near non-attainment areas - Austin, Beaumont, Corpus Christi, El Paso, Granbury, Killeen/Temple, Longview/Tyler/Marshall, San Antonio, Victoria, and Waco -- for ozone emission reduction planning and programs to remain in attainment of ozone standards established by the EPA. Governor Greg Abbot line-item vetoed a \$6,000,500 rider in the FY 2018-2019 General Appropriations Act for TCEQ. The veto stripped the nine near non-attainment communities of the only funding for programs documented to keep them in attainment of ozone standards. Two areas in Texas (Dallas-Fort Worth metroplex and Houston-Galveston area) are in non-attainment of the federal ozone air quality standard.

Governor Abbott's veto proclamation stated: "This program funds, among other items, bicycle use programs, carpooling awareness, environmental awareness campaigns, and locally enforceable pollution reduction programs in near non-attainment areas, which can be funded at

the local government level. Resources in the Clean Air Account should be prioritized to directly address problems in non-attainment areas of the state so that we are better positioned to combat the business-stifling regulations imposed on these areas by the Environmental Protection Agency....”

The Corpus Christi region does not, nor has it ever used, TCEQ air quality funding for bicycle use programs or carpooling awareness programs. The Corpus Christi region has only two programs supported by TCEQ air quality funding; a vehicle emissions testing and repair program through the Texas A&M University-Corpus Christi Pollution Prevention Partnership, and an ozone research monitor program through Texas A&M University-Kingsville; neither of which can be funded by local government. Stripping Texas communities of their clean air funding as they struggle to remain in attainment of ozone standards will cause more areas in Texas to fall into non-attainment of ozone standards thereby increasing the number of non-attainment regions in Texas and its burden for a State Improvement Plan (SIP) to the EPA.

The Texas A&M University-Corpus Pollution Prevention Partnership’s vehicle emissions testing and repair program protects Corpus Christi’s ozone attainment status by detecting and repairing polluting vehicles thereby removing approximately 10 tons of ozone causing emissions from our air-shed each year. Local emissions inventories confirm that polluting vehicles are approximately 30% of Corpus Christi’s ozone causing emissions. The ozone research monitor program detects and records elevated levels of ozone that are transported in from other areas and not sourced in our air-shed; a critical program for Corpus Christi to scientifically defend its attainment status of ozone causing emissions. These are the only programs Corpus Christi funds through Rider appropriations and both of these programs are critical to the Corpus Christi air shed’s continued attainment of ozone standards. Without the reinstatement of Rider funding in the 86th legislative session, both programs may be terminated.

In the interim, Port Industries of the Coastal Bend recently agreed to provide \$47,000 in one-time funding for one year for the continuation of the TAMUK monitoring. The Port of Corpus Christi also recently agreed to support for one year the Pollution Prevention Partnership. Both parties agree it is the responsibility of the State of Texas to fund these services to keep areas like the Coastal Bend in compliance with federal ozone standards.

Under the Obama administration, the EPA lowered the ozone standards from 75 to 70 parts per billion. The standard has been challenged in court and most observers, including Governor Abbott’s Environmental Policy staff, expected the new administration to weaken the regulation. In April 2017, a federal appeals court granted EPA more time to review the rule. Corpus Christi and the Coastal Bend remain in compliance with the prior and existing ozone standards.

ALTERNATIVES:

1. Do not adopt the resolution recommending funding restoration.
2. Locally fund the air quality monitoring services without the assistance of the State of Texas.

OTHER CONSIDERATIONS:

The City of Corpus Christi Environmental and Strategic Initiatives Department administers both the Pollution Prevention Partnership and the ozone research monitor program as a pass-through from the TCEQ. The City is reimbursed for staff time \$30,000 biennially on average from the TCEQ to administer these programs.

The 86th Texas Legislature convenes January 8, 2019, and must adopt the 2020-2021 biennial budget by May 27, 2019. The State’s 2020 Fiscal Year begins September 1, 2019.

If the city council approves this resolution it will become part of the City's State Legislative agenda, which is typically considered and adopted in the October-November timeframe. The Corpus Christi Metropolitan Transportation Organization Policy Committee adopted a similar resolution at its February 1, 2018, meeting. Nueces County Commissioners Court is scheduled to consider the resolution on February 28, 2018.

CONFORMITY TO CITY POLICY:

Council adopted resolution Oct. 30, 2012, supporting the Corpus Christi Air Quality Group's participation in EPA Ozone Advance to promote local actions to reduce ozone precursors in the community and continue to maintain National Ambient Air Quality Standards for ozone. The projects funded through the TCEQ were integral parts of the Ozone Advance strategy.

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

Environmental and Strategic Initiatives
Legal

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2018-2019	Current Year	Future Years	TOTALS
Line Item Budget			
Encumbered / Expended Amount			
This item			
BALANCE			

Fund(s): (Do not list Accounting streams, use names of accounts)

Comments: None

RECOMMENDATION:

Staff recommends adoption of the resolution.

LIST OF SUPPORTING DOCUMENTS:

Resolution
FY 2018-2019 TCEQ Air Quality Monitoring Rider
Governor's Veto Proclamation