

**AGENDA ITEM 11**

Consider approving resolution to adopt air quality control measures for regional Ozone Flex Agreement.

Moved: **Commissioner Heiligenstein**

Seconded: **Commissioner Boatright**

Motion: To approve a resolution to adopt air quality control measures for a regional Ozone Flex Agreement.

Vote: 4 - 0 with Commissioner Limmer absent from the dais.

< Attachment >



## **O3 Flex Plan Overview**

### **What Is The O3 Flex Plan?**

A cooperative effort being made by local governments in the 5-county potential ozone nonattainment area that includes Bastrop, Caldwell, Hays, Travis, and Williamson counties. By voluntarily committing to adopting emissions reduction strategies, we can begin to see results sooner, and potentially affect our standing with regard to the ozone standard. Because everyone contributes to the problem, then everyone should contribute to the solution, proportionate to their contribution. In other words, those who contribute most to the problem will contribute the most to the solution.

### **Who Has Committed to the Plan?**

Bastrop, Caldwell, Hays, Travis, and Williamson counties, as well as the cities of Bastrop, Elgin, Luling, Lockhart, San Marcos, Round Rock, and Austin.

### **What Are We Trying To Accomplish?**

By being pro-active, we are controlling our future. Rather than sitting back and waiting for the federal government to impose sanctions or a prescribed plan, we are crafting a plan that is locally generated and is fair and equitable for all those involved. While our region has been prosperous and realized significant growth over the last decade, we have seen a resulting decline in air quality. There are a number of negative outcomes that can result from this. These include impacts to our health, quality of life, and economy. Therefore, it is in our best interest to voluntarily adopt measures that reduce emissions of ozone forming NOx (nitrogen oxides) and VOCs (volatile organic compounds).

As a region, we have a unique opportunity to work with EPA and TNRCC to create a local plan to improve our air quality and facilitate compliance with the health based standards for ground level ozone. By doing so, we are not subject to being designated as a nonattainment area for the one-hour ozone standard for a period of five years, even if we violate the standard during this time. Additionally, measures taken now to improve our status in meeting the eight-hour standard will be taken into consideration if we are designated in nonattainment or being considered for designation by EPA.

### **What Led to the Creation of the O3 Flex Plan?**

In 1997, EPA implemented a new standard for exposure to ground level ozone known as the eight-hour standard. Due to the findings of numerous health studies, it was determined that the one-hour ozone standard might not provide the "ample margin of safety" called for in the Clean Air Act. This was due to ozone health effects occurring in humans at levels below the one-hour 125 parts per billion (ppb) standard during medical research studies. As a result,

areas that met the one-hour ozone standard, but showed high likelihood of violating the eight-hour standard began to monitor for this standard in 1997. The standard is based on the fourth highest monitored reading over an eight-hour period for each year. Three consecutive years data are averaged and if the average or design value meets or exceeds 85 ppb, then the area is considered to be in nonattainment.

Based on data from the periods 1997-1999 and 1998-2000, the Austin/Central Texas area is in violation of the eight-hour ozone standard. In 1999, just prior to EPA designating areas as nonattainment for the eight-hour standard, a lawsuit, *American Trucking Association v Carol Browner (EPA)* was filed challenging EPA's authority to create and implement the standard. This case blocked EPA from moving forward and making designations and was eventually appealed to the U.S. Supreme Court. In early 2001, the Supreme Court ruled that EPA did have the authority to create and implement the standard, but remanded it back to a lower court to work out a satisfactory implementation plan. This process may take a few years and it has been estimated that designations may not be made until 2004 or later.

In the meantime, we have been given a chance to begin working on a voluntary plan that will begin to get results much sooner than if we were to wait to be designated before taking action. This is known as the O3 Flex Plan or Flexible Ozone Plan.

**RESOLUTION****O<sub>3</sub> Flex Agreement Program Commitments**

**WHEREAS**, Williamson County, Texas is committed to protecting the health and economic vitality of the community; and

**WHEREAS**, protecting the region's air quality is important to the county's health and economic vitality; and

**WHEREAS**, Williamson County has examined a variety of measures to improve the area's air quality; and

**WHEREAS**, Williamson County understands that entering into an O<sub>3</sub> Flex Agreement with the Environmental Protection Agency and the Texas Natural Resource Conservation Commission provides Central Texas with a mechanism to address effectively the region's air quality issues; and

**WHEREAS**, the O<sub>3</sub> Flex Agreement provides Williamson County with flexibility to choose those air quality improvement strategies most suitable to its circumstances and resources;

**NOW, THEREFORE, BE IT RESOLVED**, that the Commissioner's Court commits to implementation of air quality improvements strategies as described in the attached document, "Williamson County O<sub>3</sub> Flex Agreement Commitments."

**READ, PASSED and RESOLVED** this the 11<sup>th</sup> day of December, 2001.

*John C. Doerfler 12-11-01*  
John Doerfler, County Judge

**ATTEST:**

*Nancy E. Rister*  
Nancy Rister, County Clerk

Control Measures	Possible Points	✓	Points Earned
<b>High Point Value</b>			
Alternative Fuels (3.3)	4		
Cleaner Diesel (3.3.3.)	4	✓	4
Equipment Contract Specifications (3.3)	4		
Lower Emission Vehicles – ULEV or better (3.3)	4	✓	4
Ozone Action Day Response Program (3.?)	5		
Proper Maintenance (3.3)	4	✓	4
Recycle Impounded/Old Vehicles (3.3)	5		
Resource Conservation – Water, Recycling, Electricity (3.5)	5	✓	5
Teleworking Program (full time) (3.1)	5		
Total Points This Section =	40		17
<b>Medium Point Value</b>			
Airport Clean Air Plan (3.4)	2		
Asphalt, Low VOC (3.4)	2	✓	2
Car/Van Pool or Alternative Transportation Usage (3.1)	3		
Compressed Work Week (3.1)	2		
Gas Cans, Low-Emission (3.4)	3	✓	3
Grade Separations (3.2)	2		
Idling, 5-minute Limit (3.3)	2	✓	2
Intelligent Transportation Systems (3.2)	2		
Intersection Improvements (3.2)	2		
Signal Improvements (3.2)	3	✓	3
Striping Material, Low VOC (3.4)	2	✓	2
Traffic Flow Improvements (3.2)	2	✓	2
Transit Oriented Development	3		
Transit Pass Subsidized by Employer (3.1)	2		
Tree Planting	2	✓	2
Vapor Recovery on Pumps (3.3)	3		
Total Points This Section =	37		16
<b>Low Point Value</b>			
Bicycle Pedestrian Facilities (3.2)	1	✓	1
Direct Deposit (3.1)	1	✓	1
e-Government and/or Available Locations	1	✓	1
Energy Star Materials and Products	1		
Flexible Work Schedule (3.1)	1		
Fueling of Vehicles in Evening (3.3)	1	✓	1
HOV Lanes (3.2)	1		
Other Transportation Emissions Reduction Measures/Programs (3.2)	1		
Park & Ride Facilities (3.2)	1		
Right Sizing (3.3)	1		
Shaded Parking (3.3)	1		
Teleworking (part time) (3.1)	1		
Total Points This Section =	12		4
Total Points =	89		37

**AGENDA ITEM 12**

Discuss and consider approving temporary road closure on Morris Road and detour route from December 12<sup>th</sup> to December 22<sup>nd</sup> for the installation of wastewater line.

Moved: **Judge Doerfler**

Seconded: **Commissioner Heiligenstein**

Motion: To approve a temporary road closure on Morris Road and detour route from December 12, 2001 to December 22, 2001 for the installation of a wastewater line.

Vote: **5 - 0**

**AGENDA ITEM 13**

Discuss and consider approving preliminary plat for replat of lots 12-A and 12-B Wild Plum Valley.

Moved: **Commissioner Limmer**

Seconded: **Commissioner Hays**

Motion: To approve the preliminary plat for replat of lots 12-A and 12-B, Wild Plum Valley.

Vote: **5 - 0**

**AGENDA ITEM 14**

Discuss and take appropriate action regarding the Change Order #2 to Cedar Hollow Road Improvements.

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To approve Change Order #2 to Cedar Hollow Road Improvements to relocate a water line.

Vote: **5 - 0**

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