

County of Nueces

MIKE PUSLEY

Commissioner
Precinct 1

**JOHN MAREZ**

Commissioner
Precinct 3

JOE A. GONZALEZ

Commissioner
Precinct 2

BRENT CHESNEY

Commissioner
Precinct 4

SAMUEL L. NEAL, JR.

County Judge
Nueces County Courthouse, Room 303
901 Leopard Street
Corpus Christi, Texas 78401-3697

COMMISSIONERS COURT RESOLUTION

ENCOURAGING THE 86TH LEGISLATURE TO RESTORE 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 AMBIANT AIR QUALITY STANDARDS FOR OZONE ESTABLISHED BY THE UNITED STATE ENVIRONMENTAL PROTECTION AGENCY THROUGH THE CLEAN AIR ACT

WHEREAS, Texas communities like Austin, Beaumont, Corpus Christi, El Paso, Granbury, Killeen/Temple, Longview/Tyler/Marshall, San Antonio, Victoria, and Waco have efficiently and effectively utilized funding provided in the General Appropriations Act in a rider to the Texas Commission on Environmental Quality (TCEQ) to implement air quality monitoring, and mitigation strategies to remain in compliance with current and proposed National Ambient Air Quality Standard for Ozone by the United States Environmental Protection Agency (EPA) as authorized in the federal Clean Air Act; and,

WHEREAS, the Clean Air Act directs the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve ozone standards, the lack of funding for near non-attainment communities resulting from a line item veto by Governor Greg Abbott in the 2018-2019 General Appropriations Act prevents impacted communities to implement strategies in the adopted Texas SIP, and local governments do not have the financial capacity to assume the responsibilities of an unfunded mandate by the State of Texas; and,

WHEREAS, the health and quality of life for millions of Texas residents in near non-attainment communities has benefitted greatly from the strategies, services and programs implemented at the local level by local governments, businesses, and industry to reduce ozone levels and remain in compliance with federal standards; and,

WHEREAS, the Corpus Christi air-shed remains in attainment of the most recently established ozone standards announced by the EPA in 2015 of 70 parts per billion (ppb) and there are two programs in Corpus Christi served to ensure the Corpus Christi air-shed's continued attainment of ozone standards: Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program, and Texas A&M University Kingsville's ozone air monitor program; and,

WHEREAS, both the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program, and Texas A&M University Kingsville's ozone air monitor program relied on funding through the TCEQ's Clean Air Account No. 151; and,

WHEREAS, Rider funding to support the continuation of the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program and Texas A&M University Kingsville's ozone air monitor program was vetoed after adjournment of the 85th Regular Session of the Texas Legislature by Governor Abbott after it had been recommended by the Legislative Budget Board, and adopted without opposition by both the Texas House of Representatives and the Texas Senate, stripping these critical programs of the funding needed to continue; and

WHEREAS, without restoration of funding by the 86th Texas Legislature, both the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program and Texas A&M University Kingsville's ozone air monitor program will cease to operate thereby risking Corpus Christi air-shed's continued attainment designation of ozone standards; and,

WHEREAS, the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program protects Corpus Christi's attainment status of ozone standards by providing over 10 tons of reductions of ozone causing emissions each year at a cost of approximately \$4,700 per ton compared to the possible costs of \$50,000 a ton or more for offset emissions should a development choose to site in Corpus Christi that no longer attains ozone standards; and,

WHEREAS, without the restoration of funding to the TCEQ by the 86th Texas Legislature, Corpus Christi is striped of the only program that works to reduce the mobile source emissions that are a significant 30 percent contributor to Corpus Christi's ozone causing emissions; and,

WHEREAS, without the restoration of funding provided by the 86th Texas Legislature, Corpus Christi is striped of the ozone research monitors that support proving and documenting transported emissions that are not generated in our air-shed, and possible consideration for attainment designations; and,

WHEREAS, the economic burden on the State of Texas to bring a non-attainment community back into attainment is far greater than the cost to restore funding that assists struggling attainment communities to remain an attainment community in the State of Texas; and,

WHEREAS, the economic burden for a business to obtain a permit to locate or expand in Corpus Christi is significantly increased should funding for the TCEQ not be restored by the 86th Texas Legislature and Corpus Christi loses the critical ozone attainment protection programs of the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program and Texas A&M University Kingsville's ozone air monitor program programs, and fall into non-attainment of ozone standards; and,

WHEREAS, the Corpus Christi air-shed prides itself on being a national leader in voluntary actions and programs that work to keep our industrial based community in attainment of toughened ozone standards;

NOW, THEREFORE, BE IT RESOLVED BY THE NUECES COUNTY COMMISSIONERS COURT, that:

Section 1. The Corpus Christi air-shed's continued attainment of ozone standards is critical to public and economic health, and

Section 2. Appropriations to TCEQ to provide for the continuation of air-shed programs that work to reduce emissions and monitor ozone sources must be restored by the 86th Texas Legislature; and

Section 3. We, the *Nueces County Commissioners* do hereby urge the Governor, Lieutenant Governor, the Speaker of the Texas House of Representatives, the Texas Senate and Texas House of Representatives to restore funding to the TCEQ in the FY 2020-2021 General Appropriations Act for air quality programs in all near non-attainment communities.

DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS, ON THIS THE 1st DAY OF MARCH, 2018.

SAMUEL L. NEAL, JR.
Nueces County Judge

MIKE PUSLEY
Commissioner, Precinct 1

JOE A. GONZALEZ
Commissioner, Precinct 2

JOHN MAREZ
Commissioner, Precinct 3

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ATTEST: _____
Kara Sands, County Clerk