



City of San Antonio

Agenda Memorandum

File Number:15-5772

Agenda Item Number: 14.

Agenda Date: 11/19/2015

In Control: City Council A Session

DEPARTMENT: Health

DEPARTMENT HEAD: Vincent R. Nathan, PhD, MPH

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Proposed Changes to City Code Chapter 26, "Pollution Control", Article II, "Air Pollution"

SUMMARY:

The San Antonio Metropolitan Health District (Metro Health) is recommending changes to Chapter 26, "Pollution Control", Article II, pertaining to the regulation of air pollution which will (1) update the references to state law; (2) require that businesses that are sources of air pollution register with Metro Health; (3) changing the inspection and license fees to a registration fee of \$200.00 per year for each facility located within the City; and (4) provide for criminal penalties and publication.

BACKGROUND INFORMATION:

The San Antonio Air Quality Ordinance, Chapter 26 "Pollution Control", Article II, "Air Pollution," was last updated on September 16, 1982. As the code is currently written, it is not enforceable. Updating the language would bring San Antonio's Ordinance up to date with current State law and make Chapter 26 a code that is more comprehensive in its definition of air pollution emitters.

The registration process will provide critical information for the City that can be used in determining strategies to lower ozone levels and other air pollutants, including but not limited to, particulate matter, lead, carbon monoxide, sulfur oxides, and oxides of nitrogen. These air pollutants may have adverse health effects especially for at risk populations. This strategy is a result of Metro Health's work as a member of the City Council Air Quality Working Group. In addition, through participation on various Alamo Area Council of Governments (AACOG) committees, Metro Health has worked with businesses and industries on strategies to reduce ozone pollution.

ISSUE:

The current Air Pollution ordinance was last substantively amended in 1982. This Ordinance will update the language of Chapter 26, "Pollution Control", Article II "Air Pollution", by updating the state law references, and requiring that businesses with sources of air pollution register with Metro Health. Registration will provide information that Metro Health can use in determining strategies to lower ozone levels and other air pollutants so that it can continue to develop its air pollution program and work with businesses in San Antonio to lower emissions. Taking proactive steps to lower ozone levels may help San Antonio avoid a nonattainment designation by the Environmental Protection Agency (EPA).

As well as the ozone issue, Metro Health is also concerned with the high rates of asthma in the city. Ozone and other pollutants contribute to and exacerbate asthmatic episodes. Thus, Metro Health's air pollution program will target ozone precursors, such as mono-nitrogen oxides (NOx) and Volatile Organic Compounds (VOCs), to address these concerns.

ALTERNATIVES:

The recommended changes to Chapter 26, "Pollution Control", Article II "Air Pollution", will allow Metro Health to further develop an air pollution program and proactively determine strategies to lower ozone levels. The City Council can choose to leave the Code as is and require Metro Health to continue to make adjustments and policy changes to protect the public against exposure to air pollutants.

FISCAL IMPACT:

The FY 2014 Adopted Budget approved a fee for an Air Pollution license of \$200 for the Pollution Control program. This ordinance will change the fee from a license fee to registration fee; however, the fee will remain at \$200. It is anticipated that this will generate approximately \$300,000.00 after full implementation in FY 2015. Revenues generated from these fees will be deposited into the General Fund.

RECOMMENDATION:

Staff recommends approval of the proposed changes to Chapter 26, "Pollution Control", Article II "Air Pollution".