



City of San Antonio

Agenda Memorandum

File Number:17-4483

Agenda Item Number: 2.c.

Agenda Date: 8/9/2017

In Control: Intergovernmental Relations Committee

DEPARTMENT: Metro Health/Office of Sustainability

DEPARTMENT HEAD: Dr. Colleen Bridger, Douglas R. Melnick, AICP, CNU-A

COUNCIL DISTRICTS IMPACTED: All

SUBJECT:

H.R. 806 Ozone Standards Implementation Act of 2017 (115th Congress (2017-2018))

SUMMARY:

Briefing of status of 2015 ozone National Ambient Air Quality Standards (NAAQS) and consideration of H.R. 806 Ozone Standards Implementation Act of 2017 (115th Congress (2017-2018))

BACKGROUND INFORMATION:

On October 2015, the EPA promulgated new ozone National Ambient Air Quality Standards (NAAQS), initiating the process to designate new nonattainment regions by October 2017. On June 6, 2017, EPA administrator Scott Pruitt notified state governor's that the deadline for promulgating ozone designations was delayed for one year, until October 2018, while the agency reviewed the standards and sought to provide greater flexibility to states. On August 2, 2017, EPA rescinded the extension, reinstating the October 2017 deadline to announce new nonattainment regions.

Congressional Action

On July 18, 2017, the House of Representatives passed H.R. 806, the Ozone Standards Implementation Act of 2017. Among other administrative changes, the bill would:

- Delay the implementation of the "health based" (2015) National Ambient Air Quality Standard (NAAQS) for ozone nonattainment designations until 2025;
- Modify the timeline for review of air quality standards from every five to every ten years;

- Allow the EPA Administrator to consider “technological and economic feasibility” in establishing or revising the NAAQS; and
- Require the EPA to conduct a study on the formation of atmospheric ozone and to submit a report to Congress describing the extent to which foreign sources of air pollution affect the ability of areas to comply with federal pollution standards under the Clean Air Act.

The bill passed the Congressional House on a vote of 229 to 199. The Bexar County delegation, with the exception of Congressmen Castro and Doggett voted for the bill. The bill now moves to the Senate for consideration. As of July 19, 2017 the bill was introduced at the Senate Environment and Public Works Committee. Office of Sustainability and Metro Health and Government and Public Affairs staff will continue to track the bill as it moves through the Senate process.

ISSUE:

The Office of Sustainability and Metro Health have identified the following issues that restrain the efforts of the SA Tomorrow Initiative and the Metro Health Strategic Plan by placing an undue burden on municipalities to contend with the impacts of poor air quality that affect the health of our residents. The Sustainability Plan and the Metro Health Strategic plan are regionally influential plans with the goal to improve air quality as it impacts health and the local economy.

- 1) The delay of the implementation of the (2015) “health based” ozone standard ensures the outdated (2008) ozone standard will remain in effect. The 2008 standard was found by the U.S EPA to be insufficient to protect public health;
- 2) The provision to extend the review period from every five years to every ten years subverts the purpose to protect public health based on the latest scientific evidence. Extending the deadline would result in fewer reviews, less up to date scientific information and longer periods of exposure in cases where scientific studies demonstrate the need for stronger standards to protect public health;
- 3) The allowance for the EPA Administrator to consider “technological and economic feasibility” can place cost deliberations to outweigh public health considerations. Costs and technological feasibility should remain separate from the identification of the appropriate standard. Economic and technical feasibility are considered in the selection of options for attaining the federal standard.

ALTERNATIVES:

City Council could provide guidance to City staff to support one or all of the issues stated, provide additional issues which the city staff could explore for appropriate comment to the EPA and Congress.

FISCAL IMPACT:

This is no direct fiscal impact to operations.

RECOMMENDATION:

This item is for briefing purposes.

