

# ACT

## Alliance for a Clean Texas

### Clean Air: ACT 2009 Legislative Recommendations

#### **Clean Air Funding**

The Legislature should earmark additional funds for the Texas Clean Bus Program to protect school-age Texans from air pollution. The Legislature should fully fund the Texas Emissions Reduction Plan (TERP) and the Low-Income Vehicle Repair and Replacement Program, also known as the Drive A Clean Machine Program, and expand the latter program to include electric and plug-in hybrid vehicles. ACT supports modifying TERP to encourage reductions of particulate emissions from diesel engines. Diesel emissions are the most frequent source of exposure to airborne toxics for most Texans. Adding particulate filters to the tailpipes of our diesel vehicles and equipment is a low cost way to reduce damage to our health.

#### **Air Permitting**

ACT encourages the Legislature to amend the air permitting provisions of the Texas Health and Safety Code Chapter 382 to eliminate inconsistencies with the federal Clean Air Act and to address State Implementation Plan deficiencies identified by the U.S. Environmental Protection Agency. Such inconsistencies and deficiencies include: failure to follow the federal definition of best available control technology, lack of analysis on ozone air quality impacts, failure to consider cumulative impacts, inadequate public notice requirements for air permitting actions, the illegal use of Permits by Rule and Standard Permits, and the lack of authority to recall air permits or amend permits at renewal as necessary to protect air quality and ensure compliance with federal air quality standards.

ACT also urges the Legislature to require the TCEQ to ensure that natural gas production over the Barnett Shale and other sensitive areas of the state relies on the best practices that reduce emissions harmful to human health and to the environment.

#### **Air Toxics**

Existing ambient air monitoring data shows that ambient air concentrations of benzene, 1,3-butadiene, and other hazardous air pollutants in certain Texas "hotspots" are sufficient to cause significant health risks. To reduce levels of air toxics in Texas, the Legislature should enact policies to protect public health by reducing emissions in toxic hotspots, increasing scrutiny of facilities in areas where toxic pollution levels are already excessive, and increasing public access to air toxic information. In addition, ACT urges the Legislature to require air permits for

facilities located in hotspots to include specific short-term limits on toxic pollutants of concern, such as benzene.

### **Air Monitoring**

Texas has an extensive network of air monitors for toxics, ozone, particulate matter and other pollutants. Unfortunately, in certain parts of the state, there is insufficient data to ensure that air pollutant levels are protective of public health and establish whether a particular area meets health-based standards. More money is needed to add ozone monitors to areas like Waco, Abilene and Lubbock and to expand mercury deposition monitoring in East Texas.

ACT 2009 Clean Air Team:

Tom “Smitty” Smith, Public Citizen (team lead) ([SMITTY@citizen.org](mailto:SMITTY@citizen.org))

Ramon Alvarez, Environmental Defense Fund

Elena Craft, Environmental Defense Fund

Amy Hardberger, Environmental Defense Fund

Luke Metzger, Environment Texas

Cyrus Reed, Sierra Club

Matthew Tajeda, GHASP

For further information, please visit [www.acttexas.org/issues/cleanair](http://www.acttexas.org/issues/cleanair)