

Summary of 8-O3FLEX Agreement

A Plan for Managing Air Quality in Nueces and San Patricio Counties

October 2007

In 1994 air quality in Nueces and San Patricio Counties (the Corpus Christi urban airshed) was deteriorating and nearing non-attainment with the National Ambient Air Quality Standard for ozone. The Corpus Christi Air Quality Committee undertook negotiations with local government entities, the Texas Commission on Environmental Quality (TCEQ), and the U.S. Environmental Protection Agency (EPA) that resulted in a Flexible Attainment Region Memorandum of Agreement in 1996, and a successor agreement in 2002 called an O3FLEX Agreement.

These agreements provided commitments for local voluntary actions to maintain air quality in Nueces and San Patricio Counties in attainment of the ozone standard. Success is reflected in a slight decline in annual peak ozone levels since 1996. The two counties remain in attainment but continue to be near non-attainment.

The past agreements had terms of five years, and were operative under the ozone standard based on daily maximum 1-hour average ozone levels. During 2005 a new standard based on 8-hour averages was adopted, and the 1-hour standard was withdrawn. Therefore the Air Quality Committee developed a new 8-O3FLEX agreement under the 8-hour standard.

The new 8-O3FLEX Agreement is needed for the following reasons:

- Everyone wants and needs to breathe clean air.
- Early and voluntary actions have been effective in preventing poor air quality.
- Continuing local efforts are needed to avoid the consequences of non-attainment with air quality standards:
 - Adverse health effects
 - Adverse economic effects
 - A transportation conformity process restricting highway funds.
 - Air permit emissions offsets impeding business expansion.
 - Other requirements resulting in higher costs for goods and services.
- Approvals by TCEQ and EPA lend credibility to the plan, which was developed with assistance of staff experts of TCEQ and EPA.
- If, in the worst case scenario, ozone levels were to increase to the point of non-attainment, the Agreement provides for local involvement in the subsequent planning and rulemaking that would affect local businesses and residents.

The timeline followed by the Air Quality Committee:

- March 2005 to May 2006 – Proposed a new O3FLEX agreement to EPA, and assisted EPA in developing a policy and guidelines.
- May 18, 2006 – EPA 8-O3FLEX policy and guidelines were approved.
- August 2006 – The Air Quality Committee considered, revised and approved a redraft of the 8-O3FLEX agreement to conform to the new EPA guidelines.
- August 18, 2006 - Corpus Christi Mayor Henry Garrett sent a letter of intent to EPA as required by the guidelines.
- September 2006 to April 2007 - The redraft approved by the Air Quality Committee was submitted to TCEQ and EPA for review. Review comments were received and considered. Changes were made to the draft.
- May 10, 2007 – The Air Quality Committee made a final recommendation for approval of the 8-O3FLEX agreement.
- May to October 2007 – The final agreement was approved by all parties.
- October 25, 2007 – Effective date of 8-O3FLEX agreement.

Commitments identified in the 8-O3FLEX Agreement include the following:

1. Planning measures
 - a. Monitoring air pollution levels
 - b. Inventorying sources of emissions of ozone precursors
 - c. Analyzing air quality data
 - d. Modeling air quality
2. Voluntary emissions reduction measures
 - a. Industrial emission control devices and control procedures
 - b. Public education and outreach programs
 - c. Small business assistance
 - d. AutoCheck automobile exhaust emissions reduction program
 - e. Clean-campus-commute program
 - f. Regional pedestrian and bicycle plan
 - g. Ozone action day program
3. Contingency measures

Parties to the Agreement:

1. City of Corpus Christi
2. Nueces County
3. San Patricio County
4. Port of Corpus Christi Authority
5. Corpus Christi Metropolitan Planning Organization
6. Corpus Christi Regional Transportation Authority
7. Texas Commission on Environmental Quality
8. U.S. Environmental Protection Agency

Other key participants in developing and implementing the agreement:

1. Port Industries of Corpus Christi, Inc.
2. Texas A&M University – Corpus Christi Pollution Prevention Partnership
3. Texas A&M University – Kingsville Environmental Engineering Program