

Minutes

43rd Meeting of the

Joint Advisory Committee for the Improvement of Air Quality in the
Cd. Juárez, Chihuahua / El Paso, Texas / Doña Ana County, New Mexico Air Basin
Centro de Salud Familiar La Fe Cultural & Technology Center
721 S. Ochoa, El Paso, Texas

1. Welcome and Introductions

Bill Luthans (BL), EPA Region 6, welcomed all to the 43rd meeting of the JAC. Ana Maria Contreras (AMC), SEMARNAT, also welcomed all to the meeting. BL introduced John Quinn from Freeport McMoRan. John has a background in metallurgical and environmental engineering. A quorum was not established.

JAC Members Present	
U.S.	México
Bill Luthans – EPA	Ana Maria Contreras V. – SEMARNAT
Ramiro Garcia Jr. – TCEQ	**Sergio Zepeda - PROFEPA
Michael Baca – NMED	**Araceli Salazar – COESPRIS
**Mariana Chew – Sierra Club	**Silvia Castro - Edo. de Chih.
Elda Rodriguez-Hefner – City of El Paso	*Ing. Daniel Terrazas – for Cd. Juárez – DNA
John Quinn – Freeport McMoRan	Ing. Rene Franco – MEM
Elaine Barron, M.D.	Adriana Peña - SADEC
**Robert Ardovino – City of Sunland Park	Dra. Alba Corral - UACJ
Bob Currey	**Ing. Ives Figueroa - CANACINTRA
*Hector Olvera, PhD for WWL	**M.en I Alberto Rodriguez – CCSD
* Alternate	** Not Present

2. Presentation and approval of current agenda and minutes.

The Agenda was approved with minor modifications to order of items. Minutes were approved.

3. Message from the Co-Chairs

AMC mentioned discussions taking place regarding the ProAire for Cd. Juarez. Currently there's an examination of the ProAire nationwide, and Juarez' plan is included in this review. We don't have a timeline or set of indicators to determine effectiveness. Mexico will develop a timeline for activities based on the indicators. There are 2 or more activities that need to be developed where one of the most important is looking at public transit and the vehicle verification program (VV). AMC added INE will be reviewing air quality data as public transit system improvements evolve.

BL reported on activities at EPA which has been on schedule to develop a lead (Pb) standard finalized in October and posted in the Federal Register. The new standard would reduce Pb

concentrations tenfold from 1.5 µg/m³ to 0.15 µg/m³. This is based on over 6,000 health studies looking at Pb since 1980. As is done with all regulations an economic impact study was conducted by EPA where medical conditions, lost productivity, etc. are observed to determine how the new standard impacts economic development. El Paso has Pb monitors which indicate compliance with the new standard. Back in 1996-1997 the air monitors indicate EP exceeded the new standard. Nationwide there has been a 94% reduction in Pb emissions primarily due to the phase-out of leaded gasoline and better industrial process controls.

Alba Corral added that the UACJ is analyzing PM10 filters collected by Cd. Juarez for metals, and if elevated Pb levels are observed she will report to the JAC. AMC added she would like a report on Alba's research.

4. Public Participation

BL reported that we have guests from the Center for Technology in Government. They're studying the JAC and results the committee has achieved. Anthony Cresswell, Ph.D., Director of the CTG, reported that the CTG is working from a National Science Foundation grant to observe how environmental issues are dealt with in a multi-jurisdictional setting. The CTG is housed at the University at Albany – State University of New York. The JAC is a case study and they'd like to capture a story of how we work locally on environmental issues, how we share information, and what it takes to work across a multi-jurisdictional setting to achieve results. Staff from CTG will be interviewing JAC members during the course of the meeting.

Ramiro Garcia Jr. (RG) provided an update on what is occurring regarding the ASARCO smelter. The TCEQ issued an order requiring ASARCO to provide modifications to the facility prior to being allowed to initiate operations. Also the renewal of the air permit is for a 5-year period compared to most other permits which are 10-year permits. The Order also requires certain activities to occur within a specified time-frame. If at any time the TCEQ determines the modifications are not meeting the specified time-frames the TCEQ will submit the issue to the State Office of Administrative Hearings to pursue a Contested Case Hearing where ASARCO should "show cause" why the permit should not be revoked. Other things that are being reviewed are Prevention of Significant Deterioration (PSD) and the new Pb standard. To date, ASARCO has complied with terms of the Order.

5. JAC Discussion on Public Comments

BL indicated without overstating this issue, the point of soil characterization mentioned in the JAC ASARCO Resolution has some data gaps. There will be a Federal response regarding off-site soil contamination. EPA is still working on a corrective action plan, and there remain questions that need to be answered.

AMC added that Mexico has an interest in conducting a study to analyze Pb in soil, and INE would like to improve the information available regarding this issue. PROFEPA conducted a study some years ago, but it was a cursory study. AMC asked what is planned for Mexico in regards addressing this lack of information or 'data gap'. BL indicated he would have to get back to her on this. BL added the JAC needs to establish a 3-state workgroup to address this. The B2012 program has a land contamination workgroup, but he believes it has not undertaken this issue.

BC (Bob Currey) added that the resolution has been finalized for at least 90 days and presented before the Air Policy Forum. The ultimate recipient of this resolution is TCEQ. BL indicated that EPA shares responsibility of complying w/ the resolution w/ TCEQ, and this point has been

reviewed by the soil remediation folks. It's a question of finding the appropriate mechanism for working on this.

BC responded the JAC made a specific recommendation and would like to know how this will be addressed. Are these binding requests? BL reported that there are limited funds to address this point, and we also have a bankrupt party which may have contributed to the current conditions.

AMC asked BC to meet to discuss how the JAC can move forward to obtain compliance with the recommendation. BL commented that EPA's Office of Compliance Assistance will be working w/ EPA-R6 to address this issue. AMC commented that all issues addressing soil remediation do belong to another forum, but by including this item in the resolution, this was the only method of bringing the soil contamination issue to the light of day.

6. Air Quality Report

Victor Valenzuela (VV) presented the air quality report. VV provided a map of monitoring sites across the region in response to a request at the previous meeting to show where the sites are located. Since January 2008 there were no exceedances or violations of the CO standard (9.5 ppm / 8-hr average) in El Paso. Juarez had 2 exceedances at CAMS 662 (20-30 Club). This is the only station that exceeded the Mexican 8-hr CO standard of 11ppm / 8-hr average. The area surrounding the 20-30 Club presents a high level of motor vehicle activity. One recommendation the JAC may be willing to submit is improve the flow of traffic in this area with synchronized street lights.

Elaine Barron (EB) asked if there was a relationship between the inversion layer and elevated CO. VV replied we have a visibility monitoring network that only works during daylight hours. Other than that it's difficult to determine the height of the mixing layer to determine how thick the inversion layer is.

All 3 air monitoring sites exceeded the 1-hr O₃ standard in Mexico which is 0.110 ppm. The US 1-hr standard is still in effect for El Paso, and several stations observed exceedances of the 1-hr O₃ standard which applies only to limited areas of the U.S. CAMS 37, 414, and 49 are exhibiting elevated O₃ levels, & there is concern that accelerated growth in El Paso may contribute to violations of the new 8-hr O₃ standard. It is possible that within the next year or so El Paso may be designated non-attainment of the revised 8-hr standard which has been set at 75ppb / 8-hr averaging period. A response from the State (indicating an area is in non-attainment of the new standard) is March 12, 2009. EPA's response is due 1 year later. A final designation for El Paso may be made in a couple of years.

PM₁₀ data from local Wedding samplers indicate PM₁₀ concentrations during summer months maintain a downward trend as indicated by no exceedances during the period from April – September 2008. There was only 1 day in the past 5 years in which PM₁₀ exceeded the standard in Cd. Juarez. This is a very good indicator of air quality improvement. TEOMS – Tapered Element Oscillating Microbalance – data from several PM₁₀ monitoring sites do indicate several exceedances of the PM₁₀ standard, however all were observed during high-wind events. A better indicator is the annual average, which indicates NMED does exceed the PM₁₀ annual standard. This requires further review of conditions as well as potential sources. NMED operates a Partisol sampler which did observe elevated PM_{2.5} concentrations.

A question was asked if there are any monitoring sites near the international bridges. Cd. Juarez has a mobile monitor occasionally deployed at the bridges, but we have not obtained this data yet.

One would expect to observe high CO at the bridges, but this tends to be more of an OSHA issue than an ambient air quality issue.

7. Presentations

A) Outdoor-burning issues in West Texas

Ramiro Garcia reported that at the previous JAC meeting one person commented regarding open burning and was concerned regarding TCEQ's response to outdoor burning. TCEQ does respond to open-burning complaints.

From 1 January, 2008 to 1 September, 2008 over 300 total complaints were received; 48 were burn/smoke specific complaints, 35 burn/smoke complaints were handled by the El Paso Local Air Program; 13 burn/smoke complaints were handled by TCEQ office.

From an enforcement perspective, the Local Program addressed 2 complaints which resulted in 2 separate Notices of Violation (NOV); 3 complaints together resulted in a Notice of Enforcement (NOE). TCEQ addressed 4 complaints which resulted in 4 separate NOV. All violations were resolved.

All burn complaints are addressed and tracked, time frames are assigned to make determinations to issue NOV's or NOE's. A complainant can track their complaint at the TCEQ website.

Cristina Villegas, from the EP County Attorneys office added the County also receives open-burning complaints which are addressed by the Sheriff's Department. She agrees with the person who brought up this issue to the JAC since the Sheriff's Department has seen an increase in these types of complaints, and she has had many more prosecutions regarding this problem. The minimum fine the County issues are \$1,000-\$50,000 for the 1st violation. In EP County there is mandatory trash collection in 98% of the county so no one should be burning their trash or debris. Fines are elevated to \$5,000-\$10,000 for businesses. The EPPD does not respond to open-burning complaints since jurisdiction falls upon the EPAQ & TCEQ.

AMC asked if the Juarez Municipal Ecology Department also receives these types of complaints. Daniel Terrazas, from DNA, reported that Cd. Juarez does have an enforcement program to address open burning, but this still occurs in vacant lots and in the city's rural areas. People still tend to burn their agricultural debris in the open air.

B) NMED PM Monitoring study in Sunland Park, NM / Anapra, Chih.

Tom Ruiz gave a status report on the eBAM Particulate Monitoring Study-Startup & Recent Activities Sunland Park - Colonia Anapra – El Paso region. The high-PM episodes in SLP continue to be problematic especially during low-wind events. We have high-wind events which are addressed through the Natural Events Action Plan which has been in effect since 2,000. There was a sharp rise in exceedances of PM₁₀ and PM_{2.5} in 2001. Excluding high-wind events, SLP had 9 PM₁₀ exceedances in 2001, but this has slowly tapered off. Data was presented up to 2005.

Other findings indicate: PM_{2.5}/PM₁₀ ratio \approx 0.20 suggests particles are mostly dust, with some smoke/soot. Desert View site (3 km west) may be much less affected by these episodes (based on PM_{2.5} data). The chemical composition of these events points to crustal material dominating the coarse fraction while elemental and organic carbon dominates the fines which confirms the

occurrence of evening $PM_{2.5}/PM_{10}$ peaks during low wind conditions coupled with elevated $PM_{2.5}/PM_{10}$ limit the source area to within a radius of 8 km from the site. A very tight area is the source of this crustal material and smoke.

What this project observes are the following: Is high $PM_{2.5}/PM_{10}$ generated by early-evening activities? Transport by topographically-controlled cold air drainage? SLP is located north of Anapra which has experienced tremendous growth in recent years.

This project is undertaken with a focus on monitoring of particulate matter during winter in order to better understand the spatial and temporal extent of unhealthy air quality during air inversion episodes. The study will result in an analysis that will be useful for future source apportionment and development of effective control strategies. NMED will collaborate with the Gobierno Municipal de Juarez.

The eBAM has been chosen for this study because it is an inexpensive, stand alone monitor that is easy to deploy and does not require an air conditioned enclosure. It includes wind sensors for wind speed and direction at each monitor. It does not require manual filter changes, resulting in a larger number of samplers. The eBAM has a number of power options, including RV batteries or solar panels. Unlike Federal Reference Method (FRM) particulate samplers, it does not integrate a sample over 24 hours. Instead it yields hourly-average mass readings. This time resolution is needed to prove or disprove the working hypothesis of these stagnation events. It gives high quality hourly mass measurements. A small ^{14}C (carbon-14) element emits a constant source of high-energy electrons (known as beta particles) through a spot of clean filter tape. These beta rays are detected and counted by a sensitive scintillation detector to determine a zero reading. The eBAM automatically advances this spot of tape to the sample nozzle, where a vacuum pump then pulls a measured and controlled amount of dust-laden air through the filter tape. The tape loads with ambient dust causing an attenuation of the beta ray signal. This attenuation is used to determine the mass of the particulate matter on the filter tape and the volumetric concentration of particulate matter in ambient air based on an air flow of 16.7 SLPM.

This project has a timeline of September 1, 2008 – November 2, 2008. AQB staff deployed monitors in New Mexico and staff work with Ciudad Juarez environmental staff on the operation and placement of the monitoring equipment in Anapra. eBAM monitoring equipment will be operational from November 5, 2007 – April 25, 2009. Monitoring personnel from both AQB and the Ciudad Juarez DNA will collect datasets from the monitoring equipment and perform QA procedures as specified in the QAPP. All data will be quality assured by AQB staff. From April 30, 2009 – June 30, 2009 AQB staff will validate, summarize, analyze and finalize findings and present results to AQB and SEMARNAT. Findings will be presented at a quarterly meeting of the JAC. From July 1, 2009 – September 30, 2009 AQB staff will prepare a report AQB and SEMARNAT to assist in development of possible mitigation methods and control strategies resulting from the findings of the study. Stay tuned.

Ricardo Dominguez with El Paso MPO asked what criteria are used for locating the monitors at any particular location. Criteria include trying to obtain a range of air quality conditions, high/low values. NMED tried to have equal spatial distribution of the monitors across the sampling area. Security of the equipment was a major criterion. Is NMED required to coordinate siting monitors with the El Paso MPO?

BC commented that this is a study to address some localized problems. The criterion for placing monitors is entirely different from placing monitors for regulatory monitoring. This is a short-term study. AMC asked as part of the study were some recommendations going to be prepared. TR

replied that AQB is trying to develop some boundaries and eliminate potential sources of the elevated PM. This study hopefully will help pinpoint those sources and when those sources are identified a recommendation will be made. BC added that this is a problem that exists across the border. When the sun sets, early in the evening the air moves from Anapra thru Sunland Park. People start cooking and heating their homes. For NMED the answer may be to purchase improved heating and cooking equipment for the community of Anapra. EB referred to a Fresno study which correlated elevated PM concentrations in that region to respiratory health impacts to children in that community.

C) Update - Cd. Juarez ProAire Program

Biol. Gerardo Tarin, SEMARNAT, provided an update on the ProAire. INE/SEMARNAT is in an evaluation stage of the ProAire program, & Juarez is one of the cities in Mexico with an air quality improvement program. The group developing the ProAire is reviewing the 24 measures identified for the program. This includes monthly meetings of the entire group, individual subcommittee meetings, and Resolutions developed by the entire Workgroup.

The subcommittees determine where efforts are focused depending on need & funds availability. Essential work focuses on self-regulation for industry, Vehicle Verification, and the Integrated Regulatory System which looks at the Unique Environmental License (LAU), Statement of Operations (COA), & TRI (RETC). Areas of High Impact include the new regulations on fuels, and fiscal / tax reforms on gasoline.

Areas where we collaborate with our partners include the project undertaken with TCEQ such as the HVLP spray gun "Border Trade Out", Support for consumables associated with the PM10 monitoring network, and an agreement with NMED to study particulate matter in the western region of Juarez.

Regarding vehicles, public transit and regional mobility there is major participation with the Municipal government, the vehicle verification program is kicking into gear, and the RSD-3000 remote sensing device which detects high emitting vehicles is active.

Regarding Industry, Commerce, and the Service sector there is major participation with the Chihuahua State Government. Inspections are undertaken with rock crushing operations, relocation of the brickkiln industry, and promotion and strengthening of the voluntary compliance efforts with industry.

With participation of all 3 levels of government we have the "Promotion of the Integrated System for Industrial Regulation" (LAU, COA, RETC). Updates are being undertaken with the LAU system to provide complete on-line reporting and a method of on-line payment of industrial permit fees as well as tracking mechanisms for all permit applications & forms submittals.

Regarding Protection to Public Health we have the strong participation of COESPRIS & the Municipal Government. A program to communicate health risks associated with air quality is being developed. We are working with TCEQ to develop an ozone forecasting program, and we have surveillance being undertaken in regions with elevated concentrations of air pollutants primarily near quarries and rock crushers.

Regarding Environmental Education we are working with help from local industry and educational institutions. Cd. Juarez is developing the Municipal Plan on Environmental Education.

Regarding the Strengthening of Institutions and Programs for Binational Coordination the ProAire workgroup is trying to identify financial mechanisms to fund the programs. The workgroup is also developing a workshop on operation, maintenance and calibration of the air monitoring network.

So what's missing?? The Workgroup needs much commitment to advance the priority actions and address the 24 measures identified in the ProAire. The Workgroup needs to address the foundations which give continuity to this commitment. The Workgroup needs to identify members of the group to be responsible for undertaking certain activities. The Workgroup needs to develop an annual report which evaluates what has been undertaken and/or pending. The workgroup needs to develop reasonable indicators to prepare this evaluation. The program should be able to audit itself to determine if expectations are being met, exceeded or need a bit more effort. This program particularly evolves on support of the JAC and members on both sides of the border to help realize the measures identified in this program.

BL asked that with respect to ozone, is GT able to identify projects or strategies which could realize a near-term air quality benefit. GT mentioned that mobile sources are the major source of air pollutants and promotion of public transit would help. AMC added that a vehicle verification program can be strengthened. Other NORMAs (National Rules & Regulations) addressing VOCs need to be developed. NORMA 043 addressing particulate matter needs to be strengthened. Any efforts to help or support developing these rules and regulations, especially those that can help reduce emissions from power plants would help. Juarez can develop priorities which are focused on Mobile Sources. We need to work on how to limit the import from the US of used and polluting vehicles.

VV commented that among activities that can be undertaken by the JAC are installing Stage I vapor recovery systems in Cd. Juarez gas stations. The infrastructure is currently in place. All gas stations have a standpipe located on the perimeter of the property and all we need is a method of capturing the displaced VOCs when USTs are filled. This shouldn't be too expensive. A formal program needs to be developed, and a US entity can undertake the investment to obtain the emissions reduction credit since VRS is not a requirement in Mexico. BC added that things we need to address aside from Stage 1 & Stage II include reformulated gasoline, Low-RVP fuel, and Vehicle Verification programs.

BL stated that each year under the B2012 program the EPA-R6 receives up to \$800K to improve the environment. Traditionally, a Federal Register announcement is issued requesting proposals. The discussion taking place at EPA-R6 is to have an ongoing project that is properly funded and well-spent to achieve positive results. Perhaps we need seed money to demonstrate Best Management Practices to control VOC emissions. We may not require technology changes. BC, as chair of the EITC is tasked to figure this out.

AMC added that the government, working w/ SCT and SRE, needs to develop the rules and regulations that are developed in Mexico so these entities need to participate in the process of modifying the NORMAs. EB added that there are funds available to retrofit diesel-fueled vehicles to reduce emissions and exposure to sensitive individuals.

D) Initiatives to Address Climate Change

Michael Baca, NMED, presented an initiative undertaken by the State of NM to address Greenhouse Gases (GHG). Discussion centered on evaluations of how anticipated climate changes would affect New Mexico, Regional initiatives to address greenhouse gas emissions; working with the Western Climate Initiative Regional Cap and Trade Program, The Climate

Registry, and State initiatives to address greenhouse gas emissions.

Initial evaluations include the following: Dec. 2005: “Potential Effects of Climate Change on New Mexico” by State Agencies Technical Work Group; and the Jul. 2006: “The Impact of Climate Change on New Mexico’s Water Supply and Ability to Manage Water Resources” by Office of the State Engineer. Both are available at: <http://www.nmenv.state.nm.us/cc/>

Potential Impacts to New Mexico and Region include the following: Increase in temperatures; Extreme weather events; increase risk of wild fire; significant impacts on the state’s water resources; decrease in snow pack; loss of habitat for mountain species and an overall reduction in biodiversity; increased concentrations of smog and pollution from particulates, and adverse public health impacts.

The Western Regional Climate Action Initiative (WCI) was launched in February 2007 by the Governors of Arizona, California, New Mexico, Oregon and Washington to develop regional strategies to address climate change. Montana, Utah, British Columbia, Manitoba, Quebec and Ontario have since joined as partners. 6 US states, 6 Mexican states & 1 Canadian province are official observers.

The WCI developed a MOU among its members which sets a regional greenhouse gas reduction goal consistent with state-by-state goals; develops a design for a regional market-based multi-sector mechanism to achieve the regional GHG reduction goal, and participation in a multi-state GHG registry to enable tracking, management, and crediting for entities that reduce GHG emissions.

In August 2007, the partners established a regional GHG reduction goal of 15% below 2005 levels by 2020. The regional goal is the aggregate of Partners’ individual goals and does not replace the partners’ individual goals.

Why Use Cap and Trade methodology to meet WCI Emissions Reduction Goals? A C&T sets a clear, mandatory, enforceable limit on GHG emissions. Declining cap assures actual reductions in GHG. This allows the market to identify the most cost-effective ways to achieve the limit and encourages alternative, renewable energy sources and technologies.

The WCI C&T method offers timing and phasing of reporting to begin with 2010 emissions. The C&T uses a reporting tool and database hosted by The Climate Registry. First Cap and Trade Compliance Period considers 2012 through 2014 emissions. This includes electricity and industrial emissions. The Second C&T Compliance Period covers 2015 through 2017 emissions where the scope expands to include residential, commercial, remaining industrial fuel use, and transportation gasoline/diesel fuels.

What is The Climate Registry? The mission of the CR is to standardize and centralize high quality GHG data into a North American GHG registry to support voluntary and mandatory reporting programs. Members include 39 U.S. States, 12 Canadian Provinces, 3 Native American Indian tribes, and 7 Mexican states. This group consists of 281 Voluntary Reporters (as of October 2, 2008). The CR is the largest climate initiative in North America which covers 80% of population of North America, provides a common location for companies, agencies and other organizations to report their GHG emissions. The CR supports voluntary and mandatory state and provincial climate policies and promotes linkages between emerging carbon markets (i.e. common currency)

The CR addresses greenhouse gas emissions through state initiatives and mandatory reporting of

greenhouse gas emissions by large sources. It includes Clean Cars Rule (adoption of California standard), and an Anti-idling model ordinance. The program “Leads by Example” by reducing emissions at state agencies, energy efficiency is promoted, renewable portfolio standards are developed, & incentives for clean energy are provided. NMED has established a new outreach coordinator for this area.

Regarding the Anti-Idling Model Ordinance, the average commercial diesel truck idles an estimated 1,800 hrs/yr. Approximately 1 gallon of fuel is burned for every hour idling. Emissions from idling include criteria pollutants and greenhouse gases. Limitations to idling result in changed habits and technological innovation. The model ordinance limits idling to 5 minutes per every 60 (with some exemptions).

For more information visit:

NM Climate Change Initiatives: www.nmenv.state.nm.us/cc/

GHG reporting rule, clean car rule, and anti-idling initiative.

www.nmenv.state.nm.us/aqb/ghg/NMED_CC.html

Energy efficiency and renewable energy www.emnrd.state.nm.us/ecmd/

The Climate Registry: www.theclimateregistry.org

Western Climate Initiative: www.westernclimateinitiative.org

- E) JAC Discussion of coordination between NMED and Mexico addressing Greenhouse Gas (GHG) emissions.

Elaine Barron (EB) mentioned that TX is considered one of the bigger polluters in the U.S. given the amount of industry across the state, so she would like for TCEQ to identify to the JAC which are the highest polluters in the City of El Paso. There are organizations which identify polluted cities and compare this to quality of life. This provides insight into what we should have for a legislative agenda. Should the JAC develop a legislative agenda to address some of the issues such as why we are behind the rest of the U.S. in initiatives to clean the air?

BL stated that the Supreme Court ruled a year ago that CO₂ was a CAA pollutant. What is a good strategy for regulating GHG? The State of CA requested a waiver for its Clean Car program and President-Elect Obama supports the waiver. Something may yet be said regarding this waiver. Is the CAA the right vehicle for regulating GHG emissions? Also, Congress is moving Bills that address GHG emissions like Carbon Tax, Cap & Trade, The Energy Policy Act of 2005 requires EPA to develop a GHG Registry Rule.

When the rule is promulgated, some of these topics may be moved from voluntary to mandatory issues. There are things on the table in Western States that help such as Leading by Example, Federal procurement being green, working collaboratively to improve energy efficiency, etc. At some point in time all these things will come together when Congress passes a national rule and we can develop a GHG registry. We can have co-benefits by reducing GHG emissions by reducing other pollutants such as CFC's, etc.

AMC reported several states are conducting research funded by INE and CONACYT which is Mexico's National Science Foundation. Regarding climate change, many actions are taking place to try to avoid or prevent global climate change. Notwithstanding, GCC research is opening opportunities for pollution reductions. Mexico is developing a report for the Kyoto Protocol. The report includes an inventory of GHG gases. There is a difference methodology used to develop this database between the U.S. & Mexico. The US uses AP-42 emissions factors. If we are going to

develop inventories it would help to determine which methodology to use as we move forward. A strategy should be developed by February, 2009. We are planning a bi-national workshop to see how we're going to work together.

Victor Valenzuela stated he'd like to cut to the chase on what he'd like to try to achieve. We'd like to develop a registry here locally between NMED & Cd. Juarez. NMED would like to develop a registry; that's already been stated. Juarez is developing a strategy for developing a registry. The CFR Part 40 already has a section to help calculate GHG emissions. If we can work with the data currently available and apply the equations already available we can have something. It may not be perfect, but it's a start. This can provide a baseline of data. If this doesn't work, its fine, but we can move forward and develop this as a binational activity. Given there was no quorum we could not move forward with this recommendation. BL recommended we form a subcommittee to move this topic forward. The Data Committee can lead this.

- F) JAC discussion on potential initiatives (like Early Action Compacts) addressing the possible designation of Paso del Norte Communities as nonattainment of the 8-hr ozone standard.

BL referred to the JAC air quality report slide on 8-hr O₃ concentrations. Considering the regulatory process, TCEQ must submit to EPA by March 12 a recommendation for MSA's that may be in non-attainment of the new O₃ standard set at 75ppb / 8-hr average. EPA is looking at 3 years of O₃ data 2005-2007 and based on that EP would be recommended for nonattainment. Ramiro Garcia indicated that some EP CAMS stations are reporting O₃ concentrations just above the standard.

BL commented some cities may request a conditional attainment designation. EPA has developed "Early Action Compacts" where the community voluntarily undertakes initiatives to reduce O₃ forming pollutants before they are required to do so by law. EPA could defer the determination of nonattainment allowing initiatives to work before making such a designation. There is no provision of this in the CAA so the process requires participation by everyone to make this a non-litigation strategy where people believe this is a potential win-win strategy. EPA-HQ is telling Bill that EPA really doesn't have a major interest in doing EAC's again. But if the JAC is interested there's still time to discuss. There are other provisions in the CAA, such as Section 179(b) which says that for cities that could show they meet the standard were it not for international transport they don't have any control over, they would not have such sanctions.

So the question would be to the JAC if the committee would like to pursue this type of strategy. Rather than using the CAA provisions as a method of having an exemption, let's try to find emissions reductions that can be achieved. EB commented that considering traffic patterns, movement into this area of vehicles not required to comply with emissions standards and increases of traffic due to BRAC, we need to develop a better analysis to find reductions. Ricardo Dominguez indicated the MPO is mandated by law to develop programs to build facilities, buy buses to improve public transit, were it not for outside sources 179(b) is necessary.

A question was asked why it's important for EP to not be in nonattainment of the NAAQS. BL replied that it's a local decision. 1st of all standards are based on health studies. If you're above the standard your air is not as clean as if you were below the standard. The goal is to improve air quality anyway. From a regulatory perspective, there are requirements the city may not want to incur. For instance, if a refinery wanted to increase its capacity, it may not be able to do that in a nonattainment designation applies to the region in which the refinery is located. Before, you could get CMAQ funds (Congestion Mitigation Air Quality) to help invest in public transit projects, but those funds may be dried up. Industry may not be able to locate in a region, or an NGO may state

that EP has poor air quality and that impacts tourism to a region. EB added that Ft. Bliss is the 6th largest polluter in this region and they don't want to be in a nonattainment area when they start bringing their people in.

BL added that EPA-HQ may not want to address an EAC, but if this committee wants to work together on this the JAC needs to get EPA to rethink EACs. We need to consider if Mexico wants to take an active interest given we may consider if a Stage I or Stage II VRS program could work. AMC indicated MX would like to participate in these strategies, & with the evaluation taking place in the ProAire, she invites participation of TCEQ & EPAQ to see where we can be integrated into that program.

BC stated that without a quorum it's difficult to come up with a decision today, but he'd be willing to take on this issue through the EITC.

8. JAC Subcommittee Reports and Discussion - No committee reports were submitted.

9. Observations and Comments from the Public –

-Tom Ruiz submitted to the JAC & on behalf of Paul Duhlin, Director of the Office of Border Health for the NM Dept. of Health, a white paper developed by the NM OBH on land-based sources of air quality contaminants which includes a section of the Paso del Norte airshed. The document includes an inventory of landforms, air quality data, distribution of chronic diseases & anomalies.

-Carlos Rincon mentioned the bi-national workshop on climate change taking place the next day.

10. Highlights and consensus items of the meeting.

-AMC would like a report on Alba's research on the PM10 filters.

-BL would like to continue to receive report-outs from TCEQ regarding ASARCO, the TCEQ order & the JAC resolution.

-BC, as chair of the EITC is tasked to clearly define projects to allow us to solicit bids to complete those projects that are more targeted & yield air quality benefits & possible change the method EPA follows to solicit grant proposals & project objectives.

-BC will work w/ EP & TCEQ on question of bouncing around the idea of EAC vs. Sec. 179B provision of the CAA vs. regulatory designations & perhaps have a decision by the next JAC meeting.

-VV will contact mariana Chew to frame the question on working w/ MX states on GHG Registries & perhaps form a new committee on the JAC; the data committee will lead the discussion on developing a binational GHG registry.

11. Next meeting March 12, 2009 in Cd. Juarez

12. Adjourn