

RESOLUTION NO. 20120524-077

WHEREAS, the citizens of Austin value clean and healthy air; and

WHEREAS, the City of Austin maintains a goal to promote healthy outdoor air for all Austin residents; and

WHEREAS, according to the World Health Organization air pollution is a significant risk factor for multiple health conditions including respiratory infections, heart disease, and lung cancer; and

WHEREAS, the City partners with regional entities like Capital Area Council of Government's Clean Air Coalition, Clean Air Force of Central Texas, and Central Texas Clean Cities; environmental groups; and citizen advocates to reduce air pollution; and

WHEREAS, the Clean Air Act identifies six criteria air pollutants and over 180 toxic air pollutants known to cause harm to human health and the environment; and

WHEREAS, under Section 382.111 of the Texas Health and Safety Code, the City has the same power and is subject to the same restrictions as the Texas Commission on Environmental Quality ("TCEQ") under Section 382.015 of the Texas Health and Safety Code to inspect the air and to enter public or private property in its territorial jurisdiction to determine if the level of air contaminants in an area in its territorial jurisdiction and the emissions from a source meet the levels set by: the TCEQ or the City; or to verify that a person is complying with Chapter 382 or a rule, variance, or order issued by TCEQ; and

WHEREAS, under Section 382.113 of the Texas Health and Safety Code, the City has the power and right to abate a nuisance and enact and enforce an ordinance for the control and abatement of air pollution not inconsistent with Chapter 382 or Texas Commission on Environmental Quality rules or orders, and

WHEREAS, the City of Austin's air pollution regulations (Chapter 6-1) currently only cover ozone-depleting chemicals, asbestos, and motor vehicle idling, and a more comprehensive air quality program will help the City continue to improve overall air quality for our residents; and

WHEREAS, the following large Texas cities have incorporated air pollution and contaminants enforcement and abatement mechanisms into their City Code: City of Houston (Chapter 21, Article 6), City of Dallas (Chapter 5A), City of San Antonio (Section 26, Article 2), and City of El Paso (Chapter 9.36); **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

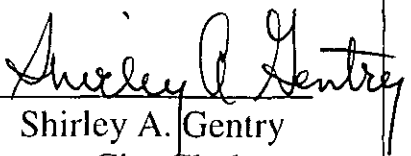
The City Manager is directed to evaluate and provide recommendations for a comprehensive air quality program that is consistent with Chapter 382 of the Texas Health and Safety Code that includes the flexibility to control and abate both toxic and criteria air pollution from permanent and temporary emissions sources within the City of Austin's jurisdiction.

The City Manager is directed to consult with stakeholder groups and to analyze best practice enforcement, education, and technical assistance mechanisms; implementation strategies; and minor source registration practices. The analysis should include a review of the City's authority in

Chapter 382 of the Texas Health and Safety Code and a study of the City's air quality, which may be accomplished with inspections for the purpose of collecting relevant data.

The City Manager is directed to report his recommendations, information on funding requirements and potential funding sources, cost impacts to businesses, and suggestions for possible code amendments to City Council by September 16, 2012.

ADOPTED: May 24, 2012

ATTEST: 
Shirley A. Gentry
City Clerk