



City of Dallas

ENVIRONMENTAL HEALTH COMMISSION
Dallas City Hall – 1500 Marilla, L1FN Conference Room “C”
Regular Meeting
March 5, 2007
9:00 a.m. – 10:30 a.m.

MINUTES

Members Present

James Mitchell, Chair
Diane Benjamin
Jon (Tad) Heimbürger
Keith Kwoh
Sylvia Lagos
Linda Sharp
Mary Warner

Members Absent

Mary Vogelson
Chris Schulz

Public Present

None

Staff Present

Karen D. Rayzer, Director, EHS
Laura Fiffick, Office of Environmental Quality
Lilia Gonzalez, Coordinator, EHS

Minutes

Mr. James Mitchell, Chair, called the regular meeting of the Environmental Health Commission to order at 9:05 a.m. The minutes from the February 5, 2006 meeting were not approved.

Progress and Status of Sustainable Development Land and Subdivision Task Force

Linda Sharp, EHC Member

Mrs. Linda Sharp informed the commission that the Sustainable Development Land and Subdivision Task Force is responsible for rainwater use, encourage retaining large trees, change code for handling storm water in subdivisions, review ISWM, educate city staff on grading plan elements, develop a grading code, develop a low impact design manual (ISWM), revise article 10 Dallas Tree Ordinance, and develop design standards for industry and rebates for water conserving appliances and devices.

Mrs. Sylvia Lagos was concerned that the Environmental Health Commission wasn't approached first instead of creating a task force. Mrs. Lagos feels that the task force should at least report back to the commission to be of assistance and be part of process.

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Mr. Howe mentioned that when a councilmember or council committees go before Council and requests a task force to work on certain issues they don't take the next step and figure out who will staff the task force nor do they discuss who will oversee the task force. Assumptions are made that the task force will report to the committee directly. Mr. Howe asked the commission if per chance that the commission was involved from the beginning they would have the time and the energy to be involved.

Mr. Mitchell reassured the commission that one thing that they can do is to make sure that the ISWM gets done whether through the task force or through the commission.

Status of Coal-fired Powerplant Permits

Laura Fiffick, Director, Office of Environmental Quality

Mrs. Laura Fiffick gave an update on coal-fired powerplants. She mentioned that the last time she addressed the commission the hearing was beginning for the powerplants. She informed the commission that the result of the modeling is on UT website. Dr. David Allen, which is an air quality modeler, did the modeling. As a result of the plants, non-attainment areas will be affected and additional non-attainment areas may be added such as Waco, Austin, and East Texas.

She mentioned that the night before the hearing an environmental group near the Savoy plant sued in District Court over the Governor's fast tracking executive order and the judge indicated the executive order was unconstitutional. At the hearing the next day the judges decided to delay the case until June 26th. Legal arguments were also heard that day. The legal arguments included whether or not judges look at CO2 and also look at a technology called IGCC. TXU tried to dismiss Dr. Allen's modeling on ozone; therefore, a briefing had to be presented.

Mrs. Fiffick also informed the commission that KKR and Texas Pacific Group had worked out a deal to purchase TXU. The agreement was made with NRDC and Environmental Defense to withdraw their permit applications on all the plants with the exception of two units of Oak Grove and one unit at Sandow. She mentioned that Sandow has three coal powered units now that are being shut down. One other unit has been proposed to retrofit and they want to build a new unit. They already have the permit. It was received by ALCOA and TXU agreed to build the unit. The permit was going to expire so the environmental group sued. Last week, federal judges approved TXU moving forward with construction. Oak Grove is a greenfield sight and has two lignite fueled units that have been through the permit process. The permitting process went through a contested case hearing. The protestant in the case is a Robertson County group called Our Land Our Lives. The judge in the case recommended not to issue the permit. It has not made it to TCEQ yet because they do not have 3 commissioners. Part of the agreement is to withdraw all the permits with the exception of Oak Grove and Sandow. Some agreements were made on CO2 so that they could get back to the 1990 levels by 2020. There were also commitments in energy efficiency.

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Mrs. Fiffick mentioned that the Mayor Laura Miller was meeting with the principal of Texas Pacific Group.

Commission Reports

Mr. Mitchell informed the commission that Mrs. Sharp was named Chair of Sustainability Task Force on Land and Subdivisions. She was chairman temporarily and was recently named Chair.

Mrs. Sharp informed the commission that the task force had two meetings. The taskforce met on February 13 and February 22. She distributed a document that gives information about the integrated storm water management and design manual. That document was distributed at the February 13 meeting. She mentioned that Mr. Kenny Calhoun attending and gave a presentation on ISWM. Mrs. Sharp encouraged the commission to attend the next meeting. She also offered to forward minutes and any other documents that may help commission members informed.

Mr. Mitchell believes that there is a problem in coordination between the duties of the Environmental Health Commission and the taskforce. The good news is the taskforce has three members from the commission.

Mr. Heimburger mentioned that the City has known about ISWM for some time now. He believes it is a more difficult change to make because of it is intensive work and their may not be enough staff.

Mrs. Sharp suggested for an ordinance change. She believes the most beneficial is to rewrite the ordinance exactly what it needs to say and submit it. She also suggested having the City Attorney's Office to review it.

Mr. David Howe mentioned that the City Attorney's Office has an ordinance writer.

Mrs. Lagos believes that it is a waste time and resources for the commission not to be involved like it should. Mr. Mitchell agreed.

Mr. Mitchell informed the commission that he is thinking about resigning as chairman early so that a new chairman could be named before the new Council begins.

Mrs. Sharp informed the commission that she will not attend next month's meeting.

Staff Reports

None

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Public Comment

None

Adjournment

Being no further business, the meeting was adjourned at 10:30 a.m.