



Revision of Chapters 9.36 and 9.38 of the El Paso City Code

Karl Rimkus, Operations Manager
Environmental Services

Mission

Deliver exceptional services to support a high quality of life and place for our community

Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Strategic Goal

Goal 8.5 – Improve air quality throughout El Paso



Purpose and Impact

- Administrative review and clean-up of ordinances
- No impact to residents or ESD budget

Current Ordinances

- Chapter 9.36 – Air Pollution (1989)
 - Duties of director
 - Rules and regulations
 - Ambient air emission standards
 - Inspections and enforcement
 - Disposal fire exception

- Chapter 9.38 – Woodburning (1990)
 - Applies to “solid fuel heating devices”
 - No burn periods
 - Notice required
 - Violation – Penalty

Key Revisions, Chapter 9.36

- Adopt by reference Texas Commission on Environmental Quality (TCEQ) air quality rules
- Delete local air quality standards, which duplicate state standards
- Establish sources of state authority to enforce air quality rules in the city
- Include provisions from Chapter 9.38, which will be repealed
- Include a section specifically for odor nuisances, which may be enforced by ESD Code Compliance, EPPD, and Animal Services
- Identify enforcement mechanisms, and specify when civil or criminal enforcement is allowed

Key Revisions, Chapter 9.38

- Repeal Chapter 9.38; its provisions will be included in Chapter 9.36
- Reference woodburning provisions per 30 Texas Administrative Code 111.111(c)
- Include allowance to post no burn notice on the City's website
- Methods of enforcing these provisions will comply with TCEQ's civil administrative procedures, in accordance with the City's air pollution control activities contract with TCEQ

Memorandum of Agreement

- Council resolution will allow City Manager to sign an MOA with TCEQ
- MOA will allow for local enforcement of vehicle idling
- Adopts state standards for vehicle idling per 30 TAC 114.510 – 114.512 and 114.517
- Vehicles with gross vehicle weight < 14,000 lbs. are exempt
- Idling due to traffic congestion is exempt
- Other exemptions apply

Process

- Briefing at SBR, July 3, 2019
- Drafting of ordinance by City Attorney's office, reviewed by ESD staff
- Teleconference with TCEQ, Sept. 30, 2019
- Discussion between TCEQ legal and City Attorney's office
- SBR, December 2019
- Brief members of Council, January and February 2020
- Introduce ordinance revisions and resolution, March 2020

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