

BILL ANALYSIS

C.S.H.B. 2963
By: Krusee
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Presently, counties and cities within areas found to be in non-attainment with the National Ambient Air Quality Standard which chose to implement a vehicle inspection and maintenance program are required to implement the state inspection and maintenance program designed by the Texas Commission on Environmental Quality. House Bill 2963 provides an option for counties participating in Early Action Compacts to develop an inspection and maintenance program specifically for their area.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.302, Health and Safety Code), SECTION 4 (Section 548.301, Transportation Code) and SECTION 5 (Section 548.307, Transportation Code) of this bill.

ANALYSIS

Section 1 amends Subchapter H Section 382.301 of the Health and Safety Code to include Early Action Compact counties. An Early Action Compact is an agreement entered into before January 1, 2002, by the Environmental Protection Agency, the Texas Commission on Environmental Quality, the governing body of a county that is in attainment of the one-hour national ambient air quality standard, but that has incidents approaching, or monitors that exceed, the eight-hour national ambient air quality standard for ozone, and the governing body of the most populous municipality in the county. The affected area submits and early action plan to TCEQ. If TCEQ finds the early action plan to be adequate it revises the state implementation plan and submits it to EPA on or before December 31, 2004 that provides for attainment of the eight-hour national ambient air quality standard for ozone on or before December 31, 2007.

Section 1 also amends Subchapter H Section 382.301 of the Health and Safety Code to allow a participating county whose early action plan contains provisions for a motor vehicle inspection and maintenance program, the county and the largest city within the county to request by resolution that TCEQ adopt an inspection and maintenance program for the county.

After approving a request, TCEQ may request by resolution that the Department of Public Safety establish a motor vehicle inspection and maintenance program for the participating county. The program may include exhaust emissions testing, emissions control devices and systems inspections, a remote sensing component or other testing methods that meet or exceed EPA requirements.

Section 2 amends Section 382.0622(a), Health and Safety Code to include Section 382.302 created in Section 1.

Section 3 amends Subchapter A, Chapter 548, Transportation Code, authorizes the Department of Public Safety to enter into contracts to perform its duties in implementing a motor vehicle emissions inspection and maintenance program under Section 382.302, Health and Safety Code.

Section 4 amends Section 548.301 Transportation Code by adding Subsection (b-1) that gives TCEQ rulemaking authority to establish a motor vehicle emissions inspection and maintenance program for vehicles subject to an early action compact.

Section 5 amends Subchapter F, Chapter 548, Transportation Code by giving TCEQ rulemaking authority to establish procedures for testing and enforcing vehicle emissions standards by use of alternative testing methodology that meets or exceeds EPA requirements in a participating county.

Section 6 defines when the act may take effect.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute legislation was developed after several meetings with and revisions by the Texas Department of Public Safety and the Texas Commission on Environmental Quality. TCEQ will be responsible for approving any inspection and maintenance program proposed by an Early Action Compact area and DPS will be responsible for implementing an approved program.

The substitute legislation allows for the use of a remote sensing component as part of an inspection and maintenance program. It also amends the Health and Safety code to allow for the DPS to collect fees to perform inspections and collect \$2 for inspection certificates under the Clean Air Act. Finally it amends the transportation code to include Environmental Protection Agency approved testing methodologies to test and enforce vehicle emission standards in Early Action Compact areas.