

By: Bonnen

H.C.R. No. 206

CONCURRENT RESOLUTION

1 WHEREAS, Congress established the New Source Review (NSR)
2 Program as part of the federal Clean Air Act to protect public
3 health and the environment with more effective pollution control
4 measures incorporated into the design and construction of
5 facilities as new sources of air contaminants are built and
6 existing sources are modified; and

7 WHEREAS, The fundamental philosophy of NSR is that it is more
8 efficient to add modern pollution control equipment when a source
9 of air contaminants is built or undergoes a major modification than
10 after it is constructed; and

11 WHEREAS, Promulgated by the U.S. Environmental Protection
12 Agency (EPA), NSR regulations are administered in Texas by the
13 Texas Commission on Environmental Quality (TCEQ), which also
14 operates a state program approved by EPA; and

15 WHEREAS, EPA worked with states and other stakeholders to
16 reform the program in response to concerns that the program causes
17 many companies to abandon plans to modernize their facilities in
18 ways that would benefit the environment; and

19 WHEREAS, On March 3, 2003, an EPA rule became effective that
20 provides incentives for companies to improve environmental
21 performance at the same time they make changes to their facilities;
22 and

23 WHEREAS, The rule change is intended to maximize operational
24 flexibility while improving environmental quality, a goal shared by

1 the Texas Legislature and one that is consistent with many of the
2 NSR regulations now in place at TCEQ; and

3 WHEREAS, Adopting the federal NSR rule would help to redirect
4 state resources to activities that are more likely to have an
5 adverse impact on the environment; now, therefore, be it

6 RESOLVED, That the 78th Legislature of the State of Texas
7 hereby direct the Texas Commission on Environmental Quality to move
8 expeditiously to recognize and implement the changes adopted by the
9 U.S. Environmental Protection Agency, especially those changes
10 that do not require a revision in agency rules; and, be it further

11 RESOLVED, That the secretary of state forward an official
12 copy of this resolution to the executive director of the Texas
13 Commission on Environmental Quality.