

1-1 By: Bonnen (Senate Sponsor - Armbrister) H.C.R. No. 206
1-2 (In the Senate - Received from the House May 26, 2003;
1-3 May 26, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 27, 2003, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 27, 2003, sent to printer.)

1-6 HOUSE CONCURRENT RESOLUTION

1-7 WHEREAS, Congress established the New Source Review (NSR)
1-8 Program as part of the federal Clean Air Act to protect public
1-9 health and the environment with more effective pollution control
1-10 measures incorporated into the design and construction of
1-11 facilities as new sources of air contaminants are built and
1-12 existing sources are modified; and

1-13 WHEREAS, The fundamental philosophy of NSR is that it is more
1-14 efficient to add modern pollution control equipment when a source
1-15 of air contaminants is built or undergoes a major modification than
1-16 after it is constructed; and

1-17 WHEREAS, Promulgated by the U.S. Environmental Protection
1-18 Agency (EPA), NSR regulations are administered in Texas by the
1-19 Texas Commission on Environmental Quality (TCEQ), which also
1-20 operates a state program approved by EPA; and

1-21 WHEREAS, EPA worked with states and other stakeholders to
1-22 reform the program in response to concerns that the program causes
1-23 many companies to abandon plans to modernize their facilities in
1-24 ways that would benefit the environment; and

1-25 WHEREAS, On March 3, 2003, an EPA rule became effective that
1-26 provides incentives for companies to improve environmental
1-27 performance at the same time they make changes to their facilities;
1-28 and

1-29 WHEREAS, The rule change is intended to maximize operational
1-30 flexibility while improving environmental quality, a goal shared by
1-31 the Texas Legislature and one that is consistent with many of the
1-32 NSR regulations now in place at TCEQ; and

1-33 WHEREAS, Adopting the federal NSR rule would help to redirect
1-34 state resources to activities that are more likely to have an
1-35 adverse impact on the environment; now, therefore, be it

1-36 RESOLVED, That the 78th Legislature of the State of Texas
1-37 hereby direct the Texas Commission on Environmental Quality to move
1-38 expeditiously to recognize and implement the changes adopted by the
1-39 U.S. Environmental Protection Agency, especially those changes
1-40 that do not require a revision in agency rules; and, be it further

1-41 RESOLVED, That the secretary of state forward an official
1-42 copy of this resolution to the executive director of the Texas
1-43 Commission on Environmental Quality.

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