

By: Chavez

H.C.R. No. 218

CONCURRENT RESOLUTION

1 WHEREAS, Air pollution has become an increasingly serious  
2 problem that endangers public health; as pollution has increased,  
3 the U.S. Environmental Protection Agency (EPA) has sought more  
4 stringent enforcement of the federal Clean Air Act; and

5 WHEREAS, Any region that does not meet the National Ambient  
6 Air Quality Standards (NAAQS) for sulfur dioxide, nitrogen dioxide,  
7 particulate matter, carbon monoxide, ozone, or lead may be  
8 designated as a nonattainment area; a nonattainment area is given a  
9 deadline for achieving those standards, and the federal statute  
10 requires any state with one or more nonattainment areas to develop a  
11 State Implementation Plan outlining a process to reduce emissions  
12 to meet NAAQS within a specified time; and

13 WHEREAS, Currently, the State of Texas has nine metropolitan  
14 areas that either have been designated as nonattainment areas by  
15 the EPA or are close to exceeding the NAAQS for one or more of the  
16 regulated pollutants; and

17 WHEREAS, El Paso was classified as a serious nonattainment  
18 area for the one-hour ozone standard in 1991 and is also the only  
19 area in Texas that fails to meet the NAAQS for particulate matter  
20 and carbon monoxide; and

21 WHEREAS, El Paso's ability to meet the NAAQS is adversely  
22 affected by several circumstances beyond its control: its  
23 proximity to Ciudad Juárez, Mexico, the fact that the two cities are  
24 surrounded by mountains that form a common air basin, and the high

1 levels of emissions originating in Ciudad Juárez that contribute to  
2 the high concentration of certain criteria pollutants in the basin;  
3 and

4 WHEREAS, Section 179B of the Clean Air Act, which addresses  
5 nonattainment areas along international borders, stipulates that  
6 the State Implementation Plan must be approved by the EPA for any  
7 metropolitan area in the United States that is able to demonstrate  
8 that the area would be in compliance with the NAAQS for any of the  
9 regulated pollutants if not for emissions from outside of the  
10 United States; and

11 WHEREAS, The EPA approved a demonstration in 1992 by the  
12 Texas Natural Resource Conservation Commission, now the Texas  
13 Commission on Environmental Quality, establishing, through the use  
14 of scientific modeling, that the El Paso area was in compliance with  
15 the NAAQS for particulate matter; and

16 WHEREAS, The Texas Natural Resource Conservation Commission  
17 submitted evidence to the EPA in 1995 and 1996 establishing that the  
18 El Paso area also would be in attainment with the NAAQS for the  
19 one-hour ozone and carbon monoxide standards if not for emissions  
20 from Mexico; and

21 WHEREAS, Despite this evidence, the EPA has not yet approved  
22 redesignation State Implementation Plan revisions for particulate  
23 matter, ozone, and carbon monoxide in El Paso; now, therefore, be it

24 RESOLVED, That the 78th Legislature of the State of Texas  
25 hereby respectfully request the Congress of the United States to  
26 urge the U.S. Environmental Protection Agency to redesignate El  
27 Paso from a nonattainment area to an attainment area; and, be it

1 further

2           RESOLVED, That the Texas secretary of state forward official  
3 copies of this resolution to the president of the United States, to  
4 the speaker of the house of representatives and the president of the  
5 senate of the United States Congress, and to all members of the  
6 Texas delegation to the congress with the request that this  
7 resolution be officially entered in the Congressional Record as a  
8 memorial to the Congress of the United States of America.