

BILL ANALYSIS

Senate Research Center
79R2121 SLO-D

S.B. 123
By: Barrientos
Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently the Texas Commission on Environmental Quality (TCEQ) has the authority to authorize air quality control measures for nonattainment areas. It is unclear whether TCEQ may authorize the same measures in areas which are not nonattainment areas.

As proposed, S.B. 123 ensures that TCEQ can enact in a near-nonattainment area any air quality control measure that it can implement in a nonattainment area. The bill limits this authority to situations in which the participating county and the largest municipality in the county that are parties to an early action compact request the measure as part of that compact. Additionally, this bill instructs TCEQ to take into account certain factors when estimating the amount of emissions allowable for near-nonattainment areas to remain in compliance with national air quality standards.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 382, Health and Safety Code, by adding Section 382.0173, as follows:

Sec. 382.0173. AREAS SUBJECT TO EARLY ACTION COMPACTS. (a) Defines "early action compact" and "nonattainment area."

(b) Requires the Texas Commission on Environmental Quality (TCEQ) to consider the implementation of each air quality control measure proposed in an early action plan submitted to TCEQ pursuant to an early action compact. Permits TCEQ to authorize or implement in a near nonattainment area any air quality control measure TCEQ is permitted to authorize or implement for use in a nonattainment area.

(c) Permits TCEQ to authorize or implement an air quality control measure under Subsection (b) only if both the participating county and the largest municipality in that county that are parties to an early action compact request the measure as part of an early action plan.

(d) Requires TCEQ, in estimating the maximum amount of emissions allowable for a near nonattainment area to remain in attainment of national ambient air quality standards, to provide a reasonable margin to allow for population and industrial growth, foreseeable weather events, and scientifically acceptable margins of error.

SECTION 2. Effective date: upon passage or September 1, 2005.