

By: Pickett

H.B. No. 3007

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of certain counties for Texas emissions
3 reduction plan grants.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 386.001, Health and Safety Code, is
6 amended by adding Subdivision (12) to read as follows:

7 (12) "Former nonattainment area" means an area that was
8 formerly designated as a nonattainment area but is no longer
9 designated as a nonattainment area.

10 SECTION 2. Section 386.102(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) The commission shall establish and administer a diesel
13 emissions reduction incentive program. Under the program, the
14 commission shall provide grants for eligible projects to offset the
15 incremental cost of projects that reduce emissions of oxides of
16 nitrogen from high-emitting diesel sources in nonattainment areas,
17 ~~and~~ affected counties, and former nonattainment areas of the
18 state. The commission shall determine the eligibility of projects.

19 SECTION 3. Section 386.103(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) Any person as defined by Section 382.003 that owns one
22 or more on-road or non-road diesels that operate primarily within a
23 nonattainment area, an ~~or~~ affected county, or a former
24 nonattainment area of this state or that otherwise contributes to

1 the state inventory of emissions of oxides of nitrogen may apply for
2 a grant under the program. The commission may adopt guidelines to
3 allow a person other than the owner to apply for and receive a grant
4 in order to improve the ability of the program to achieve its goals.

5 SECTION 4. Section 386.104(c), Health and Safety Code, is
6 amended to read as follows:

7 (c) For a proposed project as described by Section
8 386.102(b), other than a project involving a marine vessel or
9 engine, not less than 75 percent of vehicle miles traveled or hours
10 of operation projected for the five years immediately following the
11 award of a grant must be projected to take place in a nonattainment
12 area, an ~~or~~ affected county, or a former nonattainment area of
13 this state. For a proposed project involving a marine vessel or
14 engine, the vessel or engine must be operated in the intercoastal
15 waterways or bays adjacent to a nonattainment area, an ~~or~~
16 affected county, or a former nonattainment area of this state for a
17 sufficient amount of time over the lifetime of the project, as
18 determined by the commission, to meet the cost-effectiveness
19 requirements of Section 386.105.

20 SECTION 5. Sections 386.105(c) and (d), Health and Safety
21 Code, are amended to read as follows:

22 (c) The commission shall develop protocols for calculating
23 oxides of nitrogen emissions reductions not otherwise required by
24 state or federal law in nonattainment areas, ~~and~~ affected
25 counties, and former nonattainment areas of this state from
26 representative project types over the life of the projects.

27 (d) The commission may include in cost-effectiveness

1 determinations only reductions in oxides of nitrogen emissions that
2 are achieved in nonattainment areas, ~~and~~ affected counties, and
3 former nonattainment areas of this state.

4 SECTION 6. Section 386.106(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) Except as provided by Section 386.107 and except for
7 infrastructure projects and infrastructure purchases that are part
8 of a broader retrofit, repower, replacement, or add-on equipment
9 project, the commission may not award a grant for a proposed project
10 the cost-effectiveness of which, calculated in accordance with
11 Section 386.105 and criteria developed under that section, exceeds
12 \$13,000 per ton of oxides of nitrogen emissions reduced in the
13 nonattainment area, ~~or~~ affected county, or former nonattainment
14 area for which the project is proposed. This subsection does not
15 restrict commission authority under other law to require emissions
16 reductions with a cost-effectiveness that exceeds \$13,000 per ton.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.