

By: Chisum

H.R. No. 2219

R E S O L U T I O N

1 WHEREAS, Protection of the environment is a statewide
2 concern, and the Texas Commission on Environmental Quality is the
3 primary environmental agency charged with protecting the
4 environment of the state; and

5 WHEREAS, The Texas Clean Air Act (Section 382.115, Health and
6 Safety Code), provides that a local government may execute
7 cooperative agreements with the commission or with other local
8 governments to provide for the performance of air quality
9 management, inspection, and enforcement functions and to provide
10 technical aid and educational services to a party to the agreement;
11 and

12 WHEREAS, The commission uses various tools, including agreed
13 orders and consent agreements, to maintain compliance with
14 applicable laws, rules, orders, and permits concerning air
15 emissions at individual sources; and

16 WHEREAS, The actions of local governments should not impede
17 or attempt to preempt the efforts of the commission to regulate,
18 preserve, and protect the state's environment; now, therefore, be
19 it

20 RESOLVED, That the House of Representatives of the 79th Texas
21 Legislature hereby finds that an entity entering into a cooperative
22 agreement with the Texas Commission on Environmental Quality may
23 not exercise its enforcement authority against a person under
24 Section 382.115, Health and Safety Code, or under any other law, if

1 the commission is exercising or has exercised its authority to
2 bring the person into compliance with applicable laws, rules,
3 orders, and permits concerning air emissions.