

By: Barrientos

S.B. No. 123

A BILL TO BE ENTITLED

AN ACT

relating to air quality control measures proposed pursuant to an early action compact.

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

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0173 to read as follows:

Sec. 382.0173. AREAS SUBJECT TO EARLY ACTION COMPACTS. (a)

In this section:

(1) "Early action compact" has the meaning assigned by Section 382.301.

(2) "Nonattainment area" means an area so designated under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407).

(b) The commission:

(1) shall consider the implementation of each air quality control measure proposed in an early action plan submitted to the commission pursuant to an early action compact; and

(2) may authorize or implement in a near nonattainment area any air quality control measure the commission may authorize or implement for use in a nonattainment area.

(c) The commission may 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

1 action plan.

2 (d) In estimating the maximum amount of emissions allowable
3 for a near nonattainment area to remain in attainment of national
4 ambient air quality standards, the commission shall provide a
5 reasonable margin to allow for population and industrial growth,
6 foreseeable weather events, and scientifically accepted margins of
7 error in data and modeling.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.