

## **BILL ANALYSIS**

Senate Research Center

S.B. 1672  
By: Averitt  
Natural Resources  
8/3/2007  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas adopted the federal rules for allocating emission of nitrogen oxide under the Clean Air Interstate Rules. The Environmental Protection Agency (EPA) has made changes to the federal law that are not reflected in the state statutes.

S.B. 1672 changes the timeline for making allocation of emissions in the state statutes to reflect federal law and changes the reference to federal rules in order to avoid the need to change the state statutes every time federal law changes.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.0173, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 382.0173(b), (c), and (e), Health and Safety Code, as follows:

(b) Deletes existing text specifying the dates on which portions of 40 C.F.R. apply under this section. Makes nonsubstantive changes.

(c) Requires the Texas Commission on Environmental Quality (TCEQ), before the allocation date specified by the United States Environmental Protection Agency (EPA) for the control period beginning January 1, 2018, rather than January 1, 2016, to adjust the baseline for all affected units using the average of the three highest amounts of the unit's adjusted control period heat input for periods one through five of the preceding nine, rather than seven control periods, with the adjusted control period heat input for each year. Makes nonsubstantive changes.

(e) Requires TCEQ, in adopting the rules under Subsection (a), to incorporate any modification to the federal rules cited in this section that result from a request for rehearing regarding those rules that is filed with the EPA, a petition for review of those rules that is filed with a court, or a final rulemaking action of the EPA.

SECTION 2. Effective date: upon passage or September 1, 2007.