

BILL ANALYSIS

Senate Research Center

C.S.S.B. 889
By: Harris
Natural Resources
4/24/1999
Committee Report (Substituted)

DIGEST

Currently, the Federal Aviation Administration (FAA) has set forth "General Conformity" requirements for all projects that it is statutorily required to approve under the National Environmental Policy Act (NEPA). Under these requirements, the FAA cannot authorize, approve, or support a development or construction project on an airport until the sponsor airport can prove that it is in conformity with its air quality State Implementation Plan (SIP). Under Texas law, the Texas Natural Resource Conservation Commission is responsible for adopting and overseeing the SIP. This bill ensures that the Dallas-Fort Worth Airport is only held accountable under the SIP for those emissions over which it has direct control.

PURPOSE

As proposed, S.B. 889 revises air quality standards for certain airports.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.039(a), Health and Safety Code, to require the Texas Natural Resource Conservation Commission (TNRCC) to coordinate with federal, state, and local transportation planning agencies and joint boards as defined by Section 382.0391 to develop and implement transportation programs and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards and to protect the public from exposure to hazardous air contaminants from motor vehicles.

SECTION 2. Amends Chapter 382B, Health and Safety Code, by adding Section 382.0391, as follows:

Sec. 382.0391. ATTAINMENT PROGRAMS FOR CERTAIN AIRPORTS. Defines "joint board" and "populous home-rule municipality." Provides that this section applies only to an airport operated by a joint board. Sets forth certain information required in a written commitment to the U.S. Environmental Protection Agency by a certain date from TNRCC, when an airport operated by a joint board demonstrates conformity without offsets for emissions from sources that the airport does not own or control pursuant to the terms of this section. Requires TNRCC, in developing and implementing an attainment program under Section 382.039, to ensure that compliance with conformity requirements established by commission rules may be achieved without an offset for emissions from a source that is not owned or directly controlled by the joint board, including a source operated by a person under a contract with the joint board.

SECTION 3. Effective date: September 1, 1999.

Provides that this Act applies to an action for which a conformity demonstration is pending on the effective date of this Act.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 382.0391, Health and Safety Code, to set forth certain information required in

a written commitment to the U.S. Environmental Protection Agency by a certain date from TNRCC, when an airport operated by a joint board demonstrates conformity without offsets for emissions from sources that the airport does not own or control pursuant to the terms of this section.