

## **BILL ANALYSIS**

Senate Research Center  
79R7933 SLO-F

C.S.S.B. 123  
By: Barrientos  
Natural Resources  
4/1/2005  
Committee Report (Substituted)

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

Currently the Texas Commission on Environmental Quality (TCEQ) has the authority to authorize air quality control measures for nonattainment areas. It is unclear whether TCEQ may authorize the same measures in areas which are not nonattainment areas.

C.S.S.B. 123 ensures that TCEQ can enact in a participating county to prevent a nonattainment designation any air quality control measure that it can implement in a nonattainment area. The bill limits the authority to authorize or implement any subsequent revision to a submitted early action plan that directly affects or requires action of a significant portion of the general population of a participating county to situations in which the governing bodies of both the participating county and the most populous municipality that has a majority of the municipality's residents residing in the participating county request or consent to the measure as part of an early action plan. Additionally, this bill instructs TCEQ to take into account certain factors when authorizing or implementing a submitted air quality control measure.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 382, Health and Safety Code, by adding Section 382.0173, as follows:

Sec. 382.0173. AREAS SUBJECT TO EARLY ACTION COMPACTS. (a) Defines "early action compact," "nonattainment area," and "participating county."

(b)(1) Requires the Texas Commission on Environmental Quality (TCEQ) to consider the implementation of each air quality control measure proposed in an early action plan submitted to TCEQ pursuant to an early action compact.

(2) Requires TCEQ to authorize or implement each submitted air quality control measure that TCEQ determines is reasonably necessary to ensure attainment of a certain air quality standard and prevent a nonattainment designation in a participating county, including any measure that could be authorized in a nonattainment area.

(3) Requires TCEQ, in authorizing or implementing a submitted air quality control measure, to consider reasonable margins to allow for population and industrial growth, weather events, and scientifically accepted margins of error in data and modeling.

(c) Requires TCEQ to authorize or implement any subsequent revision to a submitted early action plan that directly affects or requires action of a significant portion of the general population of a participating county only if the governing bodies of both the participating county and the most populous municipality that has a majority of the municipality's residents residing in the participating county request or consent to the measure as part of an early action plan.

SECTION 2. Effective date: upon passage or September 1, 2005.