

BILL ANALYSIS

Senate Research Center
77R10923 JJT-F

H.B. 3040
By: Geren (Lucio)
Natural Resources
5/9/2001
Engrossed

DIGEST AND PURPOSE

Shipyards conduct abrasive blasting and painting operations either immediately adjacent to or directly over bodies of water. Under the federal Clean Air Act, the United States Environmental Protection Agency has established national ambient air quality standards (NAAQS) and authorizes the Texas Natural Resource Conservation Commission (TNRCC) to grant permits for new or modified operations in shipyards to regulate emitted pollutants. Before granting a permit, TNRCC tests for noncriteria ambient pollutants in a manner determined by the executive director. Because TNRCC's testing method can differ from federal testing methods it is possible that a shipyard that is complying with the NAAQS would not be able to obtain a permit. H.B. 3040 provides for the testing of noncriteria ambient pollutants at shipyards according to the land-based off-property, rather than over a body of water, to determine compliance with the NAAQS to permit a new or modified operation at the shipyard.

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 Chapter 382C, Health and Safety Code, by adding Section 382.065, as follows:

Sec. 382.065. SHIPYARD FACILITIES. (a) Defines "shipyard."

(b) Requires the Texas Natural Resource Conservation Commission (commission), in determining whether to issue, or in conducting a review of, a permit or other authorization issued or adopted under this chapter for a shipyard, to determine compliance according to land-based off-property concentrations of air contaminants and prohibits the commission from requiring or considering certain air dispersion modeling results

(c) Provides that this section does not limit the commission's authority to take an enforcement action in response to a condition that constitutes a nuisance.

SECTION 2. Provides that this Act takes effect September 1, 2001, and applies to a permit or authorization issued under Chapter 382, Health and Safety Code, on, before, or after that date and to applications for such a permit or authorization filed on, before, or after that date.