

BILL ANALYSIS

Senate Research Center
79R7127 SLO-F

S.B. 784
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Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 1997, numerous air emission control programs were implemented by the Texas Commission on Environmental Quality (commission) on behalf of the State of Texas and the United States that would have benefited from the ability to encourage emissions reduction in Mexico. C.S.S.B. 1571, 77th Legislature, Regular Session, 2001, authorized the commission to allow the use of emissions regulations achieved outside the United States to satisfy otherwise applicable emissions reduction requirements if certain conditions are met. In 2002, the first recognized international emissions trading on the United States/Mexico border was initiated in the El Paso region.

S.B. 1571, 77th Legislature, Regular Session, 2001, allowed El Paso Electric (EPE) to enter into an international emissions credits program through the commission for the development of cleaner burning brick kilns in Ciudad Juarez. The existing enabling language allows for this program to exist within a non-attainment area along the United States/Mexico border. The Environmental Protection Agency (EPA) is currently considering a request for redesignation from non-attainment to "maintenance" status for the Paso del Norte air shed.

As proposed, S.B. 784 makes a minor change in the enabling language which would allow EPE to continue its emissions reduction brick kiln project in the event that the air shed is designated "maintenance" status by the EPA. This bill is a proactive effort to ensure that this valuable program, and others of its kind, can continue to exist in the event of the redesignation of the air shed. Programs such as this one can be credited with pollution reductions in the region that have made consideration of redesignation possible.

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 Section 382.0172(c), Health and Safety Code, to permit the Texas Commission on Environmental Quality (commission) to authorize or allow substitution of emissions reductions if either the reductions in emissions of one air contaminant for which the area has been designated as a nonattainment are substituted for reductions in emissions of another air contaminant for which the area has been designated as nonattainment, or the commission finds that the substitution will clearly result in greater health benefits for the community as a whole than would reductions in emissions at the original facility, rather than permitting the commission to allow substitution only if both these conditions exist.

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