

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1466
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over half a dozen local North Texas governments, including Tarrant County, and the cities of Fort Worth, Dallas, Arlington, and Plano have adopted "green cement" purchasing preferences. These policies direct that government dollars be used to buy cement from newer and cleaner "dry process" cement kilns, rather than older, dirtier "wet process" kilns which produce less cement but emit more ozone-forming pollution. Using market forces, institutional purchasers encourage cleaner technology and give incentives to clean up the dirtiest kilns. The Environmental Protection Agency has endorsed the green cement strategy and the Texas Commission on Environmental Quality credited it with reducing more than 300 tons of ozone-forming pollution in the latest Dallas-Fort Worth (DFW) clean air plan. Mayors, county judges, and other elected officials in North Texas have requested the state to join them in adopting "green" cement policies to increase the effectiveness of their clean air "buyer's club." There are only eight wet process kilns still permitted in the entire state. Seven of them operate within a few miles of each other directly below the center of DFW Metroplex and have a significant impact on the region's air quality. The eighth is a very small kiln in Waco that does no Texas Department of Transportation (TxDOT) business.

C.S.S.B. 1466 amends current law relating to the procurement of certain cement by TxDOT.

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 I, Chapter 201, Transportation Code, by adding Section 201.711, as follows:

Sec. 201.711. EXPENDITURES FOR CEMENT. (a) Provides that this section applies only to a Texas Department of Transportation (TxDOT) contract that involves the use of cement that is produced in an area that, on January 1, 2009, was classified as a moderate nonattainment area for the eight-hour ozone standard by the United State Environmental Protection Agency under 42 U.S.C. Section 7511.

(b) Requires TxDOT, in procuring the cement, either directly or through a subcontract, to specify as the base bid, proposal, or offer, cement produced from a portland cement kiln that meets or exceeds regulatory requirements for emissions of nitrogen oxide from a portland cement kiln that utilizes a dry raw material feed precalciner pyroprocessing technology, and is located in an area that, on January 1, 2009, was classified as a moderate nonattainment area for the eight-hour ozone standard by the United States Environmental Protection Agency under 42 U.S.C Section 7511.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.