

## **BILL ANALYSIS**

Senate Research Center

H.B. 2649  
By: Capelo (Duncan)  
Natural Resources  
5/9/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, the Texas Natural Resource Conservation Commission (TNRCC) is prohibited from establishing vehicle fuel content standards (standards) that are different from the standards of the United States Environmental Protection Agency (EPA). However, TNRCC is authorized to implement different standards if the legislature authorizes the standards, the standards are necessary for the attainment of federal ozone ambient air quality standards, or following appropriate health studies and consultations with the Texas Department of Health, the standards are determined to be necessary for the protection of public health. If TNRCC implements standards different from the EPA and does not apply the standards statewide, gaps in these standards may make it difficult for fuel-related businesses in Texas to serve different areas. H.B. 2649 provides that TNRCC is prohibited from establishing more stringent or restrictive standards than EPA standards for an area of the state before January 1, 2004.

### **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 382.019(a), Health and Safety Code, to add an exception as provided by Section 382.037(g), or another provision of this chapter.

SECTION 2. Amends Section 382.037, Health and Safety Code, by amending Subsection (g) and adding Subsections (h) and (i), as follows:

(g) Prohibits the Texas Natural Resource Conservation Commission (commission) from establishing, before January 1, 2004, vehicle fuel content standards to provide for vehicle fuel content for clean motor vehicle fuels for any area of the state that are more stringent or restrictive than those standards promulgated by the United States Environmental Protection Agency applicable to that area, except for the fuel described in Subsection (h), unless the fuel is specifically authorized by the legislature. Deletes language relating to attainment of federal ozone ambient air quality standards.

(h) Prohibits the commission from requiring the distribution of Texas low-emission diesel as described in revisions to the State Implementation Plan for the control of ozone air pollution before February 1, 2005.

(i) Authorizes the commission to consider, as an alternative method of compliance with Subsection (h), fuels to achieve equivalent emissions reductions.

SECTION 3. Amends Section 382.039(a), Health and Safety Code, to make a conforming change.

SECTION 4. Provides that the changes in law made by this Act do not apply to fuel standards adopted by the Texas Natural Resource Conservation Commission before September 1, 2000.

SECTION 5. Effective date: September 1, 2001.