

## **BILL ANALYSIS**

Senate Research Center  
81R9478 SLB-D

S.B. 1466  
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Transportation & Homeland Security  
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As Filed

### **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.

As proposed, S.B. 1466 requires TxDOT to buy cement from a dry process cement kiln when procuring cement for use in certain TxDOT districts.

### **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 the procurement of cement for use in a Texas Department of Transportation (TxDOT) district under Section 201.105 (Department Districts) that contains a county that has a population greater than one million 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 State Environmental Protection Agency under 42 U.S.C. Section 7511 or is adjacent to the described district.

(b) Requires TxDOT, in procuring cement, either directly or through a subcontract, to select a vendor that demonstrates that the cement was produced from a portland cement kiln that utilizes a dry raw material feed precalciner pyroprocessing technology and meets or exceeds regulatory requirements for emissions of nitrogen oxide.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.