

SUBJECT: Creating a pilot program for fence-line or smokestack-emissions monitoring

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Chisum, Bonnen, Kuempel, Uher, Bosse, Howard, Zbranek
0 nays
2 absent — Dukes, Geren

WITNESSES: For — None
Against — None
On — Fred Richardson, Lone Star Chapter Sierra Club

BACKGROUND: The Texas Natural Resource Conservation Commission (TNRCC) currently operates about 150 air quality monitoring stations in populated areas of Texas. In 1998, TNRCC developed the MeteoStar Data Acquisition System, which allows TNRCC to receive real-time data from the air quality monitoring stations. In 1999, TNRCC received an Environmental Protection Agency (EPA) grant and expanded MeteoStar by linking two privately-owned regional monitoring systems. The MeteoStar system greatly increases TNRCC's ability to collect, analyze, and report air quality data.

TNRCC regulates approximately 12,000 entities that hold formal air quality permits and licenses, and approximately 55,000 additional entities operating under various legal clean air requirements. TNRCC regulates air quality via permits, emissions monitoring, and inspections.

DIGEST: CSHB 1227 would require TNRCC to create a pilot project to examine the benefits of offering incentives to regulated entities to install fence-line and smokestack air-pollution monitoring devices linked to the TNRCC data system. The bill would permit TNRCC to consider offering on-site technical assistance, expedited permitting, reduced reporting and record-keeping requirements, and reduced inspections as incentives to participating entities, to the extent consistent with federal law.

The bill would require TNRCC to report the results of the pilot program to the legislature not later than December 1, 2002.

The bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 1227 would implement one of the Comptroller's "e-Texas" recommendations. According to the Sunset Advisory Commission, TNRCC currently has difficulty identifying regulated entities that exceed air pollution limits through "upset" or "maintenance" events. While regulated entities are required to report these events, some take advantage of gaps in TNRCC monitoring by not reporting or delaying reports. This bill would provide for a two-year pilot program, during which period TNRCC could fine tune the program and provide specific guidelines.

Continuous monitoring would provide a public benefit. TNRCC uses information gathered by air-quality monitoring equipment to penalize regulated entities for air pollution incidents and to provide them with assistance in cleaning up air pollution and remedying specific air pollution incidents. Linking additional air-quality monitoring equipment to the TNRCC system would help TNRCC to assess pollution events and to assess the causes of those events. Air pollution problems would be identified and remedied more quickly if TNRCC had access to additional real-time data.

Many businesses already have linked their monitoring equipment to the TNRCC system as part of their permit. Others soon may add the additional monitoring equipment necessary to link to the TNRCC system. Because the bill would provide for a pilot project, there would be no requirement for regulated entities to participate immediately, but regulatory incentives would encourage participation. The existence of other programs providing similar incentives is not a problem. The goal is to ensure cleaner air; it does not matter whether that goal is furthered by incentives from this program, or by another program.

**OPPONENTS
SAY:**

The bill is too vague. It is not clear which incentives could be exchanged for which actions. It is not clear what information TNRCC would have to collect from these fence-line or smokestack air quality monitors. Finally, it is not clear what TNRCC would have to do with this data once it was obtained.

Federal law would prevent TNRCC from offering some participation incentives to some regulated entities. In addition, regulated entities may be able to obtain similar incentives for participating in other TNRCC programs.

NOTES:

The companion bill, SB 602 by Brown, was referred to the Senate Natural Resources Committee on February 12.

The committee substitute made the program a pilot program. This eliminated the fiscal note in the original version, due to the eliminating of certain infrastructure changes that would have been necessary for TNRCC to implement the bill as filed.