

BILL ANALYSIS

Senate Research Center
82R2143 JAM-F

H.B. 1981
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Environmental Quality (TCEQ) maintains an air pollutant watch list that identifies areas in Texas where specific pollutants are measured at levels of concern and has a process in place for the development of effects screening levels to evaluate the potential for health effects resulting from exposure to air contaminants. In addition, TCEQ receives notification of emergency releases and maintains an air emission even report database. H.B. 1981 seeks to establish statutory guidelines and requirements for TCEQ in certain matters relating to measuring, monitoring, and reporting emissions.

H.B. 1981 amends current law relating to measuring, monitoring, and reporting emissions.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

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 B, Chapter 382, Health and Safety Code, by adding Sections 382.0161 and 382.042, as follows:

Sec. 382.0161. AIR POLLUTANT WATCH LIST. (a) Requires the Texas Natural Resource Conservation Commission (TNRCC) to establish and maintain an air pollutant watch list. Requires that the air pollutant watch list identify:

- (1) each air contaminant that TNRCC determines, on the basis of federal or state ambient air quality standards or effects screening levels for the contaminant, should be included on the air pollutant watch list; and
- (2) each geographic area of the state for which ambient air quality monitoring data indicates that the individual or cumulative emissions of one or more air contaminants identified by TNRCC under Subdivision (1) may cause short-term or long-term adverse human health effects or odors in that area.

(b) Requires TNRCC to publish notice of and allow public comment on:

- (1) an addition of an air contaminant to or removal of an air contaminant from the air pollutant watch list; or
- (2) an addition of an area to or removal of an area from the air pollutant watch list.

(c) Requires TNRCC, when considering the addition or removal of an area to the air pollutant watch list, to provide the monitoring data related to the area to the state senator and representative who represent the area.

(d) Authorizes TNRCC to hold a public meeting in an area listed on the air pollutant watch list to provide residents of the area with information regarding:

(1) the reasons for the area's inclusion on the air pollutant watch list; and

(2) TNRCC actions to reduce the emissions of air contaminants contributing to the area's inclusion on the air pollutant watch list.

(e) Provides that the air pollutant watch list and the addition or removal of a pollutant or area to or from the list are not matters subject to the requirements of Subchapter B (Rulemaking), Chapter 2001 (Administrative Procedure), Government Code.

Sec. 382.042. EFFECTS SCREENING LEVELS. (a) Requires TNRCC to adopt guidelines for effects screening levels for air contaminants as determined by TNRCC. Requires that each effects screening level:

(1) be set in a manner that takes into consideration acute and chronic health effects on a person resulting from exposure to an air contaminant;

(2) be based in part on the health effects of the short-term exposure of a person to the air contaminant from an emission source, and the long-term exposure of a person to the air contaminant from an emission source; and

(3) be set at a level that does not increase the risk of cancer in a person exposed to the air contaminant by greater than one chance in 100,000 or another level set by TNRCC to protect human health and welfare when compared to a person not exposed to the contaminant.

(b) Requires TNRCC to use the adopted effects screening levels in permit reviews under this chapter of all new and modified facilities to establish enforceable limits in the permits.

(c) Provides that revisions of the effects screening levels are not subject to Subchapter B, Chapter 2001, Government Code.

SECTION 2. Amends Sections 382.0215(e) and (g), Health and Safety Code, as follows:

(e) Requires TNRCC to develop the capacity for electronic reporting and to incorporate reported emissions events into a permanent online centralized database for emissions events. Requires that the database be easily searchable and accessible to the public.

(g) Requires TNRCC annually, or at the request of a member of the legislature, to assess the information received under this section, including actions taken by TNRCC in response to the emissions events, and to include the assessment in the report required by Section 5.126 (Report on Enforcement Actions), Water Code.

SECTION 3. Amends Chapter 505, Health and Safety Code, by adding Section 505.017, as follows:

Sec. 505.017. NOTICE ISSUED UNDER EMERGENCIES. (a) Requires the state agency responsible for the information submitted to the state emergency response commission, when immediate notification of a release by a facility to the state emergency response commission is required in accordance with the Emergency Planning and Community Right-to-Know Act [EPCRA], on receipt of the required notification, to

make a determination as to whether the release reported will substantially endanger human health or the environment.

(b) Requires the responsible state agency, if the agency determines that a release will substantially endanger human health or the environment, on request, to notify the state senator or representative who represents the area in which the facility is located of the release within four hours of receipt of the original notification.

SECTION 4. Effective date: September 1, 2011.