

By: Turner

H.B. No. 2230

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of an excessive emissions events fee to support air quality monitoring at certain schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0217 to read as follows:

Sec. 382.0217. EXCESSIVE EMISSIONS EVENTS FEE. (a) An owner or operator of a facility in a nonattainment area whose emissions events, as defined by Section 382.0215, result in the emission of more than 10,000 pounds of air contaminants in a year shall pay to the commission a fee in an amount equal to \$1 for each pound of air contaminants that the facility emitted during those emissions events in excess of 10,000 pounds. Air contaminants emitted in an emissions event for which an affirmative defense is available under Section 382.0216(f) are not exempt from inclusion in the computation of a fee under this subsection.

(b) Fees collected under Subsection (a) shall be deposited to the credit of the school air monitoring account. The school air monitoring account is an account in the general revenue fund that may be appropriated only to the commission. The commission may use money in the account only to implement a plan adopted by rule to ensure that the air quality of a school located not more than two miles from a federal source does not threaten the health of the children at the school at any time, including during an emissions

1 event. The plan must require the installation of air quality  
2 monitors either at the school or at the federal source.

3 (c) In developing a plan under Subsection (b), the  
4 commission shall:

5 (1) consider the effects in the area of each school of:

6 (A) criteria pollutants;

7 (B) ozone;

8 (C) air toxics;

9 (D) respirable particulate matter with a  
10 diameter of less than 2.5 microns; and

11 (E) cumulative toxic impacts;

12 (2) prioritize schools needing monitoring by  
13 considering:

14 (A) each school's proximity to the federal  
15 source;

16 (B) the likely movement of air contaminants due  
17 to prevailing wind direction; and

18 (C) the ages of the children at the school; and

19 (3) conduct at least five public hearings in areas  
20 with a high occurrence of emissions events.

21 (d) The commission shall include in its biennial reports  
22 under Section 5.178, Water Code, an assessment of its progress in  
23 developing and implementing the plan under this section.

24 SECTION 2. (a) This Act takes effect September 1, 2003, and  
25 applies to an emissions event that occurs on or after that date. An  
26 emissions event that occurs before that date is governed by the law  
27 in effect on the date the emissions event occurred, and the former

1 law is continued in effect for that purpose.

2 (b) The Texas Commission on Environmental Quality shall  
3 implement the plan required by Section 382.0217, Health and Safety  
4 Code, as added by this Act, not later than June 1, 2004.