

BILL ANALYSIS

C.S.H.B. 1900
By: Bonnen
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Air contaminant emissions event reporting is intended to provide a systematic mechanism by which the severity and causes of emissions events at a site can be determined and tracked. The Texas Commission on Environmental Quality (TCEQ) is required to have operators report emissions events electronically and to maintain a database of such reports that is accessible to the public.

Current statute requires reporting in terms of "facilities" involved in an emissions event rather than in terms of the event itself. In practice individual units and pieces of equipment are considered facilities. As a result, a single emissions event often results in the filing of many reports. This obscures, rather than assists in, a determination of the impact and cause of an emissions event.

C.S.H.B. 1900 provides that reporting of emissions events is to be based on a regulated entity, rather than a facility. This change ties the regulation to the sources at one street address owned or operated by the same person.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1900 amends certain portions of the Texas Clean Air Act in the Health and Safety Code. The bill amends sections of the Texas Clean Air Act relating to emissions events to apply these sections to regulated entities rather than facilities. The bill amends the definition of "emissions event" as an upset event, or unscheduled maintenance, startup or shutdown activity from a common cause that results in the unauthorized emissions of air contaminants from one of more emissions points at a regulated entity. The bill adds a definition of "regulated entity".

The bill adds "by more than a reportable amount" to provide that maintenance, startup, and shutdown activities shall not be considered unscheduled if the actual emissions resulting from that activity do not exceed the estimates submitted in the notice by more than a reportable amount. The bill requires the owner or operator of a regulated entity to provide notification and reports of emissions events in a single report for each emissions event. The bill allows the TCEQ to allow operators of pipelines, gathering lines, and flowlines to treat all such facilities under common ownership or control in a particular county as a single regulated entity for the purpose of assessment and regulation of emissions events. The bill requires the TCEQ's criteria for excessive emissions events to consider the frequency of the regulated entity's emissions events from the same cause, taking into consideration the regulated entity's size and complexity.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1900 79(R)

The substitute restores language that was struck in the original that provides that the TCEQ's criteria for excessive emissions events must include the percentage of a facility's total annual operating hours during which emissions events occur.