BILL ANALYSIS

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Emission event reporting and recording is intended primarily to provide for tracking emissions at a site and determining the severity and cause of such events. The Texas Commission on Environmental Quality (TCEQ) requires operators to report emissions events electronically and to maintain a database of such reports that is accessible to the public.

The current statutory wording with regard to emissions event reporting causes the information to be reported in terms of facilities which include individual units and pieces of equipment, rather than in terms of the event itself. The system used by TCEQ currently requires reports for each facility at a regulated entity which contributes emissions to an emissions event. This obscures, rather than assists a determination of the impact and cause of an emissions event.

C.S.H.B. 1900 corrects this reporting system, making emissions events reporting a more meaningful and effective tool for diagnosing emissions events and reducing their frequency and impact.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 1 (Section 382.0215, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 382.0215, Health and Safety Code, by amending Subsections (a), (b), and (f) and adding Subsections (a-1) and (h), as follows:

(a) Redefines "emissions" and defines "regulated entity."

(a-1) Creates this subsection from existing text. Requires that maintenance, startup, and shutdown activities not be considered unscheduled only if the activity will not and does not result in the emission of at least a reportable quantity of unauthorized emissions of air contaminants and the activity is recorded as may be required by Texas Commission on Environmental Quality (TCEQ) rule, or if the activity will result in the emission of at least a reportable quantity of unauthorized emissions and other specific guidelines are met.

(b) Requires TCEQ to require the owner or operator of a regulated entity, rather than facility, that experiences emissions events to take certain actions. Makes conforming changes.

(f) Makes conforming changes.

(h) Authorizes 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.

SECTION 2. Amends Section 382.0216, Health and Safety Code, by amending (a), (b), (c), and (i), as follows:

(a) Defines "emissions event" and "regulated entity" for purposes of this section.

(b) Requires TCEQ to establish criteria for determining when an emissions event or a series of emissions events are excessive. Sets forth requirements to consider in establishing the criteria. Makes a conforming change.

(c) Requires TCEQ to require the owner or operator of a regulated entity to take action to reduce emissions from excessive emissions events. Requires the owner or operator of a regulated entity required to take action under this subsection, consistent with TCEQ rules, to perform certain actions. Makes a conforming change.

(i) Requires TCEQ to initiate enforcement for such failure to report and for the underlying emissions event itself In the event the owner or operator of a regulated entity fails to report an emissions event as required by Section 382.0215(b). Provides that this subsection does not apply where an owner or operator reports an emissions event and the report was incomplete, inaccurate, or untimely unless the owner or operator knowingly or intentionally falsified the information in the report.

SECTION 3. Makes application of Sections 382.0215 and 382.0216, Health and Safety Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.