

BILL ANALYSIS

Senate Research Center
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S.B. 948
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Natural Resources
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Emissions 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 (commission) 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 the commission currently requires reports for each facility at a regulated entity which contributes emissions to an emissions event. As a result, a single emissions event often results in the filing of many reports. This obscures, rather than assists, a determination of the impact and cause of an emissions event.

As proposed, S.B. 948 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 2 (Section 382.0216, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 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 event" and defines "regulated entity." Creates a subdivision from existing text.

(a-1) Creates this subsection from existing text. Provides that maintenance, startup, and shutdown activities will not be considered unscheduled if the activity will result in the emission of at least a reportable quantity of unauthorized emissions and the owner or operator of the regulated entity, rather than facility, provides prior notice or final report that the Texas Commission on Environmental Quality (commission), by rule, may establish, the notice of the final report includes certain information, and the actual emissions do not exceed the estimates submitted in the notice by more than a reportable quantity.

(b) Requires the commission to require the owner or operator of a regulated entity, rather than facility, that experiences emissions events to notify the commission in a single report, rather than notify the commission, within a certain timeframe of certain emissions events. Makes conforming changes.

(f) Makes conforming changes.

(h) Authorizes the commission 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 Sections 382.0216(a), (b), (c), (f), and (i), Health and Safety Code, as follows:

- (a) Includes definition of "regulated entity" and makes nonsubstantive changes.
- (b) Requires the commission to establish criteria for determining when emissions events are excessive, including the frequency of the regulated entity's emissions events from the same cause, taking into consideration the regulated entity's size and complexity. Makes conforming and nonsubstantive changes, and redesignates Subsection (6) as Subsection (5). Deletes as one of the criteria to consider the percentage of a facility's total annual operating hours during which emissions events occur.
- (c) Requires the commission to require the owner or operator of a regulated entity, rather than require a facility, to take action to reduce emissions. Makes conforming changes.
- (f) Makes a conforming change.
- (i) Specifies that reporting an emissions event is required by Section 382.0215(b). Makes a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.