

1-1 By: Bonnen (Senate Sponsor - Armbrister) H.B. No. 1900
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 20, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1900 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the assessment and regulation of emissions events.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 382.0215, Health and Safety Code, is
1-13 amended by amending Subsections (a), (b), and (f) and adding
1-14 Subsections (a-1) and (h) to read as follows:
1-15 (a) In this section:
1-16 (1) "Emissions [~~,"emissions]~~ event" means an upset
1-17 event, or unscheduled maintenance, startup, or shutdown activity,
1-18 from a common cause that results in the unauthorized emissions of
1-19 air contaminants from one or more [~~an~~] emissions points at a
1-20 regulated entity [~~point~~].
1-21 (2) "Regulated entity" means all regulated units,
1-22 facilities, equipment, structures, or sources at one street address
1-23 or location that are owned or operated by the same person. The term
1-24 includes any property under common ownership or control identified
1-25 in a permit or used in conjunction with the regulated activity at
1-26 the same street address or location.
1-27 (a-1) Maintenance, startup, and shutdown activities shall
1-28 not be considered unscheduled only if the activity will not and does
1-29 not result in the emission of at least a reportable quantity of
1-30 unauthorized emissions of air contaminants and the activity is
1-31 recorded as may be required by commission rule, or if the activity
1-32 will result in the emission of at least a reportable quantity of
1-33 unauthorized emissions and:
1-34 (1) the owner or operator of the regulated entity
1-35 [~~facility~~] provides any prior notice or final report that the
1-36 commission, by rule, may establish;
1-37 (2) the notice or final report includes the
1-38 information required in Subsection (b)(3); and
1-39 (3) the actual emissions do not exceed the estimates
1-40 submitted in the notice by more than a reportable quantity.
1-41 (b) The commission shall require the owner or operator of a
1-42 regulated entity [~~facility~~] that experiences emissions events:
1-43 (1) to maintain a record of all emissions events at the
1-44 regulated entity [~~facility~~] in the manner and for the periods
1-45 prescribed by commission rule;
1-46 (2) to notify the commission in a single report for
1-47 each emissions event, as soon as practicable but not later than 24
1-48 hours after discovery of the emissions event, of an emissions event
1-49 resulting in the emission of a reportable quantity of air
1-50 contaminants as determined by commission rule; and
1-51 (3) to report to the commission in a single report for
1-52 each emissions event, not later than two weeks after the occurrence
1-53 of an emissions event that results in the emission of a reportable
1-54 quantity of air contaminants as determined by commission rule, all
1-55 information necessary to evaluate the emissions event, including:
1-56 (A) the name of the owner or operator of the
1-57 reporting regulated entity [~~facility~~];
1-58 (B) the location of the reporting regulated
1-59 entity [~~facility~~];
1-60 (C) the date and time the emissions began;
1-61 (D) the duration of the emissions;
1-62 (E) the nature and measured or estimated quantity
1-63 of air contaminants emitted, including the method of calculation

2-1 of, or other basis for determining, the quantity of air
 2-2 contaminants emitted;
 2-3 (F) the processes and equipment involved in the
 2-4 emissions event;
 2-5 (G) the cause of the emissions; and
 2-6 (H) any additional information necessary to
 2-7 evaluate the emissions event.

2-8 (f) An owner or operator of a regulated entity [~~facility~~]
 2-9 required by Section 382.014 to submit an annual emissions inventory
 2-10 report and which has experienced no emissions events during the
 2-11 relevant year must include as part of the inventory a statement that
 2-12 the regulated entity [~~facility~~] experienced no emissions events
 2-13 during the prior year. An owner or operator of a regulated entity
 2-14 [~~facility~~] required by Section 382.014 to submit an annual
 2-15 emissions inventory report must include the total annual emissions
 2-16 from all emissions events in categories as established by
 2-17 commission rule.

2-18 (h) The commission may allow operators of pipelines,
 2-19 gathering lines, and flowlines to treat all such facilities under
 2-20 common ownership or control in a particular county as a single
 2-21 regulated entity for the purpose of assessment and regulation of
 2-22 emissions events.

2-23 SECTION 2. Sections 382.0216(a), (b), (c), and (i), Health
 2-24 and Safety Code, are amended to read as follows:

2-25 (a) In this section, "emissions event" and "regulated
 2-26 entity" have [~~has~~] the meanings [~~meaning~~] assigned by Section
 2-27 382.0215.

2-28 (b) The commission shall establish criteria for determining
 2-29 when emissions events are excessive. The criteria must include
 2-30 consideration of:

2-31 (1) the frequency of the regulated entity's
 2-32 [~~facility's~~] emissions events, taking into consideration the
 2-33 regulated entity's size and complexity;

2-34 (2) the cause of the emissions event;

2-35 (3) the quantity and impact on human health or the
 2-36 environment of the emissions event;

2-37 (4) the duration of the emissions event;

2-38 (5) the percentage of a facility's total annual
 2-39 operating hours during which emissions events occur; and

2-40 (6) the need for startup, shutdown, and maintenance
 2-41 activities.

2-42 (c) The commission shall require the owner or operator of a
 2-43 regulated entity [~~a facility~~] to take action to reduce emissions
 2-44 from excessive emissions events. Consistent with commission rules,
 2-45 the owner or operator of a regulated entity [~~a facility~~] required to
 2-46 take action under this subsection must either file a corrective
 2-47 action plan or file a letter of intent to obtain authorization for
 2-48 emissions from the excessive emissions events, provided that the
 2-49 emissions are sufficiently frequent, quantifiable, and
 2-50 predictable. If the intended authorization is a permit, a permit
 2-51 application shall be filed within 120 days of the filing of the
 2-52 letter of intent. If the intended authorization is a permit by rule
 2-53 or standard exemption, the authorization must be obtained within
 2-54 120 days of the filing of the letter of intent. If the commission
 2-55 denies the requested authorization, within 45 days of receiving
 2-56 notice of the commission's denial, the owner or operator of a
 2-57 regulated entity [~~facility~~] shall file a corrective action plan to
 2-58 reduce emissions from the excessive emissions events.

2-59 (i) In the event the owner or operator of a regulated entity
 2-60 [~~facility~~] fails to report an emissions event as required by
 2-61 Section 382.0215(b), the commission shall initiate enforcement for
 2-62 such failure to report and for the underlying emissions event
 2-63 itself. This subsection does not apply where an owner or operator
 2-64 reports an emissions event and the report was incomplete,
 2-65 inaccurate, or untimely unless the owner or operator knowingly or
 2-66 intentionally falsified the information in the report.

2-67 SECTION 3. Sections 382.0215 and 382.0216, Health and
 2-68 Safety Code, as amended by this Act, apply only to an emissions
 2-69 event that occurs on or after the effective date of this Act. An

3-1 emissions event that occurs before the effective date of this Act is
3-2 governed by the law in effect when the emissions event occurred, and
3-3 that law is continued in effect for that purpose.

3-4 SECTION 4. This Act takes effect September 1, 2005.

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