

Amend CSSB 12 (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_ . CONTROL OF EMISSIONS OF AIR CONTAMINANTS

SECTION \_\_\_\_ .01. Section 382.0205, Health and Safety Code, is amended to read as follows:

Sec. 382.0205. SPECIAL PROBLEMS RELATED TO AIR CONTAMINANT EMISSIONS. Consistent with applicable federal law, the commission by rule shall [~~may~~] control air contaminants as necessary to protect against adverse effects related to:

- (1) acid deposition;
- (2) stratospheric changes, including depletion of ozone; [~~and~~]
- (3) climatic changes, including global warming; and
- (4) air pollution.

SECTION \_\_\_\_ .02. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Sections 382.0206 and 382.0207 to read as follows:

Sec. 382.0206. AIR POLLUTANT WATCH LIST. (a) The commission shall establish and maintain an air pollutant watch list. The air pollutant watch list must identify:

(1) each air contaminant that the commission determines, on the basis of federal or state ambient air quality standards or effects screening levels for the contaminant, should be included on the air pollutant watch list; and

(2) each geographic area of the state for which ambient air quality monitoring data indicates that the individual or cumulative emissions of one or more air contaminants identified by the commission under Subdivision (1) may cause short-term or long-term adverse human health effects or odors in that area.

(b) The commission shall publish notice of and allow public comment on:

(1) an addition of an air contaminant to or removal of an air contaminant from the air pollutant watch list; or

(2) an addition of an area to or removal of an area from the air pollutant watch list.

(c) Each year, the commission shall hold a public meeting in

each area listed on the air pollutant watch list to provide residents of the area with information regarding:

(1) the reasons for the area's inclusion on the air pollutant watch list; and

(2) commission actions to reduce the emissions of air contaminants contributing to the area's inclusion on the air pollutant watch list.

(d) Not later than December 1 of each year, the commission shall prepare an electronic report regarding the air pollutant watch list and provide the report to the governor, the lieutenant governor, and the speaker of the house of representatives. The report must include:

(1) the areas and air contaminants currently listed on the air pollutant watch list;

(2) the areas and air contaminants added to or removed from the air pollutant watch list during the preceding fiscal year;

(3) the actions taken by the commission during the preceding fiscal year to reduce the ambient air concentration levels of air contaminants included on the air pollutant watch list; and

(4) any additional monitoring that is needed in a particular area of the state to determine whether the area should be included on the air pollutant watch list.

(e) The air pollutant watch list and the addition of or removal of a pollutant or area to or from the list are not matters subject to the procedural requirements of Subchapter B, Chapter 2001, Government Code.

Sec. 382.0207. PUBLICATION OF AMBIENT AIR QUALITY STANDARDS ON INTERNET WEBSITE. The commission shall promptly publish on its Internet website any ambient air quality data collected by the commission from mobile or stationary ambient air quality monitors.

SECTION \_\_\_\_.03. Not later than December 1, 2008, the Texas Commission on Environmental Quality shall prepare and provide to the governor, the lieutenant governor, and the speaker of the house of representatives the initial report required under Section 382.0206(d), Health and Safety Code, as added by this article.

SECTION \_\_\_\_.04. Notwithstanding any other provision of this

Act, the change in law made by this Article to Section 382.0205, Health and Safety Code, takes effect September 1, 2010.