

## **BILL ANALYSIS**

C.S.H.B. 1526  
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Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, regulated entities are required to go through a systematic leak detection and repair (LDAR) program, established by the Texas Commission on Environmental Quality (TCEQ), in order to detect leaks or emissions of air contaminants from certain components. Recently, the U.S. Environmental Protection Agency (EPA) initiated rulemaking to approve various alternative leak detection technologies, which offer a unique technological advancement in the detection of leaks and emissions from previously unidentified or unrecognized sources.

CSHB 1526 directs the TCEQ to establish a program encouraging the voluntary use of such technologies.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

### **ANALYSIS**

CSHB 1526 amends the Health and Safety Code to require the TCEQ to establish by rule a program allowing the owner or operator of a facility to voluntarily use as an alternative detection method any alternative leak detection technology that has been approved by EPA. The bill requires the program to provide regulatory incentives to encourage voluntary use of alternative leak detection technology in certain facilities.

The bill requires the owner or operator of a facility using alternative leak detection technology to repair and record an emission or leak discovered as provided by TCEQ rules in effect at the time of detection.

The bill requires the TCEQ to ensure that the owner or operator records and repairs, if possible and within a reasonable timeframe, any leak or emission of an air contaminant that is detected from a component not regulated by the TCEQ's LDAR rules at the time of detection. The bill requires the TCEQ to establish a reasonable timeframe for repair taking into account the size and complexity of possible repairs. The bill requires the TCEQ to require reporting of only those components that are not repaired within the required timeframe. The bill requires the TCEQ to exempt from enforcement those leaks and emissions that are repaired within the timeframe required by the TCEQ.

The bill prohibits the TCEQ from taking an enforcement action against an owner or operator of a facility participating in the program if the leak or emission was detected using the alternative leak detection technology and it would not otherwise have been detected under the TCEQ's LDAR program in effect on the date of detection.

The bill amends the Water Code to include a program to encourage the use of alternative technology for detecting leaks or emissions of air contaminants in the definition of "innovative program" in statutes relating to performance-based regulation.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

C.S.H.B. 1526 80(R)

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute makes nonsubstantive changes to the original. Additionally, the substitute strikes the word "not" in Sec. 382.401 of the original to allow the owner or operator of a facility to use an alternative leak detection technology that has been incorporated and adopted by the EPA into a program for detecting leaks or emissions of air contaminants. The substitute adds language to provide that a repair to correct an emission or leak detected by the use of alternative leak detection technology may be confirmed using the same technology. The substitute specifies that those components that are not repairable within a reasonable timeframe are subject to commission reporting requirements. The substitute deletes Section 382.401(e)(2) from the original.