

1-1 By: Smith of Harris (Senate Sponsor - Seliger) H.B. No. 1526  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 May 1, 2007, read first time and referred to Committee on Natural  
1-4 Resources; May 19, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;  
1-6 May 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1526 By: Seliger

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

1-10 relating to incentives for and the use of supplemental leak  
1-11 detection technologies for air contaminants.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 382, Health and Safety Code, is amended  
1-14 by adding Subchapter I to read as follows:

1-15 SUBCHAPTER I. PROGRAMS TO ENCOURAGE THE USE OF  
1-16 INNOVATIVE TECHNOLOGIES

1-17 Sec. 382.401. SUPPLEMENTAL LEAK DETECTION TECHNOLOGY. (a)  
1-18 In this section, "supplemental leak detection technology" means  
1-19 technology, including optical gas imaging technology, designed to  
1-20 detect leaks and emissions of air contaminants.

1-21 (b) The commission by rule shall establish a program that  
1-22 allows the owner or operator of a facility regulated under this  
1-23 chapter to use voluntarily as a supplemental detection method any  
1-24 leak detection technology that has been incorporated and adopted by  
1-25 the United States Environmental Protection Agency into a program  
1-26 for detecting leaks or emissions of air contaminants. The program  
1-27 must provide regulatory incentives to encourage voluntary use of  
1-28 the supplemental leak detection technology at a regulated facility  
1-29 that is capable of detecting leaks or emissions that may not be  
1-30 detected by methods or technology approvable under the commission's  
1-31 regulatory program for leak detection and repair in effect on the  
1-32 date the commission adopts the program. The incentives may  
1-33 include:

1-34 (1) on-site technical assistance; and  
1-35 (2) to the extent consistent with federal  
1-36 requirements:

1-37 (A) inclusion of the facility's use of  
1-38 supplemental leak detection technology in the owner or operator's  
1-39 compliance history and compliance summaries;

1-40 (B) consideration of the implementation of  
1-41 supplemental leak detection technology in scheduling and  
1-42 conducting compliance inspections; and

1-43 (C) credits or offsets to the facility's  
1-44 emissions reduction requirements based on the emissions reductions  
1-45 achieved by voluntary use of supplemental leak detection  
1-46 technology.

1-47 (c) The owner or operator of a facility using a supplemental  
1-48 leak detection technology shall repair and record an emission or  
1-49 leak of an air contaminant from a component subject to the  
1-50 commission's regulatory program for leak detection and repair that  
1-51 is detected by the supplemental technology as provided by the  
1-52 commission's leak detection and repair rules in effect at the time  
1-53 of the detection. A repair to correct an emission or leak detected  
1-54 by the use of supplemental leak detection technology may be  
1-55 confirmed using the same technology.

1-56 (d) As part of the program of incentives adopted under  
1-57 Subsection (b), the commission shall:

1-58 (1) ensure that the owner or operator of a facility  
1-59 records and repairs, if possible and within a reasonable period,  
1-60 any leak or emission of an air contaminant at the facility that is  
1-61 detected by the voluntary use of supplemental leak detection  
1-62 technology from a component not subject to commission rules for  
1-63 leak detection and repair in effect on the date of detection;

