

By: Turner

H.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requirements related to excessive emissions events by  
3 certain regulated entities under the Clean Air Act.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 382.0215(b), Health and Safety Code, is  
6 amended to read as follows:

7 (b) The commission shall require the owner or operator of a  
8 regulated entity that experiences emissions events:

9 (1) to maintain a record of all emissions events at the  
10 regulated entity in the manner and for the periods prescribed by  
11 commission rule;

12 (2) to notify the commission in a single report for  
13 each emissions event, as soon as practicable but not later than one  
14 hour [~~24 hours~~] after discovery of the emissions event, of an  
15 emissions event resulting in the emission of a reportable quantity  
16 of air contaminants as determined by commission rule; and

17 (3) to report to the commission in a single report for  
18 each emissions event, not later than two weeks after the occurrence  
19 of an emissions event that results in the emission of a reportable  
20 quantity of air contaminants as determined by commission rule, all  
21 information necessary to evaluate the emissions event, including:

22 (A) the name of the owner or operator of the  
23 reporting regulated entity;

24 (B) the location of the reporting regulated

1 entity;

2 (C) the date and time the emissions began;

3 (D) the duration of the emissions;

4 (E) the nature and measured or estimated quantity  
5 of air contaminants emitted, including the method of calculation  
6 of, or other basis for determining, the quantity of air  
7 contaminants emitted;

8 (F) the processes and equipment involved in the  
9 emissions event;

10 (G) the cause of the emissions; and

11 (H) any additional information necessary to  
12 evaluate the emissions event.

13 SECTION 2. Subchapter B, Chapter 382, Health and Safety  
14 Code, is amended by adding Section 382.0217 to read as follows:

15 Sec. 382.0217. EXCESSIVE EMISSIONS EVENTS FEE. (a) In this  
16 section, "emissions events" and "regulated entity" have the  
17 meanings assigned by Section 382.0215.

18 (b) An owner or operator of a regulated entity in a  
19 nonattainment area whose emissions events result in the emission of  
20 more than 10,000 pounds of air contaminants in a year shall pay to  
21 the commission a fee in an amount equal to \$1 for each pound of air  
22 contaminants that the entity emitted during those emissions events  
23 in excess of 10,000 pounds. Air contaminants emitted in an  
24 emissions event for which an affirmative defense is available under  
25 Section 382.0216(f) are not exempt from inclusion in the  
26 computation of a fee under this subsection.

27 (c) Fees collected under Subsection (b) shall be deposited

1 to the credit of the school air monitoring account. The school air  
2 monitoring account is an account in the general revenue fund that  
3 may be appropriated only to the commission. The commission may use  
4 money in the account only to implement a plan adopted by rule to  
5 ensure that the air quality of a school located not more than two  
6 miles from a federal source does not threaten the health of the  
7 children at the school at any time, including during an emissions  
8 event. The plan must require the installation of air quality  
9 monitors either at the school or at the federal source.

10 (d) In developing a plan under Subsection (c), the  
11 commission shall:

12 (1) consider the effects in the area of each school of:

13 (A) criteria pollutants;

14 (B) ozone;

15 (C) air toxics;

16 (D) respirable particulate matter with a  
17 diameter of less than 2.5 microns; and

18 (E) cumulative toxic impacts;

19 (2) prioritize schools needing monitoring by  
20 considering:

21 (A) each school's proximity to the federal  
22 source;

23 (B) the likely movement of air contaminants due  
24 to prevailing wind direction; and

25 (C) the ages of the children at the school; and

26 (3) conduct at least five public hearings in areas  
27 with a high occurrence of emissions events.

1       (e) The commission shall include in its biennial reports  
2 under Section 5.178, Water Code, an assessment of its progress in  
3 developing and implementing the plan under this section.

4       SECTION 3. (a) This Act applies only to an emissions event  
5 that occurs on or after September 1, 2007. An emissions event that  
6 occurs before that date is governed by the law in effect on the date  
7 the emissions event occurred, and the former law is continued in  
8 effect for that purpose.

9       (b) The Texas Commission on Environmental Quality shall  
10 implement the plan required by Section 382.0217, Health and Safety  
11 Code, as added by this Act, not later than June 1, 2008.

12       SECTION 4. This Act takes effect September 1, 2007.