

By: Hernandez

H.B. No. 2363

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an air pollutant watch list and associated reports for the purpose of controlling the emissions of air contaminants under the Texas Clean Air Act.

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

SECTION 1. 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 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 2. 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

1 standards or effects screening levels for the contaminant, should
2 be included on the air pollutant watch list; and

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

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

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

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

14 (c) Each year, the commission shall hold a public meeting in
15 each area listed on the air pollutant watch list to provide
16 residents of the area with information regarding:

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

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

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

27 (1) the areas and air contaminants currently listed on

1 the air pollutant watch list;

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

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

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

11 (e) The air pollutant watch list and the addition of or
12 removal of a pollutant or area to or from the list are not matters
13 subject to the procedural requirements of Subchapter B, Chapter
14 2001, Government Code.

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

19 SECTION 3. Not later than December 1, 2008, the Texas
20 Commission on Environmental Quality shall prepare and provide to
21 the governor, the lieutenant governor, and the speaker of the house
22 of representatives the initial report required under Section
23 382.0206(d), Health and Safety Code, as added by this Act.

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