

By: Noriega

H.B. No. 2642

A BILL TO BE ENTITLED

AN ACT

relating to fence-line monitoring programs for the emissions of air contaminants under the Texas Clean Air Act.

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

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0161 to read as follows:

Sec. 382.0161. FENCE-LINE MONITORING PROGRAM. (a) The commission by rule shall establish a program under which the owner or operator of a facility with a fence-line monitoring system is entitled to the benefits listed under Subsection (c) for that facility.

(b) For the owner or operator of a facility to be eligible to participate in the program:

(1) the height from which air contaminants are emitted from facility stacks may not exceed 30 feet, as determined by the commission;

(2) the owner or operator of the facility must adopt a quality assurance project plan;

(3) the commission must approve the plan adopted under Subdivision (2);

(4) the conditions of the facility's operating permit must require certain operational constraints when the concentration of air contaminant emissions from the facility is above a threshold specified by the commission;

1 (5) the facility's monitoring system must be approved
2 by the commission as meeting the commission's prescribed standards,
3 including standards relating to the monitoring system equipment;

4 (6) a third party that is not otherwise affiliated
5 with the facility must:

6 (A) operate the monitoring system; or

7 (B) conduct audits of the monitoring system; and

8 (7) the owner or operator of the facility must ensure
9 that monitoring data is available to the commission in a near
10 real-time manner.

11 (c) Subject to federal law, the owner or operator of a
12 facility who is eligible to participate in the program is entitled
13 to the following benefits concerning that facility:

14 (1) a single point of contact at the commission
15 concerning any monitoring or compliance issues;

16 (2) positive consideration from the commission
17 regarding the facility's compliance history;

18 (3) a prioritization of the review of any permit
19 application submitted by the owner or operator of the facility;

20 (4) an exemption from modeling requirements otherwise
21 required by the commission;

22 (5) if the facility's monitoring system includes a
23 supplementary infrared camera system for detecting leaks of
24 volatile organic compounds, an exemption from the conventional leak
25 detection and repair program administered by the commission to the
26 extent the system satisfies federal leak detection requirements;

27 (6) a reduction in the number of scheduled

1 investigations by the commission and an entitlement to additional
2 notice of scheduled investigations from the commission for a site
3 with an above-average history of compliance; and

4 (7) other benefits as determined by the commission, to
5 the extent that such benefits do not contravene the intent of this
6 chapter or violate other law.

7 (d) The commission shall determine whether the owner or
8 operator of a facility is entitled to participate in the program in
9 accordance with this section. The commission may revoke the
10 entitlement of the owner or operator of a facility to participate in
11 the program at any time for good cause.

12 SECTION 2. This Act takes effect September 1, 2007.