

By: Turner

H.B. No. 2934

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of 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 382.0203 to read as follows:

Sec. 382.0203. REGULATION OF TOXIC POLLUTION. (a) Not later than December 31, 2009, the commission shall adopt, as necessary for the protection of public health, ambient air quality standards for toxic air contaminants, including:

(1) acetaldehyde;

(2) acrolein;

(3) acrylic acid;

(4) acrylonitrile;

(5) benzene;

(6) 1,3 butadiene;

(7) carbon tetrachloride;

(8) ethylene dibromide;

(9) ethylene dichloride;

(10) formaldehyde;

(11) naphthalene;

(12) 1, 1, 2, 2 tetrachloroethane; and

(13) vinyl chloride.

(b) In developing standards for a contaminant under

1 Subsection (a), the commission shall ensure that the allowed
2 average concentration level of the contaminant does not result in
3 an increased risk of cancer greater than one chance in one million
4 for a person exposed to the contaminant over a specified period
5 determined by commission rule.

6 (c) Standards adopted under Subsection (a) apply to permits
7 issued before, on, or after the date the standards are adopted.

8 (d) The commission shall implement a program under which the
9 commission may designate certain geographic areas in this state as
10 toxic air contaminant impact areas. The commission shall designate
11 an area as a toxic air contaminant impact area if the ambient air
12 concentration level of one or more of the toxic air contaminants for
13 which the commission has adopted standards under Subsection (a) is
14 not in attainment of the standards adopted by the commission under
15 that subsection. The program shall provide for the development and
16 implementation of a plan for reducing emissions of toxic air
17 contaminants in toxic air contaminant impact areas so that the
18 ambient air concentration levels of toxic air contaminants in those
19 areas attain the standards for those contaminants adopted by the
20 commission under Subsection (a). The plan shall include:

21 (1) enhanced monitoring of emissions in toxic air
22 contaminant impact areas; and

23 (2) targeted enforcement of restrictions on emissions
24 of toxic air contaminants in those areas.

25 SECTION 2. Section 382.0622(d)(2), Health and Safety Code,
26 is amended to read as follows:

27 (2) The commission may request appropriations of

1 sufficient money to contract for services of local units of
2 government meeting the eligibility criteria of this subsection to
3 ensure that the combination of federal and state funds annually
4 available for an air pollution program is equal to or greater than
5 the program costs for the operation of an air quality program by the
6 local unit of government. The commission is encouraged to fund an
7 air pollution program operated by a local unit of government
8 meeting the eligibility criteria of this subsection in a manner the
9 commission deems an effective means of addressing federal and state
10 requirements. The services to be provided by an eligible local unit
11 of government under a contractual arrangement under this subsection
12 shall be at least equal in quality and quantity to the services the
13 local unit of government committed to provide in agreements under
14 which it received its federal 1990 air pollution grant. The
15 commission and the local units of government meeting the
16 eligibility criteria of this subsection may agree to more extensive
17 contractual arrangements. The commission by contractual
18 arrangements under this subsection may authorize eligible local
19 units of government to spend up to 40 percent of the available
20 federal, state, and local money for air pollution programs that are
21 consistent with this chapter. A contractual arrangement under this
22 subsection may not restrict any power a local unit of government has
23 otherwise been granted under federal or state law.

24 SECTION 3. This Act takes effect September 1, 2007.