

BILL ANALYSIS

C.S.H.B. 3582
By: Dunnam
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Commission on Environmental Quality (TCEQ) has no publicly accessible and comprehensive electronic database for emissions numbers related to individual facilities in the state of Texas. The lack of such a centralized source for emissions information has the potential for negative implications regarding the effective regulation and control of emissions, basic good government and agency transparency.

Establishment of a comprehensive electronic database of air emission statistics would enhance ease of communication and regulation across the different air quality divisions within TCEQ, promote more efficient use of staff effort and time and provide greater transparency in government with respect to the public's right to know.

C.S.H.B. 3582 creates a publicly accessible and comprehensive electronic emissions database to be developed and implemented by TCEQ.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 382.014, Health and Safety Code, by changing the heading to "ELECTRONIC EMISSIONS DATABASE." Amends Section 382.014(a) to mandate TCEQ to require a person who holds a permit under Chapter 382, Health and Safety Code, to annually submit information related to permitted emissions and annual routine emissions associated with their permit. Adds Section 382.014(b) to require the submitted information be compiled into an existing online database and made publicly accessible and searchable by permit number. Adds Section 382.014(c) to require TCEQ annually to assess the emissions information required under Section 382.014, Health and Safety Code, and submit a report of the assessment to the governor, lieutenant governor and speaker of the House of Representatives not later than December 1st of each year.

SECTION 2. Requires TCEQ to develop and implement the electronic database required under Section 382.014, Health and Safety Code, as amended by this Act, not later than January 1, 2010.

SECTION 3. Effective date.

EFFECTIVE DATE

Except for changes to Section 382.014(c), Health and Safety Code, which take effect January 1, 2010, the bill takes effect on September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The caption of C.S.H.B. 3582 is "relating to the creation of a publicly accessible electronic emissions database." The original caption was "relating to the creation of a comprehensive emissions database."

SECTION 1. C.S.H.B. 3582 differs from the original by amending Section 382.014, Health and Safety Code, to change the heading to read "ELECTRONIC EMISSIONS DATABASE" rather than "ELECTRONIC EMISSION INVENTORY DATABASE" as in the original. The substitute differs from the original by amending Section 382.014(a) to mandate TCEQ to require a person who holds a permit under Chapter 382, Health and Safety Code, to annually submit information related to permitted emissions and annual routine emissions associated with their permits. Adds Section 382.014(b) to require the submitted information be compiled into an existing online database and made publicly accessible and searchable by permit number. Adds Section 382.014(c) to require TCEQ to annually assess the emissions information required under Section 382.014, Health and Safety Code, and submit a report of the assessment to the governor, lieutenant governor and speaker of the House of Representatives not later than December 1st of each year. The original made no other changes in SECTION 1 other than to the heading.

SECTION 2. C.S.H.B. 3582 differs from the original by requiring TCEQ to develop and implement the electronic database required under Section 382.014, Health and Safety Code, as amended by this Act, not later than January 1, 2010 and by striking language in the original that amended Section 382.014, Health and Safety Code, that required TCEQ to create a comprehensive electronic database of emissions information related to permitted emissions, annual routine emissions, excess emissions occurring during maintenance activities including start up and shut down and emissions resulting from emissions events. The stricken language also allowed the information to be reviewed by the reporting entity before it was added to the database and mandated that the database be accessible to the public. The stricken language also required the information to be included in the assessment report required by Section 5.126, Water Code.

SECTION 3. C.S.H.B. 3582 differs from the original by providing that, except for Section 382.014(c), Health and Safety Code, as added by this act, the act takes effect on September 1, 2009. Section 382.014(c), Health and Safety Code, as added by this act, takes effect January 1, 2010. The original provided that the effective date of the bill was September 1, 2009.