

By: Allen

H.B. No. 1447

A BILL TO BE ENTITLED

AN ACT

relating to monitoring, permitting, and reducing emissions of certain air contaminants and pollutants.

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 382.0165 to read as follows:

Sec. 382.0165. 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 standards or effects screening levels for the contaminant, should be included on the air pollutant watch list; and

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

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

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

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

1 (c) The commission shall hold a public meeting in each area
2 listed on the air pollutant watch list to provide residents of the
3 area with information regarding:

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

6 (2) commission actions to reduce the emissions of air
7 contaminants contributing to the area's inclusion on the air
8 pollutant watch list.

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

13 SECTION 2. Subchapter C, Chapter 382, Health and Safety
14 Code, is amended by adding Section 382.0525 to read as follows:

15 Sec. 382.0525. MONITORING OF AND LIMITATIONS ON EMISSIONS
16 NEAR SCHOOL, HOSPITAL, OR RESIDENTIAL CARE FACILITY FOR ELDERLY.

17 (a) The commission may not issue a permit or permit amendment under
18 this chapter for a facility or proposed facility that, at the time
19 the application for the permit or amendment is filed with the
20 commission, is located or proposed to be located less than five
21 miles from a school, hospital, or residential care facility for
22 elderly persons if the facility or proposed facility would emit any
23 of the following contaminants or pollutants at a level of emissions
24 that may cause a person located less than five miles from the
25 emission source an illness, an irritation, or a medical complaint
26 or condition:

27 (1) an air contaminant identified on the air pollutant

1 watch list under Section 382.0165(a)(1); or

2 (2) a hazardous air pollutant listed under Section 112
3 of the federal Clean Air Act (42 U.S.C. Section 7412).

4 (b) The commission shall require a facility that, under a
5 permit issued under this chapter, may emit an air contaminant or
6 pollutant of a type and at a level of emissions described by
7 Subsection (a) and that is located less than five miles from a
8 school, hospital, or residential care facility for elderly persons
9 to reduce the emissions of those contaminants or pollutants by not
10 less than 10 percent each calendar year until the facility's level
11 of emissions of each of those contaminants or pollutants is reduced
12 to a level that will not cause a person located less than five miles
13 from the emission source an illness, an irritation, or a medical
14 complaint or condition.

15 (c) Not later than the 30th day after the date the
16 commission receives a complaint made by a local government or the
17 administrative body of a school, hospital, or residential care
18 facility for elderly persons of an illness, an irritation, or a
19 medical complaint or condition that is allegedly caused by the air
20 contaminant or pollutant emissions a facility produces, the
21 commission shall begin monitoring the air contaminant or pollutant
22 emissions of the facility to determine whether the facility
23 produces more than the permitted level of emissions of contaminants
24 or pollutants described by Subsection (a).

25 SECTION 3. (a) Section 382.0525, Health and Safety Code, as
26 added by this Act, applies only to an application for a permit to
27 emit air contaminants or pollutants filed with the Texas Commission

1 on Environmental Quality on or after the effective date of this Act.

2 (b) The Texas Commission on Environmental Quality may not
3 require a permitted facility to reduce emissions under Section
4 382.0525(b), Health and Safety Code, as added by this Act, until
5 after December 31, 2010.

6 SECTION 4. This Act takes effect September 1, 2009.