

By: Allen

H.B. No. 2912

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 AND STRATEGIC PLAN.

(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 contaminant or area to or from the list are not matters subject
11 to the procedural requirements of Subchapter B, Chapter 2001,
12 Government Code.

13 (e) The commission shall develop and implement a strategic
14 plan for each area listed on the air pollutant watch list to reduce
15 the emissions levels of air pollutants that concern the area to a
16 degree that the area may be removed from the watch list over a
17 period not to exceed five years.

18 (f) The strategic plan must include benchmarks for
19 incrementally achieving reduced emissions levels over time and
20 monitoring schedules to ensure progress in achieving the
21 benchmarks.

22 (g) The plan must include:

23 (1) a procedure for the commission to identify air
24 pollutant emissions sources that are out of compliance with state
25 or federal emissions permits, rules, guidelines, or standards and
26 to bring those sources into compliance using any enforcement tools
27 available to the commission; and

1 (2) methods by which the commission and the owners or
2 operators of sources of emissions of air contaminants may cooperate
3 to reduce in each area listed on the air pollutant watch list the
4 emissions of air pollutants that concern the area.

5 SECTION 2. This Act takes effect September 1, 2009.