

By: Farrar

H.B. No. 4085

A BILL TO BE ENTITLED

AN ACT

relating to monitoring 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. MONITORING REQUIREMENTS FOR MAJOR SOURCES.

(a) In this section, "major source" has the meaning assigned by Title V of the federal Clean Air Act (42 U.S.C. Section 7661).

(b) In addition to other monitoring requirements under this chapter, the commission by rule shall require the owner or operator of a major source to:

(1) provide for daily fence-line monitoring of air contaminant emissions from the major source; and

(2) make and maintain records on the measurement and monitoring of the emissions.

(c) In providing for the daily fence-line monitoring of air contaminant emissions as required by this section, the owner or operator of the major source must:

(1) provide for at least two monitors with each of the monitors placed on opposite sides of the source, one of which is located predominantly upwind and the other located predominantly downwind;

(2) provide for a sufficient number of monitors so

1 that the maximum distance measured along the fence line between
2 each monitor is one-eighth of a mile; and

3 (3) place the monitors in such a way that the monitors
4 are evenly spaced and are located where air contaminants have the
5 highest concentration levels at the fence line of the emission
6 source.

7 (d) The owner or operator of a major source shall designate
8 an independent consultant approved by the commission to certify to
9 the commission that the major source is in compliance with this
10 section. A member, employee, or agent of the commission may examine
11 during regular business hours the monitoring equipment or any
12 records or memoranda relating to the monitoring equipment required
13 under this section.

14 (e) The commission by rule shall require the owner or
15 operator of a major source to submit for the executive director's
16 approval a list of the air contaminant emissions that the owner or
17 operator will monitor under this section. To be eligible for
18 approval, the list must include:

19 (1) each hazardous air pollutant listed under Section
20 112 of the federal Clean Air Act (42 U.S.C. Section 7412) that is
21 applicable to the major source; and

22 (2) any other air contaminant the emission of which
23 the executive director or a local municipal or county air pollution
24 control agency requests that the owner or operator monitor.

25 (f) The commission may adopt rules allowing the owner or
26 operator of a major source to request an exemption from the
27 fence-line monitoring requirements of this section. To be eligible

1 for an exemption, the owner or operator must submit to the executive
2 director for approval an alternative monitoring plan that
3 demonstrates continuous or semi-continuous monitoring of each
4 stack, vent, flare, cooling tower, or other device for which
5 technologically feasible monitoring devices are available. The
6 owner or operator shall review the plan at least once every five
7 years to identify additional monitoring opportunities based on new
8 technology and submit proposed changes to the executive director
9 for approval.

10 SECTION 2. Not later than September 1, 2010, the owner or
11 operator of a major source must provide for the fence-line
12 monitoring of air contaminant emissions as required by Section
13 382.0161, Health and Safety Code, as added by this Act.

14 SECTION 3. This Act takes effect September 1, 2009.