

1-1 By: Gallegos S.B. No. 1541  
1-2 (In the Senate - Filed March 9, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 March 31, 2009, reported favorably by the following vote: Yeas 11,  
1-5 Nays 0; March 31, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to measuring, monitoring, and reporting emissions.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter B, Chapter 382, Health and Safety  
1-11 Code, is amended by adding Sections 382.0162 and 382.042 to read as  
1-12 follows:

1-13 Sec. 382.0162. AIR POLLUTANT WATCH LIST. (a) The  
1-14 commission shall establish and maintain an air pollutant watch  
1-15 list. The air pollutant watch list must identify:

1-16 (1) each air contaminant that the commission  
1-17 determines, on the basis of federal or state ambient air quality  
1-18 standards or effects screening levels for the contaminant, should  
1-19 be included on the air pollutant watch list; and

1-20 (2) each geographic area of the state for which  
1-21 ambient air quality monitoring data indicates that the individual  
1-22 or cumulative emissions of one or more air contaminants identified  
1-23 by the commission under Subdivision (1) may cause short-term or  
1-24 long-term adverse human health effects or odors in that area.

1-25 (b) The commission shall publish notice of and allow public  
1-26 comment on:

1-27 (1) an addition of an air contaminant to or removal of  
1-28 an air contaminant from the air pollutant watch list; or

1-29 (2) an addition of an area to or removal of an area  
1-30 from the air pollutant watch list.

1-31 (c) When considering the addition or removal of an area to  
1-32 the air pollutant watch list, the commission shall provide the  
1-33 monitoring data related to the area to the state senator and  
1-34 representative who represent the area.

1-35 (d) The commission may hold a public meeting in an area  
1-36 listed on the air pollutant watch list to provide residents of the  
1-37 area with information regarding:

1-38 (1) the reasons for the area's inclusion on the air  
1-39 pollutant watch list; and

1-40 (2) commission actions to reduce the emissions of air  
1-41 contaminants contributing to the area's inclusion on the air  
1-42 pollutant watch list.

1-43 (e) The air pollutant watch list and the addition or removal  
1-44 of a pollutant or area to or from the list are not matters subject to  
1-45 the requirements of Subchapter B, Chapter 2001, Government Code.

1-46 Sec. 382.042. EFFECTS SCREENING LEVELS. (a) The  
1-47 commission shall adopt guidelines for effects screening levels for  
1-48 air contaminants as determined by the commission. Each effects  
1-49 screening level must:

1-50 (1) be set in a manner that takes into consideration  
1-51 acute and chronic health effects on a person resulting from  
1-52 exposure to an air contaminant;

1-53 (2) be based in part on the health effects of:

1-54 (A) the short-term exposure of a person to the  
1-55 air contaminant from an emission source; and

1-56 (B) the long-term exposure of a person to the air  
1-57 contaminant from an emission source; and

1-58 (3) be set at a level that does not increase the risk  
1-59 of cancer in a person exposed to the air contaminant by greater than  
1-60 one chance in 100,000 or another level set by the commission to  
1-61 protect human health and welfare when compared to a person not  
1-62 exposed to the contaminant.

1-63 (b) The commission shall use the adopted effects screening  
1-64 levels in permit reviews under this chapter of all new and modified

2-1 facilities to establish enforceable limits in the permits.

2-2 (c) Revisions of the effects screening levels are not  
2-3 subject to Subchapter B, Chapter 2001, Government Code.

2-4 SECTION 2. Subsections (e) and (g), Section 382.0215,  
2-5 Health and Safety Code, are amended to read as follows:

2-6 (e) The commission shall develop the capacity for  
2-7 electronic reporting and shall incorporate reported emissions  
2-8 events into a permanent online centralized database for emissions  
2-9 events. The commission shall develop a mechanism whereby the  
2-10 reporting entity shall be allowed to review the information  
2-11 relative to its reported emissions events prior to such information  
2-12 being included in the database. The database shall be easily  
2-13 searchable and accessible to the public. The commission shall  
2-14 evaluate information in the database to identify persons who  
2-15 repeatedly fail to report reportable emissions events. The  
2-16 commission shall enforce against such persons pursuant to Section  
2-17 382.0216(i). The commission shall describe such enforcement  
2-18 actions in the report required in Subsection (g).

2-19 (g) The commission annually, or on request by a member of  
2-20 the legislature, shall assess the information received under this  
2-21 section, including actions taken by the commission in response to  
2-22 the emissions events, and shall include the assessment in the  
2-23 report required by Section 5.126, Water Code.

2-24 SECTION 3. Chapter 505, Health and Safety Code, is amended  
2-25 by adding Section 505.017 to read as follows:

2-26 Sec. 505.017. NOTICE ISSUED UNDER EMERGENCIES. (a) When  
2-27 immediate notification of a release by a facility to the state  
2-28 emergency response commission is required in accordance with EPCRA,  
2-29 the state agency responsible for the information submitted to the  
2-30 state emergency response commission, on receipt of the required  
2-31 notification, shall make a determination as to whether the release  
2-32 reported would substantially endanger human health or the  
2-33 environment.

2-34 (b) If the responsible state agency makes the determination  
2-35 that the release will substantially endanger human health or the  
2-36 environment, it shall, on request, notify the state senator or  
2-37 representative who represents the area in which the facility is  
2-38 located of the release within four hours of receipt of the original  
2-39 notification.

2-40 SECTION 4. This Act takes effect September 1, 2009.

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