

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 31, 2009**

**TO:** Honorable Byron Cook, Chair, House Committee on Environmental Regulation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB557** by Hernandez (Relating to the establishment of an air pollutant watch list and associated reports for the purpose of controlling the emissions of air contaminants under the Texas Clean Air Act.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would codify the Texas Commission on Environmental Quality's (TCEQ) current Air Pollutant Watch List (APWL) process into the Health and Safety Code. The proposed language includes requirements for annual public meetings in watch list areas and an annual electronic report to state officials (first due December 1, 2010). The proposed bill would require the TCEQ to promptly publish on its internet website any ambient air quality data collected by the commission from mobile or stationary ambient air quality monitors. Additionally, the proposed legislation would add the ability of the TCEQ to control air contaminants as necessary to protect against adverse effects related to air pollution.

The TCEQ reports that the APWL highlights pollutants and areas of concern and is used by the agency's Air Permits Division and the Toxicology Section during the air permitting process. The Codification of the watchlist therefore does not provide additional authority or limit other authority already in the Texas Clean Air Act regarding the State's obligations under the Federal Clean Air Act. The agency also reports that the bill's requirements to include data on its website would not result in a significant change to agency operations.

Regarding the bill's requirement for a report that includes additional monitoring that may be needed in a particular area of the state to determine whether the area should be included on the air pollutant watch list, this estimate assumes that monitoring would begin in fiscal year 2012. If the report would determine additional monitoring is needed, this could add to the need for agency resources in 2012-2014 and beyond. The cost would depend on the number of areas where it is determined that additional monitoring is needed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality

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