

BILL ANALYSIS

H.B. 1981
By: Smith, Wayne
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Commission on Environmental Quality (TCEQ) maintains an air pollutant watch list that identifies areas in Texas where specific pollutants are measured at levels of concern and has a process in place for the development of effects screening levels to evaluate the potential for health effects resulting from exposure to air contaminants. In addition, TCEQ receives notification of emergency releases and maintains an air emission event report database. H.B. 1981 seeks to establish statutory guidelines and requirements for TCEQ in certain matters relating to measuring, monitoring, and reporting emissions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1981 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to establish and maintain an air pollutant watch list. The bill requires the air pollutant watch list to identify 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 to identify 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 TCEQ may cause short-term or long-term adverse human health effects or odors in that area.

H.B. 1981 requires TCEQ to publish notice of and allow public comment on an addition of an air contaminant to or removal of an air contaminant from the air pollutant watch list or an addition of an area to or removal of an area from the air pollutant watch list. The bill requires TCEQ to provide the monitoring data related to the area to the state senator and representative who represents the area when considering the addition or removal of an area to the air pollutant watch list. The bill authorizes TCEQ to hold a public meeting in an area listed on the air pollutant watch list to provide residents of the area with information regarding the reasons for the area's inclusion on the air pollutant watch list and TCEQ actions to reduce the emissions of air contaminants contributing to the area's inclusion on the air pollutant watch list. The bill specifies that the air pollutant watch list and the addition or removal of a pollutant or area to or from the list are not matters subject to rulemaking provisions in the Administrative Procedure Act.

H.B. 1981 requires TCEQ to adopt guidelines for effects screening levels for air contaminants as determined by TCEQ. The bill requires each effects screening level to be set in a manner that takes into consideration acute and chronic health effects on a person resulting from exposure to an air contaminant; to be based in part on the health effects of the short-term and long-term exposure of a person to the air contaminant from an emission source; and to be set at a level that does not increase the risk of cancer in a person exposed to the air contaminant by greater than one chance in 100,000 or another level set by TCEQ to protect human health and welfare when

compared to a person not exposed to the contaminant. The bill requires TCEQ to use the adopted effects screening levels in permit reviews under provisions of the Texas Clean Air Act of all new and modified facilities to establish enforceable limits in the permits. The bill specifies that revisions of the effects screening levels are not subject to the rulemaking provisions of the Administrative Procedure Act.

H.B. 1981 requires the permanent centralized database for emission events to be online and easily searchable. The bill, in a provision relating to a requirement that TCEQ annually assess the information received under a certain assessment of emissions due to emissions events, provides that TCEQ is required to perform an assessment at the request of a member of the legislature.

H.B. 1981, under the Manufacturing Facility Community Right-To-Know Act, requires the state agency responsible for the information regarding the release of hazardous chemicals submitted to the state emergency response commission, on receipt of the required notification, to make a determination as to whether the release reported will substantially endanger human health or the environment when immediate notification of a release by a facility to the state emergency response commission is required in accordance with the federal Emergency Planning and Community Right-To-Know Act. The bill requires the responsible state agency, on request, to notify the state senator or representative who represents the area in which the facility is located of the release within four hours of receipt of the original notification if the agency determines that a release will substantially endanger human health or the environment.

EFFECTIVE DATE

September 1, 2011.