

AN ACT

relating to measuring, monitoring, and reporting emissions.

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. AIR POLLUTANT WATCH LIST. (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 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.

(c) When considering the addition or removal of an area to

1 or from the air pollutant watch list, the commission shall provide
2 the monitoring data related to the area to the state senator and
3 representative who represent the area.

4 (d) The commission may hold a public meeting in an area
5 listed on the air pollutant watch list to provide residents of the
6 area with information regarding:

7 (1) the reasons for the area's inclusion on the air
8 pollutant watch list; and

9 (2) commission actions to reduce the emissions of air
10 contaminants contributing to the area's inclusion on the air
11 pollutant watch list.

12 (e) The air pollutant watch list and the addition or removal
13 of a pollutant or area to or from the list are not matters subject to
14 the requirements of Subchapter B, Chapter 2001, Government Code.

15 SECTION 2. Sections 382.0215(e) and (g), Health and Safety
16 Code, are amended to read as follows:

17 (e) The commission shall develop the capacity for
18 electronic reporting and shall incorporate reported emissions
19 events into a permanent online centralized database for emissions
20 events. The commission shall develop a mechanism whereby the
21 reporting entity shall be allowed to review the information
22 relative to its reported emissions events prior to such information
23 being included in the database. The database shall be easily
24 searchable and accessible to the public. The commission shall
25 evaluate information in the database to identify persons who
26 repeatedly fail to report reportable emissions events. The
27 commission shall enforce against such persons pursuant to Section

1 382.0216(i). The commission shall describe such enforcement
2 actions in the report required in Subsection (g).

3 (g) The commission annually, or at the request of a member
4 of the legislature, shall assess the information received under
5 this section, including actions taken by the commission in response
6 to the emissions events, and shall include the assessment in the
7 report required by Section 5.126, Water Code.

8 SECTION 3. Chapter 505, Health and Safety Code, is amended
9 by adding Section 505.017 to read as follows:

10 Sec. 505.017. NOTICE ISSUED UNDER EMERGENCIES. (a) When
11 immediate notification of a release by a facility to the state
12 emergency response commission is required in accordance with EPCRA,
13 the state agency responsible for the information submitted to the
14 state emergency response commission, on receipt of the required
15 notification, shall make a determination as to whether the release
16 reported will substantially endanger human health or the
17 environment.

18 (b) If the responsible state agency determines that a
19 release will substantially endanger human health or the
20 environment, the agency shall, on request, notify the state senator
21 or representative who represents the area in which the facility is
22 located of the release within four hours of receipt of the original
23 notification.

24 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1981 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1981 on May 25, 2011, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1981 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor