

1-1 By: Smith of Harris (Senate Sponsor - Gallegos) H.B. No. 1981  
1-2 (In the Senate - Received from the House April 11, 2011;  
1-3 April 20, 2011, read first time and referred to Committee on  
1-4 Natural Resources; May 16, 2011, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; May 16, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1981 By: Nichols

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to measuring, monitoring, and reporting emissions.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Subchapter B, Chapter 382, Health and Safety  
1-13 Code, is amended by adding Section 382.0161 to read as follows:  
1-14 Sec. 382.0161. AIR POLLUTANT WATCH LIST. (a) The  
1-15 commission shall establish and maintain an air pollutant watch  
1-16 list. The air pollutant watch list must identify:  
1-17 (1) each air contaminant that the commission  
1-18 determines, on the basis of federal or state ambient air quality  
1-19 standards for the contaminant, should be included on the air  
1-20 pollutant watch list; and  
1-21 (2) each geographic area of the state for which  
1-22 ambient air quality monitoring data indicates that the individual  
1-23 or cumulative emissions of one or more air contaminants identified  
1-24 by the commission under Subdivision (1) may cause short-term or  
1-25 long-term adverse human health effects or odors in that area.  
1-26 (b) The commission shall publish notice of and allow public  
1-27 comment on:  
1-28 (1) an addition of an air contaminant to or removal of  
1-29 an air contaminant from the air pollutant watch list; or  
1-30 (2) an addition of an area to or removal of an area  
1-31 from the air pollutant watch list.  
1-32 (c) When considering the addition or removal of an area to  
1-33 or from the air pollutant watch list, the commission shall provide  
1-34 the monitoring data related to the area to the state senator and  
1-35 representative who represent the area.  
1-36 (d) The commission may hold a public meeting in an area  
1-37 listed on the air pollutant watch list to provide residents of the  
1-38 area with information regarding:  
1-39 (1) the reasons for the area's inclusion on the air  
1-40 pollutant watch list; and  
1-41 (2) commission actions to reduce the emissions of air  
1-42 contaminants contributing to the area's inclusion on the air  
1-43 pollutant watch list.  
1-44 (e) The air pollutant watch list and the addition or removal  
1-45 of a pollutant or area to or from the list are not matters subject to  
1-46 the requirements of Subchapter B, Chapter 2001, Government Code.  
1-47 SECTION 2. Sections 382.0215(e) and (g), Health and Safety  
1-48 Code, are amended to read as follows:  
1-49 (e) The commission shall develop the capacity for  
1-50 electronic reporting and shall incorporate reported emissions  
1-51 events into a permanent online centralized database for emissions  
1-52 events. The commission shall develop a mechanism whereby the  
1-53 reporting entity shall be allowed to review the information  
1-54 relative to its reported emissions events prior to such information  
1-55 being included in the database. The database shall be easily  
1-56 searchable and accessible to the public. The commission shall  
1-57 evaluate information in the database to identify persons who  
1-58 repeatedly fail to report reportable emissions events. The  
1-59 commission shall enforce against such persons pursuant to Section  
1-60 382.0216(i). The commission shall describe such enforcement  
1-61 actions in the report required in Subsection (g).  
1-62 (g) The commission annually, or at the request of a member  
1-63 of the legislature, shall assess the information received under

2-1 this section, including actions taken by the commission in response  
2-2 to the emissions events, and shall include the assessment in the  
2-3 report required by Section 5.126, Water Code.

2-4 SECTION 3. Chapter 505, Health and Safety Code, is amended  
2-5 by adding Section 505.017 to read as follows:

2-6 Sec. 505.017. NOTICE ISSUED UNDER EMERGENCIES. (a) When  
2-7 immediate notification of a release by a facility to the state  
2-8 emergency response commission is required in accordance with EPCRA,  
2-9 the state agency responsible for the information submitted to the  
2-10 state emergency response commission, on receipt of the required  
2-11 notification, shall make a determination as to whether the release  
2-12 reported will substantially endanger human health or the  
2-13 environment.

2-14 (b) If the responsible state agency determines that a  
2-15 release will substantially endanger human health or the  
2-16 environment, the agency shall, on request, notify the state senator  
2-17 or representative who represents the area in which the facility is  
2-18 located of the release within four hours of receipt of the original  
2-19 notification.

2-20 SECTION 4. This Act takes effect September 1, 2011.

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