

By: Hegar

S.B. No. 1134

A BILL TO BE ENTITLED

AN ACT

relating to air permitting requirements for certain oil and gas facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 382, Health and Safety Code, is amended by adding Section 382.051961 to read as follows:

Sec. 382.051961. AUTHORIZATIONS RELATING TO CERTAIN OIL AND GAS FACILITIES. (a) This section applies to new facilities or modifications of existing facilities that belong to Standard Industrial Classification Codes 1311 (Crude Petroleum and Natural Gas), 1321 (Natural Gas Liquids), 4612 (Crude Petroleum Pipelines), 4613 (Refined Petroleum Pipelines), 4922 (Natural Gas Transmission), and 4923 (Natural Gas Transmission and Distribution).

(b) Notwithstanding other requirements of this Chapter, the commission may not adopt a new permit by rule or a new standard permit, or amend an existing permit by rule or an existing standard permit, that relates to facilities described in Subsection (a), unless the commission:

(1) conducts a regulatory analysis of a major environmental rule, as described in Section 2001.0225, Government Code;

(2) finds that credible air quality monitoring data and the evaluations of such data indicate that the emissions limits

1 or other requirements of the new permit by rule or standard permit
2 or the amendments to an existing permit by rule or standard permit
3 are necessary to protect public health and physical property;

4 (3) establishes emissions limits or other
5 requirements based on:

6 (A) the air quality monitoring data and
7 evaluations identified in Subdivision (b)(2); and

8 (B) credible air quality modeling that is not
9 based on worst-case emissions or other worst-case modeling inputs
10 unless the actual air quality monitoring data and evaluation
11 identified in Subdivision (b)(2) indicate that the worst-case
12 emissions or worst-case modeling inputs yield modeling results that
13 are reflective of the actual air quality monitoring data and
14 evaluation; and

15 (4) considers whether the applicability of the new
16 permit by rule or standard permit, or amendments to the existing
17 permit by rule or standard permit, should be limited to facilities
18 that are located in one or more certain geographic regions of the
19 state.

20 SECTION 2. Chapter 382, Health and Safety Code, is amended
21 by adding Section 382.051962 to read as follows:

22 Sec. 382.051962. AUTHORIZATION FOR PLANNED MAINTENANCE,
23 STARTUP, OR SHUTDOWN ACTIVITIES RELATING TO CERTAIN OIL AND GAS
24 FACILITIES. (a) In this Subsection, "planned maintenance,
25 startup, or shutdown activity" means an activity with emissions or
26 opacity that is:

27 (1) not expressly authorized by commission permit,

1 rule or order and involves the maintenance, startup, or shutdown of
2 a facility;

3 (2) part of normal or routine facility operations;

4 (3) predictable as to timing; and

5 (4) the type of emissions normally authorized by
6 permit.

7 (b) For facilities that belong to a Standard Industrial
8 Classification Code that is identified in Section 382.051961(a),
9 the commission may adopt one or more permits by rule and one or more
10 standard permits, or amend one or more existing permits by rule or
11 standard permits, to authorize planned maintenance, startup or
12 shutdown activities from such facilities. If the commission adopts
13 or amends a permit by rule or standard permit under this Section,
14 the commission shall meet the requirements of Section
15 382.051961(b).

16 SECTION 3. (a) Sections 382.051961 and 382.051962, Health
17 and Safety Code, as added by this Act, apply only to a new permit by
18 rule or a new standard permit, or any amendment to an existing
19 permit by rule or amendment to an existing standard permit, that is
20 adopted by the commission after the effective date of this Act.

21 (b) A permit by rule or standard permit that has been
22 adopted by the commission and is in effect on the effective date of
23 this Act is not subject to Sections 382.051961 and 382.051962,
24 Health and Safety Code, as added by this Act.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.