

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 21, 2011**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

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

**IN RE: HB1981** by Smith, Wayne (Relating to measuring, monitoring, and reporting emissions.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would modify the Texas Commission on Environmental Quality's (TCEQ) current Air Pollutant Watch List (APWL) process. The APWL would be required to identify each air contaminant to be included on the list and each geographic area of the state where ambient air monitoring indicates either individual or cumulative emissions may cause short-term or long-term health effects or odors. The proposed language includes requirements for publishing notice and allowing public comment on the addition or removal of a contaminant or area. The TCEQ would be required to provide monitoring data related to the APWL area to the state senator and representative who represent the area. The proposed language states that public meetings in APWL areas may be held to provide residents with information on the reasons for including an area on the APWL, and commission actions to reduce emissions of the specific air contaminant(s) in that APWL.

The bill would require the TCEQ to adopt guidelines for acute and chronic effects screening levels (ESLs) for air contaminants. The ESLs would be based on short-term and long-term exposure to a contaminant from an emission source. The ESLs would be set at levels protective of cancer risk at 1 chance in 100,000 or another level set by the TCEQ to protect human health and welfare. The TCEQ would be required to use the adopted ESLs in permit reviews for all new and modified facilities to establish enforceable limits in their permits.

The bill would require a responsible state agency to make a determination as to whether a release reported to the state emergency response commission (SERC) in accordance with Emergency Planning and Community Right-to-Know Act (EPCRA) would endanger human health or the environment. Upon determining a release would endanger human health or the environment, the TCEQ or other responsible state agency would be required, on request, to notify the state senator or representative who represents the area in which the facility is located within four hours of receipt of the notification.

It is expected that the TCEQ, as well as any other responsible state agency, would use existing resources to implement the provisions of the bill.

**Local Government Impact**

The TCEQ reports that demands on local government air programs (delegated by the TCEQ) may increase, and local governments with emissions of APWL contaminants in APWL areas could incur costs in reducing emissions in such areas, as a result of the bill's passage. This estimate assumes that such costs would not be significant.

**Source Agencies:** 405 Department of Public Safety, 582 Commission on Environmental Quality

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