

AIR TOXICS BILLS – 2007 LEGISLATIVE SESSION

TYPE OF BILL	BILL #	AUTHOR	BILL STATUS	SUMMARY
Hotspots	HB 2475	Hochberg	Pending in House Environmental Regulation (ER) Committee; has not received hearing	<ul style="list-style-type: none"> Establishes pilot program requiring TCEQ to designate as hotspots areas that exceed 1 in 100,000 excess cancer risk for 5 pollutants. TCEQ must reduce ambient pollution levels in those areas by deadlines based on severity of the problem. High priority areas must meet Sept. 2010 deadline, Medium priority areas Sept. 2012 deadline, and Low priority areas Sept. 2014. At least 1/3 of hotspots must be high priority. TCEQ must adopt rules by Dec. 2011 for an expanded hotspot program to include additional pollutants and to reduce carcinogen levels as needed to ensure a no greater than 1 in 1 million increased cancer risk. The 1 in 1 millions standards would take effect Jan. 2016.
	SB 1855	Gallegos	Pending in Senate Natural Resources (NR) Committee; heard in hearing 4/17	
	SB 1906	Ellis	Pending in Senate NR; no hearing yet	
Air Pollutant Watch List (APWL)/ Permitting	HB 2890	Vo	Pending in House Environmental Regulation Committee; has not received hearing	<ul style="list-style-type: none"> Codifies TCEQ's current practice of maintaining the APWL, which identifies areas where pollution levels are of concern. Prohibits the use of Permits By Rule by facilities in areas on the APWL that emit pollutants on the APWL. Allows TCEQ to consider all permit provisions relating to the release of pollutants on the APWL if a permit in an area on the APWL is reopened. Requires TCEQ to strengthen permits at renewal if necessary to address toxic pollution from permits in areas on the APWL.
	HB 3156	Noriega		
	HB 1740	Cohen		TCEQ may strengthen permits at renewal if permits are for facilities in areas on the APWL and emit pollutants that may cause adverse health effects.
Air Pollutant Watch List (APWL)/ Public Notice	SB 1924	Gallegos	Passed out of Senate NR Committee on 4/19/07; scheduled for hearing in House ER committee on 5/15/07	<ul style="list-style-type: none"> Codifies TCEQ's current practice of maintaining the APWL, which identifies areas where pollution levels are of concern. Requires TCEQ to hold annual meetings in areas on the APWL to explain why the area is on the list and what is being done to reduce pollution Requires TCEQ to report annually to the Gov., Lt. Gov., and Speaker regarding areas on the APWL, what is being done to reduce pollution in those areas, and any areas where additional monitoring is needed. Requires TCEQ to put all ambient monitoring data online.
	HB 2722	Thompson	Pending in House ER Committee; has not received hearing	
	HB 2363	Hernandez		
	HB 3157	Noriega	Requires TCEQ to hold an annual meeting in areas on the APWL to explain to the public why the area is on the list and what is being done to reduce pollution levels.	

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Effects Screening Levels (ESLs)	HB 3117	Noriega	Pending in House Environmental Regulation Committee; has not received hearing	<ul style="list-style-type: none"> Requires TCEQ to set ESLs at levels sufficient to create a no greater than 1 in 1 million excess cancer risk. Revised ESLs must be set by Jan 2009 and standards are enforceable Jan. 2011. Current ESLs are used as interim standards. TCEQ must include in annual report all violations of ESLs.
	HB 547	Farrar	Pending in House Environmental Regulation Committee; has not received hearing	<ul style="list-style-type: none"> Requires industrial facilities to install fence-line monitoring for toxics. Requires personal exposure studies and annual workshops on health effects. Requires TCEQ to set ESLs at levels that will create a no greater than 1 in 100,000 excess cancer risk. Levels must be set by Oct. 2009 and are enforceable in Jan. 2011.
	SB 93	Gallegos	Pending in Senate Natural Resources; has not received hearing	<ul style="list-style-type: none"> Facilities can't contribute to a condition of air pollution, which is defined to include exceedances of an ESL, or pollution resulting in a greater than 1 in 100,000 increased cancer risk or causing other adverse health effects.
	HB 440	Hernandez, Miles, Farrar, Leibowitz (Coauthors: Allen, Anchia, Burnam, Gallego, Lucio, Olivo, Rodriguez)	Pending in House Environmental Regulation Committee; has not received hearing	<ul style="list-style-type: none"> Requires TCEQ to set ESLs at levels that will create a no greater than 1 in 1 million excess cancer risk. Levels must be set by Jan. 2009. Industrial compliance is required by Jan. 2011. Facilities can't contribute to a condition of air pollution, which is defined to include exceedances of an ESL, pollution resulting (alone or in combination with other emissions) in a greater than 1 in 1 million increase cancer risk.
Ambient Standards	HB 2934	Turner	Pending in House Environmental Regulation Committee; has not received hearing	<ul style="list-style-type: none"> Requires TCEQ to adopt ambient air standards for 13 chemicals by Dec. 2009. The standards must ensure that ambient concentrations of each chemical do not result in an increased risk of cancer greater than 1 in 1 million. TCEQ may designate "toxic air contaminant impact areas," where the ambient standards are not attained. The TCEQ shall develop and implement a plan for reducing toxic emissions in such areas. The plan shall include enhanced monitoring and targeted enforcement of restrictions on emissions. Allows TCEQ to authorize local governments to spend up to 40% of available federal, state and local money for these air pollution programs.

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Cumulative Impacts of Electric Generating Units (Coal Plants)	HB 3359	Todd Smith	Pending in House ER Cmmt; heard in hearing on 4/03/07	<ul style="list-style-type: none"> During the permit process the TCEQ must consider the electric generating unit's impact on air pollution, contribution to an area being designated as in nonattainment with federal air quality standards, and it's affect on compliance with the State Implementation Plan (SIP)
	HB 3369	England	Pending in House ER Cmmt; heard in hearing on 4/03/07	<ul style="list-style-type: none"> Regarding the inclusion of proposed electric generating units in the State Implementation Plan
	HB 2847	Doc Anderson	Pending in House ER Cmmt; heard in hearing on 4/03/07	<ul style="list-style-type: none"> Regarding the consideration of cumulative effects of certain air contaminants in the permitting process for electric generating units
Moratorium on permitting of coal plants	HCR 43	Anderson, Hodge, 16 coauthors	Pending in House ER Committee; heard in hearing on 4/03/07	<ul style="list-style-type: none"> 6-month moratorium on the permitting of new coal-fired electric generating facilities 2-yr moratorium on the permitting of new coal-fired electric generating facilities'
	HB 2320	Gallego		
	HB 2521	Yvonne Davis		
	SB 860	Ellis	Pending in Senate Committee on Business & Commerce since 3/07/07; no hearing yet	
Mercury	HB 3896	Burnam	Pending in House ER Cmmt; heard in hearing on 4/03/07	<ul style="list-style-type: none"> Program to reduce mercury emissions from electric generating facilities
	HB 3910	Burnam	Passed out of House Committee on Culture, Recreation, & Tourism; sent to the Calendars committee on 04/25/07	<ul style="list-style-type: none"> Warning signs for fish & shellfish consumption advisories and bans