

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1526
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, regulated entities are required to go through a systematic leak detection and repair program established by the Texas Commission on Environmental Quality in order to detect leaks or emissions of air contaminants from certain components. However, current law does not address alternative leak detection technologies. Recently, the United States Environmental Protection Agency initiated rulemaking to approve various alternative leak detection technologies which offer a unique technological advancement in the detection of leaks and emissions from previously unrecognized sources.

C.S.H.B. 1526 requires the Texas Commission on Environmental Quality to establish a program encouraging the voluntary use of supplemental leak detection technologies.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission [Texas Commission on Environmental Quality] in SECTION 1 (Section 382.401, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Chapter 382, Health and Safety Code, by adding Subchapter I, as follows:

SUBCHAPTER I. PROGRAMS TO ENCOURAGE THE USE OF INNOVATIVE TECHNOLOGIES

Sec. 382.401. SUPPLEMENTAL LEAK DETECTION TECHNOLOGY. (a) Defines "supplemental leak detection technology."

(b) Requires the Texas Natural Resource Conservation Commission (TNRCC) by rule to establish a program that allows the owner or operator of a facility regulated under this chapter (Clean Air Act) to use voluntarily as a supplemental detection method any leak detection technology that has been incorporated and adopted by the United States Environmental Protection Agency into a program for detecting leaks or emissions of air contaminants. Requires the program to provide regulatory incentives to encourage voluntary use of supplemental leak detection technology at a regulated facility that is capable of detecting leaks or emissions that may not be detected by methods or technology approvable under TNRCC's regulatory program for leak detection and repair in effect on the date TNRCC adopts the program. Authorizes certain regulatory incentives to be included.

(c) Requires the owner or operator of a facility using a supplemental leak detection technology to repair and record an emission or leak of an air contaminant from a component subject to TNRCC's regulatory program for leak detection and repair that is detected by the supplemental technology as provided by TNRCC's leak detection and repair rules in effect at the time of the detection. Authorizes a repair to correct an emission or leak detected by the use of

supplemental leak detection technology to be confirmed using the same technology.

(d) Requires TNRCC to adopt certain standards and perform certain duties as part of the program of incentives adopted under Subsection (b).

(e) Prohibits TNRCC from taking an enforcement action against an owner or operator of a facility participating in the program established under this section for a leak or an emission of an air contaminant that would otherwise be punishable as a violation of the law or of the terms of the permit under which the facility operates if the leak or emission was detected by using supplemental technology and it would not have been detected under TNRCC's regulatory program for leak detection and repair in effect on the date of the detection.

SECTION 2. Amends Section 5.752(2), Water Code, to redefine "innovative program."

SECTION 3. Effective date: upon passage or September 1, 2007.