

By: Anchía

H.B. No. 4785

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the denial of certain applications for a permit or other
3 authorization under the Texas Clean Air Act on the basis of adverse
4 environmental justice impacts.

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

6 SECTION 1. Subchapter C, Chapter 382, Health and Safety
7 Code, is amended by adding Section 382.0595 to read as follows:

8 Sec. 382.0595. DENIAL OF CERTAIN APPLICATIONS FOR PERMIT OR
9 OTHER AUTHORIZATION ON BASIS OF ADVERSE ENVIRONMENTAL JUSTICE
10 IMPACTS. Notwithstanding any other law, the commission shall deny
11 an application for a permit or other authorization under this
12 chapter that is subject to new source review if the commission
13 determines that emissions from the facility that is the subject of
14 the application will have a disproportionately adverse effect on
15 the health, property, or environment of a low-income population in
16 the vicinity of the facility as compared to the effects of those
17 emissions on other populations in the area. In making the
18 determination, the commission shall consider the facility's
19 individual effect and the overall cumulative effect of the facility
20 on a low-income population in conjunction with other proposed or
21 existing facilities in the area.

22 SECTION 2. Section 382.0595, Health and Safety Code, as
23 added by this Act, applies only to an application for a permit or
24 other authorization that is filed with the Texas Commission on

1 Environmental Quality on or after the effective date of this Act.
2 An application for a permit or other authorization filed before the
3 effective date of this Act is governed by the law in effect on the
4 date of the filing, and the former law is continued in effect for
5 that purpose.

6 SECTION 3. This Act takes effect September 1, 2023.