

AN ACT

relating to the amount of foreign emissions of air contaminants in nonattainment areas and the revision of the state implementation plan to account for those emissions.

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

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0175 to read as follows:

Sec. 382.0175. AMOUNT OF FOREIGN EMISSIONS IN NONATTAINMENT AREAS; REVISION OF STATE IMPLEMENTATION PLAN. (a) In this section:

(1) "Foreign emissions" means emissions of air contaminants emanating from outside the United States.

(2) "Federal air quality monitor" means a monitor that is used to report data to the United States Environmental Protection Agency to demonstrate compliance with the national ambient air quality standards.

(b) The commission shall estimate the contribution of foreign emissions at each federal air quality monitor located in each nonattainment area in this state with respect to each air contaminant for which the area is designated as being in nonattainment for any national ambient air quality standards for ozone or particulate matter. The commission may contract with a third party to conduct the estimate required by this subsection.

(c) Not later than September 1, 2027, the executive director shall, using the estimate conducted under Subsection (b), report to

1 the commission a recommendation on whether to revise the state
2 implementation plan to account for the contribution of foreign
3 emissions in each nonattainment area in this state in any manner
4 permissible under federal law. In preparing the report to the
5 commission, the executive director shall consider any areas in this
6 state designated as nonattainment for ozone or particulate matter
7 as of September 1, 2026.

8 (d) This section expires September 1, 2029.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.

H.B. No. 4932

President of the Senate

Speaker of the House

I certify that H.B. No. 4932 was passed by the House on May 4, 2023, by the following vote: Yeas 134, Nays 4, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4932 was passed by the Senate on May 21, 2023, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor