

By: Sparks

S.B. No. 2152

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the amount of foreign emissions of air contaminants in
3 nonattainment areas and the required revision of the state
4 implementation plan to account for those emissions.

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

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

8 Sec. 382.0175. AMOUNT OF FOREIGN EMISSIONS IN NONATTAINMENT
9 AREAS; REQUIRED REVISION OF STATE IMPLEMENTATION PLAN. (a) In this
10 section, "foreign emissions" means emissions of air contaminants
11 emanating from outside this state.

12 (b) Not later than October 1, 2023, the commission shall
13 request from the administrator the amount of foreign emissions that
14 are detected or estimated to be at each federal air quality
15 monitoring site located in each nonattainment area in this state
16 with respect to each air contaminant for which the area is
17 designated as being in nonattainment for any national ambient air
18 quality standards.

19 (c) If the commission does not receive the information
20 requested under Subsection (b) within 180 days of the date of the
21 commission's request, the commission shall estimate the amount of
22 foreign emissions described by Subsection (b). The commission may
23 contract with a third party to conduct the estimate required by this
24 subsection.

1 (d) The commission shall, using the information received
2 from a request made under Subsection (b) or an estimate conducted
3 under Subsection (c), revise the state implementation plan to
4 account for the amount of foreign emissions in each nonattainment
5 area in this state in any manner permissible under federal law.

6 (e) This section expires September 1, 2027.

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