

Amend CSHB 2201 (committee printing) as follows:

(1) Strike SECTION 6 of the bill (page 4, lines 2 through 15) and substitute:

SECTION 6. Subchapter M, Chapter 5, Water Code, is amended by adding Section 5.558 to read as follows:

Sec. 5.558. CLEAN COAL PROJECT PERMITTING. (a) As authorized by federal law, the commission by rule shall implement reasonably streamlined processes for issuing permits required to construct a component of the FutureGen project designed to meet the FutureGen emissions profile.

(b) When acting under a rule adopted under Subsection (a), the commission shall use public meetings, informal conferences, or advisory committees to gather the opinions and advice of interested persons.

(c) A permit proceeding under the rules adopted under Subsection (a) is not a contested case hearing under Chapter 2001, Government Code, and is not subject to contested case hearing requirements of this chapter, Chapter 382, Health and Safety Code, or other law.

(2) Add a new section to the bill, numbered appropriately, to read:

SECTION __. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.0565 to read as follows:

Sec. 382.0565. CLEAN COAL PROJECT PERMITTING PROCEDURE. (a) The United States Department of Energy may specify the FutureGen emissions profile for a project in that department's request for proposals or request for a contract. If the United States Department of Energy does not specify in a request for proposals or a request for a contract the FutureGen emissions profile, the profile means emissions of air contaminants at a component of the FutureGen project, as defined by Section 5.001, Water Code, that equal not more than:

(1) one percent of the average sulphur content of the coal or coals used for the generation of electricity at the component;

(2) 10 percent of the average mercury content of the coal or coals used for the generation of electricity at the

component;

(3) 0.05 pounds of nitrogen oxides per million British thermal units of energy produced at the component; and

(4) 0.005 pounds of particulate matter per million British thermal units of energy produced at the component.

(b) As authorized by federal law, the commission by rule shall implement reasonably streamlined processes for issuing permits required to construct a component of the FutureGen project designed to meet the FutureGen emissions profile.

(c) When acting under a rule adopted under Subsection (b), the commission shall use public meetings, informal conferences, or advisory committees to gather the opinions and advice of interested persons.

(d) A permit proceeding under the rules adopted under Subsection (b) is not a contested case hearing under Chapter 2001, Government Code, and is not subject to contested case hearing requirements of this chapter, Chapter 5, Water Code, or other law.

(e) This section does not apply to an application for a permit to construct or modify a new or existing coal-fired electric generating facility that will use pulverized or supercritical pulverized coal.