

Amend SB 12 on third reading (house committee printing) by adding the following appropriately numbered article and renumbering subsequent articles accordingly:

ARTICLE _____. CONSIDERATION OF CERTAIN CUMULATIVE EFFECTS

SECTION _____.01. Section 382.0518, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In making its finding under Subsection (b)(2) as to whether emissions from the facility will contravene the intent of this chapter, the commission shall consider the cumulative effects on the public's health and physical property of expected air contaminant emissions from the facility or proposed facility and from other facilities located less than three miles from the facility or proposed facility.

SECTION _____.02. Section 382.055(d), Health and Safety Code, is amended to read as follows:

(d) In determining whether and under which conditions a preconstruction permit should be renewed, the commission shall consider, at a minimum:

(1) the performance of the owner or operator of the facility according to the method developed by the commission under Section 5.754, Water Code; ~~and~~

(2) the condition and effectiveness of existing emission control equipment and practices; and

(3) the cumulative effects on the public's health and physical property of expected air contaminant emissions from the facility and from other facilities located less than three miles from the facility.

SECTION _____.03. The changes in law made by this article apply only to the issuance or renewal of a permit the application for which is filed with the Texas Commission on Environmental Quality on or after the effective date of this article. The issuance or renewal of a permit the application for which is filed with the Texas Commission on Environmental Quality before the effective date of this article is governed by the law in effect when the application is filed, and the former law is continued in effect for that purpose.

SECTION _____.04. Notwithstanding any other provision of this

Act, this article takes effect September 1, 2007.