

By: Bonnen

H.B. No. 2712

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Commission on Environmental
3 Quality to regulate emissions from residential water heaters.

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

5 SECTION 1. Sections 382.0275(b) and (c), Health and Safety
6 Code, is amended to read as follows:

7 (b) The commission may not adopt or enforce a rule,
8 determination, or order limiting emissions from residential water
9 heaters to less than 40 nanograms of nitrogen oxides per joule
10 unless a lower limit is established by a federal statute or rule.

11 ~~[The commission shall direct the executive director to perform a~~
12 ~~study, to be completed by December 31, 2005, regarding the~~
13 ~~technical and economic feasibility of regulating residential water~~
14 ~~heaters. If the executive director's study shows that regulation~~
15 ~~of residential water heaters is technically or economically~~
16 ~~infeasible, the executive director shall recommend to the~~
17 ~~commission that the rules concerning water heaters be repealed not~~
18 ~~later than December 31, 2006, and shall propose emission reductions~~
19 ~~to offset the loss of state implementation plan credits from the~~
20 ~~rules. The commission shall provide notice of and hold a public~~
21 ~~hearing on the study.]~~

22 ~~[(c) Any emission reductions related to residential gas~~
23 ~~water heaters that the commission does not adopt because of~~
24 ~~Subsection (b) shall be replaced by a requirement that will obtain~~

1 ~~emission reductions from the same category.~~

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.