

By: Smith of Tarrant

H.B. No. 3359

A BILL TO BE ENTITLED

AN ACT

relating to standards for the issuance of a preconstruction permit under the Clean Air Act for certain electric generating facilities.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.051851 to read as follows:

Sec. 382.051851. PERMITS FOR NEW ELECTRIC GENERATING FACILITIES. (a) In addition to the finding required by Section 382.0518(b)(1), for each permit application under Section 382.0518 for the initial construction of an electric generating facility, the commission must find that:

(1) emissions from the proposed facility will not:

(A) cause or contribute to air pollution in a nonattainment area;

(B) cause an area to be designated a nonattainment area; or

(C) negatively affect compliance with the state implementation plan.

(b) If the commission finds that emissions from the proposed facility would have an effect described by Subsection(a)(1), the commission may not grant the permit and shall set out in a report to the applicant its specific objections to the submitted plans of the proposed facility.

SECTION 2. Section 382.051851, Health and Safety Code, as

1 added by this Act, applies only to an application for a permit under  
2 Chapter 382, Health and Safety Code, received by the Texas  
3 Commission on Environmental Quality on or after the effective date  
4 of this Act. An application for a permit received before the  
5 effective date of this Act is governed by the law in effect on the  
6 date the application was received, and that law is continued in  
7 effect for that purpose.

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