

By: Dunnam

H.B. No. 3655

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a moratorium on the issuance of air contaminant
3 emissions permits for certain electric generating facilities that
4 may impair this state's efforts to host the United States
5 Department of Energy FutureGen clean coal technology project.

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

7 SECTION 1. (a) Notwithstanding any other law, the Texas
8 Commission on Environmental Quality may not issue a new air
9 contaminant emissions permit for a coal-fired electric generating
10 facility unless the commission receives an official determination
11 of the Office of Public Utility Counsel that the issuance of the
12 permit has no potential to affect negatively this state's
13 application to receive a grant from the United States Department of
14 energy FutureGen clean coal electric generation technology
15 project.

16 (b) The commission by rule shall provide for the office to
17 receive notice of an necessary information concerning an
18 application for an air contaminant emissions permit.

19 (c) The applicant for a permit described by Subsection (a)
20 of this section has the burden of proving to the Office of Public
21 Utility Counsel by clear and convincing evidence that the issuance
22 of the permit has no potential to affect negatively this state's
23 application to receive a grant described by that subsection.

24 (d) In making a determination under Subsection (a) of this

1 section regarding an application for an air contaminant emissions
2 permit, the Office of Public Utility Counsel must consider whether:

3 (1) the permit and other pending air contaminant
4 emissions permits for coal-fired electric generating facilities
5 together may affect negatively this state's status as the applicant
6 that presents the best value among applicants to receive a
7 FutureGen grant from the United States Department of Energy; and

8 (2) issuing the permit and any other pending air
9 contaminant emissions permits for coal-fired electric generating
10 facilities will decrease the potential to replicate the benefits of
11 a FutureGen clean coal electric generating technology facility
12 because of a reduced need for base load electric generating
13 capacity when replication of those benefits would be desirable.

14 SECTION 2. When the United States Department of Energy
15 finally awards FutureGen funds to a state, the Office of the
16 Governor shall notify the Texas Commission on Environmental Quality
17 of that fact. On the date the commission receives the governor's
18 notice under this section, this Act expires.

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