

By: Bonnen, England

H.B. No. 3859

Substitute the following for H.B. No. 3859:

By: Hancock

C.S.H.B. No. 3859

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain applications filed with Texas Commission on
3 Environmental Quality.

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

5 SECTION 1. Section 382.05185 of the Health and Safety Code
6 is amended to add the following new subsection (j):

7 (j) The commission may grant permits for new coal-fired
8 steam electric generating units utilizing conventional pulverized
9 coal or circulating fluidized bed technology with applications
10 filed after or pending as of January 1, 2007, only if the unit meets
11 the following criteria:

12 (1) the unit will utilize an air-cooled condenser, or
13 other dry cooling technology, for the steam, and

14 (2) such other controls are proposed for the site
15 through new permit applications or implementing other measures such
16 as fuel switching, or a combination of new applications and fuel
17 switching, to achieve offsetting emissions for the facilities
18 covered by the application to result in no significant project
19 emissions increase under the Nonattainment New Source Review (NNSR)
20 or Prevention of Significant Deterioration (PSD) permitting
21 programs for nitrogen oxides or sulfur dioxide, nor result in a net
22 site increase in mercury emissions, to be achieved within two years
23 of commercial operation of the new generating unit.

24 SECTION 2. This Act takes effect immediately if it receives

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