

By: Watson

S.B. No. 1771

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of the Texas Commission on Environmental
3 Quality related to the state implementation plan for national
4 ambient air quality standards.

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

6 SECTION 1. Section 382.0173, Health and Safety Code, is
7 amended by adding Subsections (h) and (i) to read as follows:

8 (h) If the administrator of the United States Environmental
9 Protection Agency determines that the state implementation plan
10 adopted under Subsection (a) is insufficient as it relates in any
11 area to the federal eight-hour ozone standard under 40 C.F.R.
12 Section 50.10, or if the administrator or the commission otherwise
13 determines it is necessary to achieve greater reductions of
14 nitrogen oxides emissions in any area than the reductions the state
15 implementation plan provides for, in acting to bring the state
16 implementation plan into sufficiency for the eight-hour ozone
17 standard or to achieve the necessary reductions, the commission's
18 first efforts shall be to adopt rules that require all technically
19 feasible reductions of nitrogen oxides emissions from solid-fueled
20 electric generating units that are permitted or constructed after
21 January 1, 2007, and have nitrogen oxides emissions rates that
22 exceed 0.019 pounds per million British thermal units.

23 (i) To the extent that the state must achieve reductions of
24 nitrogen oxides emissions because the administrator of the United

1 States Environmental Protection Agency designates an area of the
2 state as a nonattainment area for a national ambient air quality
3 standard under Section 107(d) of the federal Clean Air Act (42
4 U.S.C. Section 7407) after January 1, 2007, the commission's first
5 efforts shall be to adopt rules that require all technically
6 feasible reductions of nitrogen oxides emissions from solid-fueled
7 electric generating units that are permitted or constructed after
8 January 1, 2007, and have nitrogen oxides emissions rates that
9 exceed 0.019 pounds per million British thermal units.

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