

By: Dunnam

H.B. No. 2497

A BILL TO BE ENTITLED

AN ACT

relating to a conditional reduction of nitrogen oxides emissions from certain coal-fired electric generating facilities.

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

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0175 to read as follows:

Sec. 382.0175. EMISSION REDUCTIONS AT CERTAIN COAL-FIRED ELECTRIC GENERATING FACILITIES. (a) In this section, "nonattainment area" has the meaning assigned by Section 384.001.

(b) If on or after January 1, 2009, any area of this state is designated as a new nonattainment area because of a failure to meet federal ambient air quality standards for ozone, the commission shall determine whether any coal-fired electric generating facility that uses pulverized coal, became operational on or after January 1, 2009, and emits nitrogen oxides at a rate greater than 0.02 pounds per million British thermal units caused or contributed to that failure. If the commission determines that the facility caused or contributed to the area's failure to reduce the facility's nitrogen oxides emissions to the extent technically feasible, regardless of financial costs. The commission shall require the nitrogen oxides emissions reductions before the commission requires automobiles, area sources, or other stationary sources to reduce their emissions of air contaminants that contribute to the area's nonattainment of federal ozone ambient air quality

1 standards.

2           SECTION 2.   This Act takes effect September 1, 2009.