

By: Anderson

H.B. No. 2770

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of the cumulative effects of certain air contaminant emissions in the emissions permitting process for electric generating facilities.

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

SECTION 1. Section 382.0518, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In the case of an electric generating facility, in making its findings under Subsection (b)(2) as to whether emissions from the facility will contravene the intent of this chapter, the commission shall consider the cumulative effects on the public's health and physical property of expected emissions of mercury, sulphur dioxide, nitrogen oxides, and particulate matter from the facility or proposed facility and from other electric generating facilities or proposed electric generating facilities located less than 100 miles from the facility or proposed facility.

SECTION 2. Section 382.055(d), Health and Safety Code, is amended to read as follows:

(d) In determining whether and under which conditions a preconstruction permit should be renewed, the commission shall consider, at a minimum:

(1) the performance of the owner or operator of the facility according to the method developed by the commission under Section 5.754, Water Code; ~~and~~

1 (2) the condition and effectiveness of existing
2 emission control equipment and practices; and

3 (3) in the case of an electric generating facility,
4 the cumulative effects on the public's health and physical property
5 of expected emissions of mercury, sulphur dioxide, nitrogen oxides,
6 and particulate matter from the facility and from other electric
7 generating facilities located less than 100 miles from the
8 facility.

9 SECTION 3. The changes in law made by this Act apply only to
10 the issuance or renewal of a permit the application for which is
11 filed with the Texas Commission on Environmental Quality on or
12 after the effective date of this Act. The issuance or renewal of a
13 permit the application for which is filed with the Texas Commission
14 on Environmental Quality before the effective date of this Act is
15 governed by the law in effect when the application is filed, and the
16 former law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2009.