

By: Farrar

H.B. No. 3545

A BILL TO BE ENTITLED

AN ACT

relating to air contaminant emissions in air quality control regions.

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

SECTION 1. Section 382.013, Health and Safety Code, is amended to read as follows:

Sec. 382.013. AIR QUALITY CONTROL REGIONS. (a) In this section, "new facility" means a facility for which a person applies for a preconstruction permit on or after the date on which the commission designates air quality control regions under this section.

(b) The commission shall ~~may~~ designate air quality control regions based on:

(1) jurisdictional boundaries;

(2) ~~ur~~ urban-industrial concentrations;

(3) the proximity of sources in a proposed or existing region to nonattainment areas in this state;

(4) the distances air contaminants have been demonstrated to travel from sources and contribute to a condition of air pollution;~~ur~~ and

(5) other factors, including atmospheric areas, necessary to provide adequate implementation of air quality standards and prevent air quality deterioration.

(c) For each air quality control region, the commission by

1 rule shall establish a maximum air contaminant emissions level for  
2 the combined air contaminant emissions from all new facilities in  
3 the region.

4 SECTION 2. Section 382.0513, Health and Safety Code, is  
5 amended to read as follows:

6 Sec. 382.0513. PERMIT CONDITIONS. (a) The commission may  
7 establish and enforce permit conditions consistent with this  
8 chapter. Permit conditions of general applicability shall be  
9 adopted by rule.

10 (b) In each air quality control region established under  
11 Section 382.013, the commission shall impose permit conditions on a  
12 regionwide basis as necessary to:

13 (1) ensure that the ambient air quality of an  
14 attainment area does not deteriorate to the level of a  
15 nonattainment area; and

16 (2) prevent further ambient air quality deterioration  
17 in a nonattainment area.

18 SECTION 3. Section 382.0518(b), Health and Safety Code, is  
19 amended to read as follows:

20 (b) The commission shall grant within a reasonable time a  
21 permit or permit amendment to construct or modify a facility if,  
22 from the information available to the commission, including  
23 information presented at any hearing held under Section 382.056(k),  
24 the commission finds:

25 (1) the proposed facility for which a permit, permit  
26 amendment, or a special permit is sought will use at least the best  
27 available control technology, considering the technical

1 practicability and economic reasonableness of reducing or  
2 eliminating the emissions resulting from the facility; ~~and~~

3 (2) emissions from the proposed facility would not  
4 cause the maximum air contaminant emissions level established under  
5 Section 382.013 to be exceeded; and

6 (3) no indication that the emissions from the facility  
7 will contravene the intent of this chapter, including protection of  
8 the public's health and physical property.

9 SECTION 4. The Texas Commission on Environmental Quality  
10 shall designate air quality control regions and adopt rules to  
11 establish maximum air contaminant emissions levels as required by  
12 Section 382.013, Health and Safety Code, as amended by this Act, as  
13 soon as practicable after the effective date of this Act.

14 SECTION 5. This Act takes effect September 1, 2011.