

By: Smith

H.B. No. 788

A BILL TO BE ENTITLED

AN ACT

relating to regulation of greenhouse gas emissions by the Texas Commission on Environmental Quality.

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

SECTION 1. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.069 to read as follows:

Sec. 382.069. GREENHOUSE GAS EMISSIONS PERMITTING. (a) In this section, "greenhouse gas" means:

(1) carbon dioxide;

(2) methane;

(3) nitrous oxide; and

(4) hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(b) The commission by rule shall adopt a program to allow the commission to assume authority for issuing permits, including preconstruction and federal operating permits, that include the regulation of greenhouse gas emissions in accordance with federal law.

(c) As part of the program under Subsection (b), the commission shall develop measures to streamline the authorization process for permits, such as the use of general permits, standard permits, and presumptive best available control technology, that the commission determines are warranted for certain greenhouse gas emissions source categories.

1 (d) If it is determined that greenhouse gas emissions are no
2 longer required to be regulated under federal law, on the effective
3 date of the determination:

4 (1) the commission shall immediately cease:

5 (A) issuing and requiring permits that include
6 regulation of greenhouse gas emissions; and

7 (B) enforcing permit provisions regulating
8 greenhouse gas emissions;

9 (2) a person subject to permit provisions regulating
10 greenhouse gas emissions is no longer required to comply with those
11 provisions; and

12 (3) rules adopted by the commission to regulate
13 greenhouse gas emissions are invalid.

14 SECTION 2. (a) The Texas Commission on Environmental
15 Quality shall adopt the program required by Section 382.069, Health
16 and Safety Code, as added by this Act, as soon as possible after the
17 effective date of this Act.

18 (b) The adoption of a program under Section 382.069, Health
19 and Safety Code, as added by this Act, does not affect the validity
20 of a permit regulating greenhouse gas emissions issued by the
21 United States Environmental Protection Agency:

22 (1) before the effective date of the program; or

23 (2) on or after the effective date of the program if
24 the application for the permit was filed with that agency before the
25 effective date of the program.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.