

By: Morales Shaw

H.B. No. 2369

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the shutdown during a weather-related disaster of
3 facilities that have reported emissions events to the Texas
4 Commission on Environmental Quality.

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

6 SECTION 1. Subchapter B, Chapter 382, Health and Safety
7 Code, is amended by adding Section 382.0261 to read as follows:

8 Sec. 382.0261. ORDERS ISSUED DURING DISASTER DECLARATION.

9 The commission shall adopt rules to implement, in the event of a
10 state or federally declared weather-related disaster, a system of
11 staggered shutdowns for regulated entities located in the area
12 covered by the disaster declaration that are required to report
13 emissions events under Section 382.0215. Rules adopted under this
14 section must:

15 (1) consider the 10-year history of reported emissions
16 events, or the entire history of reported emissions events if a
17 regulated entity has been in operation for less than 10 years, and
18 provide that the regulated entities with the highest number of
19 reported emissions events over the course of the considered history
20 be ordered to shut down before regulated entities with lower
21 numbers of reported emissions events;

22 (2) ensure that the procedures for the staggered
23 shutdown:

24 (A) minimize the cumulative air pollution

1 effects of the shutdown; and

2 (B) cause the shutdown to be completed in the
3 safest manner possible; and

4 (3) include exceptions for specific types of
5 facilities whose shutdown would increase a risk to the health or
6 safety of the population in the area covered by the disaster
7 declaration.

8 SECTION 2. This Act takes effect September 1, 2021.