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A BILL TO BE ENTITLED

AN ACT

relating to the designation of advanced clean energy projects.

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

SECTION 1. Section 382.003(1-a), Health and Safety Code, is amended to read as follows:

(1-a) "Advanced clean energy project" means:

(A) a project [~~for which an application for a permit or for an authorization to use a standard permit under this chapter is received by the commission on or after January 1, 2008, and before January 1, 2020, and~~] that:

(i) [~~(A)~~] involves the use of coal, biomass, petroleum coke, solid waste, natural gas, or fuel cells using hydrogen derived from such fuels, in the generation of electricity, or the creation of liquid fuels outside of the existing fuel production infrastructure while co-generating electricity, whether the project is implemented in connection with the construction of a new facility or in connection with the modification of an existing facility and whether the project involves the entire emissions stream from the facility or only a portion of the emissions stream from the facility;

(ii) [~~(B)~~] with regard to the portion of the emissions stream from the facility that is associated with the project, is capable of achieving:

(a) [~~(i)~~] on an annual basis:

(1) [~~(a)~~] a 99 percent or greater reduction of sulfur dioxide emissions;

(2) [~~(b)~~] if the project is designed for the use of feedstock, substantially all of which is subbituminous coal, an emission rate of 0.04 pounds or less of sulfur dioxide per million British thermal units as determined by a 30-day average; or

(3) [~~(c)~~] if the project is designed for the use of one or more combustion turbines that burn natural gas, a sulfur dioxide emission rate that meets best available control technology requirements as determined by the commission;

(b) [~~(ii)~~] on an annual basis:

(1) [~~(a)~~] a 95 percent or greater reduction of mercury emissions; or

(2) [~~(b)~~] if the project is designed for the use of one or more combustion turbines that burn natural gas, a mercury emission rate that complies with applicable federal requirements;

(c) [~~(iii)~~] an annual average emission rate for nitrogen oxides of:

(1) [~~(a)~~] 0.05 pounds or less per million British thermal units;

(2) [~~(b)~~] if the project uses gasification technology, 0.034 pounds or less per million British thermal units; or

(3) [~~(c)~~] if the project is

designed for the use of one or more combustion turbines that burn natural gas, two parts per million by volume; and

(d) [~~(iv)~~] an annual average emission rate for filterable particulate matter of 0.015 pounds or less per million British thermal units; and

(iii) [~~(C)~~] captures not less than 50 percent of the carbon dioxide in the portion of the emissions stream from the facility that is associated with the project and sequesters that captured carbon dioxide by geologic storage or other means; or

(B) a project that is a facility:

(i) for which an authorization to use a standard permit was approved after January 1, 2020, but before September 1, 2023; and

(ii) that includes carbon capture in its design and is capturing not less than 95 percent of the carbon dioxide in the emissions stream already permitted for carbon capture.

SECTION 2. This Act takes effect September 1, 2023.