

By: Geren

H.B. No. 3837

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 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:

(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;

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

(i) on an annual basis:

1 (a) a 99 percent or greater reduction
2 of sulfur dioxide emissions;

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

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

11 (ii) on an annual basis:

12 (a) a 95 percent or greater reduction
13 of mercury emissions; or

14 (b) if the project is designed for the
15 use of one or more combustion turbines that burn natural gas, a
16 mercury emission rate that complies with applicable federal
17 requirements;

18 (iii) an annual average emission rate for
19 nitrogen oxides of:

20 (a) 0.05 pounds or less per million
21 British thermal units;

22 (b) if the project uses gasification
23 technology, 0.034 pounds or less per million British thermal units;
24 or

25 (c) if the project is designed for the
26 use of one or more combustion turbines that burn natural gas, two
27 parts per million by volume or has an emission rate that meets best

1 available control technology requirements as determined by the
2 commission; and

3 (iv) an annual average emission rate for
4 filterable particulate matter of 0.015 pounds or less per million
5 British thermal units; and

6 (C) captures not less than 90 [~~50~~] percent of the
7 carbon dioxide in the portion of the emissions stream from the
8 facility that is associated with the project and sequesters that
9 captured carbon dioxide by geologic storage or other means; or

10 (D) is a facility that received a standard permit
11 issued after January 1, 2020, but prior to the effective date of
12 this Act, which includes carbon capture in its design and is
13 capturing not less than 95 percent of the carbon dioxide in the
14 emissions stream already permitted for carbon capture.

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