By: Miles S.B. No. 377

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of the cumulative effects of air contaminant emissions in the emissions permitting process.

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

SECTION 1. Section 382.0518, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In making its finding under Subsection (b)(2) as to whether emissions from the facility will contravene the intent of this chapter, the commission shall consider the cumulative effects on the public's health and physical property of expected air contaminant emissions from the facility or proposed facility and from other facilities located less than three miles from the facility or proposed facility.

SECTION 2. Section 382.055(d), Health and Safety Code, is amended to read as follows:

(d) In determining whether and under which conditions a preconstruction permit should be renewed, the commission shall consider, at a minimum:

(1) the performance of the owner or operator of the facility according to the method developed by the commission under Section 5.754, Water Code; [~~and~~]

(2) the condition and effectiveness of existing emission control equipment and practices; and

(3) the cumulative effects on the public's health and

physical property of expected air contaminant emissions from the facility and from other facilities located less than three miles from the facility.

SECTION 3. The changes in law made by this Act apply only to the issuance or renewal of a permit for which an application is filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. The issuance or renewal of a permit for which an application is filed with the Texas Commission on Environmental Quality before the effective date of this Act is governed by the law in effect when the application is filed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2027.