By: Miles S.B. No. 383

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a preconstruction air quality permit for a major stationary source located in a nonattainment area.

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

SECTION 1. Section 382.0518, Health and Safety Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) This subsection applies only to the construction or major modification of a facility that is a major stationary source and is located or proposed to be located in an area designated as a nonattainment area under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.). 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:

(1) conduct an analysis of alternative locations, sizes, production processes, and environmental control techniques for the facility that demonstrates that the benefits of the facility significantly outweigh the environmental and social costs imposed as a result of the facility's location, construction, or modification; and

(2) in conducting the analysis required under Subdivision (1), consider the cumulative impacts that would result from the issuance of the permit without changes to the site location, size, production processes, and environmental control techniques.

(b-2) For purposes of Subsection (b-1), "major stationary source" and "major modification" have the meanings assigned by 40 C.F.R. Section 51.165, as that section existed on January 1, 2027.

SECTION 2. The change in law made by this Act applies only to the issuance or amendment of a permit for which an application is pending before the Texas Commission on Environmental Quality on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2027.