

Date: March 27, 2023

To: Chairman Goldman and the Members of the House Committee on Energy Resources.

CC: Rep. Eddie Morales, Rep. Rafael Anchía, Rep. Charles "Doc" Anderson, Rep. Ernest Bailes, Rep. Tom Craddick, Rep. Drew Darby, Rep. Stan Gerdes, Rep. R. D. "Bobby" Guerra, Rep. Shawn Thierry, Rep. Erin Zwiener
Via hand delivery and by email.

From: Adrian Shelley, Public Citizen, ashelley@citizen.org, 512-477-1155

Re: HB 3837 –Testimony by Public Citizen

Dear Chairman Goldman and Members of the Committee:

Public Citizen appreciates the opportunity to testify on HB 3837 by Representative Charlie Geren, relating to the designation of advanced clean energy projects.

HB 3837 continues and broadens the “Advanced clean energy project” program found in the Texas Clean Air Act (P.1, L.7-11). We have a few suggestions for how to ensure this is a strong and effective program.

The BACT provision in the advanced clean energy definition is unclear. BACT requirements should not include a lower emission rate.

The current definition of “advanced energy project” requires natural gas combustion turbines to achieve an emissions rate of two parts per million of nitrogen oxides (2 ppm NOx). The bill adds an alternative provision for an emissions rate that “meets best available control technology requirements as determined by the commission” (P.2. L. 27 – P.3 L.2).

Is this intended to override the 2 ppm NOX requirement? If not, what is its purpose?

In any case, we recommend not deviating from the 2 ppm NOx requirement for natural gas turbines.

Increasing the carbon capture and sequestration requirement to 90 percent in the Texas Clean Air Act is good—95 percent would be better.

The current definition of “advanced clean energy project” in the Texas Clean Air Act includes projects that capture and sequester at least 50 percent of the carbon dioxide from the facility. HB 3837 increases this to 90 percent (P. 3, L.6). We support increasing this requirement but suggest 95 percent is an achievable target.

HB 3837 adds a Subsection (D) to the definition of advanced energy projects to include facilities that received a standard permit between January 1, 2020 and September 1, 2023 and captures at least 95 percent of the carbon dioxide in its emissions stream. We support a 95 percent capture rate and recommend it apply to any advanced energy projects involving carbon capture.