

Date: March 28, 2023

To: Chairman Schwertner and the Members of the Senate Committee on Business & Commerce

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

CC: Sen. Phil King, Sen. Brian Birdwell, Sen. Donna Campbell, Sen. Brandon Creighton, Sen. Nathan Johnson, Sen. Lois W. Kolkhorst, Sen. José Menéndez, Sen. Mayes Middleton, Sen. Robert Nichols, Sen. Judith Zaffirini
Via hand delivery and by email.

Re: SB 624 – Opposition Testimony by Public Citizen

Dear Chairman Schwertner and Members of the Committee:

Public Citizen appreciates the opportunity to testify against SB 624 by Senator Lois Kolkhorst, relating to the permitting of renewable energy generation facilities by the Public Utility Commission of Texas; authorizing fees.

We oppose this bill because it is weaponizing regulations against renewable energy.

Regulations should be required on sources that actually have health and environmental impacts.

This bill imposes many new regulations on the renewable energy industry specifically. In other contexts, we might support some of these regulations. In this bill, their intent seems to be to handicap renewable energy against other energy sources.

Fossil fuel energy sources release more air pollution, more water pollution, use more water, consume more fuels, and present more decommissioning challenges than renewable energy. Why, then, are so many new regulations imposed only on renewable energy sources?

Just going by land area, the Public Utility Commission projects that 27,000MW of solar would cover approximately 162,000 acres of Texas land.

By comparison, in 2014 oil and gas facilities took up 514,000 acres in Texas. This means that oil and gas already took up three times more land in Texas in 2014 than even future projections of solar power.¹

If this bill were about protecting communities from the negative health and environmental impacts of energy generation, it should apply to all energy sources. If that change is made, we might support this bill.

Regulations appear to be weaponized against renewable energy, but we might support them in other contexts.

The bill is filled with provisions that we might support in other contexts, including:

- An environmental impact statement (P.3, L.1-3), and fees to cover it (P.11, L.23-25).

¹ See <https://link.springer.com/article/10.1007/s00267-018-1000-2>.

- An affidavit listing anyone who “may be affected” by the facility (P.3, L.9-11).
- Notice to any affected parties within 25 miles (P.3, L.20-22).
- A hearing for affected parties (P.3, L.24).
- Permits that include the facility boundary, the number of permitted facilities, and any monitoring or reporting requirements. (P.5, L.9-16).
- 500 feet setbacks from property lines (P.5, L.22-26).
- 1,000 feet setbacks from “any habitable structure” (P.6, L.1-3).
- Facility information posted online (P.6, L.4-13).
- Posting at the facility entrance that includes, among other things, emergency contact information (P.6, L.14 – P.7, L.2).
- Monitoring and reporting of environmental and wildlife impacts (P.7, L.3-11).
- Decommissioning obligations (beginning at P.7, L.12).
- Facility cleanup fund (beginning at P.8, L.21).
- Environmental impact fee (beginning at P.9, L.4).

The purpose of regulations should be to protect public health and welfare. Fossil fuel burning kills 17,000 Texans each year just from particulate matter pollution.² There is a single coal plant in Fort Bend County, the WA Parish plant owned by NRG, that is linked to 178 death every year.³ It is the fossil fuel industry—not the renewable energy industry—from which people need protection through state regulation.

We might support versions of some of these provisions if they were imposed on all energy generation sources, as well as on all sources permitted by the Texas Commission on Environmental Quality (TCEQ). Imposing these requirements on only renewable sources is plainly intended to handicap these sources of energy. We do not support this; we support policies to increase clean energy on the Texas grid and to limit the health impacts of fossil fuels.

In conclusion, regulations should not be weaponized to favor one industry over another. Doing so trivializes the role regulations play in protecting public health. Regulations should be respected for their role in protecting public health and helping people to live healthy, productive lives.

² Vohra K, Vodonos A, Schwartz J, Marais EA, Sulprizio MP, Mickley LJ. “Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS-Chem.” *Environ Res.* 2021 Apr;195:110754. <https://doi.org/10.1016/j.envres.2021.110754>. Epub 2021 Feb 9. PMID: 33577774, available at <https://pubmed.ncbi.nlm.nih.gov/33577774/>.

³ Brian Strasert, Su Chen Teh & Daniel S. Cohan (2018): Air quality and health benefits from potential coal power plant closures in Texas, *Journal of the Air & Waste Management Association*, DOI: 10.1080/10962247.2018.1537984, available at <https://doi.org/10.1080/10962247.2018.1537984>.