



States' Biofuels Statutes

STATE OF TEXAS

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2014 Legislative Session of the Texas State Legislature.

§ 393.001. Definitions

<Chapter 393 expires Aug. 31, 2018 pursuant to [V.T.C.A., Health & Safety Code § 393.007](#).>

In this chapter:

- (1) “Alternative fuel” means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquified natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.
- (2) “Commission” means the Texas Commission on Environmental Quality.
- (3) “Program” means the Texas alternative fueling facilities program established under this chapter.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011](#).

§ 393.002. Program

<Chapter 393 expires Aug. 31, 2018 pursuant to [V.T.C.A., Health & Safety Code § 393.007](#).>

- (a) The commission shall establish and administer the Texas alternative fueling facilities program to provide fueling facilities for alternative fuel in nonattainment areas. Under the program, the commission shall provide a grant for each eligible facility to offset the cost of those facilities.
- (b) An entity that constructs, reconstructs, or acquires an alternative fueling facility is eligible to participate in the program.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011](#).

§ 393.003. Application for Grant

<Chapter 393 expires Aug. 31, 2018 pursuant to [V.T.C.A., Health & Safety Code § 393.007](#).>

(a) An entity operating in this state that constructs, reconstructs, or acquires a facility to store, compress, or dispense alternative fuels may apply for and receive a grant under the program.

(b) The commission may adopt guidelines to allow a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, or a private nonprofit organization to apply for and receive a grant to improve the ability of the program to achieve its goals.

(c) An application for a grant under this chapter must be made on a form provided by the commission and must contain the information required by the commission.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011.](#)

§ 393.004. Eligibility of Facilities for Grants

<Chapter 393 expires Aug. 31, 2018 pursuant to [V.T.C.A., Health & Safety Code § 393.007.](#)>

(a) The commission by rule shall establish criteria for prioritizing facilities eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate.

(b) To be eligible for a grant under the program, the entity receiving the grant must agree to make the alternative fueling facility available to persons not associated with the entity at times designated by the grant agreement.

(c) A recipient of a grant under this chapter is not eligible to receive a second grant under this chapter for the same facility.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011.](#)

§ 393.005. Restriction on Use of Grant

<Chapter 393 expires Aug. 31, 2018 pursuant to [V.T.C.A., Health & Safety Code § 393.007.](#)>

A recipient of a grant under this chapter shall use the grant only to pay the costs of the facility for which the grant is made. The recipient may not use the grant to pay the recipient's administrative expenses.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011.](#)

§ 393.006. Amount of Grant

<Chapter 393 expires Aug. 31, 2018 pursuant to [V.T.C.A., Health & Safety Code § 393.007.](#)>

For each eligible facility for which a recipient is awarded a grant under the program, the commission shall award the grant in an amount equal to the lesser of:

(1) 50 percent of the sum of the actual eligible costs incurred by the grant recipient within deadlines established by the commission to construct, reconstruct, or acquire the facility; or

(2) \$600,000.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011](#). Amended by [Acts 2013, 83rd Leg., ch. 1230 \(S.B. 1727\), § 24, eff. June 14, 2013](#).

§ 393.007. Expiration

This chapter expires August 31, 2018.

Credits: Added by [Acts 2011, 82nd Leg., ch. 892 \(S.B. 385\), § 3, eff. Sept. 1, 2011](#).