

## Texas Environmental Update

By: **Tim Wilkins, John A. Riley, Christopher C. Thiele, Tracy D. Hester, Kevin A. Ewing, Jeffery R. Holmstead, Jason B. Hutt, Richard Alonso, and Michael D. Olsen**

February 1, 2012

The environmental practice of Bracewell & Giuliani LLP offers seamless, front-rank representation in local, state, national, and cross-border regulatory, enforcement, and litigation matters, as well as experienced counsel on the environmental aspects of transactions and operations across the country and around the world. We are dedicated to helping clients successfully navigate complex and costly environmental issues and to building longstanding client relationships founded on superior advice, integrity, and value. We are pleased to provide you with this issue of Bracewell's Texas Environmental Update, offering the latest news about permitting, enforcement, regulatory developments, and other matters of interest to the regulated community in Texas.

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - AGENDAS AND WORK SESSIONS

#### **Commissioners' February 8, 2012 Meeting Agenda**

*TCEQ Web Site*

#### **Commissioners' January 25, 2012 Agenda Meeting Webcast**

*TexasAdmin.com*

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - NEWS REPORTS

#### **Enforcement**

#### **TCEQ Approves Fines Totaling \$ 411,578**

*TCEQ Web Site, January 25, 2012*

"The Texas Commission on Environmental Quality today approved penalties totaling \$411,578 against 28 regulated entities for violations of state environmental regulations."

## Regulatory Developments

### What's New in TCEQ Rules

*TCEQ Web Site, January 27, 2012*

#### Water

### Amarillo Aims to Make Wastewater Drinkable

*Amarillo Globe-News, January 31, 2012*

"It's not just scientific hurdles that could stand in the way of the city of Amarillo turning sewage into drinking water."

### Editorial: We Need to Conserve Brazos River Water, Not Sell It

*Houston Chronicle, January 30, 2012*

"The Texas Commission on Environmental Quality made the right choice last Wednesday when it told the Brazos River Authority that it could not accept its water rights request without knowing from where it would divert the water."

### LCRA Proposes Water Plan: Cities, Power Plants Would Get More, Rice Farmers Less

*Austin American-Statesman, January 24, 2012*

"Releasing a new proposed model for managing its water, the Lower Colorado River Authority published its draft water plan Tuesday, detailing stricter guidelines for releasing water to rice farmers and nearly doubling water reserves for cities and power plants."

## BUREAU OF OCEAN ENERGY MANAGEMENT

### Notice of Availability (NOA) of a Final Supplemental Environmental Impact Statement (EIS), Gulf of Mexico (GOM), Outer Continental Shelf (OCS), Central Planning Area (CPA), Oil and Gas Lease Sale for the 2007-2012 5-Year OCS Program

*77 Federal Register 2991, January 20, 2012*

EPA

**Proposed Rule, Approval and Promulgation of Air Quality Implementation Plans; Texas; Determination of Failure to Attain the One-Hour Ozone Standard**

*77 Federal Register 4937, February 1, 2012*

**Houston Faces Penalties Over 1970s Smog Limits**

*Houston Chronicle, January 31, 2012*

"The EPA concluded Tuesday that Houston has failed to meet 30-year-old limits on smog-forming pollution, a decision that could lead to hefty fines for as many as 300 oil refineries, chemical plants and other large industrial facilities."

**Proposed Reissuance of the NPDES General Permits for Oil and Gas Exploration Facilities on the Outer Continental Shelf and Contiguous State Waters in the Beaufort Sea and on the Outer Continental Shelf in the Chukchi Sea**

*77 Federal Register 4813, January 31, 2012*

**Notice of Extension of Public Comment Period, Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Approvals, and Federal Implementation Plans**

*77 Federal Register 4735, January 31, 2012*

**Final Rule, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources**

*77 Federal Register 56008, January 30, 2012*

**Matagorda County Cries Foul Over EPA's Foul-Air Claim**

*Houston Chronicle, January 26, 2012*

"Texas 60 slices through Matagorda County, offering alternate glimpses of rural charm and a hollowed economy."

**Notice of Extension of Public Comment Period, Draft Research Report: Investigation of Ground Water Contamination Near Pavilion, WY**

*77 Federal Register 3770, January 25, 2012*

## **EPA Releases New Tool With Information About Water Pollution Across the U.S.**

*EPA Web Site, January 25, 2012*

"WASHINGTON - The U.S. Environmental Protection Agency (EPA) announced the release of a new tool that provides the public with important information about pollutants that are released into local waterways."

## **TEXAS RAILROAD COMMISSION**

### **Drillers Must Now Disclose Fracking Chemicals**

*Fort Worth Star-Telegram, January 31, 2012*

"A new Texas Railroad Commission rule requiring oil and natural gas operators to publicly disclose the chemicals used in hydraulic fracturing of natural gas and oil wells takes effect today."

### **Eagle Ford Task Force Finds South Texas Water Supply Sufficient**

*Railroad Commission Web Site, January 26, 2012*

### **Railroad Commission Approves Draft Rules to Increase Penalties for Safety Violations**

*Railroad Commission Web Site, January 24, 2012*

## **OTHER TEXAS ENVIRONMENTAL NEWS**

### **Williamson County to Send Letters Arguing Against Accelerated Endangered Listing of Salamanders**

*Austin American-Statesman, January 31, 2012*

"GEORGETOWN - Williamson County has entered the fray surrounding a possible lawsuit against the federal government that could lead to an emergency addition of local salamander species to the endangered species list."

### **Water Pollution Suit Against Range Resources Is Rejected**

*Fort Worth Star-Telegram, January 29, 2012*

"A state district judge has ruled that a Parker County couple lack legal jurisdiction to sue Fort Worth-based Range Resources in a high-profile case involving methane contamination of their water well."

### **Opinions: Federal Interference Steps on Parker County Toes, Sadly**

*Weatherford Telegram, January 27, 2012*

"Any reasonable thinking person would believe a county could build a local road, funded entirely with local tax money, without federal interference."

## REPORTS

### **Financing Sustainable Water Infrastructure**

*Johnson Foundation Web Site, January 2012*

"This report seeks to tackle these issues and deliver some recommendations on how to understand and confront the pressing need for more sustainable and integrated water infrastructure financing models."

### **General Reporting Protocol for the Voluntary Reporting Program, Version 2.0 Draft**

*The Climate Registry Web Site, January 2012*

"The General Reporting Protocol (GRP) is divided into several parts."

### **Venting and Leaking of Methane From Shale Gas Development: Response to Cathles et al.**

*Howarth/Marino Lab Web Page, Cornell University, January 2012*

"Using all available information and the latest climate science, we conclude that for most uses, the GHG footprint of shale gas is greater than that of other fossil fuels on time scales of up to 100 years."

### **Hidden Risk: Mercury in Terrestrial Ecosystems of the Northeast**

*Biodiversity Research Institute Web Site, 2012*

"Although great strides have been made to reduce mercury released into the air and water from human activities, this report illustrates that high levels of mercury persist in many wildlife species distributed across many habitat types."

### **National Acid Precipitation Assessment Program Report to Congress 2011: An Integrated Assessment**

*White House Web Site, December 28, 2011*

"This 2011 NAPAP Report to Congress (RTC) focuses on emission reductions from power plants, summarizes changes in deposition rates and environmental impacts, and projects the ecological effects of additional reductions in SO<sub>2</sub> and NO<sub>x</sub> emissions."

Bracewell & Giuliani LLP makes this information available for educational purposes. This information does not offer specific legal advice or create an attorney-client relationship with the firm. Do not use this information as a substitute for specific legal advice. Attorney advertising.