

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: June 1, 2012

From:  Jim Harrison, Director
Intergovernmental Relations Division

Subject: Legislative Update

Issue

Update on implementation of legislation passed during the 82nd Legislature, and discussion of legislative issues potentially affecting the TCEQ.

LEGISLATIVE IMPLEMENTATION, 82nd REGULAR LEGISLATURE, 2011								
Bill Type	Bill No.	Author	Caption/Description	Effective Date	Rule	Guide	OPPs	Implementation Schedule
HB	1	Pitts	Relating to appropriations for the 2012-2013 biennium.					8/31/2013
HB	240	Parker	Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.	9/1/2011	X			8/16/2012
HB	444	Creighton	Relating to notification of applications for permits for certain injection wells.	5/21/2011				Completed
HB	451	Lucio III	Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.	9/1/2011	X			Dec. 2012
HB	571	Huberty	Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality.	9/1/2011	X		X	Stakeholder meetings 8/2011, Proposal Agenda 1/2012, Adoption Agenda 7/2012, Registration forms 9/1/2012, Facilities investigation begin 9/2015
HB	610	Zerwas	Relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.	9/1/2011				Completed
HB	679	Button	Relating to change order approval requirements for certain political subdivisions of the state.	Immediate	X			Immediate and will be applied to all new applications. Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
HB	726	Sheffield	Relating to the electronic distribution of information to legislators by state agencies.	Immediate				Completed
HB	805	Callegari	Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.	Immediate	X			Implementation has started. EPPs due 2/1/12. Proposal: April 2012 Adoption: Fall 2012
HB	965	Callegari	Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.	9/1/2011	X			9/1/2012
HB	1147	Smith, W	Relating to notice by a governmental entity regarding certain geospatial data products.	9/1/2011		X		Completed
HB	1674	Jim Jackson	Relating to procedures for establishment, modification, and enforcement of child support obligations.	9/1/2011	X			9/1/2012
HB	1781	Price	Relating to obsolete or redundant reporting requirements applicable to state agencies.	Immediate				Completed
HB	1812	Phillips	Relating to the type of newspaper required for publication of notice in certain counties.	Immediate				Completed

Bill Type	Bill No.	Author	Caption/Description	Effective Date	Rule	Guide.	OPPs	Implementation Schedule
HB	1901	Keffer	Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.	Immediate	X			Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
HB	1981	Smith, W	Relating to measuring, monitoring, and reporting emissions.	9/1/2011		X	X	Completed
HB	2280	Eiland	Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.	Immediate			X	Completed
HB	2507	Chisum	Relating to the offense of installing an irrigation system without a license.	9/1/2011		X		Completed
HB	2694	Smith, W	Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.	9/1/2011	X	X		Completed
HB	2694	Smith, W	HB 2694 (cont.)(4.27 - 4.30): MACT Permit Procedures	9/1/2011	X			Completed
HB	2694	Smith, W	HB 2694 (cont.)(Sections in Article 4): Compliance History	9/1/2011	X			8/9/2012
HB	2694	Smith, W	HB 2694 (cont.)(4.06 & 4.08): Incentives	9/1/2011	X			7/19/2012
HB	2694	Smith, W	HB 2694 (cont.)(5.03): Water Curtailment	9/1/2011	X			Completed
HB	2694	Smith, W	HB 2694 (cont.)(10.01 - 10.04): Contested Case Hearings	9/1/2011	X			Completed
HB	2694	Smith, W	HB 2694 (cont.) (4.09): Enforcement Policy	9/1/2011	X			8/22/2012
HB	2694	Smith, W	HB 2694 (cont.)(3.04): Public Interest Factors	9/1/2011	X			Completed
HB	2694	Smith, W	HB 2694 (cont.)(4.16, 4.17 & 4.19): PST	9/1/2011	X			Completed
HB	2694	Smith, W	HB 2694 (cont.)(4.23, 4.32, 5.01, 6.04 & Art. 9), HB 3002, SB 1361: Aquaculture Definition, Water Fee Repealer, Water District Financial Reporting, and Water Rate Notice	9/1/2011	X			8/30/2012
HB	2694	Smith, W	HB 2694 (cont.)(8.01 - 8.06): HB 240: TOWTRC/Repeal, Funding & Fee	9/1/2011	X			8/16/2012
HB	2694	Smith, W	HB 2694 (cont.)(Art. 2): RRC Transfer	9/1/2011	X			12/5/2012
HB	2694	Smith, W	HB 2694 (cont.) (1.03 & 1.04 & Issue #53): Prohibition on Accepting Campaign Contributions; Negotiated Rulemaking; Alternative Dispute Resolution; Mission Statement	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (1.05 & 1.06): PST Remediation Contracts and Process	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (1.07 & Issue #274): Regulation of Dams Hazardous Classification Agreement Language Exemptions	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (Art. 2): Transfer of Surface Casing to RRC	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (3.01 & 2.5): Public Education & Assistance	9/1/2011		X		Completed

Bill Type	Bill No.	Author	Caption/Description	Effective Date	Rule	Guide	OPPs	Implementation Schedule
HB	2694	Smith, W	HB 2694 (cont.) (3.02 & 3.03): OPIC Responsibilities and Requirements	9/1/2011		X		12/1/2012
HB	2694	Smith, W	HB 2694 (cont.) (4.10, 4.11, 4.12): Penalties and SEPs	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (5.05): Watermaster Review	9/1/2011		X		8/1/2012
HB	2694	Smith, W	HB 2694 (cont.) (5.02 & 7.01): Water Reporting and E-Copies	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (6.02): Creation of the LLRW Disposal Compact Commission Account	9/1/2011		X		Completed
HB	2694	Smith, W	HB 2694 (cont.) (Art. 8, and 1.2, 1.3): TOWTRC	9/1/2011		X		Completed
HB	2826	Murphy	Relating to the issuance of a certificate for a municipal setting designation.	9/1/2011		X		Completed
HB	2866	Harper-Brown	Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general.	Immediate				Completed
HB	3002	Hughes	Relating to certain conservation and reclamation districts exempted from filing a full audit.	Immediate	X			Change business practices process immediately with rules change coming later. Adoption date: 8/8/2012
HB	3268	Lyne	Relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.	Immediate	X			August 2012
HB	3272	Burnam	Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.	9/1/2011	X	X		Proposal: Jan 2012 Adoption: Jun 2012
HB	3372	Tracy King	Relating to rainwater harvesting systems that are connected to public water supply systems.	9/1/2011	X	X		Proposal Agenda date: August 22, 2012
HB	3391	Doug Miller	Relating to rainwater harvesting and other water conservation initiatives.	9/1/2011	X	X		Proposal Agenda date: August 22, 2012
HB	3399	Legler	Relating to the requirements for certain grant programs funded through the Texas emissions reduction plan.	9/1/2011	X	X	X	Completed
HB	3847	Lavender	Relating to the Riverbend Water Resources District.	Immediate				Completed

Bill Type	Bill No.	Author	Caption/Description	Effective Date	Rule	Guide.	OPPs	Implementation Schedule
SB	18	Estes	Relating to the use of eminent domain authority.	9/1/2011	X			Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
SB	20	Williams	Relating to a grant program for certain natural gas motor vehicles.	9/1/2011	X		X	Completed
SB	181	Shapiro	Relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.	Immediate	X			Anticipated Proposal date: 6/27/2012 Anticipated Adoption date: 11/14/2012
SB	271	Uresti	Relating to the board of directors of the Bexar Metropolitan Water District.	Immediate				Completed
SB	313	Seliger	Relating to priority groundwater management areas.	Immediate	X			Immediate. Proposal-Spring 2012 Adoption-Fall 2012 Additionally, the TCEQ will have to take action on the recommendations for the Dallam County PGMA by 9/1/2012
SB	329	Watson	Relating to the sale, recovery, and recycling of certain television equipment.	9/1/2011	X			Completed
SB	341	Uresti	Relating to authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.	This Act takes effect 6/17/2011 except Articles 3 and 4. If the proposition described in Articles 2 or 2A is approved by a majority of the voters or a majority of the voting districts, Article 3 does not take effect and Article 4 takes effect on the date the results are certified. If the proposition is not approved, Article 3 takes effect on the date the results are certified and Article 4 does not take effect				Implementation begins July 19, 2011. Lasts 18 months
SB	365	Ogden	Relating to distributed generation of electric power.	9/1/2011				Completed
SB	385	Williams	Relating to the creation of programs to support the use of alternative fuels, including an alternative fuel program to be funded by the Texas emissions reduction plan fund and a grant program for certain natural gas vehicles.	9/1/2011	X		X	Completed

Bill Type	Bill No.	Author	Caption/Description	Effective Date	Rule	Guide	OPPs	Implementation Schedule
SB	430	Nichols	Relating to written notice to a groundwater conservation district of groundwater contamination.	9/1/2011				Completed
SB	493	Fraser	Relating to the idling of motor vehicles.	Immediate	X			Proposal: Oct 2011 Adoption: Mar 2012
SB	512	Hegar	Relating to the qualification of supervisors of a fresh water supply district.	9/1/2011				Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
SB	527	Fraser	Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas emissions reduction plan.	9/1/2011		X		TERP - Funding allocation decisions will be made as part of the budget process for FY 2012. Monitors - End of CY2011 - Contract w/ regional nonprofit
SB	573	Nichols	Relating to certificates of public convenience and necessity for water or sewer services.	9/1/2011	X	X		Immediate and will be applied to all new certificates. Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
SB	602	Rodriguez	Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines.	9/1/2011			X	Completed
SB	656	Huffman	Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.	9/1/2011				Schedule not specified
SB	660	Hinojosa	Relating to the review and functions of the Texas Water Development Board, including the functions of the board in connection with the process for establishing and appealing desired future conditions in a groundwater management area.	9/1/2011	X			Anticipated Proposal date: 6/27/2012 Anticipated Adoption date: 11/14/2012
SB	701	Watson	Relating to high-value data sets of state agencies posted on the Internet.	9/1/2011				Completed
SB	791	Duncan	Relating to the delivery of proposed state agency rules to the lieutenant governor, a member of the legislature, or a legislative agency.	9/1/2011				Completed
SB	914	Wentworth	Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.	Immediate	X			Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
SB	1003	Fraser	Relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act.	Immediate			X	Completed

Bill Type	Bill No.	Author	Caption/Description	Effective Date	Rule	Guide	OPPs	Implementation Schedule
SB	1073	Mike Jackson	Relating to rainwater harvesting systems that are connected to public water supply systems.	9/1/2011	X	X		Proposal Agenda date: August 22, 2012
SB	1132	Hegar	Relating to a water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.	Immediate				Completed
SB	1134	Hegar	Relating to air permitting requirements for certain oil and gas facilities.	Immediate	X		X	Completed
SB	1179	Nelson	Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.	Immediate				Completed
SB	1234	West	Relating to municipal management districts.	9/1/2011	X			Proposal Agenda date: October 3, 2012 Adoption: Fall 2012
SB	1250	Lucio	Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.	9/1/2011				Completed
SB	1258	Duncan	Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.	Immediate	X		X	August 2012
SB	1361	Estes	Relating to the audit report exemption for certain general and special law districts.	8/29/2011	X			Change business practices process immediately with rules change coming later. Adoption date: 8/8/2012
SB	1504	Seliger	Relating to the disposal of nonparty compact low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.	Immediate	X			First Rule adoption: 3/7/12 Second Rule adoption: 1/1/13
SB	1605	Seliger	Relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.	9/1/2011				N/A
SB	1618	Seliger	Relating to electronic reporting by certain state entities and to the review of continual report requirements.	9/1/2011				Completed
SB	1733	Van de Putte	Relating to the occupational licensing of spouses of members of the military.	Immediate	X			9/1/2012
SB	1737	Van de Putte	Relating to the use and accrual of leaves of absence for military training or duty for officers and employees of the state.	9/1/2011			X	Completed
SJR	28	Rodriguez	Proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.	11/8/2011	X			Proposal: Spring 2012 Adoption: Fall 2012