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THE 84TH LEGISLATIVE SESSION ADJOURNS ON A SUCCESSFUL NOTE FOR THE TCEQ

Increased Funding of Programs by Rider for the Biennium

Air Quality Planning Grants (Rider 7):

The Air Quality Planning Grants were increased by \$1.0 million and added Killeen-Temple to the list of the potential areas.

TERP (Rider 20):

The Texas Emission Reduction Plan program received an increase of \$81.0 million.

LIRAP (Rider 24):

The Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program received an increase of \$81.3 million.

Expedited Processing of Permit Applications (Rider 30):

The Air Permits Division can receive up to \$1 million from surcharges for expedited permit review.

New leadership, along with shuffled chairmanships in each chamber resulted in an increase of the agency's appropriation and strengthened its ability to create innovative solutions to some of the state's daunting challenges.

Priority bill numbers were assigned to legislation in both the House and the Senate dealing with the Texas Emissions Reduction Plan. While those bills had responsible intent and ambitious goals, they both failed to make it to Governor Greg Abbott's desk.

Many of the key bills that passed dealt with ways of coping with the current drought and droughts to come. In addition to water needs, other key legislation expedited permitting to encourage industry investment and continued commitment in Texas.

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Below are brief summaries of some of the bills, passed into law, that affect the TCEQ.

Aquifer Storage and Recovery Projects ([HB 655](#))

HB 655, by Rep. Lyle Larson, amended the Texas Water Code to add requirements for aquifer storage and recovery projects, which inject water into subsurface geologic units, where it is stored for future recovery and beneficial use. The bill directs the TCEQ to adopt standards for such projects, including standards for well design and operation, the quality of injected water, public notice, reporting, and injection and recovery of appropriated water.

In addition, the bill directs the TCEQ to define the term "native groundwater" as "groundwater naturally occurring in a geologic formation."

Tier II Chemical Reporting (HB 942)

Known as the “West Bill,” HB 942, introduced by Rep. Kyle Kacal, transfers the Tier II Chemical Reporting Program from the Texas Department of State Health Services to the TCEQ. The TCEQ will receive 13 FTEs (full-time employees) on Sept. 1, 2015—11 transferred from DSHS and two new positions. The TCEQ will institute a system so facilities can report their chemical storage online through the Tier II report. The TCEQ will also investigate facilities to ensure that those reports are submitted as required.

Seawater Desalination (HB 2031)

HB 2031, introduced by Rep. Eddie Lucio III, relates to the diversion, treatment, and use of marine seawater and the discharge of treated seawater and waste resulting from desalination. This bill creates Chapter 18, Texas Water Code, to address seawater desalination projects.

The bill prohibits the diversion of marine seawater and the discharge of waste resulting from its desalination in a bay or estuary under the expedited permit process as allowed by the new Chapter 18. A person has the option to use existing law to seek a permit to divert or discharge in a bay or estuary.

Disposal of Nonhazardous Brine (HB 2230)

HB 2230, introduced by Rep. Lyle Larson, allows the TCEQ to authorize an injection well used for disposal of oil and gas waste and permitted by the Railroad Commission of Texas (RRC) to be used for the disposal of nonhazardous brine generated by desalination or for nonhazardous drinking-water-treatment residuals

(DWTR). Oklahoma implemented a similar program to allow disposal of desalination brine in wells for the disposal of oil and gas waste.

HB 2230:

- Allows dual authorization of a Class II injection well under RRC jurisdiction as a Class V injection well authorized to dispose nonhazardous brine from a desalination operation or nonhazardous DWTR by injection.
- Allows the TCEQ to provide Class V injection well authorization for the disposal of desalination brine and DWTR, solid waste under TCEQ jurisdiction, in a Class II well permitted by the RRC by individual permit, general permit, or authorization by rule, and requires the TCEQ and the RRC to enter into or amend a memorandum of understanding.

Marine Seawater Use (HB 4097)

HB 4097, introduced by Rep. Todd Hunter, relates to seawater-desalination projects. This bill creates Sections 11.1405 and 26.0272 and amends Sections 27.021 and 27.025, Texas Water Code, to address desalination for industrial purposes.

The bill requires the Public Utilities Commission and ERCOT to study seawater-desalination projects. Additionally, the TCEQ will adopt rules to expedite permitting for the diversion of seawater.

Local Government Supplemental Environmental Projects (SB 394)

SB 394, introduced by Sen. Charles Perry, adds language to the Texas Water Code that (1) requires the TCEQ to approve a



compliance Supplemental Environmental Project for a local government that has not previously committed a violation at the same site with the same underlying cause in the preceding five years, as documented in a commission order, and did not agree to perform the project before the date that the commission initiated the enforcement action, and (2) exempts such an eligible local government from the financial assessment required by Texas Water Code 7.067(a-2) to prevent regulated entities from systematically avoiding compliance through the use of compliance SEPs.

Contested Case Hearing Process (SB 709)

SB 709, introduced by Sen. Troy Fraser, makes several changes to the current contested case hearing process for permit applications related to air quality; water quality; municipal, industrial, and hazardous waste; and underground injection control. The legislation amends the affected-person process, places a timeline on the State Office of Administrative Hearings, and overhauls the permitting process for all parties involved. 🗳️



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