

2015: A BUSY YEAR

Protecting the Health and the Environment of the People of Texas

January is a good time to look back on the year just passed. The TCEQ's past year was one of steady progress in continuing to protect the health and environment of the people of Texas, consistent with sustainable economic development.

With more than 2,700 full-time personnel working hard to produce results, it is of course impossible to cover more than a fraction of the noteworthy events of 2015—but here are a handful that especially stand out.



RESTORE

The [RESTORE program](#) is a complex mix of state governments, federal government agencies, councils, and other organizations whose purpose it is to administer fines and other funds collected as a result of the 2010 *Deepwater Horizon* oil-spill disaster for restoration projects in the Gulf Coast region.

TCEQ Commissioner Toby Baker is Gov. Abbott's appointee to the federal RESTORE Council and administers the RESTORE program for the state.

In December, the [RESTORE Council](#) approved a Funded Priorities List that includes some \$26 million for six projects in Texas. Earlier this year, Commissioner Baker announced the selection of two consortia to establish Centers of Excellence in Texas to conduct research on the Gulf Coast region. One will be led by the University of Houston; the other, by Texas A&M University–Corpus Christi.

Commissioner Baker also led four RESTORE Act listening sessions in Galveston, Beaumont, Brownsville, and Corpus Christi.

NEW COMMISSIONER

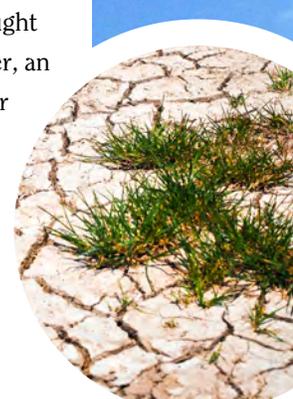
Gov. Abbott appointed Jon Niermann to the TCEQ as its newest commissioner in October. Commissioner Niermann was formerly chief of the Environmental Protection Division at the Texas Attorney General's Office. He is very familiar with the work of the TCEQ as well as the duties of a commissioner. (Look for more information on Commissioner Niermann in an upcoming *Natural Outlook*.)



TEXAS DROUGHT

As 2015 began, much of Texas was in a severe drought, but heavy spring rains brought welcome relief. However, an abnormally dry summer again plunged some areas of the state into a flash drought due to low soil moisture and the long-term deficit in the state's reservoir storage. But Texas weather is anything but predictable, and fall rains, influenced by a strong El Niño, again left Texas practically drought free by the end of the year.

The agency continued to work with other agencies and stakeholders to assist



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distressed public drinking water systems extend supplies. As part of the effort to better manage water, the TCEQ hired Molly Mohler as the first watermaster for the [Brazos Water Basin](#). Watermaster programs ensure compliance with water rights by monitoring stream flows, reservoir levels, and water use. Watermasters also coordinate diversions and regulate reservoirs as needed to prevent the wasting of water or its being used in quantities beyond a user's right.

Now that the office is fully operational, Mohler spends her days interacting with water-rights holders, educating them, performing inspections, and dealing with all kinds of stakeholders. Contingency planning, coupled with conservation, is in the best interest of all water-rights holders.

LEGISLATION

The 84th Legislature passed numerous bills affecting the TCEQ. Among them were:

- Tier II Chemical Reporting (HB 942). This bill moved the Tier II Chemical Reporting Program from the Department of State Health Services to the TCEQ on Sept. 1.
- Aquifer Storage and Recovery Projects (HB 655). The bill directs the TCEQ to adopt standards for aquifer storage and recovery projects.
- Seawater Desalination (HB 2031); Disposal of Nonhazardous Brine (HB 2230); Marine Seawater Use

(HB 4097). All three bills relate to use of desalination and disposal of byproducts.

- Contested Case Hearing Process (SB 709) makes several changes to this process.

These bills, and many others, have gone into effect or rulemaking has been instituted.

OZONE SCIENCE

The TCEQ continues to investigate the health effects of ozone. The agency is looking at hard scientific data to determine whether ozone levels below the 2008 ozone standard are really causing health effects. This has involved an [in-depth assessment](#) of the ozone literature, novel analyses about ozone dose and exposure, and extensive discussions with experts in the field. The TCEQ's continued work will ensure that the scientific facts behind ozone rules are more understood and transparent to the public and policymakers, especially since lowering regulatory ozone levels will significantly raise costs to consumers.

FEDERAL AIR AND WATER REGULATIONS

The year 2015 saw three new air regulations from the EPA that would have significant costs to consumers, with very little environmental benefit. It also saw an expansion of the federal "waters of the U.S." rule.

The "Clean Power Plan" would force the closure of a significant number of coal-fired power plants, both raising costs and threatening the reliability of the electrical grid. While the regulatory scheme is nominally intended to reduce greenhouse gases and global warming, any theoretical decreases in ambient temperature would be insignificant, especially with developing nations like India and China rapidly building new coal-fired power plants.

The new National Ambient Air Quality Standard for ozone will lower the standard from 75 to 70 parts per billion. Again, this

regulation will have little if any health benefit, but will raise consumer costs. It will also put El Paso and San Antonio in nonattainment status, further raising consumer costs and making economic development more difficult.

Also, the EPA disapproved the state's 2009 regional-haze plan, and issued a federal implementation plan for Texas, which will force specific units at seven power plants to install additional emission controls at a cost of approximately \$2 billion. This will at best achieve an increase in visibility that is negligible to the human eye. While Texas' plan would have taken 140 years to achieve, the EPA approved plans in other states that will take nearly 700 years to achieve.

Finally, the EPA also redefined the term "waters of the U.S." by rulemaking, expanding federal jurisdiction under the federal Clean Water Act over waters, streams, creeks, wetlands, and even smaller water bodies. The rule threatens the ability of states and private property owners to use their own land by broadening the requirement to obtain a federal permit.

The state attorney general sued the EPA over the rule, as did 30 other states, and a federal appeals court granted a nationwide stay of the rule.

PROTECTING OUR NATURAL RESOURCES

The TCEQ's public education campaign, [Take Care of Texas](#), continued to see substantial growth this year. In addition to a considerable increase



in website visits, individual pledges, publication orders, newsletter subscribers, and social-media reach, the program launched several new initiatives.

The first annual *How Do You Take Care of Texas?* elementary school [art contest](#) was held statewide for grades K–5. Fifteen regional winners and one grand-prize winner were selected from more than 2,600 entries showing how Texans can do their part to protect the environment. All regional winners were awarded Samsung tablets. The grand-prize winner and one lucky teacher were awarded Samsung laptops, all donated by contest partner Samsung Austin Semiconductor.

A [Proud Partner](#) program was also created allowing businesses and organizations an opportunity to demonstrate their commitment to the Texas environment. Similar to the popular individual pledge, they can now [pledge](#) to do their part making optional commitments such as conserving water, reducing emissions, and creating opportunities for employees to reduce their travel. There are currently 104 Proud Partners ranging from child-care centers

to city governments and Texas companies as large as H-E-B.

Take Care of Texas debuted its first Spanish-language public-service announcement featuring Grammy winner Rick Trevino. Like long-time spokesperson Kevin Fowler, Rick donated his talents and wrote and produced a personal jingle that was recorded in English and Spanish. Kevin also recorded a new PSA.



Watch the new Take Care of Texas PSAs at [youtube.com/user/TCEQNews](https://www.youtube.com/user/TCEQNews)

Between the three announcements, the radio spots aired 13,484 times and TV spots were shown 9,815 times, both garnering an impressive amount of media exposure.

ENVIRONMENTAL EXCELLENCE AWARDS

Nine individuals and organizations were honored in 2015 by winning a [Texas Environmental Excellence Award](#). The nine categories range from civic-community to pollution prevention to youth, and are selected by a TCEQ



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For More Information

RESTORE Program
www.restorethetexascoast.org

RESTORE Council
www.restorethegulf.gov

Brazos Watermaster
www.tceq.texas.gov/permitting/water_rights/wmaster/brazos-river-watermaster

Ozone NAAQS Science and Policy
www.tera.org/Peer/ozone/index.html

Take Care of Texas
www.TakeCareOfTexas.org

- Art Contest
- Proud Partner Program
- Pledge



Watch these videos at [youtube.com/user/TCEQNews](https://www.youtube.com/user/TCEQNews):

- Rick Trevino PSA in English and Spanish
- Kevin Fowler PSA

Texas Environmental Excellence Awards
www.TEEA.org

blue-ribbon committee and the governor. They are presented during the final evening of the agency's Environmental Trade Fair and Conference, held every spring. 🌱