

VIII. STATUTORY AUTHORITY AND RECENT LEGISLATION

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2005 – 2009, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas Commission on Environmental Quality Exhibit 13: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Texas Water Code, Chapter 5 Texas Natural Resource Conservation Commission	This chapter defines the organizational structure of the commission, its duties, responsibilities, authority, and functions. The chapter also establishes the office of the executive director to manage the administrative affairs of the commission and establishes environmental permitting procedures and fees.
Texas Water Code, Chapter 7 Enforcement	This chapter sets forth the duties and obligations of the commission and the executive director to institute legal proceedings and to compel compliance with the relevant provisions of the Water Code and the Health and Safety Code, sets forth rules, orders, permits, or other decisions of the commission, and authorizes the imposition of administrative, civil, and criminal penalties.
Texas Rev. Civ. Stat. Ann., art. 4447cc (Vernon's) Environmental, Health, and Safety Audit Privilege Act	This article establishes audit privilege for regulated entities to encourage voluntary compliance with environmental and occupational health and safety laws.
Texas Water Code, Chapter 11 Water Rights	The state of Texas holds title to surface water in trust for the public. This chapter establishes a permitting system for the appropriation of surface water administered by the commission and provides for adjudication of claims by state district courts.
Texas Water Code, Chapter 12 Provisions Generally Applicable to Water Rights	This chapter directs the manner in which dams and water rights applications will be processed and defines the agency's general supervision over dams, water districts and authorities.
Texas Water Code, Chapter 13 Water Rates and Services	This chapter addresses general powers and duties relating to water rights, federal projects and dam safety, oversight of districts, and disposition of fees.
Texas Water Code Section 16.236 Construction of Levees	This section requires the commission to review levee projects and adopt rules.

<p>Texas Water Code, Chapter 26 Water Quality Control</p>	<p>This chapter requires the commission to ensure that the quality of water in the state is maintained consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, taking into consideration the economic development of the state to encourage and promote development and use of regional and area-wide waste collection, treatment and disposal systems. The chapter authorizes the commission to establish permitting, management, and monitoring programs to support such protection and addresses the regulation of underground and above-ground storage tanks.</p>
<p>Texas Water Code, Chapter 27 Injection Wells</p>	<p>This chapter establishes a policy of the state to maintain the quality of its freshwater and establishes a permitting system for injection-well activities not authorized by a rule of the commission or subject to the jurisdiction of the Railroad Commission.</p>
<p>Texas Water Code, Chapter 28 Drilled or Mined Shafts</p>	<p>This chapter establishes permitting requirements for drilled or mined shafts.</p>
<p>Texas Water Code, Chapter 30 Regional Waste Disposal</p>	<p>This chapter gives the commission authority to exercise continuing supervision over regional plans for water quality management, control, and abatement of pollution under the chapter.</p>
<p>Texas Water Code, Chapter 31 Subsurface Excavation</p>	<p>This chapter gives the commission authority to issue a permit to allow a person to drill, excavate, or otherwise construct a subsurface excavation.</p>
<p>Texas Water Code, Chapter 32 Subsurface Area Drip Dispersal System Act</p>	<p>This chapter establishes permitting requirements for subsurface area drip dispersal systems.</p>
<p>Texas Water Code, Chapter 35 Groundwater Studies</p>	<p>This chapter requires the commission to evaluate and designate priority groundwater management areas.</p>
<p>Texas Water Code, Chapter 36 Groundwater Conservation Districts</p>	<p>This chapter authorizes the creation of groundwater conservation districts to provide for the conservation, preservation, protection, recharging, and prevention of waste in groundwater; and to control subsidence, consistent with the objectives of Texas Constitution XVI.59. The chapter recognizes groundwater conservation districts as the state's preferred method of groundwater management.</p>
<p>Texas Water Code, Chapter 37 Occupational Licensing and Registration</p>	<p>This chapter requires the commission to adopt rules for licenses and registrations prescribed by Texas Water Code 26.0301, 26.3573, 26.452, and 26.456; Texas Health and Safety Code 341.033, 341.034, 361.027 and 366.071; and Texas Occupations Code 1903.251.</p>

<p>Texas Water Code, Chapters 41 through 44, and 46</p> <p>River Compacts</p>	<p>These chapters provide a means for Texas and bordering states to enter into interstate agreements governing boundary and shared-use waters (Rio Grande, Pecos River, Red River, Canadian River, and Sabine River). Such agreements must be ratified by Congress.</p>
<p>Texas Water Code, Chapter 49</p> <p>Provisions Applicable to All Districts</p>	<p>This chapter describes the rights, duties, and obligations of districts created by the authority of Texas Constitution III.52, or XVI.59 (unless exempted by other law). Generally, the provisions define the agency's role in approving district bonds, appointing directors, approving certain fees, dissolving districts, and other district actions.</p>
<p>Texas Water Code, Chapter 51</p> <p>Water Control and Improvement Districts</p>	<p>This chapter's provisions that govern the creation and regulation of this type of district as well as outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 52</p> <p>Underground Water Conservation Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 53</p> <p>Fresh Water Supply Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 54</p> <p>Municipal Utility Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 55</p> <p>Water Improvement Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 56</p> <p>Drainage Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 57</p> <p>Levee Improvement Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 58</p> <p>Irrigation Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 59</p> <p>Regional Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 65</p> <p>Special Utility Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>
<p>Texas Water Code, Chapter 66</p> <p>Stormwater Control Districts</p>	<p>This chapter's provisions govern the creation and regulation of this type of district and outline the role and authority of the TCEQ in regard to such districts.</p>

<p>Texas Health and Safety Code, Chapter 341, Subchapter C</p> <p>Sanitary Standards of Drinking Water; Protection of Public Water Supplies and Bodies of Water</p>	<p>The purpose of this subchapter is to preserve the public health, safety, and welfare by requiring the commission to ensure that systems that supply public drinking water do so in adequate quantities, and are financially stable and technically sound. The chapter prescribes a review and approval process to be applied prior to the construction and operation of a new public water system and establishes administrative, civil, and criminal penalties for noncompliance.</p>
<p>Texas Health and Safety Code, Chapter 361</p> <p>Solid Waste Disposal Act</p>	<p>The purpose of this chapter is to safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste. The chapter authorizes the commission to control all aspects of the management of municipal and industrial solid waste and hazardous waste, and establishes fees and a permitting system for the administration of this responsibility. The chapter includes provisions authorizing the investigation and remediation of sites contaminated by hazardous substances as well as other remediation and recycling programs.</p>
<p>Texas Health and Safety Code, Chapter 363</p> <p>Municipal Solid Waste</p>	<p>This chapter establishes a cooperative framework among federal, state, and local governments and private enterprise for reductions in the generation of solid waste generation and its proper management, including disposal and processing to extract usable materials or energy. Subchapter C creates the Municipal Solid Waste Management and Resource Recovery Advisory Council.</p>
<p>Texas Health and Safety Code, Chapter 364</p> <p>County Solid Waste</p>	<p>This chapter authorizes a cooperative effort by counties, public agencies, and other authorities and individuals for the safe and economical collection, transportation, and disposal of solid waste to control pollution in the state. Section 364.012(f) prohibits the commission from granting an application for a permit to process or dispose of municipal or industrial solid waste where prohibited by ordinance (with one exception).</p>
<p>Texas Health and Safety Code, Chapter 365</p> <p>Litter</p>	<p>The purpose of this chapter is to safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of litter and other solid waste. The chapter authorizes the commission to adopt rules and standards regarding the processing and treatment of litter and includes criminal penalties for violation of those rules, its standards or the chapter.</p>
<p>Texas Health and Safety Code, Chapter 366</p> <p>On-Site Sewage Disposal Systems</p>	<p>This chapter requires that the commission regulate the construction, installation, alteration, repair, or extension of on-site sewage systems (OSSFs). The commission is authorized to enact fees, issue permits, and impose penalties in its efforts to eliminate and prevent health hazards from these systems. The commission is required to license or register persons who install and maintain OSSFs.</p>

<p>Texas Health and Safety Code, Chapter 367 On-site Wastewater Treatment Research Council</p>	<p>This chapter establishes the On-site Wastewater Treatment Research Council and defines its role and authorities. Section 367.010 directs the commission to collect a \$10 fee on all on-site wastewater treatment permit applications and enforce the collection of the fee by certain local governments. The fee is deposited in the on-site wastewater treatment research account for grants and other expenditures under the chapter.</p>
<p>Texas Health and Safety Code, Chapter 369 Plastic Containers</p>	<p>This chapter requires that the appropriate symbol be placed on plastic containers to indicate the resin used to produce the container and provides for civil penalties. The commission is required to maintain a list of the appropriate symbols and may approve other symbols.</p>
<p>Texas Health and Safety Code, Chapter 370 Toxic Chemical Release Reporting</p>	<p>This chapter requires facilities that use toxic chemicals in excess of a threshold amount to submit a "toxic chemical release" form and accompanying fee to the agency. The purpose of the form is to inform the public and communities surrounding the facilities.</p>
<p>Texas Health and Safety Code, Chapter 371 Used Oil Collection, Management, and Recycling</p>	<p>This chapter authorizes the commission to adopt rules governing the registration and reporting requirements of used-oil handlers other than generators. The chapter also authorizes the commission to adopt rules and procedures necessary to implement the used-oil recycling program. and includes registration and reporting requirements for used-oil filter transportation, storage, and generation and requires the commission to adopt rules relating to financial responsibility.</p>
<p>Texas Health and Safety Code, Chapter 372 Plumbing Fixture Standards</p>	<p>This chapter requires the TCEQ to maintain a list of manufacturers for plumbing fixtures that meet the standards set out in the statute.</p>
<p>Texas Health and Safety Code, Chapter 374 Dry Cleaner Environmental Response</p>	<p>This chapter establishes an environmental regulation and remediation program for drycleaning facilities and dry-cleaning drop stations in Texas. Under the program, operating dry cleaning facilities and drop stations pay registration and solvent fees into a fund that is then used by the commission to investigate and clean up eligible contaminated dry-cleaning sites.</p>
<p>Texas Health and Safety Code, Chapter 375 Removal of Convenience Switches</p>	<p>This chapter establishes a convenience-switch recovery program under which the commission provides regulatory incentives as well as collects and reports on data received regarding recovery of convenience switches.</p>
<p>Texas Health and Safety Code, Chapter 382 Texas Clean Air Act</p>	<p>This chapter is established to safeguard the state's air resources from pollution, consistent with the protection of public health, general welfare, and physical property, including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility. The chapter establishes a comprehensive permitting system applicable to a variety of facilities emitting pollutants from operations.</p>

<p>Texas Health and Safety Code, Chapter 384 Area Emission Reduction Credit Organizations</p>	<p>This chapter allows the establishment of organizations to promote the creation, trading, and tracking of emission reduction credits in nonattainment areas. The commission has oversight authority to approve the initial establishment, withdraw approval, dissolve or renew, and to audit an area emission-reduction credit organization.</p>
<p>Texas Health and Safety Code, Chapter 386 Texas Emissions Reduction Plan</p>	<p>This chapter establishes a number of program components aimed at reducing air emissions, including mobile source incentives and energy efficiency requirements. The primary responsibility of the TCEQ is to implement the Emissions Reductions Incentive Program by awarding grants for the installation of emission-control equipment.</p>
<p>Texas Health and Safety Code, Chapter 387 New Technology Research and Development Program</p>	<p>This chapter establishes grants to fund the development of new emission-reduction techniques, especially those that could eventually be commercially funded through the Texas Emissions Reduction Plan program. The TCEQ became responsible for this program in 2003.</p>
<p>Texas Health and Safety Code, Chapter 390 Clean School Bus Program</p>	<p>This chapter establishes a grant program, administered by the TCEQ, to reduce the exposure of schoolchildren to diesel exhaust in and around school buses through technology that reduces diesel emissions.</p>
<p>Texas Health and Safety Code, Chapter 391 (SB 1759, 81st Legislature) Texas Clean Fleet Program</p>	<p>This chapter establishes a grant program, administered by the TCEQ, to give incentives for replacement or repowering of fleet vehicles with alternative fuels.</p>
<p>Texas Health and Safety Code, Chapter 391 (HB 1796, 81st Legislature) New Technology Implementation for Facilities and Stationary Sources</p>	<p>This chapter establishes a grant program, administered by the TCEQ, to give incentives for the implementation of emissions-reduction technologies for facilities and stationary sources.</p>
<p>Texas Health and Safety Code, Chapter 401 Radioactive Materials and Other Sources of Radiation</p>	<p>This chapter authorizes a program that will ensure the effective regulation of sources of radiation for protection of the occupational and public health and safety and the environment, and will promote the orderly regulation (in the state, among states, and between the federal government and the state) of sources of radiation to minimize regulatory duplication. The chapter establishes a licensing and registration system applicable to persons who manufacture, produce, transport, own, process, or dispose of a source of radiation not exempted by law. The TCEQ is responsible for the regulation of by-product material and the disposal of radioactive materials except naturally occurring radioactive material (NORM) waste excluding oil and gas waste.</p>

<p>Texas Health and Safety Code Section 753.008</p> <p>Flammable Liquids</p>	<p>This section of Chapter 753 gives the TCEQ concurrent jurisdiction with the Texas State Board of Insurance regarding the inspection of initial installation and other administrative supervision of above-ground storage tanks. The TCEQ has the primary authority for inspection of initial installation of the tanks and is required to report all violations of the chapter in regard to such tanks to the state fire marshal for enforcement proceedings.</p>
<p>Texas Government Code Section 2155.145</p> <p>Certain Purchases by Texas Natural Resource Conservation Commission</p>	<p>This section delegates purchasing functions relating to Texas Health and Safety Code 361, subchapters F and I.</p>
<p>Texas Local Government Code, Section 212.0101</p> <p>Additional Requirements: Use of Groundwater</p>	<p>This subsection requires the TCEQ, by rule, to establish the appropriate form and content of a certification to be attached to a plat application under the section as well as requirements for certain plats to be transmitted to the Texas Water Development Board and any applicable groundwater conservation district.</p>
<p>Texas Local Government Code, Section 232.0032</p> <p>Additional Requirements: Use of Groundwater</p>	<p>This subsection requires that the TCEQ, by rule, shall establish the appropriate form and content of a certification to be attached to a plat application under the section as well as requirements for certain plats to be transmitted to the Texas Water Development Board and any applicable groundwater conservation district.</p>
<p>Texas Local Government Code, Chapter 375</p> <p>Municipal Management Districts in General</p>	<p>This chapter creates management districts to promote and benefit commercial development and commercial areas throughout the state and outlines the role and authority of the TCEQ in their creation.</p>
<p>Texas Natural Resources Code, Chapter 40</p> <p>Oil Spill Prevention and Response Act of 1991</p>	<p>This chapter establishes the Texas General Land Office as the agency with primary response obligations for unauthorized oil spills, but includes provisions allowing other state agencies, such as the TCEQ, to carry out response and cleanup operations related to the unauthorized discharge of oil. Additionally, the TCEQ is a Natural Resource Trustee, and this section allows the Texas General Land Office, on behalf of the Natural Resource Trustees, to seek reimbursement from the federal oil-spill fund for damages to natural resources.</p>
<p>Texas Occupations Code, Chapter 1903</p> <p>Irrigators</p>	<p>This chapter provides authority to license and regulate irrigators.</p>
<p>Texas Occupations Code, Chapter 1904</p> <p>Water Treatment Specialists</p>	<p>This chapter provides authority to license and regulate water-treatment specialists.</p>
<p>Texas Tax Code Section 11.31</p> <p>Tax Pollution Control Property</p>	<p>This section creates a tax exemption for pollution-control equipment. The TCEQ is required to determine the applicability of the exemption and to establish rules to make such determinations.</p>
<p>Texas Tax Code Section 26.045</p> <p>Rollback Relief for Pollution Control Requirements</p>	<p>This section creates tax-rollback rate adjustments for pollution-control equipment. The TCEQ is required to determine the applicability of the adjustment and is required to establish rules to make such determinations.</p>

<p>33 United States Code, Section 1251 et seq. Federal Water Pollution Control Act (Clean Water Act)</p>	<p>The Federal Water Pollution Control Act (also referred to as the Clean Water Act) has the congressional objective of restoring and maintaining the chemical, physical, and biological integrity of water of the United States. The Act creates the federal framework on which the delegated National Pollution Discharge Elimination System program is patterned.</p>
<p>33 United States Code, Section 2701 et seq. Federal Oil Pollution Act of 1990</p>	<p>The Oil Pollution Act provides for the Federal and State Natural Resource Trustees to collect natural resource damages from responsible parties when there has been an injury to, destruction of, or loss of natural resources as a result of a discharge of oil. These provisions also set forth the federal oil spill fund, which allows the federal and state Natural Resource Trustees to seek reimbursement from the fund for damages to natural resources. TCEQ is one of three state Natural Resource Trustees.</p>
<p>42 United States Code, Section 300f et seq. Federal Safe Drinking Water Act</p>	<p>The Federal Safe Drinking Water Act gives authority to regulate public water systems and ensure that the EPA's safe drinking water requirements are met in Texas. Additionally, Sections 300h through 300h-8 apply to underground injection wells and allow a state to implement an underground injection control program that meets the minimum federal requirements.</p>
<p>42 United States Code, Section 2011 et seq. Federal Atomic Energy Act of 1954</p>	<p>The Atomic Energy Act of 1954 authorizes the regulation of the uses of nuclear materials and facilities. The Act requires the Nuclear Regulatory Commission to establish standards for the possession, use, handling, and disposal of nuclear materials and allows the NRC to enter an agreement with a state to cede authority to the state to implement certain regulatory programs under the act as long as the state maintains a regulatory program compatible to the NRC's requirements. Texas is an agreement state.</p>
<p>42 United States Code, Section 2021b et seq. Federal Low Level Radioactive Waste Policy Act and Federal Low Level Radioactive Waste Policy Amendment Act</p>	<p>The Low Level Radioactive Waste Policy Act and its subsequent amendment give the states responsibility for the disposal of low-level radioactive waste within their boundaries and authorizes them to enter interstate compacts to create regional disposal facilities.</p>
<p>42 United States Code, Section 6901 et seq. Solid Waste Disposal Act (Resource Conservation and Recovery Act)</p>	<p>The federal Resource Conservation and Recovery Act (RCRA) governs the management and disposal of solid wastes. Specifically, the EPA has established federal standards for the generation, transportation, treatment, storage and disposal of municipal solid wastes and hazardous solid wastes. The TCEQ is authorized to administer the federal program.</p>

<p>42 United State Code, Section 7401 et seq. Air Pollution Prevention and Control (Federal Clean Air Act)</p>	<p>The Clean Air Act establishes the federal program for air-pollution prevention and control. It provides for air quality and emissions limitations (e.g., air quality control regions, national ambient air quality standards [NAAQS], state implementation plans [SIPs], new-source performance standards, and emission standards for hazardous air pollutants); establishes programs for the prevention of significant deterioration and nonattainment permits, emissions standards for moving vehicles (including engine and fuel standards), and acid deposition control; the federal operating permit program (Title V); and other programs not administered by the states (Title VI— Stratospheric Ozone Protection). The TCEQ administers the federal air permitting programs, i.e. Title V and New Source Review permits.</p>
<p>42 United States Code, Section 9601 et seq. Federal Comprehensive Environmental Response, Compensation and Liability Act</p>	<p>The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides broad federal authority and requirements for coordination with the states for responding directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Additionally, CERCLA establishes prohibitions and requirements concerning closed and abandoned hazardous waste sites, provides for the liability of persons responsible for releases of hazardous waste at these sites, establishes a fund for cleanup when no responsible party can be identified, and provides for the restoration of natural resources.</p>
<p>Attorney General Opinions</p>	
<p>Attorney General Opinion No.</p>	<p>Impact on Agency</p>
<p>GA-0624</p>	<p>The opinion concerns the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) under Health and Safety Code 382.209. It removes the prohibition on TCEQ distribution of funds to participating counties when required reviews and approvals by the county commissioner, county auditor, and county treasurer for payments to LIRAP dealers within the statutorily mandated five days are impractical. Date: May 7, 2008</p>
<p>GA-0587</p>	<p>The opinion concludes that neither Section 11.31(k) nor Section 26.045(f) of the Texas Tax Code restricts the rulemaking authority of the TCEQ only to those pollution control facilities, devices, or methods associated with advanced clean-energy projects. Date: December 20, 2007</p>

GA-0390	<p>The opinion defers to the TCEQ's interpretation of Title 30, Texas Administrative Code, Section 285.50(g)(2), and concludes that a deputy sheriff is an individual who "acts in any capacity for a permitting authority" when the county which the deputy serves is the permitting authority for the on-site sewage facility.</p> <p>Date: December 28, 2005</p>
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B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). See Exhibit 14 Example or [click here to link directly to the example](#).

Texas Commission on Environmental Quality Exhibit 14: 81st Legislative Session Chart		
Legislation Enacted – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions
HB 469	King, P.	Creates incentives for the development of clean coal technology. Directs the Comptroller of Public Accounts to issue franchise tax credits of 10 percent of the total capital costs or \$100 million per qualifying project, whichever is less. Only the first three completed qualifying projects would be eligible, and the credits may not be claimed until each project is fully operational. Includes provisions of SB 2111 by Averitt (Advanced Clean Energy Projects) relating to the franchise tax and emissions profile.
HB 715	King, P.	Specifies that Texas Department of Public Safety rules may not restrict a qualified inspection station from performing fewer than 150 emissions inspections per month using its onboard diagnostic system.
HB 1433	Lucio III	Increases the statutory cap for the annual water quality fee for holders of wastewater discharge permits and water-right users through permit or contract from \$75,000 to \$100,000 beginning on September 1, 2009. The cap can be increased in subsequent years based on the CPI, up to a maximum of \$150,000.

HB 1796	Chisum	<p>Requires the General Land Office to contract with the Bureau of Economic Geology (BEG) at the University of Texas at Austin to conduct a study of state-owned offshore submerged land to identify potential locations for a carbon dioxide repository. Requires the TCEQ to develop standards and rules for the offshore sequestration of carbon dioxide. Any standards adopted by the TCEQ would need to comply with requirements issued by the U.S. Environmental Protection Agency.</p> <p>Requires the TCEQ to adopt standards for monitoring, measuring and verifying the permanent storage status of the repository, with the BEG to perform those functions and serve as a scientific adviser. The BEG is to measure, monitor, and verify the permanent status of carbon dioxide in the repository.</p> <p>Requires the TCEQ to establish and administer a New Technology Implementation Grant (NTIG) to implement new technologies to reduce emissions from facilities and other stationary sources. This program will be part of the Texas Emissions Reduction Plan (TERP). Projects eligible in the NTIG program could include: advanced clean-energy projects, new technology projects that reduce emissions of regulated pollutants from point sources that involve capital expenditures that exceed \$500 million, and electricity-storage projects related to renewable energy.</p> <p>Extends the TERP Program and all associated fees until August 31, 2019. Also adds stationary engines to the list of items the TCEQ can fund through TERP grants. Exempts mobile generators used for recovery of natural gas from the requirement that at least 75 percent of the annual use of a TERP-funded project occur in nonattainment areas and affected counties for at least five years. This legislation also amends the allocation of TERP funds. Requires the TCEQ, the Railroad Commission, and the Public Utility Commission to jointly participate in the federal process to develop federal greenhouse gas reporting requirements. Directs the TCEQ to establish an inventory of voluntary actions by Texas businesses and state agencies since September 1, 2001, to reduce carbon dioxide emissions and to work with the EPA to give credit for early action under any federal rules that may be adopted for federal greenhouse gas regulation.</p> <p>Includes components of SB 16 by Averitt— Advanced Clean Energy Projects, NTIGs, LIRAP, the Section 185 Fee, TERP, NTRD, the federal greenhouse-gas reporting rule, and an inventory of voluntary CO₂ reductions</p> <p>Includes components of SB 2111 by Averitt (Advanced Clean Energy Projects) relating to emissions profiles for such projects.</p>
HB 1922	Martinez Fischer	<p>Authorizes introduction of recycled water by multiple treatment plants and authorizes discharges from any permitted outfall. Enables the TCEQ, under certain conditions and at the request of the applicant, to authorize a wastewater treatment facility operated by an agency of a home-rule municipality with a population of one million or more to contribute treated domestic wastewater produced by the facility as reclaimed water to a water-reuse system and to discharge reclaimed water contributed to a reuse system at certain outfalls.</p>
HB 2729	Pitts	<p>Authorizes the TCEQ to pay certain outstanding claims from existing fund balances.</p>
HB 3206	Edwards	<p>Makes changes to the Tax Relief for Pollution Control Program as follows: (1) requires the TCEQ to uniformly apply the standards and methods for making determinations to all applications, including those applications filed under Subsection (k), i.e., Tier IV applications, in section 11.31 of the Texas Tax Code and (2) requires the creation of a permanent advisory committee.</p>

HB 3544	Lucio III	Authorizes the TCEQ to transmit information electronically. Also exempts e-mail addresses from nondisclosure of email addresses under the Public Information Act if they are submitted for public comment, or notices, orders, or decisions from a governmental body. Deletes a reference to paper copies of public information provided by a governmental body so as to encourage requests for electronic copies. Includes HB 3206 by Edwards—Tax Relief for Pollution Control Program.
HB 3547	Elkins	Gives the TCEQ authority to shut down unregistered dry-cleaning facilities and drop stations if they fail to correct a violation (regarding registration) within 30 days of receipt of a notice of violation.
HB 3765	Paxton	Provides that the TCEQ may use up to 10 percent of the fees collected on batteries under Health and Safety Code Section 31.138 (deposited in the Hazardous and Solid Waste Remediation Fee Account 550) for programs related to lead-acid batteries. Funds from Account 550 can now be used to support innovative technologies in recycling lead-acid batteries.
HB 4583	Pitts	Includes the new Advanced Clean Energy Project Fund as a dedicated account.
HB 4586	Pitts	Provides a supplemental appropriation to state agencies and institutions of higher education for FY 2009. Appropriations to the TCEQ include: <ul style="list-style-type: none"> • \$2 million from Account 550 for cleanup activities at Ballard Pits, a state Superfund site in Nueces County; • \$37 million from TERP Account 4071 for the TERP program; and • \$4.6 million from General Revenue Account 001 for reimbursement of costs associated with natural disasters.
SB 1	Ogden	TCEQ Appropriations for FY 2010–11. Biennial appropriation of \$964.2 million (does not include contingency riders).
SB 184	Watson	Requires the comptroller to provide the legislature with a list of strategies for reducing greenhouse-gas emissions by December 31, 2010. The report is to include information on how those strategies may result in net savings for consumers or businesses or could be achieved without financial cost to consumers or businesses. Requires the TCEQ to participate in an interagency advisory committee.
SB 361	Patrick	Requires a retail public utility, exempt utility, or provider of wholesale sewer service or potable water service that furnishes water or sewer service to more than one customer to ensure the operation of its water and sewer systems during an extended power outage. Each service provider is required to submit an emergency-preparedness plan to the TCEQ for review and approval. The bill establishes five phases, depending on the location of the service provider, for the submission of the emergency-preparedness plans.
SB 876	Averitt	Requires the TCEQ to perform annual soil sampling at concentrated animal-feeding operations (CAFOs) in a major sole-source impairment zone (parts of the North Bosque Watershed).

SB 1387	Seliger	Creates a state-level regulatory framework for the storage and sequestration of carbon dioxide into geologic formations that may contain oil or gas. Gives the Texas Railroad Commission (RRC) jurisdiction over the injection of carbon dioxide into wells that are or may be productive of oil or gas, and over storage in a salt-brine formation above or below an oil or gas formation. Also requires that, before the RRC may issue a permit under Chapter 27 of the Texas Water Code that the TCEQ must certify that underground freshwater supplies will not be injured by the permitted activity. Calls for the TCEQ, RRC, and the University of Texas Bureau of Economic Geology (BEG) to study, and report to the legislature on, the appropriate agency to regulate the long-term storage of CO ₂ into non-oil- or gas-producing geologic formations. Calls on the Texas General Land Office (GLO) in conjunction with the TCEQ, the RRC, and the BEG to develop recommendations for managing geologic storage of CO ₂ on state-owned lands, including an assessment of storage capacity and new legal and regulatory frameworks that it recommends as necessary.
SB 1693	Ogden	Amends current law to address issues related to poultry-facility odors, response to complaints, measures to prevent air contaminants, and the recording of sale, purchase, transfer or application of poultry. Adds a course of action for responding to poultry-odor complaints, as well as improving upon record retention for the sale, purchase or transfer of poultry litter. Includes provisions from HB 3550; allows the commission to delegate authority to the executive director for administrative orders and penalties. Amends the statutory limit for payment plans from 12 to 36 months. Makes technical corrections from SB 3 (80R) to the Clean Rivers Program.
SB 1757	Watson	Directs the TCEQ study and make recommendations on the methods currently used in the state for safe handling and disposal of pharmaceuticals, medical sharps, and other potentially dangerous medical waste; alternative methods, including those used in other states; and the effects on public health and the environment of the various methods.
SB 1759	Watson	Requires the Texas Department of Transportation to develop and implement a system of registration to allow an owner of a commercial vehicle fleet to register fleet vehicles in the commercial fleet for an extended period of one through eight years. Includes components of SB 1425 by Williams (alternative fuels program funded by TERP); establishes a Texas Clean Fleet Program to be administered by the TCEQ, funding it with five percent of the 87.5 percent of the Emission Reduction Incentives Grant within TERP.
SB 2445	Uresti	Allows for expansion of areas covered by the prohibition against boat sewage disposal to include all inland waters of the state and to coastal waters up to three nautical miles from shore.

Legislation Not Passed – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
HB 177	Creighton	Requires applicants of injection wells that dispose of industrial or municipal waste to use on-site monitoring wells to monitor and analyze groundwater quality, and to conduct soil testing. Includes reporting requirements as established by the TCEQ. Left pending in House Natural Resources on 3/24/09.

HB 179	Creighton	<p>Requires the TCEQ to adopt rules governing the management and operation of new commercial underground injection wells. Requires the TCEQ to suspend permitting for any pending application relating to an underground injection well.</p> <p>Set on the House Calendar on 5/14/09.</p>
HB 290	Dutton	<p>Specifies that the TCEQ must consider the cumulative effects on the public's health and physical property of expected emissions from the facility and from other facilities located less than three miles from the facility. Also specifies that the TCEQ, in determining whether and under which conditions a permit is renewed, consider the cumulative effects on the public's health and physical property of emissions from the facility and from other facilities located less than three miles from the facility.</p> <p>Left pending in House Environmental Regulation on 4/15/09.</p>
HB 557	Hernandez	<p>Proposes to codify the TCEQ's current Air Pollutant Watch List process. Requires annual public meetings in Watch List areas and an annual electronic report. Requires the TCEQ to promptly publish on its Web site any ambient air quality data it collects from mobile or stationary monitors. Grants the TCEQ the ability to control air contaminants as necessary to protect against adverse effects related to air pollution.</p> <p>Left pending in House Environmental Regulation on 4/1/09.</p>
HB 632	Turner, S.	<p>Requires a retail public utility to maintain auxiliary power generators to ensure the provision of water to the local distribution system and sewer services. Requires the TCEQ to establish rules that include standards for generators, inspection schedules, and penalties for violations.</p> <p>Reported from House State Affairs on 4/23/09.</p>
HB 721	Howard, D.	<p>Requires the TCEQ to track and post on its Web site a list of emissions limitations represented as best available control technology or lowest achievable emission rate in the ten most recently filed applications and to consider these limitations when issuing or amending a permit. Requires the TCEQ to conduct or analyze and evaluate a facility's or proposed facility's effect on concentrations of ground-level ozone prior to granting a permit or permit amendment.</p> <p>Left pending in House Environmental Regulation on 4/29/09.</p>
HB 769	Hernandez	<p>Requires the TCEQ to adopt, by rule, effects screening levels for air contaminants and to assemble an expert panel to review the effect screening levels (ESLs) and recommend standards. ESLs would be set at levels protective of cancer risk at 1 chance in 100,000. Includes a general prohibition for violations of the ESLs and requires the TCEQ to adopt rules for the assessment of penalties or the imposition of injunctive relief. Requires the TCEQ to annually publish a report on violations and suspected violations later determined not to be violations.</p> <p>Left pending in House Environmental Regulation on 4/1/09.</p>

HB 776	Strama	<p>Requires the TCEQ to implement a low-emission-vehicle program that is consistent with the California Low Emission Vehicle Program, known as CalLev. The program applies to motor vehicles with a model year of 2012 or later. Under the proposed bill, if California changes its vehicle standard after Texas' law is adopted, the TCEQ may change the standard to reflect those changes.</p> <p>Hearing set for House Environmental Regulation on 4/15/09. Not heard.</p>
HB 821	Leibowitz	<p>Creates the Television Equipment Recycling Program, requiring television manufacturers to recycle their market share of the televisions recycled in Texas, regardless of brand.</p> <p>Vetoed by the Governor on 6/19/09.</p>
HB 826	Gattis	<p>Requires the TCEQ to assess an administrative penalty that is at least equal to the value of any economic benefit gained by a violation. The TCEQ may allow a governmental authority or nonprofit organization to defer payment on any portion of the penalty attributable to the economic benefit if the authority or organization complies with the schedule and terms of the enforcement order.</p> <p>Left pending in House Environmental Regulation on 3/4/09.</p>
HB 1014	Corte	<p>Requires the TCEQ to categorize counties by their risk of experiencing a major disaster. Requires water and sewer utilities in high-risk counties to maintain on-site generators capable of ensuring operation of the utility during an extended power outage. Requires the TCEQ to set rules for minimum operating standards, including how long the generators must perform during a disaster and their operating capacity.</p> <p>Referred to House State Affairs on 2/23/09.</p>
HB 1245	Brown, B.	<p>Changes the effective date of a rate increase if a hearing is scheduled to final approval by the regulatory authority, except in emergencies. Notice is increased to 120 days from 60 days for ratepayers and regulatory authorities.</p> <p>Left pending in House Natural Resources on 3/31/09.</p>
HB 1355	Guillen	<p>Expands the computer-equipment recycling program to cover televisions, personal digital assistants, electronic cameras, mobile telephones, and pagers. Expands the definition of <i>computer equipment</i> to include peripheral devices such as a computer mouse or computer keyboard. Would also expand the definition of <i>consumer</i> to include certain small businesses, not-for-profit organizations, and schools.</p> <p>Left pending in House Environmental Regulation on 3/18/09.</p>

HB 1450	Rodriguez	<p>Adds requirements related to management of coal combustion waste. Requires the commission to assess the status and stability of sites at which coal combustion waste is disposed of or reused, regardless of whether the site is regulated by the commission, and publish a cumulative report on its findings every five years beginning no later than September 1, 2014, including the volume of such waste at each type of disposal or reuse site and the toxic constituents in the waste.</p> <p>Left pending in House Environmental Regulation on 4/1/09.</p>
HB 1469	Villarreal	<p>Requires the TCEQ and the Legislative Budget Board to jointly prepare for each joint resolution to amend the Texas Constitution or bill pending before the legislature in a regular or special session, other than an appropriations bill, a statement of the effect the proposed change in law would have, if implemented, on the anthropogenic emissions of carbon dioxide in Texas.</p> <p>Left pending in House Environmental Regulation on 3/25/09.</p>
HB 1508	Bolton	<p>Prohibits the TCEQ from issuing a new permit authorizing the discharge of waste or pollutants or amend a permit that was issued before September 1, 2009 to authorize an increase in the discharge of waste or pollutants to waters in the contributing or recharge zone of the Barton Springs segment of the Edwards Aquifer. Specifically states that it does not affect the commission's authority to authorize discharges of storm water and certain non-storm water discharges.</p> <p>Reported from House Natural Resources on 4/27/09.</p>
HB 1669	Callegari	<p>Allows the Commission to grant to a retail public utility a certificate of public convenience and necessity (CCN) within a municipality's extraterritorial jurisdiction (ETJ) if the municipality refuses to extend service to property within its ETJ. The commission may grant the CCN irrespective of whether the municipality consents to the CCN. Prohibits the commission from extending a municipality's CCN area beyond its ETJ without the written consent of the owner of property in which the CCN is to be extended. Voids the portion of any CCN that extends beyond the ETJ of the municipality without the consent of the landowner. Reduces the time the commission has for reviewing petitions from 90 to 60 days.</p> <p>Left pending in Senate Natural Resources on 5/21/09.</p>
HB 1734	Walle	<p>Allows a utility to file an application to increase water and/or sewer rates no more than once in 36 months. The rate increase requested may not exceed 20 percent.</p> <p>Left pending in House Natural Resources on 3/31/09.</p>

HB 2254	Hancock	<p>Prohibits the TCEQ or the RRC from issuing a permit for a waste-disposal well if a local government whose territory overlies the geologic formation used for injection determines that the formation is unsuited for disposal because of its proximity to a water table and notifies the TCEQ or RRC of its determination. Requires that the TCEQ's letter associated with an application for an RRC injection-well permit state that the commission has not been notified by a local government whose territory overlies the injection formation or strata that the local government has determined that the formation or stratum is unsuited for that use because of its proximity to a water table.</p> <p>Left pending in House Natural Resources on 3/31/09.</p>
HB 2266	Allen	<p>Specifies that the executive commissioner of the Health and Human Services Commission, in consultation with the Texas Environmental Health Institute shall adopt guidelines for indoor air quality in public elementary and middle school buildings. The TCEQ, in collaboration with the Department of State Health Services, shall investigate the air quality of a school building on the request, inquiry, or complaint of a school administrator or parent group.</p> <p>Left pending in House Environmental Regulation on 4/15/09.</p>
HB 2405	Callegari	<p>Requires the TCEQ to assign each county in the state a level of risk of "low," "moderate," or "high" according to that county's likelihood of experiencing a major disaster, based on historical information regarding the number of past major disasters affecting each county. Each retail public utility, exempt utility, or provider of wholesale sewer service or potable water service in a county that receives a risk designation of "high" is required to submit to the commission for approval a mutual-aid agreement with another utility or provider that ensures each utility's or provider's provision of water and sewer services during an extended power outage.</p> <p>Left pending in House Defense and Veterans' Affairs on 3/18/09.</p>
HB 2495	Dunnam	<p>Requires, for new permit and permit-amendment applications, the consideration of cumulative effects from expected emissions from the facility in the application and from other proposed facilities for which an application for a permit or permit amendment under Section 382 of the Texas Health & Safety Code is pending with the commission on or after the effective date of the bill.</p> <p>Left pending in House Environmental Regulation on 3/25/09.</p>
HB 2497	Dunnam	<p>Requires the TCEQ to determine if any coal-fired electric generating facility that uses pulverized coal; became operational on or after January 1, 2009; and emits nitrogen oxides at a rate greater than 0.02 pounds per million British thermal unit caused or contributed to a new ozone nonattainment area designation. If the TCEQ determines that the electric generating facility failed to reduce the facility's nitrogen oxide emissions to the extent technically feasible, regardless of cost, the commission is to require emission reductions by the electric generating facility prior to requiring any reductions from automobiles, area sources, or other stationary sources to reduce air contaminants that contribute to the area's nonattainment status.</p> <p>Left pending in House Environmental Regulation on 4/15/09.</p>

HB 2535	Creighton	<p>Allows the commission to assess administrative penalties related to dam safety of up to \$10,000 per day. Allows the commission to regulate the operation of dams in the state.</p> <p>Set on House Calendar on 5/14/09.</p>
HB 2704	Olivo	<p>Establishes a term not to exceed 10 years for municipal solid waste (MSW) permits and to allow for their renewal. Requires the TCEQ to adopt procedures and a schedule as soon as practicable for the renewal of MSW permits issued before its effective date. Allows the TCEQ to implement the schedule over any period of time necessary for administrative feasibility and effectiveness.</p> <p>Left pending in House Environmental Regulation on 4/1/09.</p>
HB 3121	Alvarado	<p>Requires the TCEQ to conduct a study to identify the three toxic air contaminants with the highest emission levels in the state. The study would determine the main emission sources and evaluate the effects on public health. Requires the TCEQ to evaluate the data collected, recommend strategies for reducing emission levels, and report the results and recommendations.</p> <p>Left pending in House Environmental Regulation on 4/22/09.</p>
HB 3366	Rose	<p>Removes the ability of the commission to allow recovery of any rate-case expenses incurred by a retail public utility when an appeal is filed by ratepayers and its ability to consider any evidence of reasonable expenses incurred by the retail public utility on appeal when determining the rates the governing body should have fixed in the action from which the appeal was taken.</p> <p>Stipulates that the executive director, in addition to the commission, may establish interim rates until a final decision is made in an appeal filed. Limits a utility's rate increases to no more than once in 36 months and to no more than 20 percent. Stipulates that the regulatory authority may not allow a utility to recover rate-case expenses incurred during the hearing process.</p> <p>Left pending in House Natural Resources on 3/31/09.</p>
HB 3422	Burnam	<p>Proposes new requirements for the management of out-of-service lights containing mercury. Requires manufacturers to establish mercury-containing-light programs that entail collection and recycling, education and outreach, collection incentives and education, and progress reports. Prohibits persons from selling or offering for sale lights manufactured by noncompliant manufacturers. Directs manufacturers to report certain information to the TCEQ and to submit a survey plan and methodology and survey results. Bans disposal of mercury-containing lights at a municipal solid waste landfill or incinerator by a manufacturer, wholesaler, or retailer.</p> <p>Makes the TCEQ responsible for tracking and posting noncompliant manufacturers, developing performance standards, and establishing a methodology for estimating the number of out of service lights that become waste annually and gives it the authority to authority to require manufacturer program revision.</p> <p>Left pending in House Environmental Regulation on 4/1/09.</p>

HB 3428	Hernandez	<p>Codifies the commission's current air pollutant watch list (APWL) process. The APWL must identify each air contaminant to be included and each geographic area of the state where ambient air monitoring indicates either individual or cumulative emissions may cause short-term or long-term health effects or odors. Includes provisions for publishing notice and allowing public comment, as well as for public meetings.</p> <p>Requires the TCEQ to adopt guidelines for acute and chronic effects screening levels (ESLs) for air contaminants. The ESLs would be set at levels protective of cancer risk at 1 chance in 100,000 or another level set by the TCEQ to protect human health and welfare.</p> <p>Left pending in House Environmental Regulation on 4/1/09.</p>
HB 3550	King, T.	<p>Addresses many provisions within the Water Code, including penalty payment plans, Investor Owned Utility rate hearings, certain duties of the executive director, certificates of convenience and necessity, and the Clean Rivers Program.</p> <p>Placed on Senate Intent Calendar on 5/27/09.</p>
HB 3590	Burnam	<p>Requires the TCEQ to develop and maintain an inventory of all emissions from oil and gas industry sources, to include major, minor, area, and fugitive air emissions. Authorizes the TCEQ to prescribe reasonable requirements for measuring, monitoring, or estimating emissions for the inventory.</p> <p>Left pending in House Environmental Regulation on 4/29/09.</p>
HB 3827	Hancock	<p>Creates a criminal penalty for any person who physically delivers regulated substance into an underground storage tank which has not been issued a valid, current registration and certificate of compliance. Violation would be punishable as a Class A misdemeanor.</p> <p>Conference Committee Report printed and distributed on 5/30/09.</p>
HB 3833	Hilderbran	<p>Expedites the review of air permit applications to the TCEQ for rock crushers meeting certain requirements.</p> <p>Left pending in House Environmental Regulation on 4/8/09.</p>
HB 3838	Hilderbran	<p>Abolishes the Office of Public Interest Counsel (OPIC), transferring OPIC's powers, duties, functions, programs and activities to a separate state agency, the Office of Public Utility Counsel (OPUC). Gives additional authority to OPUC to represent consumers in rate-change (current law does not authorize OPIC to represent individuals). Also authorizes OPUC to initiate judicial proceedings, which current law does not authorize for OPIC.</p> <p>Left pending in Senate Natural Resources on 5/22/09.</p>
HB 3942	Truitt	<p>Requires the TCEQ to conduct a pilot test of an advanced technology to control nitrogen oxides and selective catalytic reduction technology on one cement kiln in a nonattainment or near-nonattainment area.</p> <p>Left pending in House Environmental Regulation on 4/15/09.</p>

HB 4056	Allen	<p>Proposes new requirements for the management of out-of-service mercury-added thermostats. Requires manufacturers to establish thermostat programs which entail collection and recycling, education and outreach, collection incentives and education, and progress reports. Makes the TCEQ responsible for tracking and posting noncompliant manufacturers, developing performance standards, and establishing a methodology for estimating the number of out of service thermostats that become waste annually and gives it the authority to require manufacturer program revision.</p> <p>Reported from House Environmental Regulation on 5/11/09.</p>
HB 4082	Farrar	<p>Requires that total annual mercury or mercury-compound emissions from each facility that generates electric energy for compensation may not exceed 10 percent of the facility's total mercury and mercury-compound emissions from 2002 as reported to the TCEQ.</p> <p>Left pending in House Environmental Regulation on 4/29/09.</p>
HB 4085	Farrar	<p>Requires the owner or operator of a major source as assigned by Section 501 of the Federal Clean Air Act (a Title V major source) to conduct daily fence-line monitoring for air-contaminant emissions from the major source, and to maintain records of the monitoring.</p> <p>Left pending in House Environmental Regulation on 4/29/09.</p>
HB 4581	Hochberg	<p>Requires the TCEQ to use information submitted to the agency and gathered during other agency activities to evaluate emissions inventories and emissions factors. Authorizes the agency to measure and monitor emissions or activities that cause air contaminants and requires it to adopt policies to permanently reduce quantifiable surplus emissions found during the use of any authorized advanced technologies and to use those reductions for credits under the State Implementation Plan. Requires the TCEQ to use optical gas imaging to measure emission concentrations and volume of volatile organic and nitrogen oxide compounds.</p> <p>Reported from House Environmental Regulation on 5/1/09.</p>
SB 136	Ellis	<p>Authorizes the TCEQ to monitor and regulate greenhouse gas emission sources that cause global warming to reduce those emissions. Requires the TCEQ to establish a limit of greenhouse gas emissions based on 1990 emission levels and that the limit be achieved by 2023.</p> <p>Referred to Senate Natural Resources on 2/10/09.</p>
SB 171	Gallegos	<p>Requires the TCEQ to adopt, by rule, effects screening levels (ESLs) for air contaminants and to assemble an expert panel to review the ESLs and recommend standards. ESLs would be set at levels protective of cancer risk at 1 chance in 100,000. Includes a general prohibition for violations of the ESLs and requires the TCEQ to adopt rules for the assessment of penalties or the imposition of injunctive relief. Requires the TCEQ to annually publish a report on violations and suspected violations later determined not to be violations.</p> <p>Left pending in Senate Natural Resources on 2/10/09.</p>

SB 173	Gallegos	Requires fence-line monitoring of air emissions by major sources. Requires the TCEQ to establish and maintain an air pollutant watch list, including public notice and comment requirements. Referred to Senate Natural Resources on 2/10/09.
SB 213	Shapleigh	Requires the TCEQ to establish rules that require a person who generates, collects, transports, processes, stores, or disposes of municipal sewage sludge, and grit and grease-trap waste to keep records and use transportation manifests. Requires retention of records for three years by the generator, transporter, and disposer. Reported from House Environmental Regulation on 5/21/09.
SB 221	Nichols	Requires most public water systems (CCN holders, districts, and affected counties) to have automatically starting emergency generators on site. Requires the TCEQ to adopt minimum standards. Referred to Senate Natural Resources on 2/11/09.
SB 273	Nichols	Requires applicants of injection wells that dispose of industrial or municipal waste to use on-site monitoring wells to monitor and analyze groundwater quality, and to conduct soil testing. Includes reporting requirements to be established by the TCEQ. Left pending in Senate Natural Resources on 3/24/09.
SB 274	Nichols	Prohibits the issuance of an injection-well permit in the recharge zone of a sole-source aquifer or in an oil field from which commercial production began before 1935. Prohibits the issuance of a permit for an injection well located within ½ mile of a residence, church, school, day-care center, park, or surface water used by a public drinking water system, unless the applicant demonstrates certain operational safeguards. Also establishes other areas unsuitable for injection wells, including flood hazards, soil conditions, coastal areas, etc. Allows a local government to petition the TCEQ for a rule that would restrict or prohibit the siting of a new injection well. Left pending in Senate Natural Resources on 4/7/09.
SB 456	Gallegos	Requires the TCEQ to designate certain geographic areas as toxic hot spots. In designating a toxic hot spot and establishing its boundaries, the TCEQ must consider where people are exposed to ambient levels exceeding the toxic air standard, the location of dense or vulnerable populations, the location of emission sources, and the meteorology, geography, and topography of the area. By December 31, 2009, the TCEQ must designate toxic hot spots for benzene, 1,3-butadiene, hydrogen sulfide, and nickel. Left pending in Senate Natural Resources on 5/12/09.
SB 719	Nichols	Changes the effective date of a rate increase if a hearing is scheduled for final approval by the regulator except in emergencies. Required notice is increased from 60 to 120 days for ratepayers and the regulator. Set on House Calendar for 5/23/09.

SB 752	Davis	<p>Prohibits the TCEQ or the RRC from issuing a permit for a waste-disposal well if a local government whose territory overlies the geologic formation used for injection determines that the formation is unsuited for disposal because of its proximity to a water table and notifies the TCEQ or RRC of its determination.</p> <p>Withdrawn from the House Local Calendar on 5/24/09.</p>
SB 761	Watson	<p>Amends the Computer Equipment Recycling Program to include televisions.</p> <p>Left pending in Senate Natural Resources on 4/14/09.</p>
SB 800	Williams	<p>Proposes to establish a pilot program for sand and gravel quarry operations in portions of the East Fork and West Fork of the San Jacinto River and Spring Creek. The pilot program addresses permitting, financial responsibility, inspections, water quality sampling, enforcement, cost recovery, and interagency cooperation with regard to sand and gravel quarries.</p> <p>Left pending in Senate Natural Resources on 3/17/09.</p>
SB 1238	Ogden	<p>Requires the TCEQ to conduct a study regarding the impact on the Carrizo-Wilcox aquifer of rules and plans adopted by groundwater conservation districts (GCDs) and of joint planning determinations made by GCDs in groundwater management area planning. Provides that the Texas Water Development Board and University of Texas Bureau of Economic Geology shall assist the TCEQ in conducting the study, and that the TCEQ may contract with any appropriate person for assistance with the study. Requires the TCEQ to report the results to the legislature by December 31, 2012, and authorizes the TCEQ to include recommendations for legislation in the report to address any areas of concern.</p> <p>Left pending in House Natural Resources on 4/28/09. SB 1, Art. VI, Rider 36 requires study of the Carrizo-Wilcox aquifer.</p>
SB 1386	Seliger	<p>Extends the TCEQ and TWDB evaluation period for critical groundwater problems from 25 to 50 years. Clarifies that the TCEQ has the authority to adopt rules for the creation of a groundwater conservation district or the addition of a priority groundwater management area (PGMA) to an existing GCD for any PGMA designated as a critical area before September 1, 1997. Validates related governmental acts and proceedings, including adoption of commission rules for creation of a GCD in a PGMA designated as a critical area before September 1, 1997. Provides that the 50-year evaluation period is relevant only to designation of a PGMA after the effective date of the act, and that designation of a PGMA made before the effective date is governed by the law in effect on the date when the designation occurred.</p> <p>Set on House Calendar on 5/23/09.</p>

SB 1414	Williams	<p>Requires the responsible party for an aggregate production operation to register the operation with the TCEQ, and requires that the registration be renewed annually. Requires the TCEQ to conduct a physical survey to identify all aggregate production operations in the state, and to ensure that all of them are registered. Requires the TCEQ to conduct compliance inspections at all such sites at least once every three years. Requires that authorized aggregate production facilities pay an annual fee not to exceed \$1,000. It also provides that TCEQ may assess a penalty of \$5,000 –10,000 for every year in which an aggregate production facility operates without registration (with the total penalty no greater than \$25,000).</p> <p>Set on House Calendar on 5/23/09.</p>
SB 1541	Gallegos	<p>Codifies the commission's current air pollutant watch list process. The APWL must identify each air contaminant to be included and each geographic area of the state where ambient air monitoring indicates that either individual or cumulative emissions may cause short-term or long-term health effects or odors. Provides for publishing notice and allowing public comment and for public meetings. Requires the TCEQ to adopt guidelines for acute and chronic effects screening levels for air contaminants. The ESLs would be set at levels protective of cancer risk at 1 chance in 100,000 or another level set by the TCEQ to protect human health and welfare.</p> <p>Referred to House Environmental Regulation on 4/20/09.</p>
SB 1572	Hinojosa	<p>Requires the TCEQ to obtain approval in the form of a resolution from the governing body of a municipality, a county, or other political subdivision, including groundwater conservation districts, before awarding a permit for a scrap-tire disposal site. Directs TCEQ to revise the current rules governing such sites that prescribe minimum standards to protect soil and water and adopt new application forms and procedures for these types of permits.</p> <p>Left pending in House Environmental Regulation on 5/6/09.</p>
SB 1846	Hegar	<p>Requires a person who owns or operates a water well under certain conditions to ensure that the well water is treated by an approved chlorination system. Grants the executive director certain authority currently held by the TCEQ, including the authority to issue administrative orders that assess penalties, to issue orders for corrective measures, and to establish interim rates. Authorizes payment of penalties in periodic installments. Adds provisions relating to the setting of interim rates and a charge to utilities for construction and improvement of facilities and repeals provisions relating to the setting of public hearing dates.</p> <p>Set on House Calendar on 5/23/09.</p>
SB 2440	Uresti	<p>Sets up a mechanism to put a conservator in place at BexarMet and allows BexarMet customers who are registered voters to determine the purpose of the conservator in an election to be held in November 2009. Authorizes an election considering the dissolution of the Bexar Metropolitan Water District and provides an oversight mechanism for the district, including enforcement authority.</p> <p>Senate adopted conference committee report on 6/1/09.</p>