III. HISTORY AND MAJOR EVENTS

Provide a timeline of your agency's history and key events, including:

- **the date your agency was established;**
- **the original purpose and responsibilities of your agency;**
- **major changes in responsibilities or statutory authority;**
- **changes to your policymaking body's name or composition;**
- **significant changes in state/federal legislation, mandates, or funding;**
- **significant state/federal litigation that specifically affects your agency's operations; and**
- **key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).**

See **History and Major Events Examples** or click here to link directly to an example.

Historical Perspective

The history of natural resource protection by the State of Texas is one of gradual evolution from protecting the right of access to natural resources (principally surface water) to a broader role in protecting public health and conserving natural resources for future generations of Texans.

Major Events in TCEQ History

Natural resource programs were established in Texas at the turn of the 20th century, motivated initially by concerns over the management of water resources and water rights. In parallel with developments in the rest of the nation, and at the federal level, state natural resource efforts broadened in mid-century to include the protection of air and water resources, and later to the regulation of the generation of hazardous and non-hazardous waste. During the 1990s, the Texas Legislature repositioned state agencies to make protecting natural resources more efficient by consolidating programs. This trend culminated in the creation of the Texas Natural Resource Conservation Commission in the fall of 1993 as a comprehensive environmental protection agency. Sunset legislation passed by the Texas Legislature in 2001 continued the agency until 2013 and changed its name to the Texas Commission on Environmental Quality. During the special session of the 81st Legislature (2009), legislation was adopted amending the 2013 date to 2011.

The major events in the history of the TCEQ are outlined below. Federal items of importance are in bold.

1905

- The legislature authorizes the creation of the first drainage districts.

1913

- The Irrigation Act creates the Texas Board of Water Engineers to establish procedures for determining surface water rights.

1919

- The legislature creates freshwater supply districts.

1925

- The legislature organizes water control and improvement districts.

1929

- The legislature creates the first river authority (the Brazos River Authority).

1945

- Legislation authorizes the Texas Department of Health to enforce drinking water standards for public water supply systems.

1949

- State legislation declares that groundwater is private property.

- The legislature creates underground water conservation districts.

1953

- The legislature creates the Texas Water Pollution Control Advisory Council in the Department of Health as the first state body charged with dealing with pollution-related issues.

1956

- **The U.S. Congress passes the Water Pollution Control Act.**

- Texas' first air quality initiative is established when the state Department of Health begins air sampling.

1957

- The legislature creates the Texas Water Development Board to forecast water supply needs and fund water supply and conservation projects.

1959

- **The U.S. Congress passes the Atomic Energy Act.**

1961

- The Texas Pollution Control Act establishes the Texas Water Pollution Board and eliminates the Water Pollution Advisory Council, creating the state's first true pollution control agency.

- A water-well drillers' advisory group is established.

- The Injection Well Act is passed, authorizing the Texas Board of Water Engineers to regulate waste disposal (other than from the oil and gas industry) into the subsurface through injection wells.

1962

- The Texas Board of Water Engineers becomes the Texas Water Commission, with additional responsibilities for water conservation and pollution control.

- The Texas Water Pollution Board adopts its first rules and regulations.

1963

- **Congress enacts the federal Clean Air Act.**

1965

- The Texas Clean Air Act establishes the Texas Air Control Board in the Department of Health to monitor and regulate air pollution in the state.

- The Texas Water Commission becomes the Texas Water Rights Commission, and functions not related to water rights are transferred to the Texas Water Development Board.

1967

- The Texas Water Quality Act establishes the Texas Water Quality Board (TWQB), assuming all functions of the Water Pollution Control Board. The TWQB adopts its first rules.

- The Texas Air Control Board adopts its first air-quality regulations.

1969

- Texas takes over most federal air-monitoring responsibilities.

- The Texas Solid Waste Disposal Act authorizes the TWQB to regulate industrial solid waste, and the Texas Department of Health to regulate municipal solid waste.

- **A presidential order creates the U.S. Environmental Protection Agency (EPA).**

1970

- **The federal Clean Air Act is amended, requiring states to develop State Implementation Plans (SIPs).**

1971

- **The EPA adopts National Ambient Air Quality Standards (NAAQS).**

- The legislature first authorizes municipal utility districts.

- The Texas Air Control Board establishes an air permits program.

1972

- **Congress passes the federal Clean Water Act.**

- The Texas Air Control Board submits its first SIP to the EPA. It also deploys the first continuous air monitoring station.

1973

- The legislature removes the Texas Air Control Board from the Department of Health, making it an independent state agency.

1974

- Texas et al. vs. the U.S. EPA challenges the EPA's plan for controlling ozone in Texas.

- The Texas Air Control Board completes deployment of the first continuous monitoring network.

- **Congress passes the Safe Drinking Water Act.**

1976

- **Congress passes the Resource Conservation and Recovery Act (RCRA) to govern the disposal of all types of solid and hazardous wastes.**

1977

- **The federal Clean Air Act and Clean Water Act are amended.**

- The legislature creates the Texas Department of Water Resources (TDWR) by combining the three existing water agencies. A six-member board is set up as a policy-making body for the new agency. The Texas Water Development Board (TWDB) is retained as the legislative and policy-making body. The Water Rights Commission is renamed the Texas Water Commission and sits as a quasi-judicial body that rules on permits. The Water Quality Board is abolished.

1979

- The Texas Air Control Board submits revisions of the SIP to the EPA.

1980

- **Congress passes the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as the Superfund bill, to provide funding for the cleanup of contaminated sites.**

- **Congress passes the Federal Low Level Radioactive Waste Act.**

- The Texas Air Control Board submits to the EPA a plan to address lead pollution.

1982

- Texas receives authorization from EPA for underground injection control.

1984

- **Congress passes the Hazardous and Solid Waste Amendments to the RCRA.**

- Texas receives final RCRA authorization from EPA.

1985

- **Congress passes amendments to the 1980 Federal Low Level Radioactive Waste Act.**

- The legislature dissolves the Department of Water Resources and transfers regulatory enforcement to the recreated Texas Water Commission, and planning and finance responsibilities to the recreated Water Development Board.

- The legislature moves the Water Rates and Utilities Services Program from the Public Utility Commission of Texas to the newly created Texas Water Commission.

- The Texas Air Control Board mobile sampling laboratory is first deployed.

1986

- **Congress passes the Superfund Amendments and Reauthorization Act, reauthorizes CERCLA, and creates the Toxics Release Inventory.**

- **Congress amends the Safe Drinking Water Act.**

1987

- **Congress passes the federal Water Quality Act of 1987.**

- Texas establishes an EPA-approved state wellhead-protection program.

1989

- The legislature expands and funds Petroleum Storage Tank (PST) Program.

- The Texas Radiation Control Act authorizes the Texas Department of Health to license the disposal of radioactive waste.

1990

- **Congress adopts the federal Clean Air Act Amendments of 1990.**

- **Congress passes the Federal Oil Pollution Act.**

1991

- The Texas Air Control Board is expanded to implement the 1990 Amendments to the Federal Clean Air Act.

- The legislature, in special session, creates the Texas Natural Resource Conservation Commission (TNRCC), to be effective September 1, 1993. Preparation

begins for the consolidation of the Texas Water Commission and the Texas Air Control Board into the TNRCC.

1992

- The Texas Water Commission acquires responsibility for drinking water, municipal solid waste, and the licensing of radioactive substances from the Texas Department of Health.

- The Water Well Drillers Board and the Board of Irrigators are merged into the Texas Water Commission.

1993

- The TNRCC begins operations, thereby consolidating for the first time regulatory programs for air, water, and waste.

- The legislature adopts HB 1920, which establishes the Tax Relief for Pollution Control Equipment Program to be administered by the TNRCC.

1995

- **The EPA establishes the Environmental Performance Partnership Grant (PPG) Program.** The PPG provides federal funds to states to administer environmental programs such as Section 106 Surface Water, Section 105 Air, Public Drinking Water, Section 319 Non-point Source, and Resource Conservation and Recovery Act (RCRA).

1997

- The legislature transfers regulation of water-well drillers from the TNRCC to the Texas Department of Licensing and Regulation.

- The legislature returns oversight of uranium mining, processing, and by-product disposal oversight to the Texas Department of Health.

- The TNRCC concludes a Performance Partnership Agreement with the EPA, allowing limited flexibility in federally funded program organization and funding. The aim of the agreement is to allocate resources most appropriately throughout Texas on a regional basis.

- The legislature adopts SB 1, mandating water conservation planning for large water users and requiring development of drought contingency plans by public water suppliers.

1998

- The EPA delegates to Texas the National Pollutant Discharge Elimination System (NPDES) program.

1999

- The legislature transfers the functions of the Texas Low-Level Radioactive Waste Disposal Authority to the TNRCC.

- The legislature adopts HB 801, which modifies the permitting process for permits administered by the agency for which public notice and opportunity for a hearing are required. The legislation requires early public notice, encourages early public involvement, and requires substantive public comment and agency response. This legislation establishes criteria that would limit the scope of hearings by requiring referral of discrete issues that are in dispute and material to the decision of the commission. This process applies to permits issued by the agency under Chapters 26 and 27 of the Texas Water Code and Chapters 361 and 382 of the Health and Safety Code.

2001

- The agency is continued for 12 years under HB 2912, which includes a provision to change the TNRCC's name to the Texas Commission on Environmental Quality (TCEQ) by January 1, 2004.

- The legislature transfers responsibility for environmental laboratory accreditation, and certification of residential water treatment specialists from the Texas Department of Health to the TNRCC.

- The Texas Environmental Health Institute is created by joint agreement between the TNRCC and the Texas Department of Health to identify health conditions related to living near a federal or state Superfund site.

- The Texas Emissions Reduction Plan (TERP) is established by the legislature to be administered by the TNRCC, the comptroller, the Public Utility Commission of Texas, and the Texas Council on Environmental Technology.

2002

- The agency formally changes its name on September 1 from the TNRCC to the TCEQ.

2003

- Under HB 1365 the Texas Legislature provides a stable funding source for TERP program activities under the TCEQ and ends funding for TERP-related programs under the Comptroller and the Public Utility Commission of Texas.

- The Texas Legislature establishes a program to regulate and remediate dry cleaning facilities at the TCEQ with passage of HB 1366.

- Through HB 1567, the legislature provides for the licensing of a facility for disposal of low-level radioactive waste (LLRW) and establishes procedures for the agency to accept and assess license applications from businesses to dispose of LLRW.

- The Texas Legislature, in the third called session, passes HB 37, which transfers the technology research and development program within the TERP from the Texas Council on Environmental Technology to the TCEQ.

- The agency implements the Permit Time-Frame Reduction Project, designed to shorten the time it takes to review major uncontested permits.

2004

- The agency initiates the Environmental Monitoring and Response System, designed to improve the TCEQ's ability to measure environmental conditions in real time, notify the public of potential threats, and respond quickly and proactively.

2005

- The TCEQ undertakes comprehensive review and overhaul of the state's municipal solid waste regulations.

- TCEQ personnel are directed by the commissioners to begin a comprehensive review, including extensive public involvement, of the agency's enforcement process.

- The Texas Legislature authorizes the Clean School Bus Program with passage of HB 3469.

2006

- The TCEQ reviews the extensive public comments on the agency's enforcement process. The commissioners adopt a number of significant revisions to the process, including a pilot field-citation program which began on March 13, 2006.

- On March 1, 2006, the TCEQ adopts a major revision, streamlining, and improvement of state regulations on municipal solid waste.

2007

- The Texas Legislature passes SB 1604, which transfers regulatory authority from the Department of State Health Services (DSHS) (formerly Department of Health) to the TCEQ for commercial radioactive waste processing, uranium mining, and by-product disposal.

- SB 1604 also addresses the process for TCEQ review of a pending application submitted to DSHS for a by-product disposal facility proposed for Andrews County.

- In addition, SB 1604 addresses the TCEQ's underground injection control program for regulation of *in situ* uranium mining and requires the TCEQ to administer a new state fee for the disposal of radioactive wastes other than low-level radioactive waste.

- SB 1436 transfers the responsibility for the National Floodplain Insurance Program from the TCEQ to the TWDB.

- Passage of SB 12 extends the TERP through August 2013. It also expands the uses of TERP funds, including use by the Clean School Bus Program.

- SB 12 also amends the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) to enhance its availability and increase grant amounts for the purchase of new vehicles.

- The legislature extends the reimbursement program for leaking underground storage tanks from 2008 to 2012 and requires insurance companies to notify the TCEQ if the owner of a petroleum storage tank has cancelled or failed to renew insurance coverage.

- The legislature passes HB 2714 that requires computer manufacturers to establish recycling programs for computers of their own brand.

- The legislature passes SB 3 and HB 3 and HB 4, which amend various sections of the Texas Water Code and set out a new regulatory approach for ensuring surface water to meet the environmental flow needs of river, bay, and estuary systems.

- The legislature grants property owners the right to register and participate in the Dry Cleaner Remediation Fund and imposes additional fees and restrictions on the use of perchloroethylene.

- HB 3732 establishes incentives such as property tax exemptions and expedited permit processing for the use of clean coal, biomass, petroleum coke, solid waste, or new liquid fuel technology in generating electricity.

- The TCEQ adopts the Texas BART (Best Available Retrofit Technology) rule, requiring emission controls for certain industrial facilities emitting air pollutants that contribute to regional haze.

- The Rio Grande Watermaster announces the receipt of more than 224,000 acre-feet of water from Mexico at the Amistad reservoir near Del Rio, effectively eliminating Mexico's water debt to the United States.

- On December 18, 2007, the governor submits to the EPA his recommendation that all areas of Texas meet the revised 24-hour standard under NAAQS for fine particulate matter ($PM_{2.5}$).

2008

- In early 2008, the TCEQ upgrades its electronic permitting system (ePermits) for submissions of applications for the storm water general permit. After the program upgrade, usage rose from 22 percent to 53 percent.

- The TCEQ responds to the aftermath of Hurricane Ike and participates in a massive recovery effort.

- **On March 12, 2008, the EPA revises the 1997 eight-hour ozone NAAQS of 0.08 parts per million (ppm) by lowering the standard to 0.075 ppm.**

- **On May 20, 2008, the EPA proposes to lower the NAAQS standard for lead from the current 1.5 micrograms of lead per cubic meter of ambient air.**

- As required by the Federal Clean Air Act, the governor of each state provides to EPA the list of areas that the state believes are not meeting the federal ozone standard. To assist the governor in providing that list the commission makes recommendations to the governor in December on what areas in Texas did not meet the revised ozone standard.

2009

- **In March 2009, the governor submits to EPA the list of areas in Texas that do not meet the 0.075 ppm eight-hour ozone standard.**

- HB 1796 extends TERP through 2019 and establishes the New Technology Implementation Program within TERP.

- SB 1759 establishes the Texas Clean Fleet Program within TERP.

- SB 361 requires water and sewer service providers to submit emergency preparedness plans to demonstrate their ability to provide emergency operations.

- HB 3547 gives additional enforcement authority to the TCEQ if an owner or operator of a dry cleaning facility or drop station does not properly register as required under Texas statutes.