

Texas Environmental Update

May 17, 2012

By: Tim Wilkins, John A. Riley, Christopher C. Thiele, and Tracy D. Hester

The environmental practice of Bracewell & Giuliani LLP offers seamless, front-rank representation in local, state, national, and cross-border regulatory, enforcement, and litigation matters, as well as experienced counsel on the environmental aspects of transactions and operations across the country and around the world. We are dedicated to helping clients successfully navigate complex and costly environmental issues and to building longstanding client relationships founded on superior advice, integrity, and value. We are pleased to provide you with this issue of Bracewell's Texas Environmental Update, offering the latest news about permitting, enforcement, regulatory developments, and other matters of interest to the regulated community in Texas.

BRACEWELL ALERTS & PUBLICATIONS

BLM Releases Proposed Regulations Applicable to Well Stimulation of Oil and Natural Gas Wells on Federal Lands

Bracewell & Giuliani Energy Legal Blog, May 4, 2012

After months of speculation, the U.S. Department of Interior today gave the public its first look at proposed federal regulations that would govern hydraulic fracturing and well stimulation operations by oil and natural gas companies on federal and Indian lands. A 60-day comment period is expected to begin upon publication of the proposal in the Federal [...]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Notices & Announcements

TCEQ Hosts Toxicology Workshop

TCEQ Web Site, May 14, 2012

Agendas & Work Sessions

Commissioners' May 30, 2012 Meeting Agenda

TCEQ Web Site

Commissioners' May 16, 2012 Agenda Meeting Webcast

TexasAdmin.com

In the News:

Air

Frisco Lead Smelter Gets More Time to Cut Emissions

CBS DFW, May 14, 2012

"A state environmental agency is recommending that Exide's battery recycling plant be given more time to meet air quality standards."

Enforcement

TCEQ Approves Fines Totaling \$887,147

TCEQ Web Site, May 16, 2012

"The Texas Commission on Environmental Quality today approved penalties totaling \$704,513 against 37 regulated entities for violations of state environmental regulations."

Regulatory Developments

What's New in TCEQ Rules

TCEQ Web Site, May 11, 2012

Waste

District Judge Grants Hearing in Fight Against West Texas Radioactive Waste Dump

Austin American-Statesman, May 8, 2012

"A West Texas nuclear waste dump is already accepting low-level radioactive material, but that hasn't stopped environmental activists, who won a case Tuesday in their continuing legal battle against the facility."

Water

LCRA Looking for 10,000 Acre-Feet of Bastrop County Groundwater

Austin American-Statesman, May 16, 2012

"In an effort to boost its water supplies, the Lower Colorado River Authority will ask to use about 10,000 acre-feet of groundwater in Bastrop County, part of a 14-county area where future pumping is already under dispute."

Panel to Debate Pros, Cons of Government Regulation of Groundwater

San Antonio Express-News, May 15, 2012

"A symposium Thursday at Trinity University will tackle one of the most contentious water issues facing the state: How can government regulate groundwater?"

BUREAU OF LAND MANAGEMENT

Proposed Rule, Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands

77 Federal Register 27691, May 11, 2012

BUREAU OF OCEAN ENERGY MANAGEMENT

Notice of Determination of No Competitive Interest for Proposed Right-of-Way Grant Area

77 Federal Register 28620, May 15, 2012

EPA

Withdrawal of Direct Final Rule, Revisions to Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone

77 Federal Register 28785, May 16, 2012

Request for Comment, Permitting Guidance for Oil and Gas Hydraulic Fracturing Activities Using Diesel Fuels - Draft: Underground Injection Control Program Guidance #84

77 Federal Register 27451, May 10, 2012

Proposed Rule; Notice of Public Hearings; Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units

77 Federal Register 26476, May 4, 2012

FISH AND WILDLIFE SERVICE

Feds Seek Agreement to Protect Endangered Lizard

Houston Chronicle, May 9, 2012

"U.S. Interior Secretary Ken Salazar said Wednesday the dunes sagebrush lizard might not be listed as endangered if enough energy companies and ranchers voluntarily agree to preserve the sand-dwelling reptile's habitat."

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Notice and Request for Comments; Pipeline Safety: Information Collection Activities, Excess Flow Valve Census

77 Federal Register 28669, May 15, 2012

Notice; Issuance of Advisory Bulletin; Pipeline Safety: Verification of Records

77 Federal Register 26822, May 7, 2012

TEXAS RAILROAD COMMISSION

Large War Chests, Funny Video Draw Attention to Six-Person Race

Amarillo Globe-News, May 12, 2012

"AUSTIN - The Texas railroad commissioner race headlined by a longtime Pampa legislator and the daughter of a former House speaker is getting more scrutiny than usual in the May 29 Republican primary."

Editorial; For Chisum and Smitherman for RR Commission in GOP Primary

Houston Chronicle, May 10, 2012

"Two of the three positions on the Texas Railroad Commission are on the 2012 Republican primary ballot."

Confusion Reigns Over Well Explosion Investigation

Weatherford Democrat, May 7, 2012

"ALEDO - When a frac tank at the Shale Tank Truck facility near the intersection of Bearcat Road and I-20 blew its top April 13, erupting in flames and spewing debris, Parker County Fire Marshal Shawn Scott looked for the cause but stopped short of a complete investigation."

Editorial: Serious Oil and Gas Regulators Needed in Boom Times

Fort Worth Star-Telegram, May 6, 2012

"Start with the basics in the Republican primary races for two seats on the Railroad Commission: The 700-employee agency should be called the Oil & Gas Commission to better reflect its regulatory role."

OTHER TEXAS ENVIRONMENTAL NEWS

Shale Drilling Can Be Safe, U.S. Official From Fort Worth Says

Fort Worth Star-Telegram, May 10, 2012

"FORT WORTH - An Energy Department official heading a new committee charged with coordinating efforts among three federal agencies to research the risks and benefits of unconventional oil and gas production says he believes it can be done safely."

Bracewell & Giuliani LLP makes this information available for educational purposes. This information does not offer specific legal advice or create an attorney-client relationship with the firm. Do not use this information as a substitute for specific legal advice. Attorney advertising.