

Texas Environmental Update

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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 & Giuliani's Texas Environmental Update, offering the latest news about permitting, enforcement, regulatory developments, and other matters of interest to the regulated community in Texas.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - AGENDAS AND WORK SESSIONS

Commissioners' January 11, 2012 Meeting Agenda

TCEQ Web Site

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - NEWS REPORTS

Regulatory Developments

What's New in TCEQ Rules

TCEQ Web Site, December 16, 2011

Water

Amid Drought, Water Desalination Gets Attractive

Beaumont Enterprise, January 4, 2012

"EL PASO, Texas (AP) - Interior Secretary Ken Salazar is visiting El Paso's desalination plant on Wednesday to showcase the technology as a way to help alleviate the region's chronic water woes and to support a statewide water supply increasingly stressed by drought and population growth."

Final Piece of Aquifer Plan Approved

San Antonio Express-News, December 28, 2011

"In a brief, anticlimactic ending to a painstaking, four-year-long process, the Edwards Aquifer Authority board voted Wednesday to approve the funding for a habitat conservation plan that should keep the region's main aquifer under local control."

Opinion: New Rules Needed for Large Private Water Companies

Austin American-Statesman, December 21, 2011

"Water sustains all, and under Texas law it sustains a few out-of-state corporations very well indeed."

Water Planners Urged to Base Needs on Centuries, Not Decades, of Drought Data

Austin American-Statesman, December 21, 2011

"The region's worst-case drought scenario might not be dire enough, researchers warn in a report released today."

Other TCEQ News

TCEQ, Report's Editors Reach Deal on Climate Change Data

Houston Chronicle, December 21, 2011

"GALVESTON - Texas' environmental agency has reached an agreement with a Rice University oceanographer and his editors to publish a scientific article the agency had earlier rejected because of references to climate change, human impact on the environment and sea-level rise."

BUREAU OF OCEAN ENERGY MANAGEMENT

Notice of Availability (NOA) of the Draft Environmental Impact Statement (EIS) and Public Meetings, Gulf of Mexico (GOM), Outer Continental Shelf (OCS), Western Planning Area (WPA) and Central Planning Area (CPA), Oil and Gas Lease Sales for 2012◆2017

76 Federal Register 82319, December 30, 2011

EPA

EPA Cross-State Emissions Rule Put on Hold by Appeals Court

Bloomberg BusinessWeek, January 3, 2011

"The U.S. Environmental Protection Agency must delay implementing rules on interstate air pollution on Jan. 1, a federal court ruled, siding with electric power producers seeking to defeat the new regulations."

Final Reissuance of General NPDES Permits (GP) for Facilities Related to Oil and Gas Extraction

77 Federal Register 123, January 3, 2012

Proposed Rule, Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans

76 Federal Register 82219, December 30, 2011

Final Rule, Approval and Disapproval and Promulgation of Implementation Plans; Texas; Infrastructure and Interstate Transport Requirements for the 1997 Ozone and the 1997 and 2006 PM2.5 NAAQS

76 Federal Register 81371, December 28, 2011

Final Rule, Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone

76 Federal Register 80760, December 27, 2011

Notice of Final 2010 Effluent Guidelines Program Plan; Re-Opening Public Comment Period

76 Federal Register 80937, December 27, 2011

Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Proposed Amendments; Non-Hazardous Secondary Materials That Are Solid Waste

76 Federal Register 80452, December 23, 2011

Proposed Rule; Reconsideration of Final Rule; National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

76 Federal Register 80598, December 23, 2011

Proposed Rule; Reconsideration of Final Rule; National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers

76 Federal Register 80532, December 23, 2011

Final Rule, Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Petroleum and Natural Gas Systems Category of the Greenhouse Gas Reporting Rule

76 Federal Register 80554, December 23, 2011

EPA Announces Historic Rule to Clean or Shut Coal-Burning Power Plants

Fort Worth Star-Telegram, December 21, 2011

"WASHINGTON - Unveiling a historic rule, the Environmental Protection Agency on Wednesday announced the first national requirement for the nation's coal-fired power plants to reduce emissions of mercury, arsenic, cyanide and other toxic pollutants."

EPA Responses to State and Tribal 2008 Ozone Designation Recommendations: Notice of Availability and Public Comment Period

76 Federal Register 78872, December 20, 2011

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Notice of Public Webinar on Implementation of Distribution Integrity Management Programs

76 Federal Register 81015, December 27, 2011

OTHER TEXAS ENVIRONMENTAL NEWS

Lowering the Boom

Denton Record-Chronicle, December 31, 2011

"Battle lines between industry and local communities hardened in 2011 over where and how to drill for shale gas, not just in area cities but across the world."

Propane Fracking Slowly Gaining Attention as Canadian Company Uses Technique in Texas

Corpus Christi Caller-Times, December 27, 2011

"CORPUS CHRISTI - A Canadian company is experimenting in Texas with a drilling technique as a substitute for the enormous amount of water used in the hydraulic fracturing process."

It's That D* Sagebrush Lizard!**

MyWestTexas.com, December 24, 2011

"A 3-inch lizard touched off a storm of controversy in 2011 over its possible inclusion on the Endangered Species List."

As Shale Fracking Booms, Environmental Protection Lags

Fort Worth Star-Telegram, December 22, 2011

"WASHINGTON - America's race for cheap natural gas and energy independence has been outpacing the flow of state rules aimed at assuring people that gas production won't harm their health."

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