

Texas Environmental Update

By: **Tim Wilkins, John A. Riley, Christopher C. Thiele, Tracy D. Hester, Kevin A. Ewing, Jeffrey R. Holmstead, Jason B. Hutt, Richard Alonso, Michael D. Olsen, and Lowell M. Rothschild**

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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'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 & GIULIANI ALERTS AND PUBLICATIONS

Bracewell & Giuliani is pleased to announce that **Lowell M. Rothschild** has joined our Environmental Strategies practice as a senior counsel. He advises clients on environmental compliance, enforcement, public policy and government relations issues.

Dealing With the Wild Side of Renewable Energy Development

Bracewell & Giuliani Energy Legal Blog, February 23, 2012

Lindsay Morris, Associate Editor of Power Engineering Magazine, discussed the challenges developers face implementing renewable energy projects with Bracewell & Giuliani attorney Michael Weller at the Renewable Energy World Conference & Expo North America on February 16, 2012. The conference investigated issues and solutions for achieving successful renewable projects while protecting wildlife and complying with [...]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - AGENDAS AND WORK SESSIONS

Commissioners' March 7, 2012 Meeting Agenda

TCEQ Web Site

Commissioners' February 22, 2012 Agenda Meeting Webcast

TexasAdmin.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - NEWS REPORTS

Air

Cement Company May Close 2 Older Kilns, Environmental Group Says

Fort Worth Star-Telegram, February 27, 2012

"A group that has worked to reduce pollution from cement kilns in the Midlothian area said Monday that the last remaining kilns using an older technology could close by 2014."

Enforcement

TCEQ Approves Fines Totaling \$427,251

TCEQ Web Site, February 22, 2012

"The Texas Commission on Environmental Quality today approved penalties totaling \$387,210 against 50 regulated entities for violations of state environmental regulations."

Permitting

TCEQ Will Take Another Look at Matagorda Coal-Fired Plant

Houston Chronicle, February 22, 2012

"The Texas Commission on Environmental Quality will accept new evidence as part of a court-ordered review of the air pollution permit for a coal-fired power plant to be built in Matagorda County."

Regulatory Developments

What's New in TCEQ Rules

TCEQ Web Site, February 24, 2012

Water

Court Links Water Rights to Land

San Antonio Express-News, February 27, 2012

"In a ruling with possible wide-ranging effects on water regulation, the Texas Supreme Court sided Friday with two Von Ormy landowners who objected to the Edwards Aquifer Authority's power to limit the pumping of groundwater on their ranch."

Other TCEQ News

TCEQ Executive Director Mark Vickery Retires

TCEQ Web Site, February 23, 2012

ARMY CORPS OF ENGINEERS

Final Notice, Reissuance of Nationwide Permits

77 Federal Register 10184, February 21, 2012

EPA

E.P.A. Greenhouse Gas Rules Face New Legal Challenges

Reuters, February 27, 2012

"Three federal judges will hear arguments on Tuesday and Wednesday at the D.C. Court of Appeals from groups seeking to overturn the regulations and also convince the judges that the science used by the EPA is wrong."

EPA Proposes to Keep Greenhouse Gas Permitting Requirements Focused on Largest Emitters

EPA Web Site, February 27, 2012

"WASHINGTON - The U.S. Environmental Protection Agency (EPA) is proposing not to change the greenhouse gas (GHG) permitting thresholds for the Prevention of Significant Deterioration (PSD) and Title V Operating Permit programs."

Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 - 2010; Notice of Availability and Request for Comments

77 Federal Register 11533, February 27, 2012

Proposed Rule, Proposed Confidentiality Determinations for the Petroleum and Natural Gas Systems Source Category, and Amendments to Table A-7, of the Greenhouse Gas Reporting Rule

77 Federal Register 11039, February 24, 2012

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

77 Federal Register 10342, February 21, 2012

Final Rule, Air Quality Designations for the 2010 Primary Nitrogen Dioxide (NO₂) National Ambient Air Quality Standards

77 Federal Register 9532, February 17, 2012

Final Rule, National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units

77 Federal Register 9304, February 16, 2012

FISH AND WILDLIFE SERVICE

Proposed Rule; Notice of Availability and Reopening of Comment Period; Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Dunes Sagebrush Lizard

77 Federal Register 11061, February 24, 2012

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Notice of Issuance of Advisory Bulletin, Pipeline Safety: Post Accident Drug and Alcohol Testing

77 Federal Register 10666, February 23, 2012

OTHER TEXAS ENVIRONMENTAL NEWS

Pipeline Pushing Forward

Longview News-Journal, February 25, 2012

"A judge in Paris ruled Friday that work on the Keystone XL Pipeline could proceed through the northernmost of 18 Texas counties on its route to the Gulf Coast."

Eminent Domain Rehearing Sought

San Antonio Express-News, February 24, 2012

"Texas is in the midst a shale drilling boom on an unprecedented scale, but the oil and gas industry is concerned that an eminent domain fight over a carbon dioxide pipeline near Beaumont could slow that down."

Texas to Get \$6.5 Million in Oil Spill Damages

Austin American-Statesman, February 24, 2012

"HOUSTON - An investor in the Deepwater Horizon rig that blew up in the Gulf of Mexico, causing the worst offshore oil spill in U.S. history, has agreed to pay Texas \$6.5 million for damages caused to the coast, the Texas Attorney General said in a statement Friday."

REPORTS

Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 - 2010

EPA Web Site, February 27, 2012

"This chapter summarizes the latest information on U.S. anthropogenic greenhouse gas emission trends from 1990 through 2010."

Fact-Based Regulation for Environmental Protection in Shale Gas Development

The University of Texas at Austin Energy Institute Web Site, February 2012

"The overall approach of the initiative was to develop a solid foundation for fact-based regulation by assessing media coverage and public attitudes, reviewing scientific investigations of environmental impacts, and summarizing applicable state regulations and regulatory enforcement."

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