

Texas Environmental Update

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

November 30, 2011

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.

BRACEWELL & GIULIANI ALERTS AND PUBLICATIONS

Senate and PHMSA Focus on Pipeline Safety

Bracewell & Giuliani Energy Legal Blog, November 2, 2011

The U.S. Senate unanimously passed a bill on October 17th intended to strengthen federal safety regulation of oil and gas pipelines. The bill, known as the Pipeline Transportation Safety Improvement Act, includes the following provisions to address safety concerns: Requires strength-testing for previously untested natural gas transmission pipelines in high-population areas that operate at high [...]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - AGENDAS AND WORK SESSIONS

Commissioners' December 7, 2011 Meeting Agenda

TCEQ Web Site

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - NEWS REPORTS

Regulatory Developments

What's New in TCEQ Rules

TCEQ Web Site, November 18, 2011

Water

Whooping Cranes at Center of Water Dispute

Houston Chronicle, November 28, 2011

"The whooping crane, the majestic bird slowly making its way back from the brink of extinction, is returning to the Texas coast in record numbers."

Rain Was Little Help in Relieving Drought

Fort Worth Star-Telegram, November 23, 2011

"FORT WORTH - The latest rounds of rain were certainly welcome but did little to relieve the extreme drought across some of the hardest-hit areas of the state."

Desalination a Key Part of Texas' Water Future

San Antonio Express-News, November 21, 2011

"EL PASO - For this city and a growing number of others in Texas, the question isn't whether they have enough water, but what price people are willing to pay to make it drinkable."

EPA

EPA Said to Give Power Companies Options to Delay Pollution Rule

Bloomberg.com, November 29, 2011

"The Environmental Protection Agency would let power plants apply for more time to comply with new pollution standards under a rule sent to the White House for review, according to people familiar with the process."

Final Rule, Mandatory Reporting of Greenhouse Gases

76 Federal Register 73886, November 29, 2011

Producers Prepare for Challenges of Increased EPA Reporting for Greenhouse Gases

MyWestTexas.com, November 22, 2011

"Across the nation and certainly in the Permian Basin producers and midstream companies are gearing up to comply with new EPA mandates to account for greenhouse gas (GHG) emissions."

Final Rule, Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards

76 Federal Register 72097, November 22, 2011

Proposed Rule, Revising Underground Storage Tank Regulations - Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training

76 Federal Register 71708, November 18, 2011

EPA REGION 6

Four Groups in EPA Region 6 Receive More Than \$3.1 Million to Reduce Diesel Emissions

Region 6 Web Site, November 29, 2011

"DALLAS - More than \$3.1 million in Diesel Emissions Reduction Act (DERA) funds have been granted to four organizations in EPA Region 6 to aid in diesel emissions reductions."

EPA Regional Administrator Al Armendariz on Environmental Justice, Texas' (and the GOP's) War Against His Agency, and the Recent Environmental Summit in Corpus Christi

San Antonio Current, November 22, 2011

"What does EPA hope to accomplish at summits like this, and are there similar EPA efforts across Region 6?"

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Notice of Proposed Rulemaking, Pipeline Safety: Miscellaneous Changes to Pipeline Safety Regulations

76 Federal Register 73570, November 29, 2011

Advance Notice of Proposed Rulemaking, Pipeline Safety: Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other Than Single-Family Residences

76 Federal Register 72666, November 25, 2011

TEXAS RAILROAD COMMISSION

Chairman Jones Opens Rule-Making to Encourage Water Recycling

Railroad Commission Web Site, November 22, 2011

"Austin, TX – Today, Chairman Elizabeth Ames Jones, in conjunction with her fellow Commissioners, directed Commission Staff to begin analysis of the Commission's existing rules on water recycling."

OTHER TEXAS ENVIRONMENTAL NEWS

County Progressing With Access Plan for TexCom Well Sites

Your Houston News, November 29, 2011

"Receiving a boost from state lawmaker Brandon Creighton, Montgomery County officials moved forward Monday at adopting local access management guidelines that could permanently bar TexCom Gulf Disposal from its injection well sites near the Conroe Oil Field."

Environmental Programs Fall Victim to Budget Cuts

Fort Worth Star-Telegram, November 26, 2011

"BOISE, Idaho - When lightning ignited a wildfire near Idaho's Sun Valley in 2007, environmental regulators used monitoring gear to gauge the health effects for those breathing in the Sawtooth Mountains' smoky, mile-high air."

Proposed Pipeline Threatens Nature Preserve

Houston Chronicle, November 26, 2011

"The Clear Creek nature preserve is 144 acres of oak, palmetto and marsh, a favorite stop for migratory birds and a remnant of a disappearing habitat."

Harris Cracking Down on Companies' Leaking Storage Tanks

Houston Chronicle, November 25, 2011

"Harris County's pollution control staff were eager last year to move into a new office the county was building in Pasadena."

REPORTS

2011 Long-Term Reliability Assessment

NERC Web Site, November 2011

"For the 2011 Long-Term Reliability Assessment, a significant effort was made to further identify the impacts to bulk power system reliability due to significant potential generation retirements triggered by environmental regulations."

Fall 2011 Update, Ensuring a Clean, Modern Electric Generating Fleet While Maintaining Electric System Reliability

M. J. Bradley Web Site, November 2011

"This 'Fall 2011 Update' focuses on the many tools that are available for ensuring electric reliability as companies comply with the EPA rules by installing modern pollution control systems, utilizing allowances or retiring portions of the fleet that are uneconomic to retrofit.

Bridging the Emissions Gap

United Nations Environment Programme Web Site, November 2011

"This report outlines how far the current commitments and pledges of developed and developing nations can take the world in terms of achieving the 2°C limit or less, and the gap that remains between ambition and reality."

WMO Greenhouse Gas Bulletin

World Meteorological Organization Web Site, November 2011

"Each year, this bulletin reports the atmospheric burdens and rates of change of the most important long-lived greenhouse gases (LLGHGs) – carbon dioxide, methane, nitrous oxide, CFC-12 and CFC-11 – and provides a summary of the contributions of the lesser gases."

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.