

TEXAS LEGISLATURE GIVES TCEQ THE GREEN LIGHT

*Unanimous vote signals approval of
TCEQ's performance and future direction*

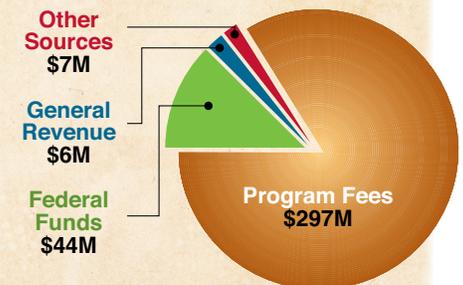
The TCEQ enjoyed a successful 82nd legislative session that saw, among other achievements, unanimous votes in the both the House and Senate that will continue the agency for the next 12 years. After a two-year-long intensive review of the agency's operations through the legislative Sunset Review process, the Texas House voted 147-0 and the Senate voted 31-0 to continue the agency for the maximum time period allowed.

Throughout the review process, dozens of TCEQ staffers and management met numerous times with Sunset staff. They also testified at the Sunset Advisory Commission hearings, as well as numerous House and Senate committee hearings regarding the agency's Sunset legislation.

"We are very proud of our agency's record, and I think it showed in our performance before the various Sunset committees," said TCEQ Chairman Bryan W. Shaw, Ph.D. "By continuing the agency for 12 years, the Legislature, acting as representatives of the people of Texas, signaled they approve of how the agency applies sound law, sound science, and common sense to environmental regulation."

Operating Budget for FY 2012

(in millions)



Cuts were made in most state agencies, and the TCEQ was no exception. Total appropriations for the coming biennium were \$693 million, a reduction of \$305 million from the 2010-2011 biennium. Full-time-equivalent employees (FTEs) were reduced by 235. "These reductions will require us to prioritize our most important duties, to focus on our core functions, and to operate with a leaner workforce," said TCEQ Commissioner Buddy Garcia. "We began preparing for these budget cuts many months ago, by reducing hiring and focusing attention on our key operations. We will make every effort to maintain good customer service to the citizens of Texas."

"We appreciated this show of support and respect from the Legislature," said TCEQ Commissioner Carlos Rubinstein.

“We always ask our employees to be flexible and to embrace change. I have faith that TCEQ staff will do whatever it takes to continue their top-notch attitudes and performance.”

HB 2694 was the agency’s Sunset Bill, and there were many other legislative actions that will have an effect on the TCEQ’s operations. Some of the most significant items, along with a brief description, are listed below:

Texas Emissions Reduction Plan (TERP) (SB 20, SB 385)

TERP, which provides incentives for reductions of emissions from federally controlled engine sources, was potentially reduced by 50 percent, to \$114 million. Establishes three new grant programs to facilitate natural gas vehicles and infrastructure. Establishes a new air monitoring program in the Dallas-Fort Worth and Abilene regions.



Enforcement Policy (HB 2694)

Requires the TCEQ to adopt a general enforcement policy by rule.

Penalties (HB 2694)

Increases the maximum penalty to \$25,000 from \$10,000 for most of the agency’s areas of jurisdiction and requires that the TCEQ’s Penalty Policy include a deterrent to prevent economic benefit from noncompliance.

Petroleum Storage Tanks (PSTs) (HB 2694)

In SB 1, the Appropriations Act, the PST program was appropriated \$43.9 million for the biennium. Under HB 2694, the agency is required to develop a process to

allow contractors currently cleaning up PST sites to continue their work at those sites. Also, the use of the PST remediation fee expands to include the removal of PSTs if certain criteria are met.

Contested-Case Hearing (HB 2694)

Other state agencies may not contest the issuance of a permit or license by the commission, though they will continue to be allowed to provide comments. Also, the TCEQ executive director is required to participate as a party in contested-case hearings.

Dam Regulation (HB 2694)

Provides direction to the TCEQ to focus agency efforts on the most hazardous dams in the state. It exempts certain dams—based on hazard classification, size and location—from safety regulations; however owners of all dams must continue to comply with operation and maintenance requirements.

Maximum Achievable Control Technology (MACT) Permits (HB 2694)

Provides a specific review process for permit-amendment applications submitted by electric generating facilities to solely comply with federal Clean Air Act MACT requirements. Includes specific timelines for the consideration of these MACT permit applications.

Low-Level Radioactive Waste Disposal Compact Commission (SB 1605)

Sets annual limits on the importation of waste that comes from outside the compact states. Imposes a surcharge of 20 percent of the total contracted rate on non-compact waste. Provides guidance on setting interim disposal rates.

Drought, Water Rights and Watermasters (HB 2694)

Requires water-right holders to provide monthly water-rights reports upon request

during drought or emergency water shortages. Allows the TCEQ to temporarily suspend a water right and adjust the diversion of water during droughts or emergency water shortages. Directs the executive director to evaluate at least every five years the need for a watermaster in water basins that are currently without watermasters.

Groundwater-Protection Program (HB 2694, SB 332, SB 693)

Transfers the authority for making groundwater-protection recommendations regarding oil and gas activities to the Railroad Commission of Texas. Stipulates that a landowner owns the groundwater below the surface of their land as real property. Authorizes a groundwater conservation district to use the State Office of Administrative Hearings to conduct a hearing on a permit or permit amendment.

Oil and Gas Permitting Requirements (SB 1134)

Prohibits the TCEQ from promulgating new or amending existing authorizations for the oil and gas industry without performing a regulatory impact analysis, extensive monitoring, and correlated monitoring.

TV Recycling (SB 329)

Creates a television-equipment recycling program separate from and more extensive than the existing computer-equipment recycling program.

Promulgation of these bills and other new rules may require public notices, comment periods, rulemaking, and hearings. Visit the TCEQ website to track the progress of legislative implementation at www.tceq.texas.gov/agency/legislation. 

Go to www.tceq.texas.gov/goto/outlook-0911 to see video of TCEQ commissioners speaking on the outcome of the session.



Natural Outlook is published monthly by the TCEQ’s Agency Communications Division. Articles are not copyrighted and may be reproduced. (Photos and graphics that are credited to other sources may not be used without their permission.) Please credit the TCEQ for material used and send a copy to the editor: Natural Outlook MC 118, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. Or e-mail <ac@tceq.texas.gov>, or fax 512-239-5010.

 To sign up to receive e-mail alerts of new issues, visit www.tceq.texas.gov/goto/outlook.

How is our customer service? www.tceq.texas.gov/goto/customersurvey

The TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, or veteran status.