

## **Environmental Legislation Enacted by the Texas Legislature in 2017**

The 85<sup>th</sup> Regular Session of the Texas Legislature enacted several laws affecting the environment and environmental regulation. This is a brief summary of some of these new laws. It is interesting to note that over 1000 new laws were passed by the Legislature and signed by the Governor, and most will take effect on September 1, 2017.

### **I. House Bills**

**HB 51** - Amends the Parks and Wildlife Code with respect to the commercial oyster industry, establishing oyster size limits.

**HB 374** - Designates the Lady Bird Johnson Wildflower Center as the state's botanical garden and arboretum.

**HB 641** - Extends the life of the Red River Boundary Commission through 2021, whose work is concerned with the definition of the boundary between Oklahoma and Texas along the Red River.

**HB 1257** - Makes the unlawful impairment of dams and flood control structures a criminal mischief offense and a state-jail felony.

**HB 1290** - Amends the Government Code to provide, generally, that before an agency can adopt a new rule, it must repeal an existing rule and provide a "government growth impact statement" regarding the new rule.

**HB 1584** - Amends the Health and Safety Code relating to the implementation and provision of solid waste management programs in certain counties and communities located within the extraterritorial jurisdiction of a larger municipality.

**HB 1698** - Amends the Water Code to require a retail public utility providing a potable water service to designate a "water conservation coordinator" who will be responsible for implementing the water conservation plan.

**HB 1818** - Extends the life of the Texas Railroad Commission until September 1, 2029, and authorizes the Commission to assess pipeline safety and regulatory fees. The Oil and Gas Division is directed to develop an annual Oil and Gas Enforcement Plan.

**HB 2533** - Amends the Water Code to require a local government, before it files a civil complaint seeking a civil penalty for alleged violations of environmental laws enforced by the TCEQ, to provide 90 day notice to the Texas Attorney General and the Executive Director of the TCEQ.

**HB 2582** - Amends the Water Code to exempt small "artisanal" quarries from regulation as aggregate production operations. The law states that these small operations do not require air or water permits.

**HB 3177** - Amends the Water Code to allow the TCEQ Commissioners to delegate authority to the Executive Director of the TCEQ to act on uncontested matters filed with the Commission.

**HB 3535** - Amends the Parks and Wildlife Code to authorize qualified landowners or their agents to “take” certain feral hogs and coyotes by using hot air balloons. The Commission is directed to adopt rules to implement these provisions.

**HB 4181** - Amends the Health and Safety Code to allow the TCEQ, or its designee, the option of providing notice to the applicant of a final action on a federal air quality permit by electronic communication.

**House Concurrent Resolution (HCR) 30** - Urges the Congress to direct the Bureau of Land Management to affirm the provisions of the Red River Boundary Compact.

**HCR 106** - Expresses the interest of the Legislature in supporting the development of a coastal barrier to protect the Gulf Coast region from storm surges.

## **II. Senate Bills**

**SB 208** - Amends the Occupation Code as it relates to the regulation of metal recycling facilities and their use of explosive munitions. Under the legislation, knowingly selling or purchasing an explosive device that results in serious injury or death can be punishable as a second degree felony.

**SB 864** - Amends the Water Code to require that notice be provided to an affected Groundwater Conservation District during the permitting process when a TCEQ surface water application indicates that there is an intent to use groundwater as an alternate source of water.

**SB 1009** - The bill clarifies, in an amendment to the Water Code, when a permit application submitted to a Groundwater Conservation District is administratively complete.

**SB 1045** - Amends the Health and Safety Code to allow an air quality permit applicant to consolidate the Notice of Intent to Obtain a Permit with the Notice of Application and Preliminary Decision into a single notice to interested parties, thereby shortening the application period.

**SB 1105** - Amends the Health and Safety Code to transfer the used oil recycling account balance and future collection of used oil recycling fees to the TCEQ’s water resources management account.

**SB 1446** - Amends the Government Code to address certain administrative issues that have arisen since the enactment in 2015 of legislation in the last Regular Session that revised procedures governing contested case hearings.

**SB 1511** - Changes the name of a government entity, the Gulf Coast Waste Disposal Authority, to the Gulf Coast Authority.

**SB 1541** - Amends Section 123 of the Natural Resources Code to provide that certain described uses of drill cuttings will be considered “beneficial” if they are used in the construction of oil and gas lease pads or roads or used as part of a legitimate commercial product. Rules must be adopted by the Railroad Commission to implement this legislation.

**Senate Concurrent Resolution 26** - The 85<sup>th</sup> Regular Session of the Texas Legislature respectfully urges the Executive Branch and the Congress to identify recently-promulgated rules that unfairly placed onerous burdens on the Texas oil and gas industry and take action to revise or eliminate such rules or, in the alternative, delegate this authority to state agencies.