

### III. History and Major Events

Efforts by the State of Texas to protect natural resources have gradually evolved from protecting the right of access (principally to surface water), to a broader role of protecting public health and conserving natural resources for future generations of Texans.

Natural resource programs were established in Texas at the turn of the 20th century, initially created due to concerns about the management of water resources and water rights. In conjunction with developments in states throughout the nation and at the federal level, efforts to protect the state's natural resources expanded at mid-century to include the protection of air and water resources, and later the regulation of hazardous and non-hazardous waste.

During the 1990s, the Texas Legislature began to take steps to make natural resource protection more effective and efficient by consolidating programs. This effort culminated in a comprehensive environmental protection agency named the Texas Natural Resource Conservation Commission.

After the 2001 Sunset review, the agency emerged with a new name, the Texas Commission on Environmental Quality. The 2011 sunset legislation continued TCEQ through 2023.

The major events in the history of TCEQ are outlined below.

#### 1905

- The legislature authorizes the creation of the first drainage districts.

#### 1913

- Irrigation Act creates the Texas Board of Water Engineers to establish procedures for determining surface water rights.

#### 1914

- Texas Board of Water Engineers publishes its first rules and regulations.

#### 1917

- A constitutional amendment authorizes the creation of conservation and reclamation districts as needed.

#### 1919

- The legislature creates freshwater supply districts.

#### 1925

- The legislature organizes water control and improvement districts.

**1929**

- The legislature creates the first river authority (the Brazos River Authority).

**1945**

- The legislature authorizes the Texas Department of Health to enforce drinking water standards for public water supply systems.

**1949**

- The legislature declares that groundwater is private property.
- The legislature authorizes designation of underground water reservoirs and creation of underground water conservation districts.

**1952**

- Texas Department of Health conducts the first air study in Texas.

**1953**

- The legislature creates the Texas Water Pollution Control Advisory Council in the Department of Health as the first state body given authority over pollution-related issues.

**1954**

- The U.S. Congress (Congress) passes the Atomic Energy Act.

**1956**

- Congress passes the Water Pollution Control Act.
- Texas' first air-quality initiative is established when the state Department of Health begins air sampling.

**1957**

- The legislature creates the Texas Water Development Board to forecast water supply needs and fund water supply and conservation projects.

**1961**

- Texas Pollution Control Act establishes the Texas Water Pollution Board, and eliminates the Water Pollution Advisory Council, creating the state's first true pollution control agency.
- A water well drillers' advisory group is established.
- The legislature passes the Injection Well Act, authorizing the Texas Board of Water Engineers to regulate waste disposal (other than that from the oil and gas industry) into the subsurface through injection wells.

**1962**

- Texas Board of Water Engineers becomes the Texas Water Commission, with added responsibilities for water conservation and pollution control.
- Texas Water Pollution Board adopts its first rules.

**1963**

- Congress passes the Federal Clean Air Act.

**1965**

- Congress passes the Federal Water Resources Planning Act.
- Texas Clean Air Act establishes the Texas Air Control Board in the Department of Health to monitor and regulate air pollution in the state.
- Texas Water Commission becomes the Texas Water Rights Commission and functions unrelated to water rights are transferred to the Texas Water Development Board.
- Water Well Drillers Act establishes the Water Well Drillers Board.

**1966**

- The first Texas Air Control Board members are appointed.

**1967**

- Texas Water Quality Act establishes the Texas Water Quality Board, which assumes all functions of the Water Pollution Control Board. The Texas Water Quality Board adopts its first rules.
- Texas Air Control Board adopts its first air quality regulations.

**1969**

- Texas takes over most federal air-monitoring responsibilities.
- Texas Solid Waste Disposal Act authorizes the Texas Water Quality Board to regulate industrial solid waste, and the Texas Department of Health to regulate municipal solid waste.
- A presidential order creates the U.S. Environmental Protection Agency (EPA).

**1970**

- Amendments to the Clean Air Act require states to develop State Implementation Plans.

**1971**

- EPA adopts National Ambient Air Quality Standards.
- The legislature authorizes municipal utility districts.
- Texas Air Control Board establishes an air permits program.

**1972**

- Congress passes the Federal Clean Water Act.
- Texas Air Control Board submits the first State Implementation Plan to EPA. It also deploys the first continuous air monitoring station.

**1973**

- The legislature splits off the Texas Air Control Board from the Department of Health, making it an independent state agency.

**1974**

- *Texas et al. vs. the U.S. Environmental Protection Agency* challenges EPA's plan for controlling ozone in Texas.
- Texas Air Control Board deploys the first continuous-monitoring network.
- Congress passes the Safe Drinking Water Act.

**1975**

- Texas Air Control Board proposes Texas' Five-Point Plan as an amendment to the Federal Clean Air Act.

**1976**

- Congress passes the Resource Conservation and Recovery Act to govern the management and disposal of solid and hazardous waste.

**1977**

- Congress amends the Clean Air Act and Clean Water Act.
- The three water agencies, the Texas Water Development Board, the Texas Water Rights Commission, and the Water Quality Board are combined by the legislature, to create the Texas Department of Water Resources. The new agency is charged with developing Texas' water resources, maintaining the quality of water, and ensuring equitable distribution of water rights.

**1978**

- EPA delegates primary enforcement authority (primacy) of the Public Water System Supervision Program to Texas.
- EPA establishes National Ambient Air Quality Standards for lead.
- Congress passes the Uranium Mill Tailings Radiation Control Act.

**1980**

- Congress passes the Comprehensive Environmental Response, Compensation, and Liability Act, better known as Superfund, to pay for the cleanup of contaminated sites.
- Congress passes the Federal Low-Level Radioactive Waste Act.

- Texas Air Control Board submits a plan to EPA to address lead pollution.

**1981**

- The legislature creates the Texas Low-Level Radioactive Waste Disposal Authority, with responsibility for siting, operating, and decommissioning a disposal facility for commercial low-level radioactive waste.

**1982**

- Texas Air Control Board submits a Harris County ozone plan to EPA. It also reorganizes its monitoring network and relocates continuous air monitoring stations.
- Texas receives primary authorization for registration and permitting of underground injection control from EPA.

**1984**

- Congress passes the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act.
- Texas receives final Resource Conservation and Recovery Act authorization from EPA.

**1985**

- Congress passes amendments to the 1980 Federal Low-Level Radioactive Waste Act.
- The legislature dissolves the Department of Water Resources and transfers regulatory enforcement to the newly formed Texas Water Commission, and planning and finance responsibilities to the newly formed Water Development Board.
- The legislature moves the Water Rates and Utilities Services Program from the Public Utility Commission of Texas to the newly created Texas Water Commission.
- Texas Air Control Board mobile sampling laboratory is first deployed.
- The legislature amends the Texas Solid Waste Disposal Act and moves the municipal hazardous waste program from the Texas Department of Health to the Texas Water Commission.
- The legislature requires consideration of water conservation and environmental flow protection in surface water permitting.

**1986**

- Congress passes the Superfund Amendments and Reauthorization Act, re-authorizes Comprehensive Environmental Response, Compensation, and Liability Act, and creates the Toxic Release Inventory.
- Congress amends the Safe Drinking Water Act.

**1987**

- Congress passes the Water Quality Act of 1987.
- Texas establishes an EPA-approved state wellhead-protection program.

**1989**

- The legislature expands and funds the Petroleum Storage Tank Program.
- Texas Radiation Control Act authorizes the Texas Department of Health to license the disposal of radioactive waste.

**1990**

- Congress adopts the Clean Air Act amendments of 1990.
- Congress passes the Oil Pollution Act.
- Texas Water Commission receives initial authority for the federal Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act.

**1991**

- Texas Air Control Board is expanded to implement the 1990 Amendments to the Federal Clean Air Act.
- The legislature, in special session, creates the Texas Natural Resource Conservation Commission (TNRCC), to be effective September 1, 1993. Preparation begins for the consolidation of the Texas Water Commission and the Texas Air Control Board into the TNRCC.

**1992**

- Texas Water Commission acquires responsibility for drinking water, municipal solid waste, and the licensing of radioactive substances from the Texas Department of Health.
- Water Well Drillers Board and Board of Irrigators are merged into the Texas Water Commission.

**1993**

- TNRCC begins operation, for the first time bringing together regulatory programs for air, water, and waste.
- The legislature establishes the Tax Relief for Pollution Control Equipment Program to be administered by the TNRCC. (HB 1920 73R)
- The legislature authorizes the TNRCC to consider the willingness of a respondent to contribute to approved supplemental environmental projects when determining the amount of certain civil penalties for settlement of administrative enforcement matters, giving preference to projects benefiting the affected community. (HB 2429 73R)

**1995**

- EPA establishes the Environmental Performance Partnership Grant program, funding states to administer environmental programs such as air pollution control (Clean Air Act Section 105), water pollution control (Clean Water Act Section 106), and nonpoint source management [Clean Water Act Sections 205(j)(5) and 319(h)].

**1996**

- Congress reauthorizes the Safe Drinking Water Act.

**1997**

- The legislature transfers regulation of water well-drillers from the TNRCC to the Texas Department of Licensing and Regulation.
- The legislature returns oversight of uranium mining, processing, and by-product disposal to the Texas Department of Health.
- TNRCC concludes a Performance Partnership Agreement with EPA, allowing limited flexibility in federally funded program organization and funding. The aim of the agreement is to allocate resources most appropriately throughout Texas on a regional basis.
- The legislature mandates water conservation plans for large water right holders, requires water right applicants to submit water conservation plans, and requires development of drought contingency plans by public water suppliers. (SB 1 75R)

**1998**

- EPA delegates to Texas the National Pollutant Discharge Elimination System program, becoming the Texas Pollutant Discharge Elimination System administered by the TNRCC.

**1999**

- The legislature transfers the functions of the Texas Low-Level Radioactive Waste Disposal Authority to the TNRCC.
- The legislature clarifies requirements for public notice and opportunity for hearing for certain permits administered by TNRCC. Early public notice, early public involvement, and substantive public comment and agency response are required. Criteria that would limit the scope of hearings by requiring referral of discrete issues that are in dispute and material to the decision of the commission are established. The process is applied to permits issued by the agency under Texas Water Code Chapters 26 and 27 and Texas Health & Safety Code Chapters 361 and 382. (HB 801 76R)

**2001**

- The legislature continues the agency for 12 years and changes the TNRCC's name to the Texas Commission on Environmental Quality (TCEQ). (HB 2912 77R)
- The legislature transfers responsibility for accreditation of environmental laboratories and certification of residential water treatment specialists from the Texas Department of Health to the TNRCC and requires all laboratory data used in commission decisions on certain matters must be from an accredited laboratory. (HB 2912 77R)
- Texas Environmental Health Institute is created by joint agreement between TNRCC and Texas Department of Health to identify health conditions related to living near a federal or state Superfund site.
- The legislature establishes the Texas Emissions Reduction Plan program and its flagship Diesel Emissions Reduction Incentive program to be administered by the TNRCC, the comptroller, the Public Utility Commission of Texas, and the Texas Council on Environmental Technology. (SB 5 77R)

**2002**

- On September 1, the TNRCC formally changes its name and begins doing business as TCEQ.

**2003**

- The legislature provides a stable funding source for the Texas Emissions Reduction Plan program activities under TCEQ's management through the increase and expansion of Texas Emissions Reduction Plan fees and surcharges. Funding under the Texas Comptroller and the Public Utility Commission of Texas ends. (HB 1365 78R)
- The legislature establishes a program for dry cleaning regulation and remediation at TCEQ. (HB 1366 78R)
- The legislature provides for the licensing of a facility for disposing of low-level radioactive waste and establishes procedures for TCEQ to accept and assess license applications from businesses to dispose of such waste. (HB1567 78R)
- The legislature transfers the technology research and development program within the Texas Emissions Reduction Plan program from the Texas Council on Environmental Technology to TCEQ.
- TCEQ implements the Permit Time-Frame Reduction Project, designed to shorten the time it takes to review major uncontested permits.

**2004**

- TCEQ initiates the Environmental Monitoring and Response System, designed to improve the agency's ability to measure environmental conditions in real time, notify the public of potential threats, and respond quickly and proactively.

**2005**

- TCEQ undertakes comprehensive review and overhaul of the state's regulations on municipal solid waste.
- TCEQ begins a comprehensive review, including extensive public involvement, of the agency's enforcement process.
- The legislature authorizes the Clean School Bus Program. (HB 3469 79R)
- The legislature brings significant changes to agency technology support and funding through creation of the State of Texas Data Center Services. (HB 1516 79R)
- The legislature establishes Rebate Grants under the Texas Emissions Reduction Plan Diesel Emissions Reduction Incentive Program. (HB 2481 79R)
- TCEQ adopts rules allowing disposal of nonhazardous drinking water treatment residuals, including naturally occurring radioactive materials, using Class I injection wells into bedded salt caverns.

**2006**

- TCEQ reviews the extensive public comments it received regarding the agency's enforcement process and adopts several significant revisions to the process.
- TCEQ adopts major revision, streamlining, and improvement of state regulations on municipal solid waste.



**2007**

- The legislature transfers regulatory authority from the Department of State Health Services (formerly the Texas Department of Health) to TCEQ for commercial radioactive waste processing, uranium mining, and by-product disposal. The legislature addresses the process for TCEQ's review of the pending low-level radioactive waste application submitted to the Department of State Health Services for a by-product disposal facility proposed for Andrews County. (SB 1604 80R)
- The legislature makes changes to TCEQ's underground injection control program for regulation of in situ uranium mining and requires TCEQ to administer a new state fee for the disposal of radioactive wastes other than low-level radioactive waste. (SB 1604 80R)
- The legislature transfers the responsibility for the National Floodplain Insurance Program from TCEQ to the Texas Water Development Board. (SB 1436 80R)
- The legislature extends the Texas Emissions Reduction Plan program through August 2013. (SB 12 80R)
- The legislature extends the reimbursement program for leaking underground storage tanks from 2008 to 2012 and requires insurance companies to notify TCEQ if the owner of a petroleum storage tank has cancelled or failed to renew insurance coverage.
- The legislature requires computer manufacturers to establish recycling programs for computers of their own brand. (HB 2714 80R)
- The legislature amends the Texas Water Code and establishes a new water rights regulatory and adaptive management process to address environmental flows for rivers, bays, and estuary systems. (HB 3, HB 4, and SB 3 80R)
- The legislature grants property owners the right to register and participate in the Dry Cleaner Remediation Fund and imposes additional fees and restrictions on the use of perchloroethylene.
- The legislature establishes incentives such as property tax exemptions and expedited permit processing for the use of clean coal, biomass, petroleum coke, solid waste, and new liquid fuel technology in generating electricity. (HB 3732 80R)
- TCEQ adopts the Texas Best Available Retrofit Technology rule, requiring emission controls for certain industrial facilities emitting air pollutants that contribute to regional haze.
- On December 18, the governor submits to EPA his recommendation that all areas of Texas meet the revised 24-hour standard for fine particulate matter (PM<sub>2.5</sub>) under the National Ambient Air Quality Standards.

**2008**

- TCEQ upgrades its electronic permitting system (ePermits) for submissions of applications for the storm water general permit. After the upgrade, usage rises from 22% to 53%.
- TCEQ responds to the aftermath of Hurricane Ike and participates in the massive recovery effort.
- TCEQ responds to record flooding in the Rio Grande caused by flood releases in the Mexican Concho River watershed.
- EPA lowers the 1997 eight-hour ozone National Ambient Air Quality Standards of 0.08 parts per million to 0.075 parts per million.
- EPA proposes to lower the National Ambient Air Quality Standards for lead from the current 1.5 micrograms of lead per cubic meter of ambient air.
- EPA finalizes the lead standard of 0.15 micrograms per cubic meter lead in total suspended particles as a 3-month average.

- As required by the Federal Clean Air Act, the governor of each state submits to EPA the list of areas that the state believes are not meeting the federal ozone standard. To assist the governor in providing that list, TCEQ makes recommendations regarding the areas in Texas that do not meet the revised ozone standard.

## 2009

- In March, the governor submits to EPA the list of areas in Texas that do not meet the 0.075 parts per million eight-hour ozone standard.
- The legislature extends the Texas Emission Reduction Plan program through 2019. (HB 1796 81R)
- The legislature requires water and sewer service providers to submit emergency preparedness plans to demonstrate their ability to conduct emergency operations. (SB 361 81R)
- The legislature gives additional enforcement authority to TCEQ regarding the proper registration by owners or operators of dry-cleaning facilities and drop stations. (HB 3547 81R)
- The legislature adopts legislation amending the agency's sunset date from 2013 to 2011.
- The legislature assigns TCEQ an advisory role in the Railroad Commission of Texas permitting of underground injection of carbon dioxide (CO<sub>2</sub>). In consultation with the General Land Office and Bureau of Economic Geology, the agencies prepare a joint preliminary legislative report regarding the geologic storage of CO<sub>2</sub>. (SB 1387 81R)
- The legislature provides specific grounds for licensing agencies to deny, revoke, or suspend a license based on criminal history. (HB 963 81R)

## 2010

- TCEQ responds to Hurricane Alex's record flooding in the Rio Grande area performing essential duties to help control flooding and minimize damage to communities along the border.
- TCEQ enacts new performance standards for plumbing fixtures sold in Texas to help the state save water by 20 percent or more for each plumbing fixture that is installed. (HB 2667 81R)
- TCEQ revises the State Implementation Plan for the Houston-Galveston-Brazoria metropolitan area that would reduce the cap on highly reactive volatile organic compounds by 25 percent and bring the area into attainment with the 1997 eight-hour ozone standard.
- TCEQ implements rules to regulate volatile organic compound emissions created from offset lithographic printing and letterpress printing.
- TCEQ adopts EPA amendments to the Clean Air Interstate Rule that modifies control periods and heat inputs used to measure nitrogen oxides under this program.
- EPA enacts several rules relating to greenhouse gas emissions including greenhouse gas emission standards for light duty vehicles, mandatory reporting of greenhouse gases from large sources and suppliers of greenhouse gas, and regulation of greenhouse gas emissions for power plants, refineries, and large industrial plants under the Clean Air Act.
- EPA adopts new one-hour standards for nitrogen dioxide at 100 parts per billion and sulfur dioxide at 75 parts per billion.

## 2011

- TCEQ responds to and manages the worst one-year drought on record in much of Texas.
- The legislature continues TCEQ for 12 years, until 2023. (HB 2694 82R)

- The legislature increases the maximum administrative penalty the commission may assess to match the civil penalty maximum in most cases and requires TCEQ to adopt a general enforcement policy by rule and update, assess, and publicly adopt specific enforcement policies regularly. (HB 2694 82R)
- The legislature requires TCEQ to establish a “Don't Mess with Texas Water” program to prevent illegal dumping that affects Texas surface waters. (HB 451 82R)
- The legislature modifies TCEQ's Air Pollutant Watch List process, including changes to the requirements for publishing notices and allowing public comment, requiring a publicly available online database for emission events, and requiring legislative notification of releases that substantially endanger human health or the environment. (HB 1981 82R)
- The legislature creates a program to recycle television equipment including shared responsibility among consumers, retailers, manufacturers, and state government. (SB 329 82R)
- The legislature prohibits TCEQ from promulgating new or amending existing authorizations (permits by rule or standard permits) for the oil and gas industry without performing a regulatory impact analysis, extensive monitoring, and consideration of geographical limitations. (SB 1134 82R)
- TCEQ executive director issues a written authorization for the commencement of construction for the Texas Compact Waste Disposal Facility and the Federal Waste Disposal Facility under Radioactive Material License, R04100.
- TCEQ executive director sets interim disposal rates for low-level radioactive waste.
- The legislature requires certain aggregate production operations to register with TCEQ and requires TCEQ to inspect active aggregate production operations once every three years. (HB 571 82R)
- The legislature amends the Texas Natural Resource Code transferring the surface casing program from TCEQ to the Texas Railroad Commission. (HB 2694 82R)

## 2012

- In preparation for the 2012 hurricane season, TCEQ assigns emergency response functions to all 16 of its regional offices, enabling the agency to respond to multiple emergencies within the state.
- TCEQ hosts its 20th annual Environmental Trade Fair and has over 3,000 attendees and 1,100 exhibitors.
- Fifth Circuit Court of Appeals rules against EPA's rejection of the Texas Flexible Permit Program and finds EPA's rejection to be without basis in the Clean Air Act or implementing regulations. The court remands consideration of the program to EPA.
- TCEQ enacts eligibility and requirement rules for the Texas Natural Gas Vehicle Grant Program and Alternative Fueling Facilities Program and announces \$2.3 million in grants to create facilities for alternative fuel in the nonattainment areas of Texas.
- TCEQ conducts eight drought emergency planning workshops across the state for local government officials, board members, and water system operators.
- TCEQ takes over research responsibilities for the Texas On-Site Wastewater Treatment Research Council and adopts rules requiring risers and covers for on-site sewage facilities. (HB 240 and HB 2694 82R)
- TCEQ updates the permit by rule for oil and gas sites in urban locations in close proximity to the public in the Barnett Shale region and increases the number of local investigators and gas monitors in the area.
- TCEQ adopts rules for implementation of a “Don't Mess with Texas Water” program.

- All applications received for a permitted area with major new source review permits must include a major new source review summary table identifying monitoring, recordkeeping, reporting, and testing requirements for each emission point as reflected on the maximum allowable emission rate table.
- TCEQ authorizes the commencement of disposal operations at the Compact Waste Disposal Facility and the first waste shipment of low-level radioactive waste is received two days later.
- TCEQ adopts rules regarding the registration and investigation of certain aggregate production operations.
- Federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act becomes law and the Texas Governor appoints then Commissioner and now Executive Director Toby Baker to represent Texas on the federal RESTORE Council (a federal agency).
- TCEQ adopts rules regarding emergency orders concerning water rights.

## 2013

- The legislature transfers most of water and wastewater utility regulatory authority from TCEQ to the Texas Public Utility Commission. (HB 1600 and SB 567 83R)
- The legislature requires retail public utilities to report to TCEQ when their available water supply is less than 180 days and increases penalties for water rights holders who fail to submit an annual water use report to TCEQ. (HB 252 and HB 2615 83R)
- The legislature directs the agency to promulgate rules that allow it to issue greenhouse gas air permits. (HB 788 83R)
- The legislature grants TCEQ authority to allow small scale injection wells into the Edwards Aquifer within certain portions of the Barton Springs–Edwards Aquifer Conservation District to facilitate research projects in desalination and aquifer storage and recovery. (SB 1532 83R)
- EPA issues a final rule that creates exemptions from its hazardous-waste regulations for wells that capture and sequester carbon.
- The legislature replaces the dual inspection/registration sticker system with a single registration sticker. (HB 2305 83R)
- The legislature makes the dam exemptions permanent and changes the dam exemption criteria related to population by increasing the county population requirement to less than 350,000. (HB 677 83R)
- The legislature charges TCEQ with conducting and submitting an updated capacity study for low-level radioactive waste by the end of 2016 and makes changes to volumes and curie amounts, including volume reduction for nonparty compact waste. (SB 347 83R)
- TCEQ adopts a disposal rate schedule and sets maximum disposal rates the licensee may charge generators for low-level radioactive waste.

## 2014

- EPA approves the Texas Flexible Permit Program.
- TCEQ transfers regulatory authority for retail public utilities; certificates of convenience and necessity; and the sale, transfer, and merger of public water and sewer utilities to the Public Utility Commission.
- The legislature gives TCEQ authority to issue greenhouse gas permits consistent with federal law. (HB788 83R)

- TCEQ modifies the prohibition on outdoor burning to allow prescribed burning for preventing wildfire hazards.
- TCEQ takes the lead role in hiring contractors for the cleanup and decontamination of Ebola-virus sites in Dallas.
- EPA finalizes its Tier 3 motor-vehicle emission and fuel standards designed to reduce numerous volatile organic compounds including nitrogen oxides and benzene, as well as sulfur.
- Expedited processing of air permit applications begins.
- EPA publishes two notices in the Federal Register related to greenhouse gas permitting in Texas: The State Implementation Plan approval, and the Federal Implementation Plan withdrawal. These combined actions give TCEQ the authority to issue Prevention of Significant Deterioration permits for greenhouse gases.

## 2015

- The legislature transfers the Tier II Chemical Reporting Program from the Texas Department of State Health Services to TCEQ. (HB 943 84R)
- The legislature requires TCEQ to adopt revised regulations for the transportation, storage, and disposal of medical waste in the state. (HB 2244 84R)
- The legislature directs TCEQ to adopt standards for the reuse of greywater and alternative on-site water for domestic, commercial, and industrial purposes. (HB 1902 84R)
- The legislature allows TCEQ to issue permits for water diversion from the Gulf of Mexico and coastal areas for desalination and allows TCEQ to issue discharge permits. (HB 2031 and HB 4097 84R)
- The legislature requires TCEQ, under certain conditions, to approve supplemental environmental projects for local governments to come into compliance with environmental laws or remediate environmental harm caused by that government. (SB 394 84R)
- TCEQ adopts rules for desalination technologies making it easier for public water systems to submit proposals to the agency.
- The legislature enacts requirements for aquifer storage and recovery projects by expanding the types of agency authorizations for aquifer storage and recovery, establishing standards, and addressing recoverability of stored water. The legislature streamlines the water rights permitting process for aquifer storage and recovery projects. The legislature also streamlines the underground injection control authorization process for aquifer storage and recovery projects, removes the requirement for a pilot project, and specifies that TCEQ may not impose more stringent water quality standards than is required under the federal standards. (HB 655 84R)
- The legislature makes changes relating to TCEQ authority to issue underground injection control Class V authorizations for disposal of nonhazardous desalination brine or drinking water treatment residuals in Class II injection wells permitted by the Railroad Commission of Texas. (HB 2230 84R)
- EPA announces a new allocation methodology for Resource Conservation and Recovery Act hazardous waste grants to states and provides projected regional grant distributions for fiscal years 2016-2020. The allocation methodology results in a reduction of \$1.22 million in federal funding for TCEQ.
- EPA amends the federal underground storage tank regulations by revising the existing requirements and creating new requirements for secondary containment and operator training.

- EPA finalizes the National Pollutant Discharge Elimination System Electronic Reporting Rule which requires regulated entities to provide certain information electronically and requires TCEQ to share data electronically with EPA.
- Texas' 13th Court of Appeals declares TCEQ's rules regarding emergency order concerning water rights to be invalid.

## 2016

- TCEQ marks 25 years of the Mickey Leland Environmental Internship Program.
- TCEQ completes its move to the State of Texas Data Center Services.
- TCEQ's regional environmental lab in Houston moves into a new state of the art facility in Sugar Land.
- Texas Supreme Court strikes down two air pollution ordinances enacted by the City of Houston and rules that the ordinances overstepped state law and TCEQ's enforcement authority.
- Congress passes the Frank R. Lautenberg Chemical Safety for the 21st Century Act amending the Toxic Substances Control Act. The law gives EPA broader regulatory authority in evaluating the health risks for new and existing chemicals.
- Texas files Case No. 16-60118 concerning EPA's partial disapproval of Texas' Regional Haze State Implementation Plan Revision, partial federal implementation plan, and disapproval of interstate visibility transport for multiple National Ambient Air Quality Standards.
- EPA amends existing regulations regarding generators of hazardous waste in order to improve their usability, address regulation gaps, provide greater flexibility for cost-effective and protective management of hazardous waste, and make technical corrections.

## 2017

- TCEQ staff responds to Hurricane Harvey, one of the most destructive hurricanes on record to hit the state and nation. Eighty-eight people lose their lives during the storm. Total damage estimates range from \$150-200 billion according to Moody's Analytics, placing it on par with damage costs experienced with Hurricane Katrina in 2005. TCEQ employees respond to the Hurricane Harvey disaster sometimes working 24-hour shifts. TCEQ staff work in a coordinated effort with federal, state, and local authorities to restore public drinking water and wastewater systems in 58 counties.
- Collin County achieves compliance with National Ambient Air Quality Standards for lead. The past three years of air monitoring data show no violation prompting EPA to announce Collin County in compliance with the lead standard.
- TCEQ adopts rules that allow area and mobile source credits in the Emissions Banking and Trading program.
- TCEQ amends its greenhouse gas provisions in the Texas Federal Operating Permits Program after the U.S. Supreme Court strikes down certain requirements for the permitting of greenhouse gases.
- TCEQ adopts specific burning rules for certified and insured prescribed burn managers.
- TCEQ amends its public drinking water rules to match changes made in the federal rules for the Revised Total Coliform Rule and the Groundwater Rule.
- The legislature allows TCEQ to request that the Texas Attorney General's office file suit to appoint a receiver for utilities that violate a final judgment issued by a district court. (HB 294 85R)

- The legislature allows surface water rights holders using desalinated water expedited consideration to amend their water rights. (SB 1430 85R)
- The legislature transfers money from the used oil recycling account to the water resource management account to help with water program funding. (SB 1105 85R)
- The legislature ensures that fees assessed on all low-level radioactive waste go to support the Texas Low-Level Radioactive Waste Disposal Compact Commission. (SB 1330 85R)
- The legislature allows an air permit applicant to consolidate Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision into a single notice if TCEQ determines the application is administratively complete within 15 days and the preliminary decision and draft permit related to the application are available at the time of the determination of administrative completeness. (SB 1045 85R)
- Governor Abbott submits the required certifications and assigns TCEQ as the lead agency to administer the Volkswagen mitigation trust funds allocated to Texas.
- The 5th Circuit Court of Appeals grants EPA's motion to remand for reconsideration of its 2016 action that partially disapproved the 2008 Regional Haze State Implementation Plan Revision and promulgated a federal implementation plan (*Texas v. EPA* [No. 16-60118]).
- Governor Abbott vetoes funding for the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program.
- EPA issues a federal implementation plan for best available retrofit technology that establishes an intrastate SO<sub>2</sub> trading program for 13 coal-fired and 6 gas-fired power plants in Texas.
- The legislature extends the Texas Emissions Reduction Plan program until areas in Texas have been designated by EPA as in attainment or unclassifiable/attainment, or EPA has approved a re-designation substitute making a finding of attainment. (SB 1731 85R)
- TCEQ begins the Texas Local Emergency Planning Committee Grant Program to implement the requirements of the Emergency Planning and Community Right-to-Know Act.
- The legislature requires TCEQ to conduct and submit an updated low-level radioactive waste capacity study every four years, temporarily reduces the fees paid by the Compact Waste Disposal Facility license holder for nonparty compact waste from 20 percent to 10 percent of the gross receipts for waste disposed in the facility, and temporarily eliminates the 5 percent state fee to the state general revenue until September 1, 2019. (HB 2662 85R)
- The legislature funds a state Coal Combustion Residuals program.
- EPA revises regulations regarding the export and import of hazardous wastes from and into the United States. No person can assert confidential business information claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes.

## 2018

- TCEQ is named by Forbes magazine as one of the top 500 mid-sized employers in the country, officially making the list at number 247. The agency is one of nine government entities throughout the country to be named to the prestigious list.
- TCEQ creates a mitigation plan to distribute funds from the Volkswagen State Environmental Mitigation Trust. At least \$209 million funds lower-emission vehicles and infrastructure in priority areas across Texas.
- TCEQ holds its first Autumn Environmental Conference and Expo. The three-day event offers a wide range of sessions on air permitting, wastewater and stormwater permitting, and waste classification.

- U.S. Court of Appeals for the D.C. Circuit issues its opinion in *South Coast Air Quality Management District v. EPA* (No.15-1115). The case challenges EPA's final implementation rule for the 2008 eight-hour ozone standard. The court vacates the rule's substitute provision for redesignation to attainment for revoked National Ambient Air Quality Standards. To address the vacatur of the redesignation substitute mechanism, TCEQ submits to EPA redesignation requests and maintenance plan State Implementation Plan revisions for Dallas-Fort Worth and Houston-Galveston-Brazoria metropolitan areas for the revoked one-hour and 1997 eight-hour ozone National Ambient Air Quality Standards.
- TCEQ decommissions the Stage II vapor recovery program with a deadline of August 31, 2018.
- EPA revises hazardous secondary material recycling regulations associated with the definition of solid waste.
- EPA launches the Electronic Manifest (e-Manifest) system for tracking shipments of hazardous and state-regulated wastes.

## 2019

- The legislature improves reporting and alert systems for dam safety levels and release events. (HB 26 and HB 137 86R)
- The legislature increases the maximum administrative and civil penalties that may be assessed for drinking water violations. (SB 530 86R)
- The legislature requires TCEQ to investigate aggregate production operations every two years during the first six years in which the aggregate production operations are registered, and at least once every three years thereafter; increases the maximum annual registration fee; increases the maximum penalty assessed to unregistered aggregate production operations; and increases the maximum penalty assessed to aggregate production operations that are operated three or more years without being registered. (HB 907 86R)
- The legislature extends the fees and establishes the Texas Emissions Reduction Plan Fund as a trust fund, outside of the state treasury, to be held by the comptroller and administered by TCEQ as trustee. (HB 3745 86R)
- The legislature expands the Expedited Air Permitting Program to increase the number of staff and promote efficiency in permit processing. (SB 698 86R)
- For the second year in a row, TCEQ is recognized as one of United States' top 500 mid-sized employers by Forbes magazine—the only state agency to make the list.
- TCEQ responds to an incident at Intercontinental Terminals Co. in Deer Park, monitoring and contributing to incident command for over five months. The agency also responds later in the year during the TPC Group Plant incident in Port Neches, this time for two months.
- State environmental officials from TCEQ and the Coahuila Secretariat of the Environment sign an agreement to work together for a healthier environment along the Texas-Coahuila, Mexico, border.
- TCEQ issues the first 11 contracts as part of the Texas Volkswagen Environmental Mitigation Trust settlement.
- Texas Supreme Court determines that the commission abused its discretion in issuing negative determinations under the Tax Relief for Pollution Control Property Program and remands the applications to the commission for further proceedings consistent with its opinion.
- The legislature directs TCEQ to seek Texas Pollutant Discharge Elimination System program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities and transfers state permitting



authority from the Texas Railroad Commission to TCEQ upon Texas Pollutant Discharge Elimination System delegation. (HB 2771 86R)

- The legislature appropriates funding to expand and make technology upgrades to TCEQ's mobile monitoring fleet, improving the agency's ability to conduct air monitoring during regional responses to emergencies, incidents, and natural disasters, and support investigations related to local air quality concerns.
- The legislature streamlines the water rights permitting process for aquifer storage and recovery or aquifer recharge projects and requires TCEQ to develop water rights rules for these projects. The legislature also provides standards and requires TCEQ to develop rules for aquifer recharge projects. (HB 720 86R)
- The legislature authorizes injection of fresh water into a well that transects the Edwards Aquifer within the Barton Springs-Edwards Aquifer Conservation District and authorizes a City of New Braunfels-owned utility to inject fresh water into a well in a saline portion of the Edwards Aquifer. (SB 483 86R)
- The legislature requires any state agency that receives a required report of a release of a radioactive substance into the environment to immediately provide notice to each political subdivision of the state into which the substance was released. The legislature identifies required notice information and makes the information confidential. (HB 2203 86R)
- EPA creates new management standards for hazardous waste pharmaceuticals.

## 2020

- Responsive to COVID-19 pandemic, TCEQ quickly transitions to almost 100% remote work without significant disruption. Increases remote network access from typical range of 30 to 40 employees to almost 2,800 within one week.
- TCEQ adopts EPA's coal combustion residuals requirements.
- EPA extends the compliance deadline for Phase II of the National Pollutant Discharge Elimination System Electronic Reporting Rule from December 21, 2020 to December 21, 2025.
- TCEQ adopts rules relating to sludge use, disposal, and transportation.
- TCEQ submits the authorization application to EPA for National Pollutant Discharge Elimination System delegation for oil and gas wastewater discharges.
- EPA approves the maintenance plans and removal of anti-backsliding requirements for the revoked ozone standards effective March 15, 2020 for Houston-Galveston-Brazoria metropolitan area and May 6, 2020 for Dallas-Fort Worth metropolitan area.
- TCEQ develops an inhalation toxicity risk value for ethylene oxide that uses a more robust and scientifically complete database than was available to EPA in 2016.

## 2021

- TCEQ responds to Winter Storm Uri, one of the most destructive statewide winter storms on record. TCEQ staff work with federal, state, and local authorities to restore public drinking water and wastewater systems, industry start-ups, temporary debris sites and other response efforts for well over a month.
- The legislature splits the Texas Emissions Reduction Plan funds giving TCEQ 65 percent and Texas Department of Transportation 35 percent. (HB 4472 87R)
- The legislature clarifies Texas Railroad Commission authority for underground injection of CO<sub>2</sub>, places restrictions on formerly operated injection wells, and requires TCEQ to provide application

determinations on Texas Railroad Commission Class VI impacts to TCEQ authorized wells. (HB 1284 87R)

- TCEQ marks 30 years of the Mickey Leland Environmental Internship Program.
- The legislature extends the Dry Cleaner Environmental Response Program to September 1, 2041. (SB 872 87R)
- The legislature creates a new Storage Vessel Performance Standards Program for storage vessels with a capacity over 21,000 gallons and requires TCEQ to establish performance standards for existing and newly installed storage vessels. (SB 900 87R)
- EPA grants National Pollutant Discharge Elimination System delegation to TCEQ for oil and gas wastewater discharges.
- The legislature requires drinking water emergency preparedness plans state-wide. (SB 3 87R)
- EPA approves TCEQ's Coal Combustion Residual Program that requires registration, sampling, and monitoring of coal ash impoundments.