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Court Orders EPA to Rewrite Eight-Hour Ozone Standard Rule

In its December 22, 2006 ruling in *South Coast Air Quality Management District v. EPA*, the U.S. Circuit Court of Appeals for the District of Columbia Circuit vacated and remanded to EPA its 2004 rule implementing the eight-hour ozone National Ambient Air Quality Standard ("NAAQS"). Efforts to achieve compliance with the standard based upon EPA's 2004 implementation rule are in progress in Texas and around the country.

EPA Proposes To Reverse "Once-In-Always-In" Policy

On January 3, 2007, EPA proposed regulatory amendments that would reverse its decade-old "once-in-always-in" policy interpreting Clean Air Act Section 112. That policy requires major sources to comply with applicable maximum achievable control technology (MACT) standards in perpetuity, even when emissions have been reduced below major thresholds.

TCEQ Issues Guidance for Air Emissions During Tank Floating Roof Landings

TCEQ recently issued a memorandum outlining requirements for updating air emissions estimates and authorizing air emissions from tank floating roof landings ("TFRLs").

80th Texas Legislative Session Underway

The 80th Texas Legislative Session is now underway and will run until adjournment on May 28, 2007. Both the House Committee on Environmental Regulation and Senate Committee on Natural Resources have now submitted Interim Reports to the 80th Legislature addressing the state's air programs, water issues, oil and gas and alternative fuel issues as well as permitting notice and contested case hearing requirements.

U.S. Supreme Court Grants Certiorari in CERCLA 107(a) Contribution Case

On January 19, 2007, the United States Supreme Court agreed to review whether potentially responsible parties ("PRPs") may sue for cost recovery or contribution under Section 107(a) of the Comprehensive Environmental Response, Compensation and Recovery Act ("CERCLA").

[Supreme Court Declines to Grant *Certiorari* in Case Requiring Daily Pollutant Limits for Clean Water Act Total Maximum Daily Loads](#)

The U.S. Supreme Court has declined to weigh in on the current Circuit court split on the issue of whether the Clean Water Act's Total Maximum Daily Load ("TMDL") requirements compel EPA to establish daily pollutant loadings, rather than annual, seasonal, or other temporally based types of pollutant loadings. For additional background on the Supreme Court's denial of the petition for *certiorari* in *Friends of the Earth, Inc. v. EPA, et al.*, 446 F.3d 140 (D.C. 2006), please [click here](#). In Texas, at least for now, TCEQ has not changed its methods for establishment of pollutant loadings.

[Recent Texas Rules Updates](#)

Click on the above link for highlights of significant proposed and adopted Texas rule changes.

[Upcoming Events and Dates of Note](#)

Click on the above link for upcoming TCEQ workshops, other environmental conferences, and dates of note.

[Previous Issues of the Texas Environmental Update](#)

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