

**Texas Office**

98 San Jacinto Boulevard  
Suite 1420  
Austin, TX 78701-4039  
(512) 391-8000

**Maddie Kadas**

[mkadas@bdlaw.com](mailto:mkadas@bdlaw.com)

**Laura LaValle**

[llavalle@bdlaw.com](mailto:llavalle@bdlaw.com)

**Lydia G. Gromatzky**

[lgromatzky@bdlaw.com](mailto:lgromatzky@bdlaw.com)

**Christine Fernandez**

[cfernandez@bdlaw.com](mailto:cfernandez@bdlaw.com)

For more information about  
our firm, please visit  
[www.bdlaw.com](http://www.bdlaw.com).

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receive future Texas  
Environmental Updates  
please send an e-mail to:  
[crudyj@bdlaw.com](mailto:crudyj@bdlaw.com).

**U.S. Supreme Court Hears Oral Arguments in Duke Energy Case**

On November 1, 2006, the U.S. Supreme Court heard oral arguments on the question of what constitutes a "significant net emissions increase" requiring Federal Clean Air Act new source review ("NSR") program authorization.

**TCEQ Publishes Effects Screening Levels Guidelines**

Earlier this month, TCEQ published a technical guide describing the process for the agency's development of Effects Screening Levels (ESLs), inhalation Reference Values (ReVs) and inhalation Unit Risk Factors (URFs). The technical guide is primarily intended as guidance for agency staff, but it also documents the processes used to develop ESLs, ReVs and URFs.

**Tenth Circuit Affirms CERCLA Preemption of Certain State NRD Recoveries**

On October 31, 2006, the U.S. Tenth Circuit Court of Appeals held that a state law claim for natural resource damages that is not intended to be used to restore or replace the damaged natural resources is preempted by the Comprehensive Environmental Resource, Compensation, Liability, and Recovery Act ("CERCLA").

**EPA Broadens Reporting Exemptions for NO and NO2 Releases**

EPA has issued a final rule effective November 3, 2006 that is intended to reduce reporting burdens under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA).

**TMDL Status Report Issued by TCEQ**

TCEQ has recently released a new status report describing the progress of its Total Maximum Daily Load (TMDL) program to address impaired surface waters. The report includes the status of TMDLs in Texas, summaries of implementation projects and the agency's TMDL priorities for the future.

**California's Sweeping New Climate Change Law**

California Governor Arnold Schwarzenegger signed into law the Global Warming Solutions Act of 2006, better known in California by its Assembly bill number, AB 32.

## [FIRM NEWS AND EVENTS](#)

- ◆ Laura LaValle performed in the Austin Bar Association's annual Bar & Grill Show at the Paramount Theater on Saturday, November 11, 2006. Proceeds from the event benefit Volunteer Legal Services of Central Texas.
- ◆ Lydia González Gromatzky spoke on Latin American product stewardship initiatives at the Electronic Industries Alliance Environmental Issues Council Fall 2006 Meeting on November 8, 2006 in Arlington, Virginia.

## [Recent Texas Rules Updates](#)

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

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