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If you do not wish to
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Environmental Updates
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**EPA Proposes New Prevention of Significant Deterioration
Fine Particulate Rule**

Earlier this month, EPA published a proposed rule to establish key elements of the Prevention of Significant Deterioration (PSD) program for the National Ambient Air Quality Standards (NAAQS) of particulate matter less than 2.5 micrometers in diameter (PM_{2.5}).

**TCEQ To Publish Annual Compliance History
Classifications**

TCEQ's annual update and publication of compliance history rankings for regulated entities is scheduled for October 1, 2007. As provided by agency rules, environmental performance, which includes both positive and negative factors, is reviewed to determine rankings. Each site and person is then classified as a high, average or poor performer.

**TCEQ Proposes Renewal of Construction Storm Water
Permit**

TCEQ has proposed the renewal of construction storm water permit TXR150000, which authorizes discharges from construction sites into surface water. The general permit specifies those construction activities that must obtain permit coverage, those that are eligible for waivers, and those that may be required to obtain individual permit coverage.

**Court Dismisses Global Warming Nuisance Suit on
Political Question Grounds**

On September 17, 2007, a federal court in San Francisco dismissed the California Attorney General's ("AG") public nuisance lawsuit against six large automakers (General Motors, Ford, Daimler Chrysler, Toyota, Honda, and Nissan). The AG had alleged that the greenhouse gas emissions from the defendants' products sold in California have created and contribute to the nuisance of global warming.

**Court Dismisses Global Warming Claims for Lack of
Standing**

On August 30, a Mississippi federal court dismissed a 2005 lawsuit brought by Gulf Coast property owners against a group of insurers, chemical companies, oil companies and coal companies whose emissions of greenhouse gases, the plaintiffs alleged, exacerbated the strength of Hurricane Katrina.

Recent Texas Rules Updates

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

Firm News and Events

- ◆ **Laura LaValle** was named by her peers in the 2007 Who's Who Legal: Texas, Environmental Section by the International Bar Association
- ◆ **Climate Change Seminar:** Beveridge & Diamond will host an invite only seminar, entitled "Climate Change: Strategic Business and Environmental Planning" on October 30, 2007. To view a copy of the Invitation & Agenda, please [click here](#).

Previous Issues of the Texas Environmental Update

Washington, D.C. Maryland New York New Jersey Massachusetts Texas California

The purpose of this update is to provide you current information on Texas environmental regulatory developments. It is not intended as, nor is it a substitute for, legal advice. You should consult with legal counsel for advice specific to your circumstances. This communication may be considered advertising under applicable laws regarding electronic communications.

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