

TEXAS ENVIRONMENTAL UPDATE



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Texas Developments

Texas and Louisiana Prpeare for Hurricane Gustav

Governors for the States of Texas and Louisiana have both released disaster declarations in anticipation of the formation of Hurricane Gustav and its expected landfall. According to the National Weather Service, all Gulf States are in the projected path of Tropical Storm Gustav, which is expected to become a hurricane.

TCEQ To Publish Annual Compliance History Classifications

TCEQ's annual publication of compliance history classifications for regulated entities is scheduled for October 1, 2008. Ranking of environmental performance entails a review of positive and negative factors over a five-year time period. Each site and person is classified as a high, average or poor performer.

EPA Rejects Texas Waiver Request for Renewable Fuels Standard

On August 7, 2008, the U.S. Environmental Protection Agency (EPA) rejected Texas Governor Rick Perry's April 25, 2008 request that the Agency waive by fifty percent the national volume requirements of the Renewable Fuel Standard (RFS) the 2008-2009 corn season.

Upcoming TCEQ Workshops

TCEQ will hold a Water Quality and Storm Water Seminar on September 11-12, 2008. The Agency's Advanced Air Permitting Seminar will be held September 29-30, 2008. For more information about these seminar and other upcoming workshops, please see http://www.tceq.state.tx.us/assets/public/admin/calendar/sep_2008_calendar.html.

Recent Texas Rules Updates

See, TCEQ website at <http://www.tceq.state.tx.us/rules/whatsnew.html> for information on new rule developments.

National Developments

D.C. Circuit Vacates EPA Rule Prohibiting Supplemental Title V Monitoring Requirements

On August 19, 2008, the U.S. Court of Appeals for the District of Columbia Circuit vacated a Clean Air Act rule promulgated by the United States Environmental Protection Agency (EPA) that prevented state and local permitting authorities from supplementing monitoring requirements in Title V permits.

For more information about our firm, please visit www.bdlaw.com

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EPA Announces Proposed New Chemical Testing Rule and Holds Public Meeting on Voluntary Chemical Evaluation

At the end of July 2008, EPA advanced two chemical evaluation programs of interest to chemical manufacturers, importers and processors when the Agency proposed a new test rule for high production volume chemicals under the Toxic Substances Control Act (“TSCA”) and held a public meeting to discuss proposed modifications to the Voluntary Children’s Chemical Evaluation Program (“VCCEP”).

EPA Releases Interim Approach for Applying the Audit Policy to New Owners

On August 1, 2008, EPA released its “Interim Approach to Applying the Audit Policy to New Owners” (“Interim Approach”). The Audit Policy currently offers reduced penalties to companies that voluntarily discover noncompliance at their facilities, promptly disclose and correct any violations discovered, and take steps to prevent future violations.

President Signs Bill Overhauling Consumer Product Safety Laws

On August 14, 2008, President Bush signed into law the Consumer Product Safety Improvement Act of 2008 (“the Act”) which significantly expands the authority of the Consumer Product Safety Commission (CPSC), imposes new consumer product safety requirements for a wide-range of consumer products, including children’s products and all-terrain vehicles (ATVs), and increases funding for the CPSC.

Agencies Propose to Update and Narrow Endangered Species Act Consultation Requirements

On August 15, 2008, the Interior and Commerce Departments issued a proposed rule to amend current regulations governing federal interagency consultations under the Endangered Species Act.

Previous Issues of the Texas Environmental Update