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US ENVIRONMENT (STATE-BY-STATE)

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US Environment (state-by-state)

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LEGISLATION

Main environmental regulations

What are the main statutes and regulations relating to the environment in your state?

Environmental protection in Texas is governed primarily by state statutes administered by the Texas Commission on Environmental Quality (TCEQ), the Railroad Commission of Texas, and other state agencies. These laws regulate air, water, waste, radiation, coastal lands, and wildlife, alongside federal environmental statutes.

Main state statutes:

- Texas Clean Air Act: Establishes the state air pollution control program, requiring permits for emissions sources and compliance with standards. TCEQ enforces civil and criminal penalties for violations.
- Solid Waste Disposal Act: Regulates solid and hazardous waste generation, transport, and disposal. It requires permits and gives TCEQ enforcement powers.
- Texas Radiation Control Act: Governs licensing, registration, and control of radioactive materials and radiation devices. It provides for administrative and criminal enforcement.
- Water Code: Controls wastewater discharges into state waters and requires permits. It authorizes TCEQ to enforce water quality standards and issue penalties.
- Minimum Standards of Sanitation and Health Protection: Sets public drinking water standards, treatment and sampling requirements, and sanitation rules. TCEQ may enforce penalties for violations affecting public health.
- Oil Spill Prevention and Response Act: Requires prevention and response plans for coastal oil spills. The General Land Office enforces compliance with civil penalties.
- Texas Litter Abatement Act: Prohibits dumping waste and litter unlawfully. Offenses are punishable with fines and possible imprisonment.
- Management of Coastal Public Land: Protects state coastal lands, beaches, and dunes through Texas General Land Office permitting and enforcement powers.
- Parks & Wildlife Code: Authorizes Texas Parks and Wildlife Department's regulation of nongame and endangered species. It prohibits harmful activities and enforces restoration and civil penalties for violations.
- Agriculture Code: Chapter 76 regulates pesticides, including pest classification, pesticide use and labelling, and licensing and application. The Act grants enforcement powers to the Department of Agriculture.

Administrative Enforcement:

- Title 30 Texas Administrative Code (TAC): Sets out TCEQ rules for air, water, waste, and related regulatory programs, outlining how to obtain permits, ensure compliance, and carry out enforcement and public participation in environmental decisions.
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Title 16 TAC: Railroad Commission of Texas rules for regulating oil and gas, setting permit fees, enforcing environmental standards, and overseeing pipeline safety, gas utilities, liquefied petroleum gas safety, and surface coal mining.

- Title 4 TAC, Part 1: Sets Texas Department of Agriculture detailed requirements, including enforcement mechanisms and penalties for licensing and handling of pesticides, eggs, public grain warehouses, organic produce, hemp production, citrus production, and importing of noxious and invasive species.
- Title 31 TAC, Part 1: General Land Office rules for regulating land surveying; oil and gas exploration; and coastal area planning, protection, and management.
- Title 31 TAC, Part 2: Texas Parks and Wildlife Department rules for fish and wildlife stocking, law enforcement, fisheries protection and maintenance, state parks, wildlife protection and hunting permits, and resource protection.

Civil and Criminal Enforcement:

- Civil penalties under the Water Code: Under Chapter 7, a person is liable for a penalty of $50 to $5,000 for each day of each violation or $50 to $25,000 for each day of each violation depending on type of violation and the relevant environmental media. The Chapter also authorizes up to $5,000 per violation for false or negligent hazard disclosure, and for continuing violations, $100 to $25,000 for each subsequent day and for each subsequent violation if committed within a year of a prior penalty assessment.
- Criminal penalties:
    - Air Pollution: Under Texas Water Code Chapter 7, criminal acts may be punished by fines ranging from $1,000–$1,000,000 and/or confinement ranging from 180 days to five years, depending on the type of violation, the perpetrator (individual v. a corporation), and the level of criminal culpability. For example, constructing or operating a facility without the proper permit committed by individuals may be punished by fines of $1,000–$50,000, 180 days of confinement, or both, or by fines of $1,000–$100,000 if not committed by an individual. On the opposite end of the spectrum, intentional or knowing emission or air contaminants committed by individuals is punishable by fines of $1,000–$500,000, up to five years of confinement, or both, or fines of $1,000–$1,000,000 if not committed by an individual.
    - Illegal Dumping: Under Texas Health and Safety Code Chapter 365, it is illegal to dispose of litter or solid waste anywhere other than an approved site. The severity of the offense depends on the weight or volume of the waste and whether it is for commercial purposes. Small amounts (five pounds or less, or five gallons or less) are treated as Class C misdemeanors, while larger amounts may result in Class B or Class A misdemeanors, and very large or commercial disposals can be prosecuted as state jail felonies. Repeat offences are punished one level higher. Discarding lighted litter that causes a fire carries additional penalties, including fines up to $500, up to 30 days in jail, or both, and requires the offender to perform community service.
    - Water Pollution: Under Water Code Chapter 7, failing to report a discharge or spill when operating or responsible for a facility or vessel is a Class A misdemeanor, and knowingly falsifying a record or report on the prevention

or cleanup of a discharge or spill is a third-degree felony. Also, it is a Class A misdemeanor to install, repair, remove, or supervise work on an underground storage tank without the required registration or licence, to authorize such work by unlicenced or unregistered persons, or to operate a tank without a valid registration and certificate of compliance.

- Disposal of waste: Under Water Code Chapter 7, disposing of solid waste in an enclosed container or vehicle at a Type IV landfill without a special permit, outside authorized times, or without an inspector verifying it is free of prohibited waste is a Class B misdemeanor.
- Sewage Disposal: Under Water Code Chapter 7, violating sewage disposal rules or authorized orders, knowingly violating a maintenance order, or working on another's on-site sewage system without the required permit is generally a Class C misdemeanor, with higher penalties for repeat offenses.
- Wildlife Violations: Violating any provision of Park and Wildlife Code Chapter 68 is a Class C Parks and Wildlife Code misdemeanor, rising to Class B for one prior conviction and Class A for two or more prior convictions.

Law stated - 24 December 2025

Soil pollution

What are the main characteristics of the rules applicable to soil pollution?

Soil and groundwater contamination in Texas is primarily regulated under the Texas Risk Reduction Program (TRRP), codified in 30 Texas Administrative Code (TAC) Chapter 350, and administered by the TCEQ. Chapter 335 contains remediation provisions for persons who notified TCEQ of soil or groundwater contamination prior to May 1, 2000.

Persons potentially liable for clean-up and compliance with TRRP pursuant to Texas Health and Safety Code Chapter 361:

- Current owners or operators of contaminated sites, regardless of whether they caused the contamination.
- Former owners or operators at the time of disposal, processing, storage, or release.
- Persons who arranged to process, store, or dispose of solid waste they owned or possessed that is now at the disposal or treatment site.
- Transporters that selected the disposal or treatment site.

Levels of contamination

The TRRP is a risk-based remediation program that defines contamination thresholds using Protective Concentration Levels (PCLs).

- Tier 1 PCLs are default, non-site-specific, risk-based values for soil, groundwater, and other environmental media.
- Tier 2 PCLs incorporate site-specific exposure factors into risk-based calculations.
- Tier 3 PCLs fully incorporate site-specific modeling into risk-based calculations.

Remedy Standards (A and B) define how these PCLs must be achieved and what controls are allowed.

- Remedy Standard A: Under the TRRP, Remedy Standard A is the most stringent cleanup approach. It requires that all contaminated soil, groundwater, and other affected media be removed or treated so that contaminant concentrations are reduced below the applicable Protective PCLs. No physical or institutional controls are allowed; the site must be fully cleaned to unrestricted use.
- Remedy Standard B: Under the TRRP, Remedy Standard B is a flexible, risk-based cleanup approach that can allow contamination to remain on-site if direct exposure is controlled. Instead of requiring complete removal of contaminants, it permits the use of engineering controls (such as caps, liners, or containment systems) and institutional controls (like deed restrictions or restrictive covenants) to prevent human or ecological exposure.

The Texas Health and Safety Code Chapter 361 also creates an Innocent Owner/Operator Program (IOP) that shields property owners who did not cause or contribute to a release, and allows eligible property owners to obtain liability protection certificates

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Retroactivity of the rules

The TRRP took effect in 1999. Sites that were already under the earlier Risk Reduction Standards in 30 TAC Chapter 335 before that date generally continue to be regulated under those older standards unless a new release happens or the site is re-opened.

Law stated - 24 December 2025

Regulation of waste
What types of waste are regulated and how?

Texas regulates many kinds of waste (municipal, industrial, hazardous, special, universal, etc.) through TCEQ authority under statutes and administrative rules. Waste classification, permitting, transportation, treatment, disposal, and recycling are all regulated.

Definition of waste and classification

The complex definition of solid waste in 30 TAC Section 335.1 includes garbage, refuse, sludge, and other discarded material from industrial, municipal, commercial, mining, and agricultural operations. Additional rules apply to different types of solid waste. These categories are:

- Hazardous waste: A solid waste is hazardous waste if it is specifically listed as a hazardous waste or if it exhibits one or more of the four hazardous characteristics i.e., ignitability, corrosivity, reactivity, or toxicity, as set out in 30 TAC Chapter 335 Subchapter R and the corresponding federal rules in 40 CFR Part 261.
- Industrial waste: A solid waste is industrial waste if it originates from industrial, manufacturing, mining, or agricultural operations, as defined in 30 TAC Chapter 335.1(160). Industrial waste may be hazardous or nonhazardous.

- Hazardous industrial waste is industrial solid waste that is either listed as a hazardous waste in 40 CFR Section 261.3 or exhibits one or more of the hazardous characteristics i.e., ignitability, corrosivity, reactivity, or toxicity.
- Non-hazardous industrial waste is any industrial waste that is not listed as hazardous and does not have hazardous characteristics. The generator must make a determination to classify non-hazardous industrial waste in accordance with 30 TAC Sections 335.505–.508 for one of the following classes:
    - Class 1: Industrial solid waste with chemical or physical properties that could be potentially threatening to human health or the environment if not responsibly managed.
    - Class 2: Any waste that does not meet the requirements of Class 1 or Class 3.
    - Class 3: Inert and essentially insoluble material that does not readily decompose.

- Municipal solid waste: Municipal solid waste refers to solid waste generated by, or associated with, municipal, community, commercial, institutional, and recreational activities. It includes garbage, rubbish, ashes, street sweepings, dead animals, medical waste, and all other non-industrial solid waste. Municipal solid waste also covers electronic waste originating from municipal, commercial, and institutional sources, including items such as X-ray machines and other equipment that produces radiation.
- Special waste: It refers to any solid waste or combination of such wastes that, because of its quantity, concentration, physical or chemical nature, or biological properties, requires special handling and disposal to protect human health or the environment.
- Universal waste: is a category of certain hazardous wastes that are widely generated. Universal waste is regulated under streamlined rules for sound accumulation practices, proper recycling, and treatment of such wastes, record-keeping, and transportation than typical hazardous wastes. Examples include batteries (as described in 40 C.F.R. § 273.2), certain pesticides, fluorescent lamps, mercury-containing devices such as thermostats, and paint or paint-related materials.

Authorization requirements

In Texas, waste management activities such as treatment, storage, disposal, transportation, and special waste handling require specific authorizations from TCEQ to ensure compliance with environmental and public health standards.

- Permits: Unless an exception applies, no person may store, process, or dispose of industrial solid waste or municipal hazardous waste without a permit, amended permit, or other authorization from TCEQ under 30 TAC Chapter 335. Municipal solid waste facilities such as landfills, transfer stations, and processing facilities require authorization under 30 TAC Chapter 330.
- Special waste authorization: Certain special wastes need prior written approval from TCEQ before they can be accepted at a landfill. Unless the waste fits one of the

pre-approved categories in 30 TAC Section 330.171(c) and (d), a generator must submit Form TCEQ-00152 and obtain approval prior to disposal.

Obligations

People and companies that generate, store, transport, or dispose of waste in Texas must meet specific requirements.

- Waste Generators: Generators must classify waste correctly (hazardous, industrial, municipal) and maintain documentation supporting their determination. They must also submit notifications to TCEQ for regulated waste streams.
- Businesses: Businesses that store, treat, or dispose of waste must comply with TCEQ waste management requirements in 30 TAC Chapter 335. Additionally, large quantity generators and other certain facilities must implement source reduction and waste minimization plans under Texas Health and Safety Code Section 361.505 and 30 TAC Chapter 328.
- Individuals: Individuals must dispose of household waste at authorized facilities. Illegal dumping is prohibited and punishable under the Texas Litter Abatement Act (Texas Health and Safety Code Chapter 365).

Law stated - 24 December 2025

Regulation of air emissions

What are the main features of the rules governing air emissions?

Texas regulates air emissions primarily through the Texas Clean Air Act, codified in Texas Health and Safety Code Chapter 382, and the implementing regulations in 30 TAC Chapters 101–122, administered by TCEQ.

Requirement for an air permit

Under 30 TAC Section 116.110, any person who plans to construct a new facility or engage in the modification of an existing facility which emits air contaminants into the atmosphere must obtain authorization from the TCEQ before construction or modification. The type of authorization depends on the facility's emission levels and characteristics:

- De Minimis: Certain small sources of emissions are by rule exempt under conditions in 30 TAC Section 116.119 and authorization prior to construction is not required.
- Permit by Rule (PBR): Facilities with emissions below 250 tons per year (tpy) of carbon monoxide (CO) or nitrogen oxides (NOX); or 25 tpy of volatile organic compounds (VOC) or sulfur dioxide (SO2) or inhalable particulate matter (PM); or 15 tpy of particulate matter with diameters of 10 microns or less (PM10); or 10 tpy of particulate matter with diameters of 2.5 microns or less (PM2.5); or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, ethane, hydrogen, oxygen, and unless there is a specific provision in an individual PBR to the contrary, greenhouse gases (GHGs), then a proposed operation may qualify for PBR requirements under 30 TAC Chapter 106.
- Standard Permits: Authorized under 30 TAC Chapter 116, Subchapter F, standard permits are available to certain types of facilities that meet pre-approved criteria,

such as ammonia storage, carcass incinerators, boilers, concrete plants, cotton gins, grain handling, landfills, oil and gas sites, sawmills, crushers, asphalt plants, and polyphosphate blenders.

- New Source Review (NSR): A permit applicant must submit a case-by case permit application under 30 TAC Chapter 116, Subchapter B to obtain authorization for facilities that do not qualify for PBR or standard permits.
- Title V Operating Permits: If a site qualifies as a major source under 30 TAC Chapter 122, the owner or operator must file a Title V permit application before operating. If a site properly establishes an application shield under 30 TAC Section 122.138, the owner or operator may operate the emission units until final action by TCEQ on the Title V permit application.

Main air contaminants regulated

Texas regulates air contaminants under the Texas Clean Air Act and adopts federal standards for pollutants that impact public health and the environment. These include criteria pollutants, hazardous air pollutants (HAPs), and greenhouse gases (GHGs) managed through state and federal permitting programs.

- Criteria pollutants: The US Environmental Protection Agency has set National Ambient Air Quality Standards (NAAQS) for six pollutants: CO, NOX, SO2, PM10 and PM2.5), ozone (formed from VOCs and NOX) and lead. Texas adopts the federal NAAQS through its State Implementation Plan (SIP) and requires facilities emitting these pollutants to obtain required air permits and comply with emission limits and permit conditions.
- Hazardous air pollutants (HAPs): Also called air toxics, these are pollutants known or suspected to cause cancer or other serious health effects, for example benzene, arsenic and mercury. HAPs are controlled under the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Chapter 63, which TCEQ is authorized to enforce. Texas monitors HAPs at more than 100 sites and uses Air Monitoring Comparison Values (AMCVs) to evaluate potential health risks.
- Greenhouse gases (GHGs): Gases like carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF6) as defined in 40 CFR Section 98.6 are GHGs. Through its SIP, Texas incorporates federal Prevention of Significant Deterioration (PSD) requirements for GHGs into a site's Title V operating permit.

Large combustion plants and energy efficiency

Boilers, turbines, and similar large fuel-burning units are regulated in Texas under 30 TAC Chapter 117, which controls emissions of NO$_x$ from major industrial, commercial, and utility combustion equipment to meet federal ozone standards.

- Emission controls for large combustion units: Facilities operating boilers, turbines, or similar large combustion equipment must comply with NO$_x$ emission limits and monitoring requirements, such as those in 30 TAC Section 117.310.
- Building energy-efficiency standards: Texas adopts the International Energy Conservation Code (IECC) as the minimum energy-efficiency standard for

commercial and residential buildings under Texas Health and Safety Code Section 388.003.

- Energy audits for state buildings: The State Energy Conservation Office (SECO) may carry out energy and water audits of state-owned buildings and requires agencies to prepare energy and water management plans under Texas Government Code Section 447.009.

Law stated - 24 December 2025

Protection of fresh water and seawater

How are fresh water and seawater, and their associated land, protected?

Fresh water and coastal waters in Texas are protected through a combination of state statutes and regulations administered mainly by TCEQ, the Texas Water Development Board (TWDB), and the Texas General Land Office (GLO). TCEQ, TWDB and GLO rules govern ownership, authorization to use or discharge water, and limits on withdrawals and pollution.

Ownership and Public Trust

Texas law separates the way it protects surface water, groundwater, and coastal (seawater) lands. Surface waters and coastal waters are owned by the state and require permits for use or discharge, while groundwater is privately owned but locally regulated.

- Freshwater (Surface Water): All state water, including rivers, streams, lakes, bays, and arms of the Gulf, is owned by the State of Texas in trust for the public.
- Seawater and Coastal Lands: Marine seawater from the Gulf of Mexico is considered state water. The Texas GLO manages coastal lands and enforces public access under the Texas Open Beaches Act.
- Groundwater: Groundwater is generally governed by the rule of capture, meaning landowners may pump groundwater beneath their land subject to regulation by local Groundwater Conservation Districts (GCD) to prevent waste and protect aquifers.

Authorization to use water

In Texas, the type of authorization required depends on the water source, i.e., state surface water, marine seawater, or groundwater and is governed by the Texas Water Code and programs administered chiefly by TCEQ and local GCDs.

- Surface Water: Private parties cannot own surface water but can obtain rights to use it through permits except for limited exemptions like domestic and livestock use, wildlife management, emergencies like wildfires, and other specified uses.
- Marine Seawater: Anyone seeking to divert and use marine seawater for desalination must obtain a permit if the point of diversion is within 3 miles of the Texas coast or if the seawater's dissolved solids are on average below 20,000 mg/L. If those conditions are avoided, a permit may not be needed. For discharging treated seawater or desalination waste into natural waters (streams, lakes, reservoirs) or the Gulf, a permit is always required.
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Groundwater: A GCD must require a permit whenever a property owner wants to drill, equip, operate, or complete a well, or to substantially change a well or its pump, unless one of the statutory exemptions applies like a well solely for domestic use or for providing water for livestock or poultry. Routine maintenance or repairs that don't increase the well's permitted production capacity do not require a new permit or amendment.

Limits on Extraction and Discharges

Any person discharging wastewater or pollutants into surface waters of the state must first obtain a permit under the Texas Pollutant Discharge Elimination System (TPDES), administered by TCEQ in accordance with Texas Water Code Chapter 26 and 30 TAC Chapter 305.

Law stated - 24 December 2025

Protection of natural spaces and landscapes

What are the main features of the rules protecting natural spaces and landscapes?

Texas protects natural spaces and landscapes by creating and managing public parks and wildlife areas, safeguarding coastal resources, and allowing private land conservation through statutory tools.

Types of natural spaces and landscapes protected

Texas protects a wide range of natural areas through state and federal programs:

- State Parks and Recreational Lands: Managed under the Texas Parks and Wildlife Code, these include parks, recreation areas, scientific areas, wildlife refuges, and historic sites. Any project that uses these lands must show there is no feasible alternative and minimize harm. Texas Parks and Wildlife Department (TPWD) acquires, manages, and protects state parks, natural areas, and wildlife management areas under Texas Parks and Wildlife Code Chapter 13.
- Wildlife Management Areas (WMAs): Managed by the Texas Parks and Wildlife Department, WMAs protect ecological habitats and support wildlife research, education, and resource management, while offering activities such as hunting, hiking, camping, and birdwatching in ways that conserve natural resources.
- Endangered species habitat: Chapter 68 of the Parks and Wildlife Code, authorizes the TPWD Director to list species threatened with statewide extinction, to regulate take and possession by permit, and to recognize habitat destruction or modification as a basis for listing.
- Local land-use controls and conservation easements: Under Texas Natural Resources Code Chapter 183, a conservation easement gives a holder (such as a government body or qualifying charitable trust) non-possessory rights over a property to protect its natural, open-space, scenic, historic, or recreational values, among others.

Law stated - 24 December 2025

Environmental reporting
Are there any notable environmental reporting requirements?

Texas imposes several statutory and regulatory reporting duties for facilities that affect the environment. These requirements apply to certain air emissions, water discharges, and waste activities.

- Air Emissions Reporting: Certain facilities holding Title V and NSR permits must submit an annual emissions inventory to TCEQ by March 31 each year for emissions from the previous calendar year that includes CO, VOCs, NOX, SO2, PM, and hazardous air pollutants. Consistent with 30 TAC Chapter 101, Subchapter f, Regulated entities that emit more than a reportable quantity of emissions during an emissions event or during maintenance, startup, and shutdown activities must submit reports to TCEQ within 24 hours.
- Pollution Prevention Reporting: Under the Waste Reduction Policy Act, certain facilities must file an annual Pollution Prevention (P2) Progress Report with TCEQ, detailing waste minimisation and source reduction efforts.
- Energy Efficiency and Consumption Reporting: Utilities Code Sections 39.9051–39.9052 require municipally owned utilities and electric cooperatives to report annually to the State Energy Conservation Office (SECO) on energy efficiency programmes, goals, and results. Reports are due April 1 and are used to calculate energy savings and emissions reductions.
- Industrial and Hazardous Waste Reporting: Each year, facilities that are registered generators or reverse distributors with an active solid waste registration must file an Industrial & Hazardous Waste Annual Waste Summary. This report details the amounts of hazardous, and Class 1 industrial waste produced or handled at the site during the calendar year.

Texas does not require regulated entities to file environmental, social, and governance (ESG) reports. ESG disclosures, where made, are driven by federal securities law or voluntary corporate initiatives, not by Texas statute.

Law stated - 24 December 2025

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous products and substances
What are the main features of the rules governing hazardous products and substances?

The Department of State Health Services (DSHS) rules regulate hazardous products and substances primarily through the Texas Health and Safety Code and related TAC rules.

Definition of 'hazardous substance'

Under the Texas Hazardous Substances Act (HSA), codified as Chapter 501 of the Health and Safety Code, a hazardous substance is any substance or mixture that is toxic, corrosive, extremely flammable, flammable, combustible, an irritant, or a strong sensitizer, or that

generates pressure through decomposition or heat, if it may cause substantial injury or illness during customary or foreseeable use (including ingestion by children). A toy or article intended for use by a child that presents an electrical, mechanical, or thermal hazard or a radioactive substance is designated as hazardous by rule. Texas statutes do not use the term 'hazardous product' as a separate defined category; products that present physical or health hazards fall under the definition of 'hazardous substance' in Chapter 501.

Legal procedure to make marketable

Before a hazardous consumer product can be marketed in Texas, the following steps apply:

- Registration: Manufacturers, importers, repackers, and private-label distributors must register hazardous consumer products with the DSHS and pay a filing fee.
- Labelling and packaging requirements: Texas law requires hazardous substances to carry clear labels showing dangers, precautions, and first-aid steps. Labels must meet federal standards, be prominent and in English (and Spanish if needed), and appear on outer packaging or visible container, with the same warning in any accompanying instructions.
- Banned hazardous substance: Under Texas Health & Safety Code Section 501.022, a banned hazardous substance is any hazardous substance or mixture that is deemed so dangerous it cannot be made safe for household use through proper labelling. Any toy or article which is intended to be used by children and bears or contains a hazardous substance in a manner accessible by a child is also a banned hazardous substance.

Enforcement and Penalties

Under Texas Health & Safety Code Section 501.022, if a DSHS authorised agent reasonably suspects that a hazardous substance is banned or misbranded, the agent must attach a tag or suitable mark to the item. This notice states that the item is or may be banned or misbranded, has been detained, and must not be removed, sold, or otherwise disposed of until the agent or a court grants permission.

Law stated - 24 December 2025

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment
Which types of activities are subject to environmental assessment?

Texas does not have a single, stand-alone state-wide environmental impact assessment statute like the federal National Environmental Policy Act (NEPA). Instead, the need for an environmental review depends on the type of activity and the authority issuing the permit. Federal NEPA requirements apply when a project involves federal funding or a permit issued by a federal agency.

- Projects with federal involvement: Any project using federal funds, requiring a permit issued by a federal agency, or involving federal land can trigger the National Environmental Policy Act (NEPA) process. This can include highways, public facilities, energy infrastructure, and large-scale developments with federal

involvement. Reviews can result in a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) depending on a project's impact level. An EA or EIS is not a permit or license. It is a decision-making tool that evaluates environmental impacts and alternatives. Approval of the EA/EIS is usually a prerequisite for issuing project-specific permits or releasing funds, but an EA or EIS does not itself authorize construction or operation.

- Projects reviewed by Texas agencies: Although Texas does not have a NEPA-style law, state agencies require environmental analyses as part of their permitting process. Applicants for major air permits, wastewater discharge permits, or solid waste facilities must provide environmental and technical information to show compliance with emission or discharge standards as conditions for obtaining permit approval.
- Transportation projects: Under 43 TAC Chapter 2, the Texas Department of Transportation conducts environmental reviews for state and federally funded transportation projects, including roads, bridges, and transit facilities.
- Coastal projects: Activities in the Texas coastal zone that require federal permits or assistance must undergo a Coastal Management Program consistency review by the GLO under 31 TAC Chapter 30.

Law stated - 24 December 2025

REGULATORY AUTHORITIES

Regulatory authorities

Which authorities are responsible for the environment in your state and what is the scope of each regulator's authority?

Environmental regulation in Texas is shared by several state agencies, each created by statute and given specific powers to grant permits, provide financial assistance, and impose sanctions.

Texas Commission on Environmental Quality (TCEQ)

TCEQ is the primary state environmental regulator. It oversees air quality, surface water quality, public drinking water systems, municipal solid waste, hazardous and industrial waste. TCEQ issues permits for air emissions, water rights, wastewater discharges, and waste management. The agency may impose administrative penalties, civil penalties through the courts, and refer criminal violations for prosecution under provisions in the Texas Water Code.

Texas Parks and Wildlife Department (TPWD)

TPWD is responsible for giving advice to local, state, and federal agencies that approve, permit, license, or build development projects to help safeguard fish and wildlife resources. The agency also provides information on those resources to government bodies or private organizations that make decisions impacting them.

Texas General Land Office (GLO)

The GLO manages state-owned coastal lands and operates the Texas Coastal Management Program. The agency grants leases and easements for the use of state-owned submerged

lands and coastal resources and may enforce rules protecting coastal public lands and resources.

Texas Water Development Board (TWDB)

The TWDB plans and finances water supply and flood projects and oversees state water planning. The agency prepares the State Water Plan, supports regional water planning groups, and provides loans and grants for water supply, wastewater, and flood control projects.

Railroad Commission of Texas (RRC)

The Railroad Commission's Oil and Gas Division regulates Texas oil and gas exploration, production and transport. The agency's mission is to prevent waste, protects owners' rights, prevent pollution, and ensure safety, using permits, inspections, monitoring, and remediation funded by industry fees and taxes.

Law stated - 24 December 2025

KEY TRENDS AND DEVELOPMENTS

Recent updates and trends

What are the most noteworthy recent trends and developments in environmental law in your state? What developments are expected in the coming year?

Carbon sequestration—also called carbon capture and storage (CCS)—is the process of capturing carbon dioxide (CO_2) and storing it deep underground in geologic formations to keep it out of the atmosphere. The CCS landscape in Texas is rapidly changing, and the state continues to regulate and enable this technology. On December 15, 2025, the U.S. Environmental Protection Agency's (EPA) approval of Texas's authority to administer the Class VI underground injection control (UIC) program under the Safe Drinking Water Act (SDWA) became effective. Texas joins five other states that currently have Class VI primacy—Arizona, Louisiana, North Dakota, West Virginia, and Wyoming.

Under the SDWA, the EPA and the Railroad Commission of Texas (RRC) co-regulate underground injection wells, including Class VI wells used for CO_2 storage. n June 2025, EPA published a proposed rule to grant Texas "primacy" for Class VI wells, meaning the RRC would solely issue and enforce permits for Class VI wells in Texas, instead of EPA. This amendment added Texas to the approved list of states under Section 1422 of the SDWA that have primary enforcement responsibility. For project funders and developers, this is a critical change to the UIC permitting landscape. Class VI primacy will eliminate duplicative EPA permitting, which should streamline permitting timelines and reduce costs associated with project delays.

The RRC and EPA have worked closely on Texas's Class VI program since 2021. Prior to rulemaking, EPA and RRC signed a Memorandum of Agreement on April 29, 2025, confirming that all pending Class VI applications will transfer to the RRC once the primacy rule is finalized. Effective December 15, 2025, RRC is the primary Class VI permitting authority in Texas. EPA will oversee Texas's UIC program via periodic program reviews.

Texas Law already provides a detailed regulatory framework for CO2 storage and the RRC rules align state requirements with EPA's Class VI standards. These rules cover site characterization, well construction, monitoring, financial responsibility, and post-injection care. Operators must submit closure plans and maintain mechanical integrity tests every five years. Recent statutory and regulatory changes, including HB 1284 and amendments to the RRC rules, give the RRC exclusive jurisdiction over onshore and near-offshore injection and geologic storage of CO2 in Texas, whether the wells are newly drilled or converted from other well classes. Under this updated framework, the RRC will issue and enforce Class VI well permits and associated geologic storage facility approvals, manage compliance and enforcement, and retain jurisdiction over Class II EOR injection and related CO2 storage incidental to EOR. The Texas Commission on Environmental Quality (TCEQ) will continue to handle non-UIC permits and manage solid and hazardous waste produced during and after the capture process.

Why It Matters Now

With the final rule now in effect, Class VI well projects will continue to move forward in Texas while the permitting landscape adapts with Texas at the helm. In April 2025 EPA issued the first Class VI well CCS permits to a project in Texas; in October 2025, it issued three more permits. Regulated entities have continued to apply for CCS permits. More than 60 well applications are currently under review by RRC. RRC has stated that it aims to permit approximately 25 Class VI permits within the first two years of primacy.

EPA's primacy grant will consolidate the permitting process under the RRC, but developers must still comply with a range of regulatory requirements and timelines, including monitoring aspects of the well and surrounding areas that could be affected by injection and properly modeling potential for seismic activity and CO2 migration over time.

Class VI primacy will streamline the permitting process for CCS projects in Texas with the RRC taking over the permitting program. While primacy would ideally mean faster approvals, clearer property rights, and a more predictable regulatory environment, project developers should anticipate challenges and maintain strict compliance with requirements enforceable by state and federal agencies.

Law stated - 24 December 2025