



Legislative UPDATE

September 18, 2015
Number 33

Next Week: TML Annual Conference in San Antonio!

Join us in beautiful San Antonio for the Texas Municipal League's 103rd Annual Conference and Exhibition, September 22-25, at the Henry B. Gonzalez Convention Center.

Bringing together a record number of delegates from throughout Texas, the TML Annual Conference offers opportunity to share ideas, participate in educational sessions, discuss future strategies, and visit with more than 350 exhibiting companies on products and services that can benefit your town or city.

Go to www.tmlconference.org for more information or to register.

EPA Ozone Standards

The U.S. Environmental Protection Agency (EPA) plans to issue new Ozone National Ambient Air Quality Standards (NAAQS) by October 1, 2015. The NAAQS are periodically established by the EPA pursuant to the federal Clean Air Act.

In response to a legal challenge arguing that the standard did not adequately protect human health as required by law, the EPA announced in 2010 that it would revisit the standard (75 parts per billion (ppb)) set in 2008. It proposed a new standard of between 60 and 70 ppb, and ultimately submitted a standard of 65 ppb to the White House Office of Management and Budget for the last step in the regulatory approval process. In September 2011, the proposed standard was halted by the White House. That left the standard at the 2008 level of 75 ppb.

In September 2014, EPA staff re-examined the issue and determined that there is adequate evidence for again trying to lower the existing ozone standard to somewhere between 70 ppb and 60 ppb. The next month, EPA proposed lowering the ozone standard to between 65 ppb and 70 ppb. Around the same time, a federal district Court in San Francisco ordered the EPA to issue the new final ozone standards by October 1, 2015, and to continue taking steps to reduce ozone levels across the country.

More information on the NAAQS process is available at <http://www3.epa.gov/ozonepollution/actions.html>.

Oil and Gas Regulation Clearinghouse

The House version of the oil and gas drilling bill, [H.B. 40](#) by Rep. Drew Darby, became law on May 18, 2015, when it was signed by Governor Abbott. The final version of the bill represents a compromise between the Texas Municipal League and the Texas Oil and Gas Association.

City officials should be aware that adoption or amendment of any ordinance regulating oil and gas operations should be in conformity with H.B. 40. Likewise, the League will closely monitor the industry to ensure that the various safe harbor provisions permitted by the bill are respected by operators and their representatives. To assist cities, the League has created an “Oil and Gas Regulation” webpage at www.tml.org (Go to the Legal tab and click on the Topics drop down menu).

The only lawsuit pleadings on the page at present relate to the challenge against the City of Denton’s now-defunct hydraulic fracturing ban. The Denton city council recently repealed the ban that was made moot by the enactment of H.B. 40. As a result, both lawsuits against the city were dismissed by agreement. The dismissal orders are available on the clearinghouse page.

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