Index

AAP All appropriate inquiry, duties of property purchasers, 36:9 ABANDONED CEMETERIES Defined. 31:28 ABANDONED WELLS Underground injection control regulations, 9:7 ACCESS REQUIREMENTS Beach access easements, 17:3 ACCOMMODATION DOCTRINE Oil and gas operations conflicts with surface mining, 31:33 **ACCRETION** Conservation and land use statutes, 17:4 ACID RAIN Generally, 5:7 ADJACENT LANDOWNERS CERCLA, contiguous property owner defense, 13:2 Innocent Owner/Operator Program notifications, 13:9 Nuisance Claims, this index **ADMINISTRATIVE AGENCIES** Generally, 2:1 et seq. See also Administrative Procedure Act, this index Adjudicative functions generally, 3:3 ad hoc adjudications, 3:4 administrative agencies, 3:3 alternative dispute resolution, 3:15 citations, 3:5 collateral estoppel, 3:16 local agencies, 3:14 res judicata, 3:16 Amendments to rules, 3:2 APA exemptions, **3:14** Challenges to adopted rules, 3:2 Coastal Coordination Advisory Committee, 2:16 Collateral estoppel effect of adjudications, 3:16 Comments on proposed rules, 3:2 Contested cases

generally, 3:3

ADMINISTRATIVE AGENCIES—Cont'd Contested cases—Cont'd Adjudicative functions, above County agencies, 2:19 District agencies, 2:19 Drainage districts, 2:19 Effective dates of rules, 3:2 Emergency rules, 3:2 Enforcement, this index Ex parte communications generally, 3:19, 38:5 contested case adjudications, 3:3 Exhaustion of administrative remedies, 3:5 Federal agencies, 2:2 et seq. Final orders adopting rules, 3:2 Guidelines promulgations, 3:4 Hearings contested case adjudications, 3:3 judicial review of agency actions, 3:5 rehearings, 3:3 rulemaking, 3:2 State Office of Administrative Hearings, this index Interagency coordination. Cooperation and Coordination, this index Irrigation districts, 2:19 Judicial review of agency actions, 3:5 Justifications for rules generally, 3:2 judicial review, 3:5 Legislative functions, 3:2 Levee improvement districts, 2:19 Lobbying activities, 3:17 Local Agencies, this index Major environmental rules, term defined, 3:2 Meetings. Open Meetings Act, this index Municipal agencies, 2:19 Municipal utilities districts, 2:19 Navigation districts, 2:19 **Notices** contested case adjudications, 3:3 rulemaking, 3:2 Open Meetings Act, this index Penalties, administrative, 4:4 Petitions, judicial review of agency actions, 3:5 Preservation of error, judicial review of agency actions, 3:5 Promulgation of proposed rules, 3:2 Proposals for decisions, 3:3 Reasoned justifications for rules

generally, 3:2

ADMINISTRATIVE AGENCIES—Cont'd

Reasoned justifications for rules—Cont'd judicial review, **3:5**

Regional agencies, 2:19

Rehearings, 3:3

Res judicata effect of adjudications, 3:16

Review of adopted rules, 3:2

Rulemaking authority. Rulemaking, this index

State agencies

generally, 2:8 et seq.

definitions, 3:1

State Office of Administrative Hearings, this index

Statutory delegation of rulemaking authority, 3:2

Stays of agency orders, 3:5

Technical requirements of enforcement orders, 4:4

Texas Register publication of rules, 3:2

Venue, judicial review of agency actions, 3:5

Water improvement districts, 2:19

ADMINISTRATIVE PROCEDURE ACT (APA)

Generally, 3:1 et seq.

See also Administrative Agencies, this index

Exempt agencies, 3:14

Judicial review provisions, 3:5

Jurisdiction, 3:1

Open Meetings Act, this index

Purposes, 3:1

Rulemaking authority of agencies, 3:2

Scope of Act, 3:1

AGGREGATE QUARRY AND PIT SAFETY

Generally, **31:15**

Barrier regulations, 31:15

Certification requirements, 31:15

Land use regulations, 31:15

Pit Safety Act, 31:15

Regulatory program, 31:15

TxDOT regulations

penalties, 31:17

violations, 31:16

TXDOT regulations

generally, 31:15

AGRICULTURE

Generally, 28:1 et seq.

Air quality, 28:4

CAA, 28:4

Chemicals, 28:6

Composting activities, 28:5

```
AGRICULTURE—Cont'd
  Concentrated Animal Feeding Operations, this index
  Controlled burning, 28:4
  CWA, 28:2
  Definitions, 28:1
  EPA authority
    generally, 28:1
    chemicals and pesticides, 28:6
  Federal law, 28:1
  FIFRA, 28:6
  Impoundments of surface water, 28:3
  Land use restrictions, 28:7
  Livestock, this index
  Navigable waters issues, 28:3
  Nuisance actions, 28:8
  Pesticides, 28:6
  Point source and nonpoint source pollution, 28:2
  Practical advice, 28:10
  Private actions, 28:8
  Real property transactions, 28:9
  Right-To-Farm Act, 28:8
  Sewage sludge, land application, 28:5
  Solid waste issues, 28:5
  Stocktanks, 28:3
  TCEQ authority
    generally, 28:1
    air quality, 28:4
    animal feeding operations, 28:2
    solid waste issues, 28:5
  Texas Agricultural Hazard Communication Act, 18:5
  Texas CAA, 28:4
  Texas CWA, 28:2
  Texas Department of Agriculture, this index
  Water quality, 28:2
  Water rights, 28:3
  Wetlands issues, 28:3
  Zoning laws, 28:7
AIR QUALITY
  Generally, 1:5, 1:6, 5:1 et seq., 5:9
  Accidental release prevention program, 5:6
  Acid rain, 5:7
  Agriculture, 28:4
  Attainment area designations
    generally, 5:9
    federal law, 5:5
  Best available control technology, 5:9
  Border issues, 27:12
```

```
AIR QUALITY—Cont'd
  Cap and trade programs, 5:12
  Carbon credit proposals, 30:1
  Clean Air Act, this index
  Clean Air Financing Act, 5:3
  Clean Air Interstate Rule, 5:12
  Controlled burning, agricultural, 28:4
  Criteria pollutants regulation, 5:5
  Delegation of federal programs, 5:4, 5:8
  Dispersion modeling, 5:9
  Enforcement of regulations, 5:12
  Federal law
    generally, 5:1 et seq.
    permits, 5:10
  Fees, permit, 5:9
  Grandfathered facilities, 5:9
  Greenhouse gases
    generally, 5:9
    federal law, 5:7
  Hazardous air pollutants regulation, 5:6
  Health effects review, 5:9
  Integrated urban air toxics strategy, 5:6
  Local government authority, 5:12
  Maximum available control technology, 5:6
  Mining, 31:25
  Mobile source regulations, 5:7
  Natural gas vehicles, 5:3
  New Source Performance Standards, 5:5
  New source reviews
    generally, 5:9
    federal law, 5:5
    permits, 5:9
  New Technology Implementation Program, 5:3
  Non-attainment area designations
    generally, 5:9
    federal law, 5:5
  Non-attainment areas, 5:3
  Nuisance liabilities, 5:12
  Organization of TCAA, 5:2
  Permits
    generally, 5:9
    federal programs, 5:10
    fees, 5:9
    new source reviews, 5:9
    transfers, 36:15
  Plant-wide applicability permits, 5:9
  Prevention of significant air quality deterioration programs
    generally, 5:9
```

AIR QUALITY—Cont'd

Prevention of significant air quality deterioration programs—Cont'd federal law, 5:5

Property use liabilities or restrictions, 36:3

Reasonably available control technology, 5:11

Regulation of criteria pollutants, 5:5

Regulation of hazardous air pollutants, 5:6

Regulation of specific pollutants, 5:11

Related state statutes, 5:3

Renewable energy facilities, 30:17

Reporting and recordkeeping requirements, 5:12

Residual risk programs for hazardous air pollutants, 5:6

Restrictions on property uses, 36:3

Risk management plans, 5:6

Specific pollutants regulation of, 5:11

State Implementation Plan approvals, 5:4

Stratospheric ozone depletion, 5:7

Texas Air Control Board, this index

Texas Clean Air Act, this index

Texas Commission on Environmental Quality jurisdiction, 2:8

Texas programs, 5:8 et seq.

ALL APPROPRIATE INQUIRY (AAI)

Duties of property purchasers, 13:2, 36:9

ALTERNATIVE DISPUTE RESOLUTION

Public agencies, 3:15

ANTIDEGRADATION POLICY

Water quality, 6:8

ANTIQUITIES

Texas Antiquities Code, this index

AOC

Areas of concern, agency enforcements, 4:5

APA

Administrative Procedure Act, this index

APPEALS

Judicial Review, this index

Texas superfund, 11:8

APPLICATION PROCESSING

Underground injection control, 9:5

APPROPRIATION

Surface water rights, 14:3

AQUIFERS

Contaminated Aquifers Policy, 13:2

Edwards Aquifer Authority, this index

AQUIFERS—Cont'd

Mining activities, aquifer protection, 31:13

Storage wells, 9:6

Underground Injection Control Program, this index

Underground Sources of Drinking Water, this index

AREAS OF CONCERN (AOC)

Agency enforcements, 4:5

ARMY CORPS OF ENGINEERS

Generally, 2:3

CWA administration, 2:3

Discharges of dredged material, **6:11**

Jurisdiction, 2:3, 17:5

Organization, 2:3

Rivers and Harbors Act administration, 2:3

Water quality oversight, 6:5

Water rights authority, 14:7

Waters of the United States rule, 2:3, 6:8

Wetlands

jurisdiction, 17:5

permits, **6:11**

ARSENIC

Used oil contamination, 24:10

ARTESIAN WATERS

Water rights, 14:2

ARTIFICIAL INTELLIGENCE

Ethical considerations, 38:6

ASBESTOS

Generally, 21:1 et. seq.

Abatement activities, 21:6

Assessment of exposure, 21:6

CAA regulations, 21:3, 21:5

CERCLA regulations, 21:5

Definitions

federal, 21:3

state, 21:4

Demolition regulations, 21:8

Disclosure obligations, 21:7

EPA regulations, 21:3, 21:5

Federal regulations, 21:3, 21:5

Hazard Emergency Response Act, 21:6

Hazardous air pollution regulations, 21:5

Health risks, 21:2

Historical background, 21:2

Inspection fees, 21:7

Liability considerations, 21:7

ASBESTOS-Cont'd

Management plans, 21:6

Monitoring of exposure, **21:6**

Notice requirements, 21:7

Notification requirements, 21:6

Occupational health and safety, 18:6

Occupational Safety and Health Act, 21:2, 21:6

PCM, 21:3

Private causes of action, 21:6

Risk management considerations, 21:7

School regulations, 21:5

TCEQ regulations, 21:4, 21:6

Texas Clean Air Act regulations, 21:6

Texas Department of State Health Services regulations, 21:4

Toxic Substances Control Act, 21:6

Transportation and disposal of waste, 21:7

Waste regulation, 21:7

Workplace exposures, 21:6

ASSESSMENTS OF CONDITIONS

Asbestos exposure, 21:6

Attorneys' environmental assessments, 36:9

Brownfields, this index

Environmental assessments, generally, 36:9

TECQ water quality assessments, 6:13

Texas Risk Reduction Program, this index

ASSESSMENTS OF PENALTIES

Penalties, this index

AST

Above ground storage tanks. Storage Tanks, this index

ATTORNEY GENERAL

Attorney's fee awards in enforcement of environmental laws, 4:12

Civil enforcement of environmental rules, 4:11 et seq.

Criminal Law, this index

Enforcement of environmental laws. Enforcement, this index

Environmental jurisdiction, 2:9

Public Information Act opinions, 3:12

ATTORNEYS

Administrative agencies, ex parte contacts, 38:5

Audits, attorney roles, 4:22

Confidentiality duties, 38:2

Conflicts of interest

generally, 38:3

environmental obligations creating, 38:1

Criminal law issues, 38:1

Disclosures and client confidences, 38:2

ATTORNEYS—Cont'd Environmental assessments, 36:9 Environmental obligations creating conflicts of interest, 38:1 Ethical considerations generally, 38:1 et seq. artificial intelligence, 38:6 conflicts of interest, 38:3 disclosures and client confidence, 38:2 ethical standards and professional liabilities, generally, 38:7 limits of zealous advocacy, 38:4 lobbying activities, 3:17 public sector ethical issues, 38:5 settlement negotiations, 33:13 Texas Disciplinary Rule of Professional Conduct, 38:1 et seq. Ex parte communications administrative agencies, 3:19, 38:5 adversary's employees, 38:4 Federal law, 38:4 Fees, Texas superfund actions, 11:10 Health and safety issues, 38:1 Limits of zealous advocacy, 38:4 Lobbying Activities, this index Managing information disclosures, 38:2 Misconduct under federal rules, 38:4 Professional liabilities, ethical standards and, 38:7 Public sector ethical issues, 38:5 Real Property and Business Transactions, this index Sarbanes-Oxley Act duties, 38:2 Settlement negotiations, ethical issues, 33:13 Spills reporting duties, 38:2 TCEQ reporting duties, 38:2 Texas Disciplinary Rule of Professional Conduct, 38:1 et seq. **AUDITS** Attorney roles, 4:22 Audit Privilege Act, 4:7, 4:22, 36:9 Self-audits, 4:22 Water quality audits, 6:15 AVULSION Conservation and land use statutes, 17:4 BANKRUPTCY

E'man i 1

Financial Assurance Requirements, this index

BANKS

Lenders, this index

BEACHES

As to the coastline in general, see Coastline, this index

BEACHES—Cont'd

Access easements, 17:3

BECC

Border Environment Cooperative Commission, this index

BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

Air quality, 5:9

BEST AVAILABLE TECHNOLOGY (BAT) ECONOMICALLY ACHIEVABLE

Water quality, 6:8

BEST PRACTICABLE CONTROL TECHNOLOGY (BPT) CURRENTLY AVAILABLE

Water quality, 6:8

BEST PROFESSIONAL JUDGMENT (BPJ)

Water quality discharges, 6:8

BIOMASS

Renewable Energy, this index

BLIGHTED LAND

Brownfields programs to aid redevelopment, 13:1 et seq.

BONA FIDE PURCHASERS

CERCLA bona fide prospective purchaser defense, 13:2

CERCLA liabilities, 36:5

EPA guidance, 36:5

BONDS

Financial Assurance Requirements, this index

BORDER ENVIRONMENT COOPERATIVE COMMISSION (BECC)

Dispute resolution, 27:6

BORDER ISSUES

Generally, 27:1 et seq.

Air quality, **27:12**

Border Environment Cooperative Commission, this index

Colonia Interagency Coordination Workgroup, 27:2

Definitions, 27:1

Dispute resolution, 27:6

Domestic jurisdiction, 27:6

Economically Distressed Areas Programs, 27:2

EPA coordination with Mexican administrative agencies, 27:12

Groundwater, 27:9

Hazardous substances and hazardous waste, 27:11

International regulation of border areas, generally, 27:5

La Paz Agreement, this index

Local level transboundary cooperation, 27:7

Mexican regulations, generally, 27:3

National parks protection, 27:13

BORDER ISSUES-Cont'd

Native American Tribes in Texas, 27:4

North American Free Trade Agreement, this index

Pollution reduction agreements, 27:11

Protected areas, 27:13

Spills of hazardous substances, 27:11

State level transboundary cooperation, 27:7

Surface water, 27:8

TCEO coordination with Mexican administrative agencies, 27:2

Transboundary shipments of hazardous substances and hazardous waste, 27:11

Waivers of environmental laws in border areas, 27:2

Water and wastewater infrastructure, 27:10

BP.I

Water quality, best professional judgment as to discharges, 6:8

BPT

Water quality, best practicable control technology currently available, 6:8

BRIGHTFIELDS INITIATIVE

Generally, 13:2

BRINE DISPOSAL

Underground injection control, 9:6

BROWNFIELDS

Generally, 13:1 et seq.

Alternative sites, Superfund, 13:2

Brightfields Initiative, 13:2

CERCLA

Brownfields Amendments, 13:2

brownfields programs to alleviate CERCLA impacts, 13:1

Corrective action completion guidance, 13:2

Corrective Action Management Units, 13:2

County programs for cleanup and economic redevelopment, 13:23

Definitions, 13:2, 13:6

Dry Cleaner Remediation Program, 13:22

EPA grant and revolving loan programs, 13:2

Federal programs

generally, 13:2

tax incentives, 13:5

Houston Astros baseball park, 13:4

HUD grants, 13:2

Innocent Owner/Operator Program, 11:11, 13:8 et seq.

Insurance issues in brown field transactions, 37:14

Landfills, 13:2

Lease-finance transactions, 13:2

Mine-scarred sites, 13:2

Municipal brownfield programs, 13:4

Municipal Setting Designations, this index

BROWNFIELDS—Cont'd

PCB contaminated sites, 13:2

Petroleum-contaminated sites, 13:2

Pilot programs, 13:2

Post-closure care orders, 13:2

Public participation, Voluntary Cleanup Program remediations

TCEQ programs, 13:6

Purposes of programs, 13:1

RCRA initiatives, 13:2

Ready for Reuse (RfR) program, 13:2

Real property and business transactions, 36:9

Redevelopment, brownfields programs to aid, 13:1

RE-Powering America's Land Initiative, 13:2

Risk-benefit analyses, 13:15

Rural brownfields, 13:6

Small Business Liability Relief and Brownfields Revitalization Act of 2002, 13:1

Superfund alternative sites, 13:2

Targeted Brownfields Assessment (TBA) Program, 13:2

Targeted site efforts, 13:2

Tax incentives, 13:5

Technical assistance grants (TAG), 13:2

Texas Brownfields programss, 13:3

Texas Risk Reduction Program, 13:15 et seq.

TSCA remediation orders, sites subject to, 13:2

Underground storage tank sites, 13:2

Voluntary Cleanup Program, 11:11, 13:6, 13:7

BROWNFIELDS REMEDIATION

Municipal setting designations, 13:11 et seq.

BUREAU OF RADIATION CONTROL

Generally, 2:18

BUSINESS TRANSACTIONS

Real Property and Business Transactions, this index

CAA

Clean Air Act, this index

CADMIUM

Used oil contamination, 24:10

CAFO

Concentrated Animal Feeding Operations, this index

CATR

Clean Air Interstate Rule, 5:12

CAMU

Corrective Action Management Units, brownfields redevelopment, 13:2

CAPAND TRADE PROGRAMS

Generally, 5:12

CAPTURE

Water rights, rule of capture, 14:2

CARBON CREDIT PROPOSALS

Generally, 30:1

CARBON DIOXIDE

Underground storage, 9:4

CATEGORICAL STANDARDS

Water quality, 6:8

CEMENT

Underground injection control, cementing requirements, 9:7

CEMETERY RELOCATIONS

Mining activities, 31:28

CEQ

Council on Environmental Quality, this index

CERTIFICATIONS

Access requirements, Innocent Owner/Operator Program, 13:9

Aggregate quarry and pit safety, 31:15

Innocent Owner/Operator Program, this index

Municipal setting designations, 13:13

Oil and hazardous substance spill reporting and response completion, 8:3

Storage tanks, 12:6

Voluntary Cleanup Program completion

RRC programs, 13:7

TCEQ programs, 13:6

CFC

Chlorofluorocarbons, used oil contamination, 24:9

CGL

Comprehensive general liability policies, 37:11

CHALLENGES

Administrative rules, 3:2

CHEMICALS

Generally, 1:2, 1:5

Agriculture, 28:6

Clean Air Act, this index

Dry Cleaner Remediation Program, 13:22

Federal Insecticide, Fungicide, and Rodenticide Act, this index

MTBE, this index

Oil and Hazardous Substance Spill Reporting and Response, this index

PCBs, this index

Radioactive Materials, this index

CHEMICALS—Cont'd

Reporting program, TDSHS, **2:18**Texas Clean Air Act, this index
Toxic Substances Control Act, this index

CHEMICALS OF CONCERN (COC)

Spills, **8:3**

CHLOROFLUOROCARBONS (CFC)

Used oil contamination, 24:9

CHROMIUM

Used oil contamination, 24:10

CITATIONS

Administrative procedures, **3:5** Field citations, agency enforcement, **4:5**

CITIES

Local Governments, this index

CITIZEN SUITS

Generally, **35:1 et seq.**CAA, **35:3**CERCLA, **35:3**CWA, **35:3**Endangered Species Act, **35:3**Federal statutory authorizations and prohibitions, **35:3**Permit issuance, judicial review, **35:6**RCRA, **35:3**Rulemaking issuance, judicial review, **35:8**Standing, **33:6**State court, **35:2**Statutory authorizations and prohibitions generally, **35:2**federal law, **35:3**

CITIZEN-COLLECTED EVIDENCE

Agency enforcement of environmental laws, 4:8

CIVIL PENALTIES

Penalties, this index

Water quality, 6:12

CLEAN AIR ACT (CAA)

Generally, 5:1

As to air quality in general, see Air Quality, this index As to the Texas Clean Air Act, see Texas Clean Air Act, this index

Accidental releases, occupational health and safety, 18:6

Agriculture, 28:4

Asbestos regulation, 21:3

Asbestos regulations, 21:5

CLEAN AIR ACT (CAA)—Cont'd Border issues, 27:12 Citizen suits, 35:3 EPA powers, 2:2 Ethical duties of practitioners, 38:2 Federal-state interaction, 1:7 Historical overview, 5:1 Immunity waivers, 1:9 Indoor Air Quality, this index Mining, 31:25 1990 amendments, **5:1** Occupational health and safety, accidental releases, 18:6 Oil and gas operations, 29:15 PCB regulation, 23:8 CLEAN AIR FINANCING ACT Generally, 5:3 CLEAN AIR INTERSTATE RULE (CAIR) Generally, 5:12 **CLEAN WATER ACT (CWA)** Agriculture, 28:2 Army Corps of Engineers authority, 2:3 Citizen suits, 35:3 Congressional intent, 6:6 Delegation of federal programs to Texas, 6:3 EPA powers, 2:2 Ethical duties of practitioners, 38:2 Framework of Act, 6:6 Goals of act, 6:6 Immunity waivers, 1:9 Jurisdiction, wetlands, 17:5 Mining, 31:22 Navigable waters, CWA applicability, 6:8 Nonpoint source pollution generally, 6:13 federal law, 6:10 regulations, 6:4 Oil and hazardous substance spill reporting and response requirements, 8:1, 8:2 Organization, 6:6 Overview, 6:6 PCB regulation, 23:5 Point source discharges concentrated animal feeding operations, 28:2 definitions, 4:16, 6:8 regulations, 6:4 Policy considerations, 6:6 Waters of the United States rule, 2:3, 6:8

CLEAN WATER ACT (CWA)—Cont'd

Wetlands jurisdiction, 17:5

CLEANUPS

Brownfields, this index CERCLA, this index Insurance, cleanup costs as damages, **37:8** Remediation, this index Voluntary Cleanup Program, this index

CLIMATE CHANGE

Global Warming, this index

CLOSURES OF FACILITIES

Injection mining for minerals, 31:13
Mining, injection, 31:13
Underground injection control, well closure standards, 9:6
Underground storage tanks, 12:10

COAL

Mining, this index

COASTAL CONSERVATION AREAS

Recycling programs, 2:14

COASTAL COORDINATION ADVISORY COMMITTEE

Generally, 2:16

COASTAL COORDINATION COUNCIL

Generally, 2:16

COASTAL MANAGEMENT RULES

Oil and gas operations, 29:5

COASTAL WETLAND ACQUISITION ACT

Generally, 17:5

COASTAL ZONE MANAGEMENT ACT (CZMA)

Generally, 17:2

COASTAL ZONE MANAGEMENT PROGRAM

Generally, 17:2

COASTLINE

Generally, 1:5
Coastal Coordination Act, 17:2
Coastal Zone Management Act, 17:2
Conservation and Land Use, this index
Marl, sand, gravel, shale, and mudshale removal
generally, 31:18
permits, 31:19
pricing, 31:20
Oil and gas operations, water protection regulations, 29:5
Oil Spill Prevention and Response Act, this index

COASTLINE—Cont'd

Permits, marl, sand, gravel, shale, and mudshale removal, **31:19** Texas Coastal Zone Management Program, **17:2**

COC

Chemicals of Concern, this index

COG

Councils of Government, local agencies, 2:19

COLLATERAL ESTOPPEL

Public agency adjudications, **3:16**

COLONIA INTERAGENCY COORDINATION WORKGROUP

Generally, 27:2

COMMERCE CLAUSE AUTHORITY

Preemption of state laws, 1:8

COMMON LAW

Generally, 1:3

Nuisances, this index

Remedies, Attorney General enforcement of environmental laws, 4:11

COMMUNITIES

Emergency Planning and Community Right to Know Act, this index Occupational health and safety, community right-to-know provisions, **18:3**

COMPLETION CERTIFICATES

Oil and hazardous substance spill reporting and response, 8:3

COMPLETION REPORTS

Underground injection control, 9:7

COMPLIANCE HISTORY FACTORS

Agency enforcement of environmental laws, 4:9

COMPOSTING

Agricultural activities, 28:5

Biomass. Renewable Energy, this index

Municipal waste, 32:6

COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA)

Addressing environmental concerns in transactions, 36:9

Affiliated purchasers of contaminated properties, 13:2

All appropriate inquiry requirements for purchasers, 13:2

Asbestos regulations, 21:5

Bona fide prospective purchaser defense, 13:2

Brightfields Initiative, 13:2

Brownfields, this index

Brownfields Amendments, 13:2

Brownfields programs to alleviate CERCLA impacts, 13:1

Business transactions. Real Property and Business Transactions, this index

COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA)—Cont'd

Buyer liabilities. Real Property and Business Transactions, this index

Citizen suits, 35:3

Contaminated Aquifers Policy, 13:2

Contiguous property owner defense, 13:2

Defenses, limitations, 13:2

Due diligence duties of purchasers, 36:9

Enactment, 11:2

EPA authority, 2:2

Fiduciary liabilities, 13:2

Immunity waivers, 1:9

Innocent landowner defense, 13:2

Joint and several liability, 13:2

Lender liabilities, 13:2

Mining sites, 31:21, 31:26

Municipal Setting Designations, this index

Oil and hazardous substance spill reporting and response requirements, 8:1, 8:2

PCB regulation, 23:6

Per- and polyfluoroalkyl substances (PFAS), 25:2

Potentially responsible parties (PRP), 13:2

Prospective Purchase Agreements (PPA), 13:2

Real Property and Business Transactions, this index

Redevelopment of contaminated lands. Brownfields, this index

RE-Powering America's Land Initiative, 13:2

Small Business Liability Relief and Brownfields Revitalization Act of 2002, 13:1

Strict liability standard, 13:1

Superfund, this index

Superfund Amendments and Reauthorization Act (SARA), 13:2

Technical assistance grants (TAG), 13:2

Third-party defense, 13:2

Voluntary Cleanup Program, this index

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Generally, **6:13**

Air quality, 28:4

Federal law, 28:2

Permits, 28:2

Point source pollution, 28:2

Water quality, **6:13**

Water runoff issues, 28:2

CONDEMNATION

Eminent Domain, this index

Inverse Condemnation, this index

CONFLICTS OF INTEREST

Attorneys

generally, 38:3

CONFLICTS OF INTEREST-Cont'd

Attorneys—Cont'd

environmental obligations creating, 38:1

CONGRESSIONAL INTENT

CERCLA, 13:1

CWA, **6:6**

CONSERVATION AND LAND USE

Generally, 1:2, 1:5, 1:6, 17:1 et seq.

Accretion, 17:4

Aggregate quarry and pit safety, land use regulations, 31:15

Agricultural use restrictions, 28:7

Avulsion, 17:4

Beaches, 17:3

Biomass energy facilities, 30:17

Coastal Coordination Act, 17:2

Coastal land use restrictions, 17:2 et seq.

Coastal Zone Management Act, 17:2

Coastal Zone Management Program, 17:2

Dams, 17:6

Dune areas, 17:3

Endangered Species, this index

Environmental impact statement requirements, 17:2

Erosion, **17:4**

Federal law, wetlands, 17:5

Fish and Wildlife Coordination Act, this index

Fish and Wildlife Service, this index

Flood control structures, 17:6

Floodplain management, 17:7

General Land Office responsibilities, 17:2

Geothermal energy facilities, 30:17

Groundwater, 17:8

Levees, 17:6

Littoral property, 17:3

Local governments, 17:18

Local laws and ordinances, 2:19

Man-made lakes, 17:4

Mining, surface, 31:8

Parks and wildlife, 17:11 et seq.

Real Property and Business Transactions, this index

Renewable energy facilities, 30:17

Restrictions on agricultural uses, 28:7

Riparian tract boundaries, 17:4

RRC regulations, renewable energy facilities, 30:17

Solar energy facilities, 30:17

State Lands, this index

State Soil and Water Conservation Board, this index

Submerged lands, 17:4

CONSERVATION AND LAND USE—Cont'd

Surface coal mining, 31:8

Surface water impoundments, 17:8

TCEQ authority, floodplain and watershed management, 17:7

Texas Antiquities Code, 17:10

Texas Coastal Zone Management Program, 17:2

Texas Historical Commission, 17:9

Texas National Resources Conservation Commission, this index

Texas Parks and Wildlife Code, this index

Texas Parks and Wildlife Department, this index

Water related programs, 17:5 et seq.

Watershed management, 17:7

Wetlands, 17:5

Wind farms, 30:17

Zoning, this index

CONSTITUTIONAL LAW

Administrative enforcement, constitutionality challenges, 4:4

Administrative rules, constitutionality challenges, 3:5

Preemption of state laws, Commerce Clause authority, 1:7

Supremacy Clause, 1:7

CONSUMER AWARENESS PROGRAMS

Recycling of municipal waste, 32:13

CONTAMINATED AQUIFERS POLICY

Generally, 13:2

CONTEMPT ORDERS

Attorney General enforcement of environmental laws, 4:13

CONTRACTORS

Insurance, contractors pollution liability policies, 37:14

Licensing, storage tank work, 12:12

CONTRACTS

Real Property and Business Transactions, this index

CONTRIBUTION

CERCLA, this index

Texas superfund contribution protection, 11:10

COOPERATION AND COORDINATION

Coastal Coordination Act, 17:2

Coastal Coordination Advisory Committee, 2:16

Colonia Interagency Coordination Workgroup, 27:2

EPA coordination with Mexican administrative agencies, 27:12

Inter-Agency Cooperation, this index

Local transboundary cooperation, 27:7

Oil and gas regulations, 29:5

RRC-TCEQ coordination, oil and gas regulations, 29:5

State transboundary cooperation, 27:7

COOPERATION AND COORDINATION—Cont'd

TCEQ coordination with Mexican administrative agencies, **27:2** TCEQ coordination with RRC, **29:5**

CORONAVIRUS

Administrative proceedings impact, **3:20**Medical waste, TCEQ enforcement discretion, **22:20**Response planning and management
generally, **16:1 to 16:4**businesses, **16:2**employers, **16:2**workplace measures, **16:3**Waste disposal, **22:19**

CORPORATIONS

Real property and business transactions, corporate liabilities, **36:4** Texas superfund, corporate successor liability, **11:6**

CORPS OF ENGINEERS

Army Corps of Engineers, this index

CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)

Brownfields redevelopment, 13:2

COSTS

Fees, this index
Financial Assurance Requirements, this index
Financing Environmental Protection, this index
Innocent Owner/Operator Program, 13:8
Oil and gas operations, cost recovery for pollution responses, 29:13
Oil and hazardous substance spill reporting and response, 8:3
Recovery actions, Texas superfund, 11:2
Recycling vs waste disposal, 32:1
Reimbursements, used oil collection centers, 24:8
Texas Superfund, this index
Used oil regulation, 24:18
Waste disposal vs recycling, 32:1

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)

Generally, 2:6

COUNCILS OF GOVERNMENT (COG)

Local agencies, 2:19

COUNTIES

Brownfields programs for cleanup and economic redevelopment, 13:23

COVID-19

Administrative proceedings impact, **3:20**Medical waste, TCEQ enforcement discretion, **22:20**Response planning and management generally, **16:1** to **16:4**

```
COVID-19—Cont'd
  Response planning and management—Cont'd
    businesses, 16:2
    employers, 16:2
    workplace measures, 16:3
  Waste disposal, 22:19
CRIMINAL LAW
  Attorney General prosecutorial responsibilities, 4:11
  City environmental criminal ordinances, 4:20
  Confidentiality duties of counsel, crime-fraud exception, 38:2
  Culpability, 4:15
  Defenses, 4:18
  Endangerment offenses
    generally, 4:15
    water quality endangerment, 6:12, 6:15
  Environmental crimes
    generally, 4:14 et seq.
    endangerment offenses, 4:15
    Federal prosecutions, below
    history of provisions, 4:14
    Statutory authority, below
    statutory penalties, 4:16
    strict liability, 4:15
  Ethical considerations of counsel, 38:1
  Federal prosecutions
    generally, 4:19
    parallel proceedings, 4:21
  Intent, environmental crimes, 4:15
  Investigations of environmental crimes, 4:22
  Medical waste offenses, 22:15
  Parallel proceedings, 4:21
  Penal Code, 4:17
  Penalties, 4:16
  Statutory authority
    city ordinances, 4:20
    environmental statutes, 4:16
    federal statutes, 4:19, 4:21
    Penal Code, 4:17
  Strict liability, 4:15
  Underground injection activities, 9:5
  Used Oil Act penalties, 24:17
  Water quality endangerment, 6:12, 6:15
CULPABILITY
  Environmental crimes, 4:15
CWA
  Clean Water Act, this index
```

CZMA

Coastal Zone Management Act, this index

DAMS

Conservation and land use statutes, 17:6

DECEPTIVE TRADE PRACTICES ACT

Generally, 36:3

DEEDS

Oil and hazardous substance spills, deed recordation requirements, **8:3** Texas Risk Reduction Program, institutional controls, **13:21** Title issues, oil and gas operations conflicts with surface mining, **31:31**

DEFINITIONS

Agriculture, **28:1** Artesian water, **14:2**

Asbestos

federal, 21:3

state, 21:4

Biomass, 30:12

Border region, 27:1

Brightfields, 13:2

Brownfield, 13:6

Brownfields site, 13:2

CAMU-eligible waste, 13:2

Condemnation, 34:3

Deliberations, 3:8

Developed water, 14:3

Dredged material, 6:11

Eminent domain, 34:1

Generator, 24:7

Groundwater, 14:1

Institutional controls, 13:21

Inverse condemnation, **34:4**

Major environmental rule, 3:2

Medical waste, 22:1

Meeting, 3:8

Municipal waste, 32:6

Oil and gas operations, 29:2

Ownership in place, 14:2

PCB (federal regulations), 23:3

PCB (state regulations), 23:1

Percolating water, 14:2

Point source, **4:16, 6:8**

Public interest (RRC), 31:30

Resource Conservation and Recovery Act, 32:3

Solid waste

generally, 10:1, 32:3

State agency, 3:1

DEFINITIONS—Cont'd

State water, 14:2 Surface water, 14:1, 14:2 Underground injection control regulations, 9:5 Watercourse, 14:3

DELEGATIONS OF POWERS

Eminent domain powers to local governments, **34:1** Rulemaking authority to administrative agencies, **3:2**

DELEGATIONS OF PROGRAMS

Federal programs, to states air quality, **5:4**, **5:8** water quality, **6:3** Federal-State Interaction, this index

DEPARTMENT OF TRANSPORTATION

Asbestos waste transportation and disposal, 21:7

DISCHARGES

See also Leaks, Spills, and Releases, this index
Comprehensive general liability (CGL) policies
discharges, 37:3
initial discharge rule, 37:10
relevant discharge rule, 37:10
Dredged material, 6:11
Mining, 31:22
National Pollutant Discharge Elimination System, this index
Permits, water quality, 6:9
Prohibition standards, water quality, 6:8
Stormwater, 31:22
Wastewater, 31:22
Water Quality, this index

DISCLOSURE

Asbestos, 21:7 Attorneys, client confidences, 38:2 Notification Requirements, this index Public Information Act requirements, 3:11 Storage tank requirements, 12:6

DISCOVERY

Class actions, 33:3

DISPUTE RESOLUTION

International agreements, 27:6

DRAINAGE DISTRICTS

Generally, 2:19

DREDGING

Corps of Engineers, wetlands permits, 6:11

DREDGING—Cont'd

Discharges of dredged material, **6:11** Water quality regulations, **6:4**

DRILLING

Offshore Drilling, this index
Oil and Gas, this index
Permits, groundwater quality projects

Permits, groundwater quality protection, **31:23** Underground Injection Control Program, this index

Wells, this index

DRINKING WATER

Drinking Water State Revolving Fund, 14:12

Safe Drinking Water Act, this index

State Revolving Fund (DWSRF), 14:12

Underground injection control regulations, 9:2, 9:6

Underground Sources of Drinking Water, this index

DRINKING WATER STATE REVOLVING FUND (DWSRF)

Generally, **14:12**

DRY CLEANER REMEDIATION PROGRAM

Generally, 13:22

DUAL COMPLETION WELLS

Underground injection control, 9:7

DUNE AREAS

Conservation and land use statutes, 17:3

EASEMENTS

Servitudes, this index

EC

Enforcement Coordinators, 4:5

ECOLOGICAL RISK ASSESSMENT

Texas Risk Reduction Program, 13:16

ECONOMICALLY DISTRESSED AREAS PROGRAMS

Border areas, 27:2

EDPR

Executive Director's Preliminary Report and Petition, agency enforcements, 4:5

EDWARDS AQUIFER AUTHORITY (EAA)

Groundwater management, **14:2** Storage tank regulations, **12.6** Water rights, **14:2**

EIC

Enforcement Initiative Criteria, 4:5

EIS

Environmental Impact Statements, this index

EMERGENCIES

Generally, 1:6

Asbestos Hazard Emergency Response Act, 21:6

Federal Emergency Management Agency, 2:7

Occupational health and safety, release notifications, 18:3

Oil and Hazardous Substance Spill Reporting and Response, this index

Oil Spill Prevention and Response Act, this index

Release notifications, occupational health and safety, 18:3

Texas superfund, emergency responses, 11:4

Used oil processors, emergency response measures, 24:10

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT (EPCRA)

Generally, 1:6

Occupational health and safety, 18:3

Oil and hazardous substance spill reporting and response requirements, 8:1, 8:2

PCB regulation, 23:7

EMINENT DOMAIN

Generally, 34:1 et seq.

Compensation rights of property owners, 34:2

Condemnation processes, 34:3

Contaminated property, Texas superfund, 11:9

Definition, 34:1

Delegations of power to local governments, 34:1

Inverse Condemnation, this index

Public use, taking for, 34:5

Texas superfund, contaminated property, 11:9

ENDANGERED SPECIES

Conservation and land use statutes, 17:13

Federal laws

generally, 17:13

Listing decisions, 17:13

Texas Endangered Species Act, 17:13

Texas Parks and Wildlife Department oversight authority, 2:10

ENDANGERED SPECIES ACT (ESA)

Citizen suits, 35:3

Fish and Wildlife Service authority, 2:4

Mining, 31:27

Oil and gas operations, 29:15

Prairie chicken listing, 29:15

Renewable energy facilities, 30:17

ENDANGERMENT OFFENSES

Criminal Law, this index

ENERGY

Brightfields Initiative, 13:2

Fuels, this index

```
ENERGY—Cont'd
  Renewable Energy, this index
  RE-Powering America's Land Initiative, 13:2
  Used oil, burning for energy recovery
    generally, 24:4
    standards, 24:11
ENFORCEMENT
  Generally, 4:1 et seq.
  Administrative enforcement
    generally, 4:4 et seq.
    areas of concern, 4:5
    Audit Privilege Act, 4:7, 4:22, 36:9
    citizen-collected evidence, 4:8
    compliance history factors, 4:9
    constitutionality, 4:4
    Enforcement Initiative Criteria, 4:5
    federal, water quality, 6:12
    goals, 4:1
    informal notices of violation, 4:5
    Litigation Division referrals, 4:5
    notices of enforcement, 4:5
    oil and gas regulations, RRC enforcement, 29:13
    parallel proceedings, 4:21
    penalties, 4:4
    procedure, 4:5
    Public Interest Counsel role, 4:10
    referrals to Litigation Division, 4:5
    RRC enforcement of oil and gas regulations, 29:13
    Supplemental Environmental Project penalty assessments, 4:6
    surface coal mining operations, 31:10
    TCEQ, 4:4
    technical requirements of enforcement orders, 4:4
    TxDOT aggregate quarry and pit safety regulations, 31:16
    underground injection control
       RRC, 9:7
       TCEQ, 9:5
    Water quality, below
  Aggregate quarry and pit safety regulations, 31:16
  Air quality, 5:12
  Areas of concern, agency enforcement, 4:5
  Attorney General enforcement
    generally, 4:11 et seq.
    agency requests, 4:13
    Civil enforcement, below
    Criminal Law, this index
    mediation, 4:13
  Attorney's fees, 4:12
```

```
ENFORCEMENT—Cont'd
  Audit Privilege Act, 4:7, 4:22, 36:9
  Citizen Suits, this index
  Citizen-collected evidence, 4:8
  Civil enforcement
    Attorney General enforcement, above
    attorney's fees, 4:12
    common law remedies, 4:11
    contempt orders, 4:13
    federal water quality, 6:12
    initiation of judicial enforcement action, 4:13
    injunctive relief, 4:12
    judicial remedies, 4:12
    mediation, 4:13
    medical waste, 22:14
    negotiated settlements, 4:13
    penalties, 4:12
    remedies
       generally, 4:12
       common law, 4:11
    Supplemental Environmental Project penalty assessments, 4:13
    surface coal mining operations, 31:10
    trials, 4:13
    underground injection control regulations, 9:5
    venue, 4:13
  Common law remedies, 4:11
  Compliance history factors, agency enforcement, 4:9
  Conclusions of law
    water quality, 6:15
  Confidentiality duties of counsel, crime-fraud exception, 38:2
  Contempt orders, Attorney General enforcement, 4:13
  Coordinators, Enforcement, 4:5
  Criminal Law, this index
  Defenses
    air quality, 5:12
    Audit Privilege Act, 4:7, 4:22, 36:9
    criminal prosecutions, 4:18
  Deterrent goals of enforcement, 4:1
  Enforcement Initiative Criteria, 4:5
  Environmental audits
    water quality, 6:15
  Equitable enforcement goals, 4:1
  Executive Director's Preliminary Report and Petition, 4:5
  Expedited processes, 4:5
  Federal enforcement
    public participation, 35:2
    state-federal relationship, 4:2
    water quality, 6:12
```

ENFORCEMENT—Cont'd Field citations, 4:5 Findings of fact, water quality, **6:15** Goals of enforcement, 4:1 Immunities, 4:7 Informal enforcement, 4:3 Informal notices of violation, 4:5 Information supplied by public, enforcement based on, 35:2 Initiation of judicial enforcement action, 4:13 Injunctive relief, 4:12 Intervention by citizens, 35:2 Investigations, 4:22 Judicial remedies, 4:12 Litigation Division referrals, 4:5 Local agencies, water quality, 6:15 Local governments, 4:3 Mediation, Attorney General enforcement, 4:13 Medical waste, 22:14 Memoranda of Understanding, federal-state, 4:2 Negotiated settlements, Attorney General enforcement, 4:13 Notices of enforcement, 4:5 Oil and gas operations, RRC enforcement of regulations, 29:13 Overfilling, federal/state enforcement conflicts, 4:3 Overview of enforcement options, 4:3 Parallel proceedings, 4:21 PCBs, 23:3 Penalties, this index Penalty assessments, 4:5 Policy Framework for State/EPA Enforcement Agreements, 4:3 Procedure, agency enforcement, 4:5 Public comment on enforcement proceedings, 35:2 Public Interest Counsel role, 4:10 Public participation federal law, 35:2 information supplied by public, enforcement based on, 35:2 intervention by citizens, 35:2 settlements, 35:4 Referrals to Litigation Division, 4:5 **RRC** oil and gas regulations, 29:13 surface coal mining, 31:10 Settlements, this index Supplemental Environmental Project penalty assessments agency enforcement, 4:6 Attorney General enforcement, 4:13 TCEQ enforcement, 4:4 Technical requirements of enforcement orders, 4:4 Texas Superfund, this index

```
Trials, 4:13
  TxDOT aggregate quarry and pit safety regulations, 31:16
  Underground injection control
    generally, 9:3
    RRC, 9:7
    TCEQ, 9:5
  Venue, Attorney General enforcement, 4:13
  Water quality
    generally, 6:15
    conclusions of law, 6:15
    environmental audits, 6:15
    federal law, 6:12
    findings of fact, 6:15
  Water Well Drillers Act, 14:2
ENFORCEMENT INITIATIVE CRITERIA (EIC)
  Generally, 4:5
ENVIRONMENTAL, SOCIAL, AND GOVERNANCE (ESG)
  Introduction, 39:1
ENVIRONMENTAL ASSESSMENTS
  Assessments of Conditions, this index
ENVIRONMENTAL CONSERVATION
  Conservation and Land Use, this index
ENVIRONMENTAL IMPACT STATEMENTS (EIS)
  Conservation and land use statute requirements, 17:2
ENVIRONMENTAL PROTECTION AGENCY (EPA)
  Generally, 2:2 et seq.
  Agriculture, this index
  Asbestos regulation, 21:3
  Asbestos regulations, 21:5
  Bona fide purchaser guidance, 36:5
  Brownfields grant and revolving loan programs, 13:2
  CERCLA administration, 2:2
  Contaminated Aquifers Policy, 13:2
  Creation, 2:2
  Enforcement authority, 4:2
  FIFRA administration, 2:2
  Indoor air quality authority, vapor intrusion, 19:2
  Jurisdiction
    generally, 2:2
    enforcement authority, 4:2
    wetlands, 6:11
  Memoranda of Understanding, 4:2
  Mexican administrative agencies, coordination with, 27:12
  Mining regulation, 31:21
```

ENFORCEMENT—Cont'd

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Cont'd Ocean Dumping Act administration, 2:2 Oil and hazardous substance spill reporting and response responsibilities, 8:2 Organization, 2:2 PCB regulations, 23:3 Policy Framework for State/EPA Enforcement Agreements, 4:3 Powers, 2:2 Programs, 2:2 Public Health, Superfund Evaluation Manual, 13:15 **RCRA** administration, 2:2 Recycling regulations, 32:3 Regulatory authority, 2:2 Risk Assessment Guidance for Superfund, 13:15 **SDWA** administration, 2:2 Storage tank regulations, 12:1 Superfund administration, 2:2 Superfund Public Health Evaluation Manual, 13:15 TSCA administration, 2:2 Underground injection control requirements, 9:2 Used Oil Regulation, this index Water quality, EPA oversight, 6:5 Waters of the United States rule, 2:3, 6:8 Wetlands authority, 17:5 jurisdiction, 6:11

EPCRA

Emergency Planning and Community Right to Know Act, this index

EROSION

Conservation and land use statutes, 17:4

ESA

Endangered Species Act, this index

ETHICAL CONSIDERATIONS

Generally, **38:1 et seq.**Attorneys, this index
Lobbying activities, **3:17, 38:5**Public sector employees, **38:5**

ETHICS COMMISSION

Lobbying activities, 3:18

EVIDENCE

Audit Privilege Act, **4:7**, **4:22**, **36:9**Citizen-collected evidence, administrative enforcement, **4:8**Indoor air quality, **19:4**Tampering, Penal Code offenses, **4:17**

EX PARTE COMMUNICATIONS

Administrative agencies

generally, 3:19, 38:5

contested case adjudications, 3:3

Adversary's employees, 38:4

State Office of Administrative Hearings, 3:19

EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION (EPDR)

Agency enforcements, 4:5

EXECUTIVE SESSIONS

Open Meetings Act, 3:9

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Generally, 3:5

EXPERT WITNESSES

Indoor air quality, 19:4

FACILITIES

Closures of Facilities, this index

Solvency. Financial Assurance Requirements, this index

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Generally, 2:7

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

Agricultural activities, 28:6

EPA authority, 2:2

Indoor air quality, 19:3

Preemption of state laws, 1:7

FEDERAL LAW

Generally, 1:3, 1:4

Acid rain, 5:7

Administrative Agencies, this index

Agriculture, 28:1

Air Quality, this index

Asbestos, this index

Atomic Energy Act, 20:6

Attorney misconduct under federal rules, 38:4

Border areas, national parks protection, 27:13

Coastal Zone Management Act, 17:2

Concentrated Animal Feeding Operations, 28:2

Endangered species, 17:13

Enforcement, this index

Ethical considerations, 38:4

Hazardous Materials Transportation Act, 8:2

Indoor air quality, 19:3

Inverse condemnation, 34:5

Judicial review of rulemaking decisions, public participation, 35:6, 35:8

Licensing of radioactive materials, 20:6

FEDERAL LAW—Cont'd National Flood Insurance Program, 17:7 National parks protection, border areas, 27:13 Nuclear Waste Policy Act, 20:7 Occupational Health and Safety Act, 18:2 Oil and gas operations, 29:15 Oil and hazardous substance spill reporting and response, 8:2 Oil Pollution Act, 8:2 Out-of-state waste bans, 20:9 PCBs, this index **Permits** air quality, 5:10 issuance, public participation, 35:3 Preemption of State Laws, this index Public participation judicial review of rulemaking decisions, 35:6, 35:8 permit issuance, 35:3 Publicly owned treatment systems funding, water quality, 6:7 Radioactive Materials, this index Recycling generally, 32:2 government environmentally preferable purchasing, 32:11 Savings clauses, 1:7 State and local transboundary cooperation, 27:7 State jurisdiction over federal facilities, 1:9 Storage tanks, 12:1 Stratospheric ozone depletion, 5:7 Superfund Recycling Equity Act, 11:2 Texas superfund, federal law relationship, 11:3 Underground Injection Control Program, this index Used oil regulation, 24:2 Waste, out-of-state bans, 20:9 Water quality generally, 6:2 et seq. publicly owned treatment systems funding, 6:7 Water rights, 14:7 Wetlands, conservation and land use statutes, 17:5 FEDERAL-STATE INTERACTION Air quality programs delegations, 5:4, 5:8 Criminal law prosecutions, parallel proceedings, 4:21 Delegations of Programs, this index Low-level radioactive waste, 20:10 Memoranda of Understanding, 4:2 Mining regulations, 31:3 Overfilling enforcement conflicts, 4:3 Policy Framework for State/EPA Enforcement Agreements, 4:3 Preemption of State Laws, this index

FEDERAL-STATE INTERACTION—Cont'd

Savings clauses in federal laws, 1:7 Supremacy Clause, 1:7 Water quality programs, 6:1, 6:3

FEES

Asbestos inspection fees, 21:7 Financing Environmental Protection, this index Innocent Owner/Operator Program, 13:8 Public Information Act, 3:12 Underground injection control permits, 9:5

FIDUCIARIES

CERCLA liabilities, 13:2

FIELD CITATIONS

Agency enforcement, 4:5

FIFRA

Federal Insecticide, Fungicide, and Rodenticide Act, this index

FINANCIAL ASSURANCE REQUIREMENTS

Oil and gas operations, RRC financial security requirements, 29:13 Storage tanks, 12:11 Surface coal mining, 31:8 Underground Injection Control Programs, this index Used oil regulation, financial assurance for soil remediation, 24:6

publicly owned treatment systems funding, 6:7

FINANCING ENVIRONMENTAL PROTECTION Agricultural Water Conservation Fund, 14:12 Brownfields grant and revolving loan programs, 13:2 Clean Air Financing Act, 5:3 Clean Water State Revolving Fund, 14:12 Drinking Water State Revolving Fund, 14:12 Economically distressed areas, water development financing, 14:12 Financial Assurance Requirements, this index Hazardous and Solid Waste Remediation Fee Account, 11:5 Oil and Gas, this index Publicly owned sewage treatment systems funding, 6:7 Recycling, Development Corporation Act financing, 32:9 Renewable energy, project development financing, 30:16 Solid Waste Resource Recovery Financing Act, 32:8 State Water Pollution Control Revolving Fund, 6:7 Superfund, Hazardous and Solid Waste Remediation Fee Account, 11:5 Texas Water Development Board, 14:12 Used oil recycling account, 24:3

Index-34

Water quality projects, 14:12

Water Rights, this index

FINDINGS OF NO SIGNIFICANT IMPACT (FONSI)

Generally, 2:6

FIRES

Fire hazards, occupational health and safety, **18:6** Texas superfund, fire responses, **11:4**

FISH AND WILDLIFE SERVICE (USFWS)

Generally, 2:4

ESA administration, 2:4

FLOOD CONTROL PROJECTS

Legal issues, 15:3

FLOODPLAINS

Floods and watershed management, 17:7 Mapping, legal issues, 15:4

FLOODS

Generally, 15:1 to 15:8

Conclusion, 15:7

Conservation and land use statutes

flood control structures, 17:6

floodplain and watershed management, 17:7

floodplain mapping, 15:4

Flood control projects, legal issues, 15:3

Floodplain mapping, 15:4

Funding, **15:6**

Funding and planning, 17:6

Insurance coverage, local laws and ordinances, 2:19

Liability theories, 15:2

National Flood Insurance Program, 17:7

Planning, 15:6

Reasonable care, 15:5

FLUID INJECTION CONTROL

Underground Injection Control Programs, this index

FONSI

Findings of no significant impact, 2:6

FOREST SERVICE

Generally, 2:5

FORMALDEHYDE

Indoor air quality, 19:3

FRACKING

Underground Injection Control Programs, this index

FRAUD

Fuels, RIN fraud, 26:3

FUELS

Generally, 26:1 to 26:6

Additives, fuel additives, 26:3

Alternative fuels, 26:3

Anti-dumping, 26:3

Biofuels

biomass energy distinguished, 30:12

Biomass, 26:3

Challenges to industries, 26:3

Conclusion, 26:6

Diesel fuel, 26:3

Diesel fuel, used oil containing, 24:7

El Paso low reid vapor pressure gasoline program, 26:4

El Paso oxygenated fuel program, 26:4

Emergency fuel waivers, 26:5

EPA authority to prohibit or control fuels and fuel additives, 26:3

Ethanol as a gasoline additive, 26:3

Federal laws and regulation, generally, 26:3

Federal preemption, 26:2

Fuel pathway approval, 26:3

Fuel volume mandates, 26:3

Gasoline sulfur program, **26:3**

Geographic scope, 26:3

Health and welfare impacts, 26:3

Invalid RINs, 26:3

Lifestyle greenhouse gas emissions, 26:3

Low reid vapor pressure gasoline programs, 26:4

Methyl tertiary butyl either (MTBE), 26:3

Mobile source air toxics (MSATs), 26:3

Oxygenate requirements, 26:3

Preemption, 26:2

Product transfer documents, 26:3

Recordkeeping, 26:3

Reformulated gasoline (RFG), 26:3

Regional low reid vapor pressure gasoline program, 26:4

Registration, 26:3

Reid vapor pressure (RVP), 26:3, 26:4

Renewable fuels, 26:3

Renewable identification numbers (RINs), 26:3

Renewable volume obligations (RVOs), 26:3

Reporting, 26:3

Sulfur standards, 26:3

Texas laws and regulation, 26:4

Texas low emission diesel fuel (TxLED program, 26:4

Tier 2 program, 26:3

Tier 3 program, 26:3

Tracking, 26:3

Used oil containing diesel fuel, 24:7

FUELS—Cont'd

Verification of RIN, 26:3 Waivers, 26:3, 26:5 Winter oxygenated fuel, 26:3

FUNDING

Financing Environmental Protection, this index Flood, **15:6**

FUNGICIDES

Federal Insecticide, Fungicide, and Rodenticide Act, this index

GAS

Oil and Gas, this index

GCD

Groundwater Conservation Districts, 2:19

GENERAL LAND OFFICE (GLO)

Generally, 2:14

Coastal conservation areas, 2:14

Conservation and land use responsibilities, 17:2

Mineral lease authority, 17:4

Oil and hazardous substance spill reporting and response responsibilities, 8:1, 8:3

Oil Spill Prevention and Response Act responsibilities, 2:14

Public lands administration, 2:14

State lands authority, 17:14

Wetlands authority, 17:5

GENERATORS

Medical waste generator duties, **22:2**Texas superfund, generators as PRPs, **11:6**Used oil regulation, **24:7**

GEOLOGICAL REQUIREMENTS

Underground injection control, 9:7

GEOTHERMAL ENERGY

Renewable Energy, this index

GLOBAL WARMING

Generally, 5:7

Cap and trade programs, 5:12

Carbon credit proposals, 30:1

Carbon dioxide

underground storage, 9:4

Stratospheric ozone depletion, 5:7

GRANDFATHERED FACILITIES

Air quality, 5:9

Texas Risk Reduction Program, 13:15

```
GRAVEL
  Removal regulations
    generally, 31:18
    permits, 31:19
    pricing, 31:20
  Texas Parks and Wildlife Department authority, 2:10
GROUNDWATER
  Aquifers, this index
  Brownfields programs remediation, 13:1
  Contaminated groundwater use for nonpotable purposes, municipal setting designa-
       tions, 13:11
  Definition, 14:1
  Dry Cleaner Remediation Program, 13:22
  Mining activities
    conflicts, 31:33
    quality, 31:13, 31:23
    rights, 31:24
  Municipal Setting Designations, this index
  Nonpotable purposes, contaminated groundwater use for, 13:11
  Ownership in place, 14:2
  Percolating water, 14:2
  Plume management zones, Texas Risk Reduction Program, 13:17
  Protection and remediation, municipal setting designation impacts, 13:14
  Quality
    artesian water, 14:2
    border issues, 27:9
    brownfields programs remediation, 13:1
    contaminated groundwater use for nonpotable purposes, municipal setting designa-
         tions, 13:11
    drilling permits, 31:23
    Dry Cleaner Remediation Program, 13:22
    mining activities, 31:13, 31:23
    Municipal Setting Designations, this index
    nonpotable purposes, contaminated groundwater use for, 13:11
    permits, drilling, 31:23
    plume management zones, Texas Risk Reduction Program, 13:17
    protection and remediation, municipal setting designation impacts, 13:14
    Texas Risk Reduction Program
       groundwater classification, 13:16
       plume management zones, 13:17
    underground injection control, 9:5
  Rights
    generally, 14:2
    agriculture, 28:3
    border issues, 27:9
    conservation and land use statutes, 17:8
    conservation districts, 14:2
```

GROUNDWATER-Cont'd

Rights—Cont'd

conveyances, 14:2

Edwards Aquifer Authority, 14:2

management, 14:2

mining activities, 31:24

ownership in place, 14:2

statewide vs local regulation, 14:2

subsidence districts, 14:2

surface water distinguished, 14:1

Subsidence, conservation and land use statutes, 17:8

Surface water distinguished, 14:1

Texas Risk Reduction Program

groundwater classification, 13:16

plume management zones, 13:17

Underground Injection Control Programs, this index

GROUNDWATER CONSERVATION DISTRICTS (GCD)

Generally, 2:19

GULF OF MEXICO

Offshore pollution protection, 29:5

Oil and Hazardous Substance Spill Reporting and Response, this index

Oil Spill Prevention and Response Act, this index

HALOGEN

Used oil containing, 24:9

HAP

Hazardous Air Pollutants, this index

HAZARD COMMUNICATION STANDARD (HCS)

Federal law, 18:2

HAZARDOUS AIR POLLUTANTS (HAP)

Air quality, 5:6

Asbestos regulation, 21:5

Mining regulation, 31:25

HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984 (HSWA)

Used oil regulation, 24:2

HAZARDOUS AND SOLID WASTE REMEDIATION FEE ACCOUNT

Texas superfund, 11:5

HAZARDOUS MATERIALS TRANSPORTATION ACT (HMTA)

Oil and hazardous substance spill reporting and response, 8:2

HAZARDOUS SUBSTANCES

Border issues, 27:11

Occupational Health and Safety, this index

Oil and Hazardous Substance Spill Reporting and Response, this index

PCBs, this index

HAZARDOUS SUBSTANCES—Cont'd

Property use liabilities or restrictions, 36:3

Radioactive Materials, this index

Restrictions on property uses, 36:3

Storage tank regulations, 12:3

Texas Hazard Communication Act, this index

Texas Risk Reduction Program, 13:15

Texas superfund, 11:3

Transboundary shipments, 27:11

HAZARDOUS WASTE

Applicable regulation determinations, 32:1, 32:3

Asbestos, 21:7

Border issues, 27:11

CAMU-eligible waste, term defined, 13:2

Disposal wells, underground injection control, 9:6

Environmental law violations, penalties, 4:16

Exclusions from hazardous waste regulations, 32:3

Incineration disposal of medical waste, 22:8

Low-level radioactive waste, 20:10

Medical waste as

generally, 22:17

radioactive medical waste, 20:10, 22:18

Mining regulation, 31:21

Nuclear Waste Policy Act, 20:7

Occupational Health and Safety, this index

Oil and gas operations, 29:8

Permits

transfers, 36:15

Recycling, this index

TCEQ regulation, 32:4

Texas Hazard Communication Act, this index

Texas Risk Reduction Program, 13:15

Transboundary shipments, 27:11

Underground injection control, disposal wells, 9:6

Used oil as, 24:4

Which regulation applies, 32:1

HEALTH

Air quality, health effects review, 5:9

Indoor Air Quality, this index

Medical Waste, this index

Occupational Health and Safety, this index

Occupational Safety and Health Act, this index

Radioactive Materials, this index

Texas Department of State Health Services, this index

Texas Environmental Health and Safety Audit Privilege Act, 4:7, 4:22, 36:9

HEARINGS

Administrative agencies contested case adjudications, **3:3** rulemaking, **3:2** Judicial review of agency actions, **3:5** State Office of Administrative Hearings, this index

HERITAGE

Texas Historical Commission, this index

HIGHWAYS

Transportation, this index

HISTORICAL BACKGROUND

Asbestos, 21:2 Clean Air Act, 5:1 Comprehensive gen

Comprehensive general liability insurance, 37:2

Environmental crimes, 4:14

Indoor air quality, 19:2

Love Canal, 11:1

Oil and gas regulation, 29:1

Radioactive materials, 20:2

Texas Antiquities Code, 17:10

Texas Historical Commission, 17:9

Texas Risk Reduction Program, 13:15

Texas Superfund, 11:3

Underground injection control, 9:1

Water quality, federal programs, 6:2

Water rights law, 14:8

Wind power, 30:4

HMTA

Hazardous Materials Transportation Act, 8:2

HOUSING & URBAN DEVELOPMENT GRANTS

Brownfields redevelopment, 13:2

HSWA

Hazardous and Solid Waste Amendments of 1984, 24:2

HUMAN HEALTH RISK ASSESSMENT

Texas Risk Reduction Program, 13:16

IAQ

Indoor Air Quality, this index

IBW(

International Boundary and Water Commission, 27:5

IMMUNITY

Agency enforcements, **4:7** CAA waivers, **1:9** CERCLA waivers, **1:9**

IMMUNITY—Cont'd

CWA waivers, 1:9

Inverse condemnation, sovereign immunity, 34:15

INCINERATION

PCBs disposal, 23:8

Scope of the solid waste problem, 32:1, 32:3

INDOOR AIR QUALITY (IAQ)

Generally, 19:1 et seq.

Building operation and maintenance guidelines, 19:3

Economic concerns, 19:2

EPA authority, 19:2

Expert witnesses, 19:4

Federal law, 19:3

FIFRA, 19:3

Formaldehyde, 19:3

Guidelines, 19:3

Historical background, 19:2

Lead, 19:3, 19:4

Legal framework, 19:3

Litigation issues, 19:4

Minimum risk levels, 19:3

Mold, 19:3, 19:4

Pesticides. 19:3

Private causes of action, 19:4

Products liability, 19:4

Public health concerns, 19:2

Radon, 19:3

Regulations, 19:3

Sources and types of contaminants, 19:2

TCEQ authority, 19:2

Texas Administrative Code, 19:1

Texas Department of State Health Services authority, 19:1, 19:3

Texas Risk Reduction Program evaluations, 19:2

Tobacco smoke, 19:3, 19:4

Vapor intrusion, 19:2, 19:4

Volatile organic compounds, 19:3

INDUSTRIAL DISCHARGES

Water quality, 6:8

INDUSTRIAL WASTE

Recycling, this index

Solid Waste, this index

Texas Risk Reduction Program, 13:15

INJECTION

Geothermal energy co-production, 30:10

Mining, this index

INJECTION—Cont'd

Underground Injection Control Programs, this index

INJECTION WELL ACT

Violations, penalties, 4:16

INJECTION WELLS

Water quality, 6:13

INJUNCTIONS

Enforcement, this index Texas superfund, **11:7**

INNOCENT OWNER/OPERATOR PROGRAM (IOP)

Generally, 13:8 et seq.

Access requirements, certifications, 13:9

Addressing environmental concerns in business transactions, 36:9

Adjacent landowner notifications, 13:9

Affidavits, 13:10

Applications, 13:9

Brownfields programs, 11:11

Certifications

generally, 13:8, 13:10

access requirement, 13:9

denials, 13:10

revocations, 13:10

Costs, 13:8

Denials of certificates, 13:10

Eligibility, 13:9

Institutional controls, 13:10

Liability releases, 13:8

Municipal zoning restrictions, 13:10

Notification of adjacent landowners, 13:9

Releases from liability, 13:8

Reports, 13:9

Revocations of certificates, 13:10

Site Investigation Report (SIR), 13:9

TCEQ guidance, 13:8

Texas Risk Reduction Program interaction, 13:15

Texas superfund, 11:11

Transfers of IOP status, 13:10

INNOCENT OWNERS

CERCLA, this index

INSECTICIDE

Federal Insecticide, Fungicide, and Rodenticide Act, this index

INSPECTIONS

Asbestos contamination, 21:7

Public Information Act, inspection rules, 3:12

```
Surface coal mining, 31:9
  Underground injection control, 9:5
INSURANCE
  Generally, 37:1 to 37:15
  Absolute pollution exclusion, 37:11
  Accidents, comprehensive general liability policies, 37:3
  Allocation of risks, comprehensive general liability policies, 37:7
  Brownfield transactions, insurance issues, 37:14
  Cleanup costs as damages, comprehensive general liability policies, 37:8
  Complaint allegations rule, comprehensive general liability policies, 37:5
  Complex claims, comprehensive general liability policies, 37:4
  Comprehensive general liability (CGL) policies
    generally, 37:2 et seq.
    absolute pollution exclusion, 37:11
    accidents, 37:3
    allocation of risks, 37:7
    cleanup costs as damages, 37:8
    complaint allegations rule, 37:5
    complex claims, 37:4
    discharges, 37:3
    duties of policyholders, 37:13
    duty to defend, 37:5
    duty to pay, 37:6
    exclusions, 37:3
    Exclusions, below
    gradual events, 37:3
    gradual vs sudden damage, 37:10
    historical background, 37:2
    initial discharge rule, 37:10
    insured's duties, 37:13
    intentional injury exclusions, 37:3
    leased-property exclusion, 37:9
    notice duties of policyholders, 37:13
    occurrences, 37:3
    owned-property exclusion, 37:9
    personal injury coverage, 37:12
    policyholder duties, 37:13
    releases, 37:3
    relevant discharge rule, 37:10
    risk allocations, 37:7
    superfund costs as damages, 37:8
    toxic torts, 37:3
    triggers of coverage, 37:4
  Contractors pollution liability (CPL) policies, 37:14
  Discharges, comprehensive general liability policies, 37:3
  Duties of policyholders, 37:13
```

INSPECTIONS—Cont'd

INDEX

INSURANCE—Cont'd Duty to defend, 37:5 Duty to pay, 37:6 Environmental impairment liability (EIL) insurance judicial interpretations, 37:15 triggers of coverage, 37:14 **Exclusions** absolute pollution exclusion, 37:11 comprehensive general liability policies, 37:3 judicial interpretations, 37:15 owned-or leased-property exclusion, 37:9 Financial Assurance Requirements, this index Finite risk policies, 37:14 Gradual events, comprehensive general liability policies, 37:3 Gradual vs sudden damage, comprehensive general liability policies, 37:10 History, 37:1 to 37:15 Indemnification duty, 37:6 Initial discharge rule, comprehensive general liability policies, 37:10 Insured's duties, comprehensive general liability policies, 37:13 Intentional injury exclusions, comprehensive general liability policies, 37:3 Leased-property exclusion, comprehensive general liability policies, 37:9 Liability insurance requirements, surface coal mining, 31:8 Multiple policies allocation of risks, 37:7 triggers of coverage, 37:4 National Flood Insurance Program, 17:7 Notice duties of policyholders, 37:13 Occurrences, comprehensive general liability policies, 37:3 Owned-property exclusion, comprehensive general liability policies, 37:9 Personal injury coverage in comprehensive general liability policies, 37:12 Policy interpretations, regulatory estoppel applicability, 37:10 Policyholder duties, comprehensive general liability policies, 37:13 Regulatory estoppel, policy interpretations applicability, 37:10 Releases, comprehensive general liability policies, 37:3 Relevant discharge rule, comprehensive general liability policies, 37:10 Remediation cost cap policies, 37:14 Risk allocations, comprehensive general liability policies, 37:7 Secured lender coverage, 37:14 Sudden and accidental pollution exception, 37:10 Suit requirement of duty to defend, 37:5 Superfund costs as damages, comprehensive general liability policies, 37:8 Toxic torts, comprehensive general liability policies, 37:3 Transactional uses of environmental insurance, 37:14 Triggers of coverage CGL policies, 37:4 EIL policies, 37:14

INTENT

Congressional Intent, this index

Environmental crimes, 4:15

Insurance, intentional injury exclusions, 37:3

Inverse condemnation, intent element of action, 34:5

INTER-AGENCY COOPERATION

Cooperation and Coordination, this index

INTERNATIONAL AGREEMENTS

Border Issues, this index

Dispute resolution, 27:6

La Paz Agreement, this index

Water rights, 14:5

INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC)

Groundwater issues, 27:5

INTERSTATE ENVIRONMENTAL PROTECTION

Acid rain, 5:7

Clean Air Interstate Rule, 5:12

Federal out-of-state waste bans, 20:9

INTERSTATE WATER RIGHTS

Generally, 14:3, 14:6

INVENTORIES

Water quality, 6:8

INVERSE CONDEMNATION

Generally, 34:1 et seq.

Beneficial use, regulation causing deprivation of, 34:11, 34:12

Damage element of action, 34:5

Definition, 34:4

Deprivation of all economically beneficial use, regulation causing, 34:11, 34:12

Elements of action, 34:5

Environmental law judicial decisions as constituting, 34:4

Essence of action, 34:4

Exactions as compensable takings, 34:13

Federal law, 34:5

Final decision as predicate for regulatory taking claim, 34:9

Intent element of action, 34:5

Judicial decisions as constituting, 34:4

Law and fact questions, 34:15

Legitimate state interest, regulation advancing, 34:10

Penn Central doctrine, 34:12

Physical takings, 34:7

Private Real Property Rights Preservation Act, 34:15

Public use, taking for, 34:5

Regulatory takings, 34:8

Ripeness of regulatory taking claim, 34:9

```
INVERSE CONDEMNATION—Cont'd
  Sovereign immunity, 34:15
  Taking element of action, 34:5
  Temporary takings, 34:14
  What constitutes a taking, 34:6
INVESTIGATIONS
  Asbestos exposure, 21:6
  Audits, this index
  Enforcement of environmental laws, 4:22
IOP
  Innocent Owner/Operator Program, this index
IRRIGATION DISTRICTS
  Generally, 2:19
JUDICIAL REVIEW
  Agency actions, 3:5
  Permits, 35:6
  Rulemaking, 35:6, 35:8
  Venue, 3:5
JURISDICTION
  Administrative agency actions, judicial review, 3:5
  Administrative Procedure Act, 3:1
  Army Corps of Engineers, 2:3
  Attorney General, environmental jurisdiction, 2:9
  Border issues, 27:6
  Enforcement authority
    EPA, 4:2
    TCEQ, 4:3
  Enforcement of environmental laws, federal-state relationship, 4:2
    generally, 2:2
    enforcement authority, 4:2
  Federal
    border issues, 27:6
    enforcement of environmental laws, federal-state relationship, 4:2
  Federal facilities, state jurisdiction over, 1:9
  Forest Service, 2:5
  Judicial review of agency actions, 3:5
  Local administrative agencies, 2:19
  NEPA, 2:6
  Oil and hazardous substance spill reporting and response, 8:4
  RRC
    generally, 2:11
    oil and gas operations, 29:2
    pipelines, 29:2
  State jurisdiction over federal facilities, 1:9
```

JURISDICTION—Cont'd

State Office of Administrative Hearings, 2:8

TCEQ

generally, 2:8

enforcement authority, 4:3

Texas Department of Agriculture, 2:13

Texas Department of State Health Services, 2:18

Texas Department of Transportation, 2:15

Texas Historical Commission, 2:17

Texas Parks and Wildlife Department, 2:10

Texas Water Development Board, 2:12

Tort claims, 33:3

Waters of the United States rule, 2:3, 6:8

Wetlands, 6:11, 17:5

JURY TRIALS

Texas superfund, 11:10

LA PAZ AGREEMENT

Air quality, 27:12

Hazardous substances and hazardous waste, 27:11

LABELING LAWS

Recycling, 32:12

LAND USE

Conservation and Land Use, this index

Zoning, this index

LANDFILLS

Solid Waste, this index

LEAD

Indoor air quality, 19:3, 19:4

Paint, TDSHS regulations, 2:18

Recycling, 32:4

Used oil contamination, 24:10

LEAKING UNDERGROUND STORAGE TANKS (LUST)

Storage Tanks, this index

LEAKS, SPILLS, AND RELEASES

See also Discharges, this index

Border issues, hazardous substances, 27:11

Hazardous Materials Transportation Act, 8:2

Hazardous substances

border issues, 27:11

Texas superfund, 11:3

Insurance, comprehensive general liability policies, 37:3

Occupational health and safety

accidental releases, 18:6

release notifications, 18:3

LEAKS, SPILLS, AND RELEASES—Cont'd

Oil and Hazardous Substance Spill Reporting and Response, this index

Oil Spill Prevention and Response Act, this index

PCB spills, 23:10

Reporting duties, ethical considerations, 38:2

Storage tanks

leaks, 12:12

release reporting, 12:9

Texas Risk Reduction Program interaction, 13:15

Texas superfund, hazardous substance releases, 11:3

Toxic chemical release reporting, 18:3

Used oil releases to environment

generally, 24:7

corrective measures, 24:15

LEGISLATURE

Administrative agencies, legislative functions, 3:2

Lobbying activities, 3:17, 3:18

LENDERS

CERCLA liabilities, 13:2

Insurance coverage for secured lenders, 37:14

Real property and business transactions, 36:7

Texas superfund PRPs, 11:6

LETTERS OF CREDIT

Financial Assurance Requirements, this index

LEVEES

Conservation and land use statutes, 17:6

Improvement districts, 2:19

LIABILITIES

Asbestos liability considerations, 21:7

CERCLA, this index

Floods, 15:2

Insurance, this index

Limitations, Used Oil Ac, 24:8

Private Causes of Action, this index

Real Property and Business Transactions, this index

Storage tanks, 12:7

Superfund, this index

Texas Superfund, this index

LICENSES AND PERMITS

Air quality

generally, 5:9

transfers, 36:15

Ancillary rights in permit transfers, 36:14

Approvals of permit transfers, 36:14

Area permits, underground injection control, 9:6

LICENSES AND PERMITS—Cont'd Automatic permit transfers, 36:14 Biomass uses, 30:13 Completion of permit transfers, 36:14 Compliance history rules on permit transfers, 36:14 Concentrated Animal Feeding Operations, 28:2 Contest hearings, public participation, 35:5 Drilling, groundwater quality protection, 31:23 Fees, underground injection control, 9:5 Financial assurance requirements on permit transfers, 36:14 Hazardous waste permit transfers, 36:15 Judicial review, 35:6 Marl, sand, gravel, shale, and mudshale removal regulations, 31:19 Mergers and consolidations requiring permit transfers, 36:13 Mining, this index Modifications of permits on transfers, 36:14 Name changes requiring permit transfers, 36:13 National pollutant discharge elimination system, 31:22 Oil and gas operations, 29:5 Oil and hazardous substance spills, permitted facilities reporting, 8:3 Plant-wide applicability permits, air quality, 5:9 Proposed permits, public comments, 35:4 Public Participation, this index Radioactive materials handling, 20:6 Railroad Commission, this index Real Property and Business Transactions, this index Reports of oil and hazardous substance spills by permitted facilities, 8:3 Solid Waste, this index Solution mining for minerals, 31:13 Splits of permits, 36:14 State lands, removal of sand, gravel, or marl, 17:16 Storage tank work, contractors, 12:12 Surface coal mining, 31:8 **TCEQ** permit transfers, 36:14 underground injection control, 9:5 Transfers air quality, 36:15 ancillary rights, 36:14 approvals, 36:14 automatic, 36:14 completion, 36:14 compliance history rules, 36:14 financial assurance requirements, 36:14 hazardous waste, 36:15 mergers and consolidations requiring, 36:13 modifications on, 36:14 name changes requiring, 36:13

LICENSES AND PERMITS-Cont'd

Transfers—Cont'd

Real Property and Business Transactions, this index

TCEQ transfers, 36:14

wastewater, 36:15

Underground Injection Control Programs, this index

Voluntary Cleanup Program, 13:7

Wastewater permit transfers, 36:15

Water quality, permitting process, 6:9

Water Rights, this index

Wetlands, 17:5

LIENS

Texas Superfund, this index

LITIGATION DIVISION (LD)

Agency enforcement of environmental laws, 4:5

LITTER ABATEMENT ACT

Violations, penalties, 4:16

LITTORAL OWNERS

Conservation and land use statutes, 17:3

LIVESTOCK

Biomass feedstocks, 30:12

Carcass burial, **28:5**

Concentrated Animal Feeding Operations, this index

Nuisance liabilities, 5:12

Stocktanks, 28:3

Water rights

regulations, livestock use exemption, 14:3

surface water, 28:3

LLRW

Low-level radioactive waste, 20:10

LOBBYING ACTIVITIES

Ethical considerations, 3:17, 38:5

Local agencies, 3:18

Public agencies, 3:17

LOCAL AGENCIES

Generally, 2:19

Adjudications, 3:14

Air quality, local government authority, 5:12

Drainage districts, 2:19

Enforcement authority, 4:3

Groundwater Conservation Districts, 2:19

Irrigation districts, 2:19

Jurisdiction, 2:19

Levee improvement districts, 2:19

LOCAL AGENCIES—Cont'd

Lobbying activities, 3:18

Municipal Setting Designations, this index

Municipal utilities districts, 2:19

Political subdivisions, Texas superfund responsibilities, 11:6

River authorities, water quality responsibilities, 6:14

Special Law Districts, this index

Texas superfund, political subdivisions responsibilities, 11:6

Texas superfund responsibilities, 11:6

Water Control and Improvements Districts, this index

Water improvement districts, 2:19

Water Pollution Control and Abatement Program, 6:13

Water quality

local programs, 6:8

responsibilities, 6:14

LOCAL GOVERNMENTS

Conservation servitudes, 17:18

Councils of Government, this index

Municipal brownfield programs, 13:4

Texas superfund responsibilities, 11:6

LOCAL LAWS AND ORDINANCES

Generally, 1:3

Environmental crimes, city ordinances, 4:20

Flood insurance, 2:19

Land use laws, 2:19

Zoning, this index

LOVE CANAL

Generally, 11:1

LOW-LEVEL RADIOACTIVE WASTE (LLRW)

Generally, 20:10

LUST

Leaking underground storage tanks. Storage Tanks, this index

MAJOR ENVIRONMENTAL RULES

Term defined, 3:2

MANAGEMENT PLANS

Water quality, 6:8

MARKETING

Coastline removals of marl, sand, gravel, shale, and mudshale, 31:20

Renewable energy marketing agreements, 30:16

Water rights, 14:13

MARL REMOVAL REGULATIONS

Generally, 31:18 et seq.

MAXIMUM AVAILABLE CONTROL TECHNOLOGY (MACT)

Air quality, **5:6**

MEDIATION

Attorney General enforcement of environmental laws, 4:13

MEDICAL WASTE

Generally, 22:1 et seq.

Autoclaving, 22:9

Collection facilities, 22:4, 22:5

County licensing authority, 22:16

COVID-19, TCEQ enforcement discretion, 22:20

Criminal law, 22:15

Definition, 22:1

Disinfection techniques

generally, 22:10

steam or autoclaving, 22:9

Enforcement of administrative rules, 22:14

Environmental law violations, penalties, 4:16

Generator duties, 22:2

Hazardous waste treatment

generally, 22:17

radioactive medical waste, 22:18

Incineration disposal, 22:8

Mobile service units, 22:13

On-site treatment, 22:12

Radioactive medical waste, 22:18

Regulation, 22:1 et seq.

Sharps, disposal technologies, 22:7

Steam disinfection, 22:9

Storage facilities, 22:4, 22:6

Syringes, 22:1

TCEQ regulation, 22:1 et seq.

Texas Department of State Health Services regulation, 22:1 et seq.

Transfer facilities, 22:4, 22:6

Transporter duties, 22:3

Treatment, destruction, and disposal technologies, 22:7

Treatment technology approvals, 22:11

MEMORANDA OF UNDERSTANDING (MoU)

Federal-state relationships, 4:2

MEXICO

Border Issues, this index

Gulf of Mexico, this index

International Agreements, this index

International Boundary and Water Commission, 27:5

La Paz Agreement, this index

Rights findings, 9:5 **MINERALS** Government Land Office lease authority, 15:4 Injection mining for minerals, 31:13, 31:14 Solution mining for, 31:13 Underground injection control, mineral rights findings, 9:5 **MINING** Generally, 31:1 et seq. Accommodation doctrine, oil and gas operations conflicts, 31:33 Aggregate Quarry and Pit Safety, this index Air quality, 31:25 Aquifer protection, 31:13 Brownfields programs, mine-scarred sites, 13:2 CAA, 31:25 Cemetery relocations, 31:28 CERCLA, 31:21, 31:26 Closure requirements, injection mining for minerals, 31:13 federal-state relationships, 31:3 Surface coal mining, below surface water quality, 31:22 Conservation and land use, surface coal mining, 31:8 CWA, 31:22 Drilling permits, 31:23 Endangered Species Act, 31:27 EPA regulation, 31:21 Exempt activities, surface coal mining, 31:8 Federal Surface Mining Control and Reclamation Act, 31:4 Federal-state relationships, 31:3 Financial assurance, surface coal mining, 31:8 Groundwater conflicts, 31:33 Groundwater quality protection, 31:23 Groundwater use regulations, 31:24 Hazardous air pollutants, 31:25 Hazardous waste regulation, 31:21 Injection mining for minerals generally, 31:13 solution mining wastes, 31:14 Inspections, surface coal mining, 31:9 Iron, surface mining, 31:11 Liability insurance requirements, surface coal mining, 31:8 Licenses. Permits, below Marl, sand, gravel, shale, and mudshale removal regulations generally, **31:18** permits, 31:19 pricing, 31:20

MINERAL

```
MINING—Cont'd
  Minerals, solution mining for, 31:13
  NPDES regulation, 31:22
  Oil and gas operations conflicts with surface mining
    generally, 31:31 et seq.
    accommodation doctrine, 31:33
    operations, 31:32
    title issues, 31:31
  Operational conflicts with oil and gas activities, 31:32
  Permits
    marl, sand, gravel, shale, and mudshale removal regulations, 31:19
    solution mining for minerals, 31:13
    surface coal mining, 31:8
  Public interest determinations, RRC regulation, 31:30
  Quarries. Aggregate Quarry and Pit Safety, this index
  RCRA applicability, 31:21
  Reclamation planning, 31:8
  Regulatory overview, 31:2
  Road relocations, 31:29
  RRC authority, 2:11
  RRC jurisdiction
    solution mining for minerals, 31:13
    surface coal mining
       enforcement, 31:10
       exempt activities, 31:8
       financial assurance, 31:8
       inspections, 31:9
       liability insurance requirements, 31:8
       organization, 31:6
       permits, 31:8
       reclamation planning, 31:8
       rulemaking, 31:7
  RRC regulation, public interest determinations, 31:30
  Safety. Aggregate Quarry and Pit Safety, this index
  Solid waste regulation, 31:21
  Solution mining for minerals, 31:13
  Solution mining wastes, 31:14
  Stormwater discharges, 31:22
  Surface coal mining
    conservation and land use, 31:8
    financial assurance, 31:8
    inspections, 31:9
    liability insurance requirements, 31:8
    permits, 31:8
    reclamation planning, 31:8
    RRC jurisdiction, above
    TCEQ jurisdiction, 31:22
```

MINING—Cont'd Surface mining Aggregate Quarry and Pit Safety, this index coal. Surface coal mining, above iron, 31:11 Oil and gas operations conflicts with surface mining, above RRC authority, 2:11 uranium, 31:12, 31:13 Surface water quality, 31:22 Surface water use, 31:24 TCEQ jurisdiction over surface coal mining, 31:22 TCEO regulation federal-state relationships, 31:3 injection well mining, 31:13 Texas Injection Well Act, 31:13 Texas products of mining, 31:2 Texas Surface Coal Mining and Reclamation Act, 31:5 Underground injection control, this index Uranium federal-state relationships, 31:3 solution mining, 31:13 solution mining wastes, 31:14 surface mining, 31:12, 31:13 surface water quality, 31:22 underground injection control, 9:6 Wastes, solution mining, 31:14 Wastewater discharges, 31:22 Water use regulations, 31:24 Wetland protections, 31:22 **MINUTES** Open Meetings Act, 3:8 MOBILE SOURCE REGULATIONS Air quality, 5:7 **MOLD** Federal Insecticide, Fungicide, and Rodenticide Act, this index Indoor air quality, 19:3, 19:4 **MOTOR VEHICLES** As to transportation in general see Transportation, this index Natural gas vehicles, 5:3 Used Oil Regulation, this index Waste disposal wells, motor vehicles, 9:6 Memoranda of Understanding, this index **MSD** Municipal Setting Designations, this index

INDEX

MSW

Municipal Waste, this index

MUD

Municipal Utilities Districts, this index

MUDSHALE

Removal regulations, 31:18

Texas Parks and Wildlife Department authority, 2:10

MUNICIPAL ORDINANCES

Local Laws and Ordinances, this index

MUNICIPAL SETTING DESIGNATIONS (MSD)

Generally, 13:11 et seq.

Application and approval process, 13:13

Contaminated groundwater use for nonpotable purposes, 13:11

Eligibility criteria, 13:12

Local approvals, 13:13

Nonpotable purposes, contaminated groundwater use for, 13:11

Protection and remediation impacts, 13:14

Purpose of program, 13:11

Stakeholder approvals, 13:13

TCEQ certifications, 13:13

TCEO guidance, 13:13

Voluntary Cleanup Program coordination, 13:14

MUNICIPAL STORM SEWERS

Water quality, 6:8

MUNICIPAL UTILITIES DISTRICTS (MUD)

Generally, 2:19

Water quality responsibilities, 6:14

MUNICIPAL WASTE (MSW)

Definitions, 32:6

Recycling, this index

Texas Solid Waste Disposal Act, 32:6

NAFTA

North American Free Trade Agreement, this index

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Findings of no significant impact, 2:6

Jurisdiction, 2:6

Renewable energy facilities, 30:17

Review processes, 2:6

NATIONAL PARKS

Protections, border areas, 27:13

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

Mining, 31:22

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

-Cont'd

Permits, 31:22

Texas, delegated authority, 6:3

Water Quality, this index

NATIVE AMERICAN TRIBES IN TEXAS

Border issues, 27:4

NATURAL GAS

Oil and Gas, this index

NATURAL GAS VEHICLES

Air quality, 5:3

NAVIGABLE WATERS

Agricultural water uses, 28:3

CWA applicability, **6:8**

Waters of the United States rule, 2:3, 6:8

NAVIGATION DISTRICTS

Generally, 2:19

NEGLIGENCE

Indoor air quality claims, 19:4

NEGOTIATED SETTLEMENTS

Attorney General enforcement of environmental laws, 4:13

NEW SOURCE PERFORMANCE STANDARDS (NSPS)

Air quality, 5:5

NEW SOURCE REVIEWS (NSR)

Generally, **5:5**, **5:9**

NEW TECHNOLOGY IMPLEMENTATION PROGRAM

Air quality, 5:3

NOE

Notices of enforcement, 4:5

NONPOINT SOURCE POLLUTION

Clean Water Act, this index

NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

Dispute resolution, 27:6

Transboundary shipments of hazardous substances and hazardous waste, 27:11

NOTICES

Administrative agencies

contested case adjudications, 3:3

rulemaking, 3:2

Asbestos, 21:7

Enforcement, notices of, 4:5

Insurance, notice duties of insureds, 37:13

NOTICES—Cont'd

Open Meetings Act, **3:7**Proposed rulemaking, **3:2**Violation notices, agency enforcements, **4:5**Violations, **4:5**

NOTIFICATION REQUIREMENTS

Asbestos, 21:6

Emergency Planning and Community Right to Know Act, this index Emergency release notifications, occupational health and safety, **18:3** Occupational health and safety, emergency release notifications, **18:3** Oil and Hazardous Substance Spill Reporting and Response, this index Storage tanks, **12:6**

NOTIFLCATION REQUIREMENTS

Adjacent landowners, Innocent Owner/Operator Program, 13:9 Innocent Owner/Operator Program, 13:9 Texas Risk Reduction Program, 13:20

NOV

Notices of violation, agency enforcements, 4:5

NPDES

National Pollutant Discharge Elimination System, this index

NSPS

New Source Performance Standards, 5:5

NSR

New source reviews, 5:5, 5:9

NUCLEAR WASTE POLICY ACT (NWPA)

Generally, 20:7

NUISANCE CLAIMS

Generally, 1:6
Agriculture, 28:8
Air quality, 5:12
Indoor air quality, 19:4
Livestock operations, 5:12
Odors, 5:12
Right-To-Farm Act, 28:8

OCCUPATIONAL HEALTH AND SAFETY

Generally, 18:1 et seq.

Aggregate Quarry and Pit Safety, this index

Asbestos, 18:6

CAA accidental releases, 18:6

Community right-to-know provisions, 18:3

Emergency release notifications, 18:3

Enforcement, 18:2

Ethical considerations in counseling re health and safety issues, 38:1

OCCUPATIONAL HEALTH AND SAFETY—Cont'd

Federal law, 18:2

Fire hazards, 18:6

Hazard Communication Standard, 18:2

Indoor Air Quality, this index

Labeling standards, 18:2

Practical tips, 18:7

Safety data sheets, 18:2

Texas Agricultural Hazard Communication Act, 18:5

Texas Hazard Communication Act, 18:4

Toxic chemical release reporting, 18:3

OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)

Asbestos regulation, 21:2, 21:6

OCEAN DUMPING ACT

EPA authority, 2:2

ODORS

Nuisance liabilities, 5:12

OFFICE OF PUBLIC INTEREST COUNSEL (OPIC)

Agency enforcements, 4:10

OFFSHORE DRILLING

Gulf of Mexico, this index

Oil and Gas, this index

Oil and Hazardous Substance Spill Reporting and Response, this index

Oil Spill Prevention and Response Act, this index

OIL AND GAS

Generally, 29:1 et seq.

Accommodation doctrine, mining operations conflicts, 31:33

Brownfields programs, petroleum-contaminated sites, 13:2

CAA, 29:15

Coastal management rules, 29:5

Conflicts with surface mining, 31:31 et seq.

Cost recovery for pollution responses, 29:13

Definitions, 29:2

Endangered Species Act, 29:15

Federal law, 29:15

Financial security requirements, 29:13

Geothermal energy, oil and gas well co-production, 30:10

Hazardous wastes, 29:8

Historical background, 29:1

Inactive well plugging, 29:4

Jurisdiction of RRC, 29:2

Leaking petroleum storage tanks, 12:12

Naturally occurring radioactive materials, 29:9

Offshore pollution protection, 29:5

Oil and Gas Regulation and Cleanup Fund, 29:14

OIL AND GAS—Cont'd Oil and Hazardous Substance Spill Reporting and Response, this index Oil Spill Prevention and Response Act, 29:12 Oil Spill Prevention and Response Act, this index Oilfield recycling program, 29:7 PCBs, oil and gas wastes containing, 23:11 Pollution responses, cost recovery, 29:13 Radioactive materials, 29:9 Reclaiming crude, oil and gas waste, 29:6 Remediation responsibility, 29:11 RRC regulations generally, 2:11, 29:1 enforcement of regulations, 29:13 financial security requirements, 29:13 jurisdiction, 29:2 permits, 29:5 Rule 8, 29:5 TCEQ coordination, 29:5 waste disposal rules, 29:5 Safe Drinking Water Act generally, 29:15 Storage Tanks, this index Surface mining conflicts. Mining, this index TCEQ regulations, RRC coordination, 29:5 Underground injection control, 29:10 Used Oil Regulation, this index

OIL AND GAS REGULATION AND CLEANUP FUND

Generally, 29:14

Wells, **29:3**

Waste disposal rules, **29:5** Water protection, **29:5**

Jurisdictional issues, 8:4

OIL AND HAZARDOUS SUBSTANCE SPILL REPORTING AND RESPONSE

Generally, **8:1 et seq.**Administrative Code responsibilities, **8:3**CERCLA reporting requirements, **8:1, 8:2**Completion certificates, **8:3**Costs, **8:3**CWA reporting requirements, **8:1**CWA requirements, **8:2**Deed recordation requirements, **8:3**EPA responsibilities, **8:2**EPCRA reporting requirements, **8:1, 8:2**Federal law, **8:2**General Land Office responsibilities, **8:1, 8:3**Hazardous Materials Transportation Act, **8:2**Health and Safety Code provisions, **8:3**

OIL AND HAZARDOUS SUBSTANCE SPILL REPORTING AND RESPONSE

—Cont'd

Leaking petroleum storage tanks, 12:12

Oil Pollution Act, 8:2

Oil Spill Prevention and Response Act, 8:3

PCBs, 8:2, 23:10

Permitted facilities reporting, 8:3

Petroleum storage tanks, 8:3

Prevention. Oil Spill Prevention and Response Act, this index

RCRA requirements, 8:2

RRC responsibilities, 8:1, 8:3

Storage tanks, 12:9

TCEQ responsibilities, 8:1, 8:3

Texas Risk Reduction Program, 8:3

TSCA reporting requirements, 8:2

TxDOT responsibilities, 8:1, 8:3

Water Code provisions, 8:3

OIL POLLUTION

Water quality regulations, 6:4

OIL POLLUTION ACT

Generally, 8:2

OIL SPILL PREVENTION AND RESPONSE ACT (OSPRA)

Generally, 8:3

General Land Office responsibilities, 2:14

Violations, penalties, 4:16

OPEN MEETINGS ACT

Generally, 3:6 et seq.

Civil and criminal sanctions, 3:10

Conspiracy to circumvent Act, 3:10

Definitions, 3:8

Enforcement, 3:10

Executive sessions, 3:9

Minutes, 3:8

Notices, 3:7

Records, 3:8

OPERATORS

Innocent Owner/Operator Program, this index

OPIC

Office of Public Interest Counsel, 4:10

ORDINANCES

Local Agencies, this index

OSHA

Occupational Safety and Health Act, this index

OSPRA

Oil Spill Prevention and Response Act, this index

OVERFILLING

Federal/state enforcement conflicts, 4:3

OWNERS

Innocent Owner/Operator Program, this index

OWNERSHIP IN PLACE

Groundwater, 14:2

OZONE

Stratospheric ozone depletion, federal law, 5:7

PACKER REQUIREMENTS

Underground injection control, 9:7

PAL

Plant-wide applicability permits, air quality, 5:9

PANDEMICS

Administrative proceedings impact, **3:20**Medical waste, TCEQ enforcement discretion, **22:20**Response planning and management
generally, **16:1** to **16:4**businesses, **16:2**employers, **16:2**workplace measures, **16:3**Waste disposal, **22:19**

PARKS

Generally, 17:11 Conservation and land use statutes, 17:11 et seq. Hunting and fishing restrictions, 17:12 National parks protection in border areas, 27:13 Texas Parks and Wildlife Department, this index Uniform Wildlife Regulatory Act, 17:12

PCBs

Generally, 23:1 et seq.
Antidilution regulation, 23:3
Brownfields programs, PCB contaminated sites, 13:2
CAA regulation, 23:8
CERCLA regulation, 23:6
CWA regulation, 23:5
Definitions, 23:1, 23:3
Disposal, 23:3
Disposal rules, state, 23:10
Enforcement of regulations, 23:3
EPA regulation, 23:3
EPCRA regulation, 23:7

```
PCBs-Cont'd
  Federal regulation, 23:2 et seq.
  Incineration disposal, 23:8
  Industrial solid waste that contains PCBs, 23:10
  Oil and gas wastes containing, 23:11
  Oil and hazardous substance spill reporting and response, 8:2
  Pipeline contamination, 23:3
  Preemption of state laws, 23:3
  RCRA regulation, 23:4
  RRC regulatory authority
    generally, 23:9
    oil and gas wastes, 23:11
  Spills, 23:10
  State regulation, 23:9 et seq.
  TCEQ regulatory authority
    generally, 23:9
    oil and gas wastes, 23:11
  Texas Risk Reduction Program, 23:10
  Texas Risk Reduction Program applicability, 23:10
  TSCA regulation, 23:2, 23:3
  Used oil contamination, 24:13
  Uses, 23:1
PCL
  Protective concentration level, 13:16
PENALTIES
  Agency enforcement, 4:4
  Aggregate quarry and pit safety regulations, 31:17
  Assessments, penalty, 4:5
  Attorney General enforcements
    penalties, 4:12
    Supplemental Environmental Project penalty assessments, 4:13
  Civil enforcement, 4:12
  Criminal law, 4:16
  Enforcement penalty assessments, 4:5
  Supplemental Environmental Project penalty assessments
    agency enforcement, 4:6
    Attorney General enforcement, 4:13
  Texas superfund, 11:7
  Used Oil Act violations, 24:17
  Water quality enforcement, 6:12
  Water quality enforcements, 6:15
PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)
  Generally, 25:1 to 25:4
  Common Law claims, 25:4
  Comprehensive Environmental Response Compensation and Liability Act (CERCLA),
      25:2
```

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)—Cont'd

Federal Regulation

Texas impact, 25:2

Industrial applications and consumer goods, 25:1

Introduction, 25:1

Perfluorooctanesulfonic acid (PFOS), 25:1

Perfluorooctanoic acid (PFOA), 25:1

Safe Drinking Water Act (SDWA), 25:2

Texas Risk Reduction Program, 25:3

Toxic Substances Control Act (TSCA), 25:2

PERFLUOROOCTANESULFONIC ACID (PFOS)

Per- and polyfluoroalkyl substances (PFAS), 25:1

PERFLUOROOCTANOIC ACID (PFOA)

Per- and polyfluoroalkyl substances (PFAS), 25:1

PERMITS

Licenses and Permits, this index

PESTICIDES

Generally, 1:5

Agriculture, 28:6

Federal Insecticide, Fungicide, and Rodenticide Act, this index

Indoor air quality, 19:3

PETITIONS

Agency enforcements, Executive Director's Preliminary Report and Petition, **4:5** Judicial review of agency actions, **3:5**

PETROLEUM

Oil and Gas, this index

Storage Tanks, this index

PETROLEUM STORAGE TANK (PST) PROGRAM

Texas Risk Reduction Program interaction, 13:15

PFD

Proposals for decisions, administrative agency adjudications, 3:3

PIPELINES

Oil and Hazardous Substance Spill Reporting and Response, this index

Oil Spill Prevention and Response Act, this index

PCB contamination, 23:3

RRC authority, 2:11

RRC regulations, 29:2

PIT SAFETY ACT

Aggregate Quarry and Pit Safety, this index

PLANNING

Emergency Planning and Community Right to Know Act, this index Flood planning, **15:6**

PLANNING—Cont'd

Reclamation planning, surface coal mining, 31:8

Water rights

drought response planning, 14:10

Research and Planning Fund, 14:12

PLANT-WIDE APPLICABILITY (PAL) PERMITS

Air quality, 5:9

PLUME MANAGEMENT ZONES

Texas Risk Reduction Program, 13:17

POINT SOURCE POLLUTION

Clean Water Act, this index

POLICY

Antidegradation Policy, 6:8

Clean Water Act, 6:6

Contaminated Aquifers Policy, 13:2

National Environmental Policy Act, this index

Nuclear Waste Policy Act, 20:7

Solid waste recycling, 32:1

POLITICAL SUBDIVISIONS

Local Governments, this index

POLLUTION CONTROL

Generally, 1:2, 1:5

POLLUTION PREVENTION PLANS (PPP)

Water quality, 6:13

POLYCHLORINATED BIPHENYLS

PCBs, this index

POTABLE WATER

Drinking Water, this index

POTENTIALLY RESPONSIBLE PARTIES (PRP)

CERCLA liabilities, 13:2

Texas Superfund, this index

POTW

Publicly owned treatment works, funding, 6:7

PPA

Prospective Purchase Agreements, CERCLA liabilities, 13:2

PREEMPTION OF STATE LAWS

Generally, 1:4

Commerce Clause another limitation, 1:8

FIFRA, 1:7

Fuels, 26:2

PCB regulation, 23:3

PREEMPTION OF STATE LAWS—Cont'd

Radioactive materials, 20:6

RCRA, 1:7

TSCA, 1:7

PRESERVATION OF ERROR

Judicial review of agency actions, 3:5

PRESSURE REQUIREMENTS

Underground injection control, 9:7

PRETREATMENT

Water quality programs, **6:8**

Water quality requirements, 6:9

PREVENTION OF SIGNIFICANT AIR QUALITY DETERIORATION (PSD) PROGRAMS

Generally, 5:9

Federal law, 5:5

PRIVATE CAUSES OF ACTION

Generally, 33:1 et seq.

Agriculture, 28:8

Asbestos, 21:6

Citizen Suits, this index

Indoor air quality, 19:4

Inverse Condemnation, this index

Joinder of multi-party litigation, 33:3

Nuisance Claims, this index

Radioactive materials injuries, 20:5

Real Property and Business Transactions, this index

Settlements, 33:13

Standing, 33:6

Texas Risk Reduction Program, 13:15

Tort Claims, this index

PRIVATE REAL PROPERTY RIGHTS PRESERVATION ACT

Inverse condemnation, 34:15

PRIVILEGES

Audit Privilege Act, 4:7, 4:22, 36:9

Self-audits, 4:22

PRODUCTS LIABILITY

Failure to warn, 33:11

Indoor air quality, 19:4

Product supplier defenses, 33:11

Sophisticated user doctrine, 33:11

Strict products liability, 33:10

PROFESSIONAL CONDUCT

Attorneys, this index

PROGRAMS

Air quality, 5:8

Brownfields Programs, 11:11

Delegations of Programs, this index

Drinking Water, this index

EPA, 2:2

Prevention of significant air quality deterioration programs, 5:5

Water Pollution Control and Abatement Program, 6:13

Water quality, 6:1

PROJECT DEVELOPMENT

Renewable energy, 30:16

PROPOSALS FOR DECISIONS (PFD)

Administrative agency adjudications, 3:3

PROSPECTIVE PURCHASE AGREEMENTS (PPA)

CERCLA liabilities, 13:2

PROTECTIVE CONCENTRATION LEVEL (PCL) TABLES

Generally, 13:15

PRP

Potentially responsible parties, CERCLA liabilities, 13:2

Texas Superfund, this index

PUBLIC HEALTH

Superfund Evaluation Manual, 13:15

PUBLIC INFORMATION ACT

Generally, 3:11 et seq.

Attorney General opinions, 3:12

Civil and criminal sanctions, 3:13

Copying rules, 3:12

Demands, 3:12

Enforcement, 3:13

Exceptions from required disclosures, 3:11

Fees, 3:12

Inspection rules, 3:12

Open Meetings Act, this index

Procedure, 3:12

Requests for records, 3:12

Required disclosures, 3:11

PUBLIC INTEREST

Findings, underground injection control, 9:5

RRC public interest requirements, 31:30

PUBLIC INTEREST COUNSEL

Agency enforcement of environmental laws, 4:10

PUBLIC LANDS

State Lands, this index

PUBLIC PARKS

Parks, this index

PUBLIC PARTICIPATION

```
Generally, 35:1 et seq.
```

Application processing, underground injection control permits, 9:5

Comments on proposed rules, 35:7

Enforcement of environmental law, public comment on proceedings, 35:2

Federal law

judicial review of rulemaking decisions, 35:6, 35:8

permit issuance, 35:3

Judicial review of rulemaking decisions, 35:6, 35:8

Permit issuance

generally, **35:3**, **35:6**

comments on proposed permits, 35:4

contest hearings, 35:5

federal law, 35:3

judicial review, 35:6

underground injection control, 9:5

Rulemaking

comments on proposed rules, 35:7

judicial review, 35:8

process participation, 35:7

Settlements of enforcement actions, 35:4

TCEO

records of citizen complaints, 35:2

settlements, public comments on, 9:5

Underground injection control, application processing, 9:5

Voluntary Cleanup Program remediations, 13:6

PUBLIC UTILITY COMMISSION

Renewable energy facilities regulation, 30:16

State lands authority, 17:15

PUBLICATION OF RULES

Texas Register publication of rules, 3:2

PUBLICLY OWNED TREATMENT WORKS (POTW)

Funding, 6:7

QUARRIES

Aggregate Quarry and Pit Safety, this index

Removal regulations

generally, 31:18

permits, 31:19

pricing, 31:20

RACT

Reasonably available control technology, air quality, 5:11

RADIOACTIVE MATERIALS Generally, 20:1 Bureau of Radiation Control, 2:18 Command and control regulations, 20:1 Environmental law violations, penalties, 4:16 Exposure to radiation, 20:3 Federal law Atomic Energy Act, 20:6 licensing, 20:6 Nuclear Waste Policy Act, 20:7 preemption of state laws, 20:6 regulation, 20:5 Federal Waste Isolation Pilot Plant, 20:8 Historical background, 20:2 Licensing, federal, 20:6 Low-level radioactive waste, 20:10 Medical waste, 22:18 Naturally occurring radioactive materials, 20:4, 29:9 Nuclear Waste Policy Act, 20:7 Oil and gas operations, 29:9 Out-of-state waste bans, 20:9 Preemption of state laws, 20:6 Private causes of action for injuries, 20:5 Radon, this index Regulation command and control, 20:1 federal law, 20:5 state, 20:9 TCEQ authority, 20:5 Texas Department of State Health Services authority, 20:5 RRC regulation, 20:9 TCEQ regulation, 20:9 Texas Department of State Health Services regulation generally, 20:9 medical waste, 22:18 Texas Radiation Control Act, 20:9 Uses of radioactive materials and devices, 20:2 Waste, medical, 22:18 **RADON** Generally, 20:4 Indoor air quality, 19:3 Naturally occurring radioactive materials, 20:4 Risk Assessment Guidance for Superfund, 13:15 RAILROAD COMMISSION (RRC) Generally, 2:11

```
RAILROAD COMMISSION (RRC)—Cont'd
  Brownfields remediation, Voluntary Cleanup Program, 13:7 et seq.
  Enforcement of regulations
    oil and gas, 29:13
    surface coal mining, 31:10
  Inspections, surface coal mining operations, 31:9
  Jurisdiction
    generally, 2:11
    oil and gas, 29:2
    pipelines, 29:2
  Licenses. Permits, below
  Mining, this index
  Oil and Gas, this index
  Oil and hazardous substance spill reporting and response responsibilities, 8:1, 8:3
  Organization, 2:11, 29:1
  PCBs, regulatory authority
    generally, 23:9
    oil and gas wastes, 23:11
  Permits
    generally, 31:8
    oil and gas operations, 29:5
    surface coal mining, 31:8
    underground injection control, 9:7
  Radioactive materials regulation, 20:9
  Railroad Commission, this index
  Ranking system, Texas superfund, 11:4
  RCRA authority delegations, 29:2
  Regulations
    mining, 31:30
    public interest determinations, 31:30
    renewable energy facilities, 30:17
  Rulemaking, surface coal mining, 31:7
  Safety regulations, 2:11
  Scope of authority, 2:11
  State lands authority, 17:15
  TCEQ coordination, oil and gas regulations, 29:5
  Texas Commission on Environmental Quality interaction, 2:8
  Texas Parks and Wildlife Department interaction, 2:10
  Texas superfund ranking system, 11:4
  Underground Injection Control Programs, this index
  Voluntary Cleanup Program. brownfields remediation, 13:7 et seq.
  Water quality responsibilities, 6:14
RAILROADS
  Safety regulations, 2:11
RAP
```

Response Action Plans, Texas Risk Reduction Program, 13:17

RBCA

Risk-based corrective action, 13:15

RCRA

Resource Conservation and Recovery Act, this index

READY FOR REUSE (RfR) PROGRAM

Brownfields redevelopment, 13:2

REAL PROPERTY AND BUSINESS TRANSACTIONS

Generally, 36:1 et seq.

Acquirer liabilities generally, 36:3

Addressing environmental concerns in transactions, 36:9

Affiliated purchasers of contaminated properties, 13:2

Air quality

permit transfers, 36:15

regulations restricting property uses, 36:3

All appropriate inquiry duties of purchasers

generally, 36:9

CERCLA, 13:2

Allocations of liabilities by contract

generally, 36:3, 36:11

permit transfers, 36:14

Ancillary rights in permit transfers, 36:14

Approvals of permit transfers, 36:14

As is contract provisions, **36:11**

Assignments of claims, 36:11

Automatic permit transfers, 36:14

Banks, 36:7

Bona Fide Purchasers, this index

Brownfield defenses and programs, 36:9

Brownfield transactions, insurance issues, 37:14

Burden of regulatory impairments, 36:3

CERCLA

all appropriate inquiry duties of purchasers, 13:2

bona fide prospective purchaser defense, 13:2

bona fide purchasers, 36:5

innocent landowner defense, 13:2

Prospective Purchase Agreements, 13:2

Claims assignments, 36:11

Completion of permit transfers, 36:14

Compliance history rules on permit transfers, 36:14

Conclusion, 36:16

Contract provisions, 36:11

Contractual allocations of liabilities, 36:3, 36:11

Corporate liabilities, 36:4

Deceptive Trade Practices Act liabilities, 36:3

Deeds, this index

```
REAL PROPERTY AND BUSINESS TRANSACTIONS—Cont'd
  Due diligence duties of purchasers
    generally, 36:9
    CERCLA innocent landowner defense, 13:2
  Environmental assessments, 36:9
  Environmental insurance, transactional uses of, 37:14
  Environmental programs, 36:2
  EPA guidance, bona fide purchasers, 36:5
  Financial assurance requirements on permit transfers, 36:14
  Hazardous material regulations, regulations restricting property uses, 36:3
  Hazardous waste permit transfers, 36:15
  Indemnification provisions, 36:11
  Innocent landowner defense, CERCLA, 13:2
  Innocent Owner/Operator Program status transfers, 13:10
  Institutional controls, Texas Risk Reduction Program, 13:21
  Insurance, transactional uses of, 37:14
  Insurance provisions in contracts, 36:11
  Lender liabilities, 36:7
  Lessor and lessee liabilities, 36:5
  Liability allocations in permit transfers, 36:14
  Management contracts, 36:6
  Mergers and consolidations requiring permit transfers, 36:13
  Modifications of permits on transfers, 36:14
  Name changes requiring permit transfers, 36:13
  Permit transfers
    generally, 36:12 et seq.
    air quality, 36:15
    allocations of liability, 36:14
    ancillary rights, 36:14
    approvals, 36:14
    automatic, 36:14
    completion, 36:14
    compliance history rules, 36:14
    financial assurance requirements, 36:14
    hazardous waste, 36:15
    liability allocations, 36:14
    mergers and consolidations requiring, 36:13
    modifications of permits on, 36:14
    name changes requiring, 36:13
    solid waste, 36:15
    special issues, 36:14
    splits, 36:14
    TCEQ regulations, 36:14
    timing, 36:14
    wastewater, 36:15
    water rights, 36:15
  Private Real Property Rights Preservation Act, inverse condemnation, 34:15
  Property management contracts, 36:6
```

REAL PROPERTY AND BUSINESS TRANSACTIONS—Cont'd

Prospective Purchase Agreements, CERCLA liabilities, 13:2

Purchaser liabilities generally, **36:3**

RCRA, 36:3

Regulatory impairments, burden of, 36:3

Representations, 36:11

Restricting property uses, generally, 36:3

Solid waste permit transfers, 36:15

Splits of permits, 36:14

Storage tanks, regulations restricting property uses, 36:7

Structuring transactions, 36:10

TCEO regulations, permit transfers, 36:14

Texas Risk Reduction Program, institutional controls, 13:21

Timing of permit transfers, 36:14

Title issues, oil and gas operations conflicts with surface mining, 31:31

Tort claims, 36:3

Trust property, regulations restricting property uses, 36:8

Warranties, 36:11

Wastewater permit transfers, 36:15

Water law restricting property uses, 36:3

Water rights permit transfers, 36:15

Wetlands regulations restricting property uses, 36:3

REASONABLE CARE

Floods, 15:5

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Air quality, 5:11

RECLAMATION

Planning surface coal mining, 31:8

Wetlands, this index

RECORDS

Air quality regulation, 5:12

Deeds, this index

Oil and hazardous substance spills, deed recordation requirements, 8:3

Open Meetings Act, 3:8

Public Information Act, this index

Storage tanks, 12:6

RECREATIONAL LANDS

Texas Parks and Wildlife Department authority, 2:10

RECYCLING

Generally, 1:6, 32:1 et seq.

See also Resource Conservation and Recovery Act, this index

Batteries, 32:6

Coastal conservation area programs, 2:14

Composting of municipal waste, 32:6

Computer equipment, 32:6

```
RECYCLING—Cont'd
  Consumer awareness programs, 32:13
  Costs vs waste disposal, 32:1
  Definitions, 32:3, 32:6
  Development Corporation Act financing, municipal waste, 32:9
  Electronic scrap, 32:6
  EPA regulations, 32:3
  Exclusions from solid waste regulations, 32:3
  Federal government environmentally preferable purchasing, 32:11
  Federal regulation, 32:2
  Hazardous waste
    generally, 32:2 et seq.
    exclusions from hazardous waste regulations, 32:3
    federal regulation, 32:2
    Resource Conservation and Recovery Act applicability, 32:3
    secondary materials, 32:3
    TCEQ regulation, 32:4
  Industrial waste
    generally, 32:2 et seq.
    federal regulation, 32:2
    Resource Conservation and Recovery Act applicability, 32:3
  Labeling laws, 32:12
  Lead, 32:4
  Municipal waste
    generally, 32:5 et seq.
    batteries, 32:6
    composting, 32:6
    computer equipment, 32:6
    consumer awareness programs, 32:13
    definitions, 32:6
    Development Corporation Act financing, 32:9
    disposal costs compared, 32:1
    electronic scrap, 32:6
    government environmentally preferable purchasing, 32:11
    labeling laws, 32:12
    reduction programs, 32:6
    Solid Waste Resource Recovery Financing Act, 32:8
    TCEQ regulations, 32:6
    Texas Comprehensive Municipal Solid Waste Management Resource Recovery, and
         Conservation Act, 32:7
    Texas Solid Waste Disposal Act, 32:6
    Texas Used Oil Collection Management, and Recycling Act, 32:10
  Newsprint, 32:6
  Resource Conservation and Recovery Act, this index
  Scope of the solid waste problem, 32:1, 32:3
  Secondary materials, 32:3
  Sham vs legitimate recycling, 32:3
  Solid waste defined, 32:3
```

RECYCLING—Cont'd

Solid Waste Resource Recovery Financing Act, 32:8

TCEQ regulations

generally, 32:4

municipal waste, 32:6

Texas Comprehensive Municipal Solid Waste Management Resource Recovery, and Conservation Act, 32:7

Texas law, 32:4

Texas Used Oil Collection Management, and Recycling Act, 32:10

Treatment and recycling distinguished, 32:3

Used oil recycling account, 24:3

Used Oil Recycling Act, 24:2

Waste disposal costs compared, 32:1

Wastewater reuse, 6:13

Water, reuse, 14:3

Water quality, reuse/reclaimed water systems, 6:13

REDEVELOPMENT OF CONTAMINATED LANDS

Brownfields, this index

REGISTRATION

Storage tanks, 12:6

Texas superfund registry, 11:4

Used Oil Regulation, this index

REGULATORY FRAMEWORK

Generally, 1:1 et seq.

REIMBURSEMENT

Used oil collection centers, reimbursements, 24:8

RELEASES OF POLLUTANTS

Leaks, Spills, and Releases, this index

REMEDIATION

Hazardous and Solid Waste Remediation Fee Account, Texas superfund, 11:5

Insurance

remediation cost cap policies, 37:14

Storage tanks contamination, 12:9

Texas superfund, Hazardous and Solid Waste Remediation Fee Account, 11:5

RENEWABLE ENERGY

Generally, 30:1 et seq.

Air quality issues, 30:17

Battery storage, 30:7, 30:8

Biomass

generally, 30:12

biofuels distinguished, 30:12

definition, 30:12

feedstocks, 30:12

land use issues, 30:17

```
RENEWABLE ENERGY—Cont'd
  Biomass—Cont'd
    permits, 30:13
    Texas facilities, 30:13
    water rights issues, 30:18
  Carbon credit proposals, 30:1
  Conclusion, 30:19
  Co-production facilities, geothermal energy, 30:10
  DOE loans, 30:16
  Endangered species issues, 30:17
  Environmental impacts, 30:1
  Environmental issues, 30:17
  Financing projects, 30:16
  Geopressure energy, 30:10
  Geothermal energy
    generally, 30:10
    co-production facilities, 30:10
    enhanced systems, 30:10
    geopressure, 30:10
    heat pumps, 30:10
    hydrothermal, 30:10
    land use issues, 30:17
    oil and gas well co-production, 30:10
    technology, 30:10
    Texas facilities, 30:11
  Hydrothermal energy, 30:10
  Investment tax credits, 30:16
  Land use issues, 30:17
  Landfill gas to energy
    definition, 30:14
    Texas facilities, 30:15
  Legal issues in project development, 30:16
  Marketing agreements, 30:16
  Master limited partnerships tax treatment, 30:16
  NEPA requirements for new facilities, 30:17
  Oil and gas well co-production of geothermal energy, 30:10
  Overview of renewable energy sources, 30:2
  Permits, biomass uses, 30:13
  Power supply agreements, 30:16
  Project development financing, 30:16
  Public Utilities Commission regulation, 30:16
  Regulatory requirements, 30:17
  Renewable Energy Credits, 30:1, 30:16
  Renewable energy credits (REC), 30:1
  Renewable Energy Credits (REC), 30:16
  Resource acquisition issues, 30:18
  Solar energy
    generally, 30:5
```

RENEWABLE ENERGY—Cont'd

Solar energy—Cont'd availability, 30:6 land use issues, 30:17 Water quality issues, 30:17 Wind energy generally, 30:3 history and growth, 30:4 land use issues, 30:17 Zoological issues, 30:17

REPORTS

Air quality regulation, **5:12**Ethical considerations and reporting duties, **38:2**Innocent Owner/Operator Program, **13:9**Response Action Completeness Reports, TRRP, **13:18**Response Action Effectiveness Reports, TRRP, **13:17**Storage tanks, release reporting, **12:9**Used Oil Regulation, this index
Voluntary Cleanup Program, **13:6**

RE-POWERING AMERICA'S LAND INITIATIVE

Generally, 13:2

RES JUDICATA

Public agency adjudications, 3:16

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Generally as to recycling, see Recycling, this index Applicable regulation determinations, **32:3** Brownfields initiatives, **13:2**

Diowinicius initiatives, 13.

Citizen suits, 35:3

Definitions, 32:3

EPA authority, 2:2

Ethical duties of practitioners, 38:2

Hazardous waste

medical waste as, 22:17

Medical waste, 22:17

Mining operations, 31:21

Oil and hazardous substance spill reporting and response requirements, 8:2

PCB regulation, 23:4

Preemption of state laws, 1:7

Property use liabilities or restrictions, 36:3

Restrictions on property uses, 36:3

RRC authority, RCRA delegations, 29:2

Sham vs legitimate recycling, 32:3

State jurisdiction over federal facilities, 1:9

Which regulations apply, 32:3

RESPONSE ACTION COMPLETENESS REPORTS

Texas Risk Reduction Program, 13:18

RESPONSE ACTION EFFECTIVENESS REPORTS

Texas Risk Reduction Program, 13:17

RESPONSE ACTION PLANS (RAPS)

Texas Risk Reduction Program, 13:17

RfR

Ready for Reuse program, brownfields redevelopment, 13:2

RIGHT-TO-FARM ACT

Agriculture, 28:8

RISK

Asbestos, risk management considerations, 21:7

Human health risk levels, TRRP, 13:15

Insurance, this index

Management plans (RMP), air quality, 5:6

Texas Risk Reduction Program, this index

RISK ASSESSMENT GUIDANCE FOR SUPERFUND (RAGS)

Generally, **13:15**

RISK-BASED CORRECTIVE ACTION (RBCA)

Texas Risk Reduction Program, 13:15

RISK-BENEFIT ANALYSES

Brownfields projects, 13:15

RIVERS

Authorities, water quality responsibilities, 6:14

Texas Clean Rivers Program, 6:8, 6:13

RIVERS AND HARBORS ACT

Army Corps of Engineers authority, 2:3

RMP

Risk management plans, air quality, 5:6

ROAD RELOCATIONS

Mining, 31:29

RODENTICIDES

Federal Insecticide, Fungicide, and Rodenticide Act, this index

RULE OF CAPTURE

Water rights, 14:2

RULEMAKING

Comments by public on proposed rules, 35:7

Hearings, 3:2

Judicial review, 3:5, 35:6, 35:8

Notices, 3:2

```
RULEMAKING—Cont'd
  Process participation by public, 35:7
  Public participation
    generally, 35:7
    federal, 35:6, 35:8
  RRC jurisdiction, surface coal mining, 31:7
  Statutory delegation of rulemaking authority, 3:2
SAFE DRINKING WATER ACT (SDWA)
  Generally, 7:1 to 7:11
  Enforcement, 7:10
  EPA authority, 2:2
  Financial assistance, 7:7
  Implementation, 7:2
  Legislation, 7:11
  Oil and gas operations, 29:15
  Per- and polyfluoroalkyl substances (PFAS), 25:2
  Primary drinking water regulations, 7:3
  Public disclosures, 7:8
  Radon, 19:3
  Secondary drinking water regulations, 7:3
  Sole source aquifer program, 7:4
  Source water quality assessment program, 7:6
  Storage tanks, 12:1
  Underground injection control, 7:5
  Underground injection control requirements, 9:2
  Underground Sources of Drinking Water, this index
  Variances, 7:9
SAFETY
  Aggregate Quarry and Pit Safety, this index
  Occupational Health and Safety, this index
  Occupational Safety and Health Act, this index
  Radioactive Materials, this index
  Texas Environmental Health and Safety Audit Privilege Act, 4:7, 4:22, 36:9
  Used oil processors, safety standards, 24:10
SAFETY DATA SHEETS (SDS)
  Generally, 18:2
SALT DOME DISPOSAL
  Generally, 9:6
SAND
  Removal regulations
    generally, 31:18
    permits, 31:19
    pricing, 31:20
  Texas Parks and Wildlife Department authority, 2:10
```

INDEX

SARA

Superfund Amendments and Reauthorization Act, 13:2

SAVINGS CLAUSES

Federal laws, 1:7

SCHOOLS

Asbestos regulations, 21:5

SDS

Safety data sheets, 18:2

SDWA

Safe Drinking Water Act, this index

SECURITY

Financial Assurance Requirements, this index

SEP

Supplemental Environmental Projects, this index

SEPTIC TANKS

Generally, 6:13

SERVITUDES

Beach access easements, 17:3 Conservation servitudes, 17:18

SETTLEMENTS

Generally, 33:13

Attorney General enforcement of environmental laws, 4:13

Civil enforcement, **4:13**

Enforcement action settlements, public participation, 35:4

Ethical issues, 33:13

Public comments on TCEQ settlements, 9:5

Public participation, 35:4

TCEQ settlements, public comments on, 9:5

Texas superfund, 11:4

Tort claims, 33:13

SEWERS

Environmental law violations, penalties, 4:16

Municipal storm sewers, 6:8

On-site sewage facilities, 6:13

Publicly owned treatment systems funding, water quality, 6:7

Septic tanks, 6:13

Sludge, this index

Texas Pollutant Discharge Elimination System program, 6:8

Water quality, publicly owned treatment systems funding, 6:7

SHALE REMOVAL

Pricing, **31:20**

Regulations, 31:18

SHELLS

Texas Parks and Wildlife Department authority, 2:10

SIP

State Implementation Plans, air quality, 5:4

SIR

Site Investigation Reports, Innocent Owner/Operator Program, 13:9

SITE INVESTIGATION REPORTS (SIR)

Innocent Owner/Operator Program, 13:9

SLD

Special Law Districts, this index

SLUDGE

Land applications, agriculture, 28:5

Management, 6:13

SMALL BUSINESS LIABILITY RELIEF AND BROWNFIELDS REVITALIZATION ACT OF 2002

Generally, 13:1

SMOKE

Indoor air quality, 19:3

SMOKING

Indoor air quality, 19:3

SOAH

State Office of Administrative Hearings, this index

SOIL REMEDIATION

Brownfields programs to aid, 13:1

SOLAR ENERGY

Renewable Energy, this index

SOLID WASTE

Generally, 1:5, 1:6, 10:1 et seq.

Agricultural solid waste, 28:5

Brownfields, this index

CAMU-eligible waste, term defined, 13:2

Composting activities, agricultural, 28:5

Definitions

generally, **10:1**, **32:3**

CAMU-eligible waste, 13:2

Exclusions from solid waste regulations, 32:3

Federal law

out-of-state waste bans, 20:9

Hazardous waste, 10:4

Hazardous Waste, this index

Incineration, this index

Industrial non-hazardous solid waste, 10:3

SOLID WASTE-Cont'd Industrial waste municipal waste distinguished, 10:1 PCBs in, 23:10 Recycling, this index Landfills asbestos waste disposal regulations, 21:7 brownfields redevelopment, 13:2 Licenses. Permits, below Liquids included in, 10:1 Litter Abatement Act violations, penalties, 4:16 Low-level radioactive waste, 20:10 Medical Waste, this index Mining regulations generally, 31:21 solution mining wastes, 31:14 Municipal solid waste, 10:2 Municipal waste Incineration, this index industrial waste distinguished, 10:1 Recycling, this index reduction programs, 32:6 Texas Solid Waste Disposal Act, 32:6 Nuclear Waste Policy Act, 20:7 Out-of-state waste bans, 20:9 PCBs in industrial solid waste, 23:10 **Permits** transfers. 36:15 Radioactive Materials, this index Recycling, this index Redevelopment of contaminated lands. Brownfields, this index Reduction programs, municipal waste, 32:6 Resource Conservation and Recovery Act, this index Salt dome disposal, 9:6 Scope of the solid waste problem, 32:1, 32:3 Solution mining wastes, 31:14

SOLID WASTE RESOURCE RECOVERY FINANCING ACT

SOLVENCY OF FACILITIES

Recycling, 32:8

Which regulations apply, 32:3

TCEQ authority, 10:1

Financial Assurance Requirements, this index

Texas Solid Waste Disposal Act, this index

Treatment and recycling distinguished, **32:3** Voluntary Cleanup Program, this index

Texas superfund, solid waste facilities as PRPs, 11:6

SOURCES OF ENVIRONMENTAL REGULATION

Generally, 1:3

SPECIAL LAW DISTRICTS

Generally, 2:19

SPILLS

Leaks, Spills, and Releases, this index

STANDING

Citizen Suits, this index Tort claims, **33:6**

STATE IMPLEMENTATION PLANS (SIP)

Approvals, air quality, 5:4

STATE LANDS

Generally, 17:14 et seq.

General Land Office authority, 17:14

Permits for removal of sand, gravel, or marl, 17:16

Public Utility Commission authority, 17:15

RRC authority, 17:15

TEQC authority, 17:15

Texas Historical Commission authority, 17:15

Texas Parks and Wildlife Department authority, 17:15

TxDOT authority, 17:15

STATE LAW AS SOURCE OF REGULATION

Generally, 1:3 to 1:5

STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH)

Generally, 3:2

Ex parte communications, 3:19

Jurisdiction, 2:8

STATE SOIL AND WATER CONSERVATION BOARD

Water quality responsibilities, 6:14

STATE-FEDERAL PROGRAM RELATIONS

Federal-State Relationships, this index

STAYS OF AGENCY ORDERS

Administrative agencies, **3:5**

STORAGE FACILITIES

Solid Waste, this index

STORAGE TANKS

Generally, 12:1 et seq.

Above ground tanks (AST)

generally, 12:1

TCEQ regulation, 12:4

Brownfields programs, underground storage tank sites, 13:2

Certification requirements, 12:6

STORAGE TANKS—Cont'd Closure of UST systems, 12:10 Contamination remediation, 12:9 Contractor licensing, 12:12 Disclosure requirements, 12:6 EPA regulations, 12:1 Exempt and excluded tanks, 12:5 Federal law generally, 12:1 Financial assurance, 12:11 Hazardous substances, 12:3 Leaking petroleum storage tanks, 12:12 Liabilities, 12:7 Notification requirements, 12:6 Oil and hazardous substance spill reporting and response, 8:3 Petroleum storage tank (PST) program, TRRP interaction, 13:15 Property use liabilities or restrictions, 36:7 Recording and recordkeeping, 12:6 Registration requirements, 12:6 Release reporting, 12:9 Remediation contamination. 12:9 Restrictions on property uses, 36:7 Spill reporting duties, ethical considerations, 38:2 TCEQ regulation ASTs, 12:4 USTs, 12:3 Technical standards for new UST systems, 12:8 Texas program overview, 12:2 Texas Risk Reduction Program, 13:15 Underground tanks (UST) generally, 12:1 brownfields programs, 13:2 closure, 12:10 contractor licensing, 12:12 environmental law violations, penalties, 4:16 TCEQ regulation, 12:3 technical standards for new systems, 12:8 Water Code provisions, 12:2 STORMWATER Mining discharges, 31:22 Municipal storm sewers, 6:8 Water quality regulation generally, 6:13 federal law, 6:8

STRATOSPHERIC OZONE DEPLETION

Federal law, 5:7

STREAMS

Water Rights, this index

STRICT LIABILITY

Environmental crimes, 4:15

STRIP MINING

Mining, this index

SUBMERGED LANDS

Conservation and land use statutes, 17:4

SUBSIDENCE

Conservation and land use statutes, 17:8 Groundwater subsidence districts, 14:2

SUBSURFACE DRIP DISPERSAL

Underground injection control, 9:6

SULFER

Indoor air quality, 19:4

SUNSHINE ACTS

Open Meetings Act, this index Public Information Act, this index

SUPERFUND

Addressing environmental concerns in transactions, 36:9

Alternative sites, 13:2

Business transactions. Real Property and Business Transactions, this index

CERCLA enactment, 11:2

Due diligence duties of purchasers, 36:9

EPA authority, 2:2

Love Canal, 11:1

Overview, 11:2

Public Health Evaluation Manual, 13:15

Real Property and Business Transactions, this index

Recycling Equity Act, 11:2

Risk Assessment Guidance for Superfund, 13:15

Risk-benefit analyses, 13:15

Texas Risk Reduction Program, state superfund sites applicability, 13:15

Texas Superfund, this index

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)

Generally, 13:2

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP)

Agency enforcement of environmental laws, penalty assessments, **4:6**Attorney General enforcement of environmental laws, penalty assessments, **4:13**

SURFACE CASING REQUIREMENTS

Underground injection control, 9:7

SURFACE WATER Border issues, 27:8 Concentrated Animal Feeding Operations, this index Definition, 14:1 Environmental flows, 14:3 Groundwater distinguished, 14:1 Quality Concentrated Animal Feeding Operations, this index environmental flows, 14:3 mining, 31:22 Texas Surface Water Quality Standards, 6:9 Rights generally, 14:3 adjudications, 14:3 agriculture, 28:3 amendments of rights, 14:4 appropriative rights, 14:3 beneficial use determinations, 14:4 border issues, 27:8 cancellations of rights, 14:3 conservation and land use statutes, 17:8 developed water, 14:3 diffused, 14:3 groundwater distinguished, 14:1 interbasin transfers, 14:4 mining, water use regulations, 31:24 overflow liability, 14:3 ownership, 14:3 permits, 14:3 property rights, 14:3 Pueblo water rights, 14:3 return flows from upstream users, 14:3 reuse of water, 14:3 riparian rights, 14:3 Spanish water rights, 14:3 statewide vs local regulation, 14:2 Texas Parks and Wildlife Department authority, 14:4 Wagstaff Act, 14:3 water availability models, 14:4 watercourses, term defined, 14:3 watermaster programs, 14:3 Texas Surface Water Quality Standards, 6:9 **SWDA** Texas Solid Waste Disposal Act, this index **SYRINGES** Medical waste, 22:1

TACB

Texas Air Control Board, 2:8

TAG

Technical assistance grants, brownfields programs, 13:2

TAHCA

Texas Agricultural Hazard Communication Act, 18:5

TAKINGS OF PROPERTY

Inverse Condemnation, this index

TARGETED BROWNFIELDS ASSESSMENT (TBA) PROGRAM

Generally, 13:2

TAX INCENTIVES

Brownfields redevelopment, 13:5

TAXATION

Renewable energy, investment tax credits, 30:16

Renewable energy, master limited partnerships tax treatment, 30:16

TBA

Targeted brownfields assessments, 13:2

TCAA

Texas Clean Air Act, this index

TCEO

Texas Commission on Environmental Quality, this index

TCMP

Texas Coastal Management Plan, this index

TDA

Texas Department of Agriculture, this index

TDRPC

Texas Disciplinary Rule of Professional Conduct, 38:1

TDSHS

Texas Department of State Health Services, this index

TECHNICAL ASSISTANCE GRANTS (TAG)

Brownfields programs, 13:2

TECHNOLOGY-BASED EFFLUENT LIMITS

Water quality, 6:8

TEQA

Solid waste regulation, 10:1

TEXAS ADMINISTRATIVE CODE (TAC)

Indoor air quality, 19:1

TEXAS AGRICULTURAL HAZARD COMMUNICATION ACT (TAHCA)

Generally, 18:5

TEXAS AIR CONTROL BOARD (TACB)

Generally, 2:8, 5:2

TEXAS ANTIQUITIES CODE

Generally, **17:10**

TEXAS CLEAN AIR ACT (TCAA)

Generally, 5:2

As to air quality in general, see Air Quality, this index

Agriculture, 28:4

Asbestos regulations, 21:6

Organization, 5:2

Violations, penalties, 4:16

TEXAS CLEAN RIVERS PROGRAM

Generally, **6:8**, **6:13**

TEXAS COASTAL MANAGEMENT PLAN (TCMP)

Generally, 17:2

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

Generally, 2:8

Agriculture, this index

Asbestos regulations, 21:4, 21:6

Brownfields, Voluntary Cleanup Program, 13:6

Certifications, municipal setting designations, 13:13

Citizen complaints records, 35:2

Creation, 2:8

Enforcement authority, 4:3

Enforcement of environmental laws, 4:4

Ethical considerations, 38:2

Federal-state relationships, mining, 31:3

Floodplain and watershed management, 17:7

Indoor air quality authority, 19:2

Injection well mining regulation, 31:13

Innocent Owner/Operator Program guidance, 13:8

Jurisdiction

generally, 2:8

enforcement authority, 4:3

Medical waste, 22:1 et seq.

Mexican administrative agencies, coordination with, 27:2

Mining regulation

generally, 31:13

federal-state relationships, 31:3

Municipal setting designation certifications, 13:13

Municipal setting designations guidance, 13:13

Oil and hazardous substance spill reporting and response responsibilities, 8:1, 8:3

PCBs, regulatory authority

generally, 23:9

oil and gas wastes, 23:11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)—Cont'd

Penalty assessments, **4:5**

Permits

transfers, 36:14

underground injection control, 9:5

Protective concentration level tables, 13:15

Public comments on settlements, 9:5

Radioactive materials regulation, 20:5, 20:9

Records of citizen complaints, 35:2

Recycling, 32:4

RRC coordination, oil and gas regulations, 29:5

RRC interaction, 2:8

Settlements, public comments on, 9:5

State lands authority, 17:15

Storage tanks

ASTs, 12:4

USTs, 12:3

Texas Risk Reduction Program

guidance, 13:15

Texas superfund responsibilities, 11:3

Underground Injection Control Program, this index

Used oil filter standards, 24:3, 24:19

Voluntary Cleanup Program, 13:6

Voluntary Cleanup Program oversight costs, 13:6

Water quality assessments, 6:13

Water quality responsibilities, 6:14

Water Rights, this index

Water Rights Adjudication Act, 14:3

TEXAS COMMUNITY RIGHT TO KNOW ACTS

Chemical reporting program, 2:18

TEXAS COMPREHENSIVE MUNICIPAL SOLID WASTE MANAGEMENT RESOURCE RECOVERY, AND CONSERVATION ACT

Recycling, 32:7

TEXAS DEPARTMENT OF AGRICULTURE (TDA)

Generally, 2:13

Jurisdiction, 2:13

TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS)

Generally, 2:18

Asbestos regulations, 21:4

Chemical Reporting Program, 2:18

Indoor air quality authority, 19:1, 19:3

Jurisdiction, 2:18

Lead paint regulations, 2:18

Medical waste, 22:1 et seq.

Medical waste, radioactive, 22:18

TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS)—Cont'd

Radioactive materials regulation generally, 20:5, 20:9 medical waste, 22:18 Radioactive materials regulations generally, 2:18 Water quality responsibilities, 6:14

TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)

Generally, 2:15

Aggregate quarry and pit safety regulations penalties for violations, **31:17** violations, **31:16** Jurisdiction, **2:15**

Oil and hazardous substance spill reporting and response responsibilities, **8:1**, **8:3** Railroad safety regulations, **2:11** State lands authority, **17:15**

TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)

Aggregate quarry and pit safety regulations generally, **31:15**

TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT

Attorneys, this index

TEXAS ENDANGERED SPECIES ACT

Generally, 17:13

TEXAS HAZARD COMMUNICATION ACT (THCA)

Generally, 18:4

TEXAS HISTORICAL COMMISSION (THC)

Appointments of members, 2:17 Conservation and land use statutes, 17:9 Jurisdiction, 2:17 State lands authority, 17:15

TEXAS INJECTION WELL ACT

Solution mining for minerals, 31:13 Underground injection control, 9:4

TEXAS NATIONAL RESOURCES CONSERVATION COMMISSION (TNRCC)

Generally, 2:8

TEXAS NATIONAL RESOURCES INFORMATION SYSTEM (TNRIS)

Generally, 2:12

TEXAS PARKS AND WILDLIFE CODE (TPWC)

Generally, **17:11**

TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD)

Generally, **2:10, 17:11** Authority, **2:10**

TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD)—Cont'd

Endangered species oversight authority, 2:10

Jurisdiction, 2:10

Marl, sand, gravel, shale, and mudshale removal regulations

generally, 31:18

permits, 31:19

pricing, 31:20

Organization, 2:10

Public parks protection, 2:10

RRC interaction, 2:10

State lands authority, 17:15

Water quality responsibilities, 6:14

Water rights authority, 14:4

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES)

Water quality, 6:8

TEXAS PUBLIC INFORMATION ACT

Public Information Act, this index

TEXAS RADIATION CONTROL ACT (TRCA)

Generally, 20:9

TEXAS RISK REDUCTION PROGRAM (TRRP)

Generally, 13:15

Affected property assessment, 13:16

Applicability, 13:15

Changes in circumstances, 13:19

Chemicals of concern, 8:3

Closure, 13:18

Corrective action, risk-based, 13:15

Corrective action completion guidance, 13:2

Ecological risk assessment, 13:16

Facility Operations Areas, establishment, 13:17

Grandfathering, 13:15

Groundwater classification, 13:16

Guidance, 13:15

Hazardous waste regulations interaction, 13:15

Historical background, 13:15

Human health risk assessment, 13:16

Human health risk levels, 13:15

Implementation, 13:15

Indoor air quality evaluations, 19:2

Industrial waste regulations

interaction, 13:15

Institutional controls, 13:21

Interpretation of rules, 13:15

IOP interaction, 13:15

Land use classifications, 13:16

Major steps outline, 13:15

TEXAS RISK REDUCTION PROGRAM (TRRP)—Cont'd

Monitored natural attenuation as part of response actions, 13:17

Notification requirements, 13:20

Oil and hazardous substance spill reporting and response, 8:3

PCBs, applicability to, 23:10

PCL calculation, 13:16

Petroleum storage tank program interaction, 13:15

Plume management zones, 13:17

Post response action and response action re-openers, 13:19

Private causes of action, 13:15

Purposes, 13:15

Remedy standards, 13:17

Response Action Completeness Reports, 13:18

Response Action Effectiveness Reports, 13:17

Response Action Plans (RAPs), 13:17

Response actions, 13:17

Risk Assessment Guidance for Superfund, 13:15

Risk-based corrective action, 13:15

Rules, 13:15

Spill rules interaction

generally, 13:15

State superfund sites applicability, 13:15

Steps outline, 13:15

TCEQ guidance, 13:15

Texas Risk Reduction Program, 13:15

VCP interaction, 13:15

VCPs, compliance with TRRP requirements

TCEQ programs, 13:6

TEXAS SOLID WASTE DISPOSAL ACT (TSWDA)

Generally, 32:6

Enactment, 10:1

Municipal waste recycling, 32:6

Texas superfund applicability, 11:3

TEXAS SUPERFUND

Generally, 11:1 et seq.

Addressing environmental concerns in business transactions, 36:9

Administrative enforcement, 11:7

Appeals, 11:8

Apportionment of costs, 11:10

Apportionment of liability, 11:9

Arrangers as PRPs, 11:6

Attorneys fees, 11:10

Banks as PRPs, 11:6

Brownfields, this index

Civil penalties, 11:7

Contribution protection, 11:10

Corporate successor liability, 11:6

```
TEXAS SUPERFUND—Cont'd
  Cost recovery, 11:10
  Cost recovery actions, 11:2
  Costs liens, 11:4
  Costs of costs, 11:10
  Defenses to liability, 11:9
  Divisibility of liability, 11:9
  Emergency responses, 11:4
  Eminent domain of contaminated property, 11:9
  Enforcement
    generally, 11:7
    immediate removal actions, 11:4
  Federal law relationship, 11:3
  Federal program overview, 11:2
  Fire responses, 11:4
  Generators as PRPs, 11:6
  Hazardous and Solid Waste Remediation Fee Account, 11:5
  Hazardous substance releases, 11:3
  Heirs' liability, 11:9
  Historical background, 11:3
  Identification of PRPs, 11:4
  Immediate removal actions, 11:4
  Information requests, 11:4
  Innocent landowner defense, 11:9
  Innocent Owner/Operator Program, 11:11
  Innocent owners and operators, brownfields programs, 11:11
  Jury trials, 11:10
  Liability
    generally, 11:9
  Liens for costs, 11:4
  Listing procedures, 11:4
  Municipal Setting Designations, this index
  Operator liabilities, 11:6
  Overview, 11:3
  Political subdivision responsibilities, 11:6
  Potentially responsible parties (PRP)
    arrangers, 11:6
    banks, 11:6
    generators, 11:6
    identification, 11:4
    overview, 11:2, 11:3
    solid waste facilities, 11:6
    transporters, 11:6
    trustees, 11:6
  Procedural steps, 11:4
  Ranking system, 11:4
  Recovery of costs, 11:10
  Registry, 11:4
```

TEXAS SUPERFUND—Cont'd

Settlements, 11:4

Superfund Recycling Equity Act, 11:2

TCEQ

cost recovery approvals, 11:10

responsibilities, 11:3

Texas Solid Waste Disposal Act applicability, 11:3

Transporters as PRPs, 11:6

Trustees as PRPs, 11:6

Venue, 11:10

Voluntary Cleanup Program, this index

TEXAS SURFACE COAL MINING AND RECLAMATION ACT

Mining, this index

TEXAS SURFACE WATER QUALITY STANDARDS

Water quality, 6:9

TEXAS USED OIL ACT

Used Oil Regulation, this index

TEXAS USED OIL COLLECTION MANAGEMENT, AND RECYCLING ACT

Generally, **32:10**

TEXAS WATER CODE

Violations, penalties, **4:16**

TEXAS WATER DEVELOPMENT BOARD (TWDB)

Generally, 2:12, 14:9

Banking and marketing of water rights, 14:13

Financial assistance, 14:12

Gravel removal regulation, 2:10

Jurisdiction, 2:12

Mudshell removal regulation, 2:10

Recreational lands protection, 2:10

Research and technical assistance, 14:11

Responsibilities, 14:10

Sand removal regulation, 2:10

Shells removal regulation, 2:10

TEXAS WATER QUALITY CONTROL BOARD (TWQCB)

Generally, 2:8

Mining regulation, 9:4

THC

Texas Historical Commission, this index

THCA

Texas Hazard Communication Act, this index

TITLE ISSUES

Oil and gas operations conflicts with surface mining, 31:31

TMDL Water quality, total maximum daily loads, 6:8 Texas National Resources Conservation Commission, 2:8 **TNRIS** Texas National Resources Information System, 2:12 TOBACCO SMOKE Indoor air quality, 19:3, 19:4 TORT CLAIMS Generally, 33:1 et seq. Business transactions, 36:3 Case management/scheduling orders, 33:4 Causation, 33:11 Citizen Suits, this index Damages personal injury claims, 33:10 property damage claims, 33:8 Defenses personal injury claims, 33:11 property damage claims, 33:9 Expert witnesses, 33:12 Indoor air quality, 19:4 Insurance, this index Joinder of multi-party litigation, 33:3 Joint and several liability personal injury claims, 33:10 property damage claims, 33:8 Joint defense issues, 33:3 Jurisdiction, 33:3 Mature torts, 33:3 Multi-district litigation, 33:5 Multi-party litigation, 33:3 Negligence personal injury claims, 33:10 property damage claims, 33:8 Nuisance Claims, this index Personal injury claims generally, 33:10 damages, 33:10 defenses, 33:11 joint and several liability, 33:10 negligence, 33:10 strict products liability, 33:10

Premises owner liabilities, 33:11 Procedural issues, 33:2 et seq. Product supplier defenses, 33:11

TORT CLAIMS—Cont'd Property damage claims generally, 33:8 damages, 33:8 defenses, 33:9 joint and several liability, 33:8 negligence, 33:8 Real property transactions, 36:3 Reforms of tort laws, 33:14 Res ipsa loquitur, 33:8 Responsible third party issues, 33:3 Settlements, 33:13 Sophisticated user doctrine, products liability, 33:11 Standing, 33:6 Strict products liability, 33:10 Toxic torts, comprehensive general liability policies, 37:3 Trespass, 33:8 Types of claims, 33:7 et seq. Venue, 33:3 Water rights, 33:8 TOTAL MAXIMUM DAILY LOADS (TMDL) Water quality, **6:8**

TOXIC CHEMICAL RELEASE REPORTING

Occupational health and safety, 18:3

TOXIC SUBSTANCES CONTROL ACT (TSCA)

Asbestos, 21:6

Brownfields sites subject to remediation orders, 13:2

Enactment, 10:1

EPA authority, 2:2

EPA powers, 2:2

Oil and hazardous substance spill reporting and response requirements, 8:2

PCB regulation, 23:2, 23:3

Per- and polyfluoroalkyl substances (PFAS), 25:2

Preemption of state laws, 1:7

TOXICS

Dry Cleaner Remediation Program, 13:22

Lead, this index

Occupational Health and Safety, this index

Oil and Hazardous Substance Spill Reporting and Response, this index

PCBs, this index

Radioactive Materials, this index

Texas Risk Reduction Program, 13:15

Water quality standards, 6:8

TPDES

Texas Pollutant Discharge Elimination System, 6:8

TPWC

Texas Parks and Wildlife Code, this index

TPWD

Texas Parks and Wildlife Department, this index

TRANSACTIONS

Real Property and Business Transactions, this index

TRANSPORTATION

Asbestos waste transportation and disposal, 21:7 Hazardous Materials Transportation Act, 8:2 Railroad Commission, this index Texas Department of Transportation, this index

TRANSPORTERS

Medical waste, 22:3

Texas superfund, transporters as PRPs, 11:6

TRCA

Texas Radiation Control Act, 20:9

TRESPASS

Indoor air quality claims, 19:4

TRIALS

Attorney General enforcement of environmental laws, 4:13

TRRP

Texas Risk Reduction Program, this index

TRUST PROPERTY

Property use liabilities or restrictions, 36:8

TRUSTEES

Texas superfund PRPs, 11:6

TSCA

Toxic Substances Control Act, this index

TSWDA

Texas Solid Waste Disposal Act, this index

TWDB

Texas Water Development Board, this index

TWQCA

Texas Water Quality Control Act, this index

TWQCB

Texas Water Quality Control Board, this index

TxDOT

Texas Department of Transportation, this index

TYPES OF ENVIRONMENTAL LAWS

Generally, 1:2

UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

Generally, 9:1 et seq.

Abandoned wells, 9:7

Administrative review of applications, 9:7

Annual monitoring reports, 9:7

Applications

RRC authority, 9:7

TCEQ authority, 9:5

Aquifer exemptions, 9:6

Aquifer storage wells, 9:6

Area permits, 9:6

Authorized activities, 9:6

Brine disposal, 9:6

Carbon dioxide storage, 9:4

Cementing requirements, 9:7

Classes of wells, 9:6

Completion reports, 9:7

Criminal law, 9:5

Definitions, 9:5

Drinking water protection, 9:2, 9:6

Dual completion wells, 9:7

Enforcement

RRC, 9:7

TCEQ, 9:5

Enforcement responsibilities, 9:3

EPA requirements, 9:2

Federal law, 9:2

Fees, permits, 9:5

Financial assurance requirements

generally, 9:5

RRC requirements, 9:7

TCEQ requirements, 9:6

Fluids injected, 9:7

Fresh water protection, 9:5

Geological requirements, 9:7

Geothermal energy co-production, 30:10

Groundwater protection, 9:5

Hazardous waste disposal wells, 9:6

History of regulation, 9:1

Horizontal injection well requirements, 9:7

Inspection, 9:5

Licenses. Permits, below

Mechanical integrity testing, 9:7

Mineral rights findings, 9:5

Minerals, solution mining for, 31:13

UNDERGROUND INJECTION CONTROL (UIC) PROGRAM—Cont'd Monitoring of wells RRC, 9:7 TCEQ, 9:6 Motor vehicle waste disposal wells, 9:6 Packer requirements, 9:7 Permits area permits, 9:6 post-permitting requirements, 9:7 RRC, 9:7 TCEQ, 9:5 Plugging, 9:7 Pre-injection units, 9:6 Pressure requirements, 9:7 Public interest findings, 9:5 Public participation in application processing, 9:5 Reporting requirements, 9:6 **RRC** applications, 9:7 authority, 9:5, 9:7 enforcement, 9:7 financial assurance requirements, 9:7 monitoring of wells, 9:7 permits, 9:7 responsibilities, 9:1, 9:3, 9:4 rules, 9:7 specific requirements, 9:7 testing of wells, 9:7 Safe Drinking Water Act requirements, 9:2 Salt dome disposal, 9:6 Solution mining for minerals, 31:13 Specific requirements RRC, 9:7 TCEQ, 9:6 Subsurface drip dispersal, 9:6 Surface casing requirements, 9:7 **TCEQ** applications, 9:5 authority, 9:5 financial assurance requirements, 9:6 monitoring of wells, 9:6 permits, 9:5 responsibilities, 9:1, 9:4 rules, 9:6 specific requirements, 9:6 testing of wells, 9:6

Technical review of applications, 9:7

UNDERGROUND INJECTION CONTROL (UIC) PROGRAM—Cont'd

Testing of wells RRC, 9:7 TCEQ, 9:6 Texas Injection Well Act, 9:4 Texas programs, 9:3 et seq. Texas statutory requirements, 9:5 Uranium mining, 9:6 Waste disposal, 9:1 Well closure standards, 9:6

UNDERGROUND SOURCES OF DRINKING WATER (USDW)

Generally, 6:13 EPA regulations, 9:2 Groundwater, this index Injection control, 7:5, 9:1, 9:2 TCEQ regulations, 9:6

Well plugging, 9:7

UNDERGROUND STORAGE TANKS (UST)

Storage Tanks, this index

URANIUM

Mining, this index Radioactive Materials, this index

URBAN REDEVELOPMENT

Brownfields, this index

USDW

Underground Sources of Drinking Water, this index

USED OIL REGULATION

Generally, 24:1 et seq. Aggregation point standards, 24:8 Analysis plans, processors, 24:10 Arsenic contamination, 24:10 Burning for energy recovery generally, 24:4 standards, 24:11 Cadmium contamination, 24:10 CFC contamination, 24:9 Chromium contamination, 24:10 Collection centers

cost reimbursements, 24:8

standards, 24:8

Costs, 24:18

Criminal penalties, 24:17

Definitions, 24:7

Deminimis quantities, 24:4

Development of Texas regulation, 24:4 et seq.

```
USED OIL REGULATION—Cont'd
  Diesel fuel containing, 24:7
  Disposal standards, 24:14
  Distillation bottoms, re-refining for use, 24:4
  Do-it-yourselfer generators
    generally, 24:7
    collection centers, 24:8
  Emergency response measures, processors, 24:10
  Environmental law violations, penalties, 4:16
    generally, 24:4
    identification numbers of processors, 24:10
    standards, 24:2
  Exemptions, Texas Used Oil Act, 24:4
  Federal, 24:2
  Filters, TCEQ standards, 24:3, 24:19
  Financial assurance for soil remediation, 24:6
  Generator standards, 24:7
  Halogen content in used oil being transported, 24:9
  Hazardous and Solid Waste Amendments of 1984, 24:2
  Hazardous waste treatment. 24:4
  Household used oil
    generally, 24:7
    collection centers, 24:8
    signage, improper disposal, 24:5
  Improper disposal signage, 24:5
  Lead contamination, 24:10
  Liability limitations, Used Oil Act, 24:8
  Marketers, standards, 24:12
  Materials containing or otherwise contaminated with, 24:4
  Mixtures of used oil and fuels, 24:4
  On-site burning, 24:7
  PCB contamination, 24:13
  Penalties for violations of Used Oil Act, 24:17
  Processor standards, 24:10
  Recycling, EPA standards to promote, 24:2
  Recycling. Texas Used Oil Collection Management, and Recycling Act, 32:10
  Recycling account, 24:3, 24:18
  Registration and reporting requirements
    collection centers
      generally, 24:8
       suspension or revocation of registrations, 24:16
  Re-refiner standards, 24:10
  Re-refining distillation bottoms use, 24:4
  Safety standards, processors, 24:10
  Sales, 24:12
  Signage, improper disposal, 24:5
  Soil remediation, financial assurance for, 24:6
```

```
USED OIL REGULATION—Cont'd
    generally, 24:7
    corrective measures, 24:15
  State regulation, 24:4 et seq.
  Storage, 24:7
  TCEQ filter standards, 24:3, 24:19
  Transfer facilities, 24:9
  Transporters, 24:9
  Used Oil Act
    generally, 24:3
    criminal penalties, 24:17
    exemptions, 24:4
    liability limitations, 24:8
    penalties for violations, 24:17
    recycling account, 24:18
    scope of regulation, 24:4
    signage, improper disposal, 24:5
  Used Oil Recycling Act, 24:2
  Vessels, 24:7
USFWS
  Fish and Wildlife Service, this index
  Storage Tanks, this index
VARIANCES
  Water quality, 6:8
VCP
  Voluntary Cleanup Program, this index
  Enforcement of environmental laws by Attorney General, 4:13
  Judicial review of agency actions, 3:5
 Texas superfund actions, 11:10
 Tort claims, 33:3
VESSELS
  Used oil regulation, 24:7
VOLATILE ORGANIC COMPOUNDS (VOC)
  Air quality, 5:11
  Indoor air quality, 19:3
VOLUNTARY CLEANUP PROGRAM (VCP)
  Generally, 13:6
  Addressing environmental concerns in business transactions, 36:9
  Agreements
    RRC, 13:7
    TCEQ, 13:6
```

VOLUNTARY CLEANUP PROGRAM (VCP)—Cont'd **Applications** RRC, 13:7 TCEQ, 13:6 Brownfields, Voluntary Cleanup Program, 13:6 Certificates of completion RRC, 13:7 TCEQ, 13:6 Cleanup standards RRC, 13:7 TCEQ, 13:6 Costs, TCEQ oversight, 13:6 Eligibility RRC, 13:7 TCEQ, 13:6 Focused site investigations TCEQ, 13:6 Liability releases RRC, 13:7 TCEQ, 13:6 Municipal setting designations, coordination, 13:14 Oversight costs, 13:6 Permit requirements, RRC, 13:7 Public participation, TCEQ, 13:6 Reports, TCEQ, 13:6 RRC administration, 13:7 TCEQ administration, 13:6 Technical remediation standards, TCEQ, 13:6 Termination of agreements, RRC, 13:7 Texas Risk Reduction Program interaction, 13:15 Texas superfund, 11:11 TRRP requirements compliance TCEQ, 13:6 Work plans TCEQ, 13:6 WAIVERS Border area waivers of environmental laws, 27:2 WASTE Generally, 1:6 CAMU-eligible waste, term defined, 13:2 Costs of disposal vs recycling, 32:1 Hazardous Waste, this index Industrial Waste, this index Low-level radioactive waste, 20:10 Medical Waste, this index Radioactive Materials, this index Recycling compared, costs considerations, 32:1

INDEX

WASTE—Cont'd

Solid Waste, this index

Solution mining wastes, 31:14

WASTEWATER

Border areas infrastructure issues, 27:10

Discharge regulations, 6:4

Effluent, land disposal, 6:13

Mining discharges, 31:22

Permit transfers, 36:15

Reuse, 6:13

Sewers, this index

Treatment facilities, 6:13

WATER CODE

Oil and hazardous substance spill reporting and response, 8:3

Storage tanks, 12:2

WATER CONTROL AND IMPROVEMENTS DISTRICTS (WCID)

Generally, 2:19

WATER INFRASTRUCTURE INVESTMENT FOR THE NATION ACT (WIIN ACT)

Mining regulation, 31:21

WATER POLLUTION CONTROL AND ABATEMENT PROGRAM

Generally, 6:13

WATER QUALITY

Generally, 1:5, 1:6, 6:1 et seq.

Agriculture, 28:2

Amendments of permits, 6:9

Antidegradation Policy, **6:8**

Assessments, 6:13

Best available technology economically achievable, 6:8

Best practicable control technology currently available, 6:8

Border issues, 27:10

CAA, Texas assumption of federal program, 6:3

Categorical standards, 6:8

Clean Water Act, this index

Clean Water State Revolving Fund, 14:12

Concentrated animal feeding operations, 6:13

Conservation. State Soil and Water Conservation Board, this index

Construction grants, 6:7

Contaminated groundwater, nonpotable uses, 13:11

Corps of Engineers oversight, 6:5

Criminal law, 6:12, 6:15

Delegation of federal programs to Texas, 6:3

Development. Water Rights, this index

Discharge permits, 6:9

Discharge prohibition standards, 6:8

WATER QUALITY—Cont'd Districts, quality responsibilities, 6:14 Dredge and fill regulations, 6:4 Drinking Water, this index Enforcements generally, 6:15 conclusions of law, 6:15 environmental audits, 6:15 federal law, 6:12 findings of fact, 6:15 Enhancement account, 14:12 Environmental audits, 6:15 EPA oversight, 6:5 Federal law, 6:2 et seq. Federal programs delegations to Texas, 6:3 Financing water quality projects, 14:12 Groundwater, this index History of federal programs, 6:2 Improvement districts, 2:19 Indirect discharge regulations, 6:4 Industrial discharges, 6:8 Injection wells, 6:13 Inventories, 6:8 Jurisdiction, Texas Commission on Environmental Quality, 2:8 Land disposal of wastewater effluent, 6:13 Local agency responsibilities, 6:14 Local programs, 6:8 Management plans, 6:8 Municipal setting designations, contaminated groundwater use for nonpotable purposes, 13:11 Municipal Setting Designations, this index Municipal storm sewers, 6:8 Municipal utility district responsibilities, 6:14 Navigable waters, CWA applicability, 6:8 Nonpoint source pollution. Clean Water Act, this index Offshore pollution protection, oil and gas operations, 29:5 Oil and gas operations, water protection regulations, 29:5 Oil pollution regulations, 6:4 On-site sewage facilities, 6:13 Oversight responsibilities, 6:5 Permitting process, **6:9** Point source pollution. Clean Water Act, this index Pollution Prevention Plans, 6:13 Pretreatment programs, 6:8 Pretreatment requirements, 6:9 Property use liabilities or restrictions, 36:3 Publicly owned treatment systems funding, 6:7

Regulated activities, 6:4, 6:13

WATER QUALITY—Cont'd Renewable energy facilities, 30:17 Renewals of permits, **6:9** Restrictions on property uses, 36:3 Reuse/reclaimed water systems, 6:13 River authorities' responsibilities, 6:14 RRC responsibilities, 6:14 Safe Drinking Water Act, this index Septic tanks, 6:13 Sludge management, 6:13 Standards (WQS) generally, 6:13 federal law, 6:8 State programs, 6:13 et seq. State Soil and Water Conservation Board responsibilities, 6:14 State Water Pollution Control Revolving Fund, 6:7 Stormwater regulation generally, 6:13 federal law, 6:8 Stormwater regulations, 6:4 Surface Water, this index TCEQ assessments, 6:13 TCEQ responsibilities, 6:14 Technology-based effluent limits, 6:8 Texas assumption of federal program under the CAA, 6:3 Texas Clean Rivers Program, 6:8, 6:13 Texas Commission on Environmental Quality jurisdiction, 2:8 Texas Department of State Health Services responsibilities, 6:14 Texas Parks and Wildlife Department responsibilities, 6:14 Texas Pollutant Discharge Elimination System (TPDES), 6:8 Texas Pollutant Discharge Elimination System, this index Texas Surface Water Quality Standards, 6:9 Texas Water Development Board, this index Texas Water Quality Control Act, this index Texas Water Quality Control Board, this index Total maximum daily loads, 6:8 Toxic pollutant standards, 6:8 Underground Injection Control Program, this index Underground sources of drinking water, 6:13 Variances, 6:8 Wastewater, this index Water district responsibilities, **6:14** Water Pollution Control and Abatement Program, 6:13

Wetlands, **6:11**WATER RIGHTS

Generally, **14:1 et seq.** Adjudication Act, **14:3**

WATER RIGHTS—Cont'd Adjudications of surface water rights, 14:3 Agricultural use, 28:3 Agricultural Water Conservation Fund, 14:12 Amendments of surface water rights, 14:4 Appropriation of surface water, 14:3 Appropriative water rights, 14:3 Army Corps of Engineers authority, 14:7 Artesian waters, 14:2 Banking and marketing of water rights, 14:13 Beneficial use determinations, TCEQ authority, 14:4 Biomass facilities, 28:17 Border issues groundwater, 27:9 surface water, 27:8 Cancellations of surface water rights, 14:3 Clean Water State Revolving Fund, 14:12 Colonia Self-Help Account, 14:12 Conservation, 14:4 Conservation and land use statutes riparian tract boundaries, 17:4 surface water impoundments, 17:8 Conservation districts, 14:2 Conveyances, groundwater rights, 14:2 Developed water, 14:3 Development generally, 14:9 et seq. conservation, 14:4 fund, 14:12 Texas Water Development Board, below Diffused surface water, 14:3 Domestic use exemption from regulation, 14:3 Drinking Water State Revolving Fund, 14:12 Drought contingency requirements, 14:4 Drought response planning, 14:10 Economically distressed areas, development financing, 14:12 Edwards Aquifer Authority, groundwater management, 14:2 Environmental flows preservation generally, 14:3 TCEQ authority, 14:4 Federal law, 14:7 Financial assistance, 14:12 Flood Control Account, 14:12 Forecasting, 14:10 Groundwater, this index Historical background, 14:8 Impoundments, agricultural, 28:3 Infrastructure Fund, 14:12

WATER RIGHTS—Cont'd Interbasin transfers of surface water, 14:4 International, 14:5 Interstate water rights, 14:3, 14:6 Licenses. Permits, below Livestock use exemption from regulation, 14:3 Loan Assistance fund, 14:12 Local planning, 14:10 Management of groundwater resources, 14:2 Marketing of water rights, 14:13 Mining, water use regulations, 31:24 Overflow liability, surface water, 14:3 Ownership groundwater, 14:2 surface water, 14:3 Ownership in place, 14:2 Permits generally, 14:4 seasonal and temporary, 14:4 surface water, 14:3 TCEQ authority, 14:4 transfers, 36:15 Planning, 14:10 Priority projects funding, 14:12 Property rights, surface water, 14:3 Property use liabilities or restrictions, 36:3 Pueblo water rights, 14:3 Quality enhancement account, 14:12 Regional planning, 14:10 Renewable energy facilities, 28:17 Research and Planning Fund, 14:12 Research and technical assistance, 14:11 Restrictions on property uses, 36:3 Return flows from upstream users, 14:3 Reuse of water, 14:3 Riparian rights, 14:3 Riparian tract boundaries, 17:4 Rivers, this index Rule of capture, 14:2 Rural community loans, 14:12 Seasonal permits, 14:4 Spanish water rights, 14:3 Statewide vs local regulation groundwater, 14:2 surface water, 14:2 Storage Fund, 14:12 Subsidence, conservation and land use statutes, 17:8 Subsidence districts, 14:2

WATER RIGHTS—Cont'd

Surface Water, this index

TCEQ authority

beneficial use determinations, 14:4

environmental flows preservation, 14:4

historical background, 14:8

permits, 14:4

surface water, 14:3

Temporary permits, 14:4

Texas Parks and Wildlife Department authority, 14:4

Tort claims, 33:8

TWDB. Texas Water Development Board, this index

Underflow of a watercourse, 14:2

Underground streams in defined channels, 14:2

Wagstaff Act, 14:3

Water availability models, 14:4

Water Well Drillers Act, 14:2

Watercourses defined, 14:3

Watermaster programs, surface water, 14:3

WATERSHED MANAGEMENT

Conservation and land use statutes, 17:7

WCID

Water Control and Improvements Districts, 2:19

WELLS

Classes of wells, 9:6

Drilling, this index

Groundwater, this index

Hazardous waste disposal wells, 9:6

Oil and Gas, this index

Plugging, 9:7

Texas Injection Well Act, 9:4

Underground Injection Control Program, this index

Underground Sources of Drinking Water, this index

Water Well Drillers Act, 14:2

WETLANDS

Generally, 6:11

Agricultural uses, 28:3

Coastal Wetland Acquisition Act, 17:5

Conservation and land use statutes, 17:5

Discharges of dredged material, 6:11

EPA authority, 17:5

Federal law, conservation and land use statutes, 17:5

General Land Office authority, 17:5

Jurisdiction, 17:5

Mining operations, 31:22

Permits, 17:5

INDEX

WETLANDS—Cont'd

Property use liabilities or restrictions, **36:3** Restrictions on property uses, **36:3**

WILDLIFE

Generally, 17:11
Conservation and land use statutes, 17:11 et seq.
Endangered Species, this index
Fishing restrictions, 17:12
Hunting restrictions, 17:12
Texas Parks and Wildlife Department, this index
Uniform Wildlife Regulatory Act, 17:12

WIND

Renewable Energy, this index

WQS

Water quality standards, 6:8, 6:13

ZONING

Generally, **1:6, 2:19**Agricultural uses, **28:7**Authority of local governments, **17:17**Innocent Owner/Operator Program, zoning restrictions, **13:10**