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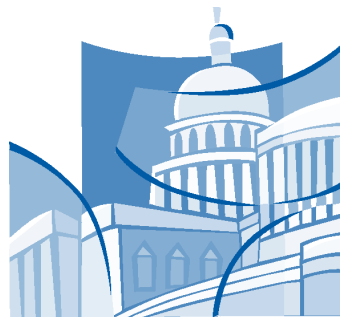
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COOKING UP A CLEAN ENVIRONMENT

Clean Water Action and Allies Push for A "Baker's Dozen" of Reforms

The 78th session of the Texas Legislature began in early January, and Clean Water Action has joined once again with other public interest organizations in the Alliance for a Clean Texas (ACT) to increase protections our air, water and natural resources. ACT is composed of 21 statewide environmental, religious and consumer groups who together represent over a quarter million Texans. This coalition succeeded during the 2001 legislative session in pushing through significant reforms of the Texas Commission on Environmental Quality (TCEQ, then known as the Texas Natural Resource Conservation Commission), the top environmental regulatory agency in the state.

In spite of impressive gains reached last session (such as closing the 'grandfather loophole' for industrial air polluters), Texas' quality of life continues to be threatened by air and water pollution and a scarcity of public recreational resources. We lead the nation in toxic emissions--to the air, water or ground--as well as in the generation of hazardous wastes from manufacturing plants. We release more global warming gasses than any other state and are second only to California in the number of residents living in cities with dirty, health-threatening air. The TCEQ has declared some 30 percent of our streams and rivers, and nearly 40 percent of reservoirs and estuaries, to be contami-



nated. Texas spending on natural resources also continues to be low. The US Census Bureau reports that our state spent only \$32 per person for natural resource protection in 1998-99, compared to a national average of \$49. Our state spent only \$2.71 per capita on parks and recreation in those same years, while other states averaged over \$14.

In this time of budgetary shortfalls and fiscal restraint--legislators are faced with a deficit of up to \$12 billion, and will be hard-pressed to fund basic programs like education and health care--CWA and ACT will be reminding our lawmakers not to forget the costs of lax environmental protection. The challenges are daunting, and as always our strongest asset will be the support of members like you.

Our priorities this session fall within six main categories, and within each category are two specific recommendations. These twelve recommendations, along with an additional one on environmental enforcement, amount to a 'baker's dozen' of environmental proposals.

AIR QUALITY

1) Fund the Texas Emissions Reduction Plan

Two-thirds of all Texans live in areas designated as "non-attainment" or "near-non-attainment" for federal air quality standards. The health impacts fall hardest on children,

the elderly and people with respiratory and heart diseases. A 1999 study found that Houston could save \$3 billion annually in health care costs if it would comply with clean air standards. The federal Clean Air Act requires Texas to reduce emissions of ozone-forming pollutants and particulate matter or face federal sanctions, such as the loss of up to \$5.4 billion in highway funding. Last session the Legislature passed the Texas Emissions Reduction Plan (TERP), which includes incentives for the purchase of cleaner diesel engines and cleaner cars, but full funding for these incentives has not yet been established. ACT is calling on the Legislature to appropriate \$188 million per year for the TERP.

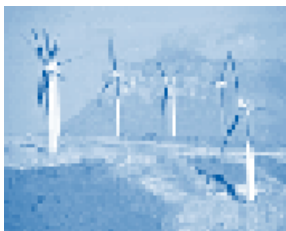
2) Reduce Mercury Emissions from Power Plants by 90% by 2010

The EPA's 2000 toxic release inventory shows Texas leading the nation in mercury emissions from coal- and lignite-burning power plants. Fetuses and young children are especially sensitive to mercury, which can cause permanent damage to developing brains and nervous systems. These plants are also the number one source of mercury pollution in Texas' waterways, and Texas anglers are concerned about the impacts of mercury and other contaminants on fish (and fish eaters), as well as the economic and recreational consequences. Last year fishing revenues dropped to \$4.6 billion, a 25% decline. ACT and CWA are calling for routine fish testing for mercury contamination and notices of such contamination in Texas waterways where it exists.

CLEAN ENERGY

3) Build adequate transmission lines for wind farms.

Each year in Texas, 660,000 asthma attacks and 1,300 deaths are linked to power plant pollution. Yet Texas leads the nation in potential for solar and biomass energy production and is second in wind potential. Since passing legislation in 1999 which set a goal of producing



3% of all energy produced from renewable sources by 2009, Texas has seen an investment of \$1 billion in wind power and the creation of over 2,500 new jobs, mostly in the western portions of our state.

Yet because of inadequate transmission lines, only half of this new energy potential is able to reach consumers in high-demand areas such as Houston and Dallas-Fort Worth. Wind farms are actually being ordered to shut down their turbines

on some days for fear of overloading the system. The Legislature should work with the Public Utility Commission to speed up transmission projects.

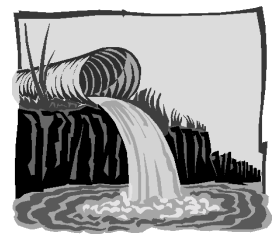
4) Implement green building initiatives with incentives for conservation

Efficient electricity usage provides public benefits by reducing air pollution, and contributes to lower costs for utility customers by delaying or eliminating the need to build new power plants. The General Land Office has already instituted a program to facilitate green building incentives, such as loans for veterans who make their homes more energy efficient or buy new energy-efficient houses. The Legislature should establish a state-wide program on this model to promote energy conservation.

WATER RESOURCES

5) Require cities to implement water conservation plans

The state has embarked on an ambitious process to plan for meeting the water needs of the future. Unfortunately, the current plan gives inadequate attention to the role that water conservation should play in meeting these needs. While some cities, notably El Paso and San Antonio, have reduced per capita water consumption by as much as 30% (with plans for further reductions), they are the exception. The Legislature should require municipalities to establish water conservation programs that encompasses the following: finding and fixing water system leaks, installing water saving fixtures when buildings are sold, and eliminating measures that influence homeowners to install water-intensive landscaping. Such a comprehensive push to use existing water supplies more efficiently could lead to remarkable postponements in costly new water development projects.



6) Ensure that instream flows and bay and estuary inflow needs are met.

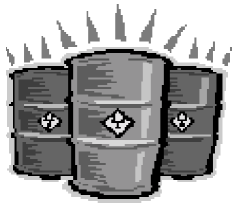
Protecting, maintaining, and, in some instances, restoring water flows in rivers, streams, and coastal bays in amounts sufficient to support fish and wildlife is extremely important to our state's economy, particularly

in rural areas. The TCEQ's current case-by-case consideration of new water rights permit applications fails to take into account the need to protect these flows, and to protect those who depend on them.

RADIOACTIVE WASTE

7) Prohibit importation of nuclear weapons waste or out-of-state nuclear power plant waste for disposal in Texas.

Over the last decade, Texas legislators have repeatedly defeated proposals that would have turned West Texas into a national dumping ground for nuclear waste from power plants and contaminated federal weapons sites. Waste Control Specialists (WCS) is expected to attempt once again to obtain legislative authorization to build and operate a below-ground dump in Andrews County with a capacity for 350 million cubic feet of low-level radioactive waste. After they make their profits, WCS intends for the State of Texas to take over ownership of the waste and be liable for accidents and clean-up in the future when the dirt and clay trenches leak. ACT will once again be working to make sure that this does not happen.



8) Minimize transportation of radioactive waste and use nuclear power plants as waste management sites for waste.

Whenever radioactive materials are handled or transported, the risk of accident or injury to workers and the public increases. Since the transportation of radioactive waste is so dangerous, it should be stored as close to the site of its generation as possible, with sites of the nuclear power plants (the largest generators) used for storing their own waste and the waste from smaller generators. Security issues also arise when radioactive waste is transported on busy highways or through densely populated areas.

ENVIRONMENTAL ENFORCEMENT

9) Require that penalties assessed against environmental lawbreakers recover the economic benefit that the violator gained by breaking the law.

The air and water in many Texas communities remain polluted in part because our environmental laws are not adequately enforced. The profits which polluters earn by breaking the law typically surpass the amount

they pay in fines if they are caught. The number of inspections per year has declined, and penalties for violations now average a mere \$1000 each. This has cost the state treasury around \$22 million over the last five years. ACT believes that fines for polluting behavior should be high enough to deter future violations.

10) Require that the TCEQ include mandatory monitoring with every permit it issues.

In Texas, polluting facilities are currently expected to report their own toxic emissions voluntarily to the state. Yet a recent Houston area air quality study conducted by the TCEQ revealed that facilities there are emitting from 2 to 20 times more pollution than they are reporting. Without mandatory monitoring, it is impossible to know whether a facility is violating the law. Mandatory monitoring is needed to ensure that good actors are rewarded for their behavior, bad actors are punished, and public health is protected.

PARKS AND LAND CONSERVATION

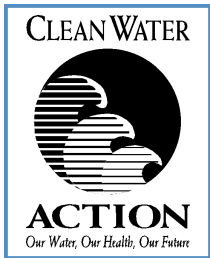
11) Raise the cap on the revenue generated by the sales tax on sporting goods so that more funding is available for state and local parks.

Texas ranks near the bottom among all states in per capita spending on parks and in the amount of acreage in public hands, and we are losing thousands of additional acres each year to urban sprawl. Our parks system is funded in large part by the sales tax on sporting goods. This tax generates some \$80 million per year, but state law limits the amount of money which can be spent on parks from this source to \$32 million. Allowing more of this \$80 million to be used for parks could, without raising taxes, help fund park maintenance and land acquisition programs.

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TEXAS CLEAN WATER ACTION

Clean Water Action is a national citizens' organization working for clean, safe and affordable water, prevention of health-threatening pollution, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Texas members contributing \$60 or more each year receive issues of the Texus Sustainer Newsletter. Articles in this newsletter may also reference special programs undertaken in coordination with Clean Water Fund, a research and education organization.



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Winter 2003 Sustainer Newsletter

continued from inside ...

12) Ask Texas voters to approve bond sales for parks.

Polls have repeatedly shown that Texans strongly favor preserving more of our vanishing green and open spaces, yet Texas has not held a bond election for state parks in over 40 years. Allowing Texans to vote on the sale of bonds for the acquisition and development of parks and conservation lands, and for the purchase of development rights from willing sellers, will help us preserve green and open spaces for future generations.

And finally, rounding out our 'baker's dozen' of recommendations...

13) Increase the powers of the Public Interest Counsel (OPIC) at the TCEQ

The Office of Public Interest Created (OPIC) was created by the Legislature to help represent the public interest in permitting and enforcement decisions. However, OPIC has never been given the funding or independence it needs to challenge TCEQ rulings, since it lacks its own budget and its members are appointed directly by the TCEQ Commissioners. An interim legislative committee has recommended that OPIC be granted its own budget and be allowed to appeal TCEQ rulings under certain conditions. ACT supports these recommendations.

ACTION ALERT: SUPPORT THE ALLIANCE FOR A CLEAN TEXAS

Texas continues to trail most of the other states in the country in environmental protections. Last November's election has brought new leadership to the office of Governor, Lieutenant Governor and Speaker of the House. It is important to let these new leaders know that we expect them to protect public health and the environment here in Texas. Please write the three leaders listed below and ask them to help the Alliance for a Clean Texas in its work on behalf of environmental protection. Please use the sample letter below as a guide. Thank you!

Dear _____

I am writing to urge you to support Clean Water Action and the Alliance for a Clean Texas in their efforts to increase protections for our environment. Please work with them to protect our rivers, boost state revenue from pollution enforcement and create the necessary infrastructure to transmit wind energy to where it is needed. I look forward to your reply.

Address your letters to:

Gov. Rick Perry
P.O. Box 12428
Austin, TX 78711

Lt. Gov. David Dewhurst
P.O. Box 756
Austin, Texas 78767

Rep. Tom Craddick, Speaker
P.O. Box 2910
Austin TX 78768-2910

