New action could close clean water loophole

Clean Water Act would protect our waters

This summer, fish from the Trinity River were deemed dangerous to eat, state agencies issued health advisories for beaches along Galveston Bay, and the Edwards Aquifer—which feeds Barton Springs—became even more polluted. All the while, polluters and their allies in Congress fought hard to dismantle the law that has cleaned and protected our rivers, lakes and streams for 39 years: The Clean Water Act.

Attack on the EPA’s authority

The Clean Water Act has been extremely successful in limiting pollution across the country. But loopholes allow polluters to pave over wetlands and dump waste into streams that feed rivers and lakes, and provide drinking water for millions.

And now, Congress has attempted to revoke the Environmental Protection Agency’s ability to step in when states aren’t protecting their own waters.

For the past several years, Environment Texas has been working to close these loopholes and restore the Clean Water Act’s ability to protect all of our waters. This year, the EPA acted and announced a plan to close the loopholes that allow polluters to pave and dump into the wetlands and streams that feed our waters.

“Legal warfare”

Polluting industries have already sprung into action. Mining companies, developers and corporate agribusiness have all urged their friends in Congress to stop the EPA from closing the clean water loophole—ExxonMobil even threatened “legal warfare.”

Over the summer, polluters’ allies in both parties in Congress launched an unprecedented attack on the Clean Water Act. By mid-July, the House of Representatives had passed three separate measures attacking the EPA’s authority to protect our water.

We saw this coming, and had already begun building a campaign to defend the EPA’s clean water initiatives. All over Texas, on the streets of Austin, Dallas and Houston, our field organizers talked face to face with tens of thousands of Texans about the attacks on clean water—and what they could mean for the Trinity River, Galveston Bay and Barton Springs.
To our members

I can’t believe it. Gov. Rick Perry is running for president.

After 10 years of using the governor’s office to roll back environmental standards, Perry now wants to bring his crusade to the White House. I use the word crusade deliberately—Gov. Perry told CBN News that he prays every day that the “EPA [backs] down all these regulations” for air and water.

We plan to tell the nation exactly what has happened to Texas under Gov. Perry’s tenure. For example, after receiving hundreds of thousands of dollars in donations from executives of energy giant TXU, Perry fast-tracked the construction of new coal-fired power plants—a move that helped cement Texas’ position as the nation’s leader in carbon dioxide emissions.

We want to keep Gov. Perry from spreading his disrespect for air, water and land to the rest of the nation. With your support, we plan to do just that.

Sincerely,

Luke Metzger, State Director

Recent action

Mixed results in 82nd Legislature

Another session of the Texas Legislature has come and gone, with mixed results for the environment. In the win column, we have new laws requiring natural gas companies to disclose the chemicals used in hydraulic fracturing (aka “fracking”), tougher penalties for polluters, limits on the ability of homeowners associations to block solar panels, and a measure to limit “light pollution” near the McDonald Observatory to protect Texas’ famous starry nights.

Unfortunately, the Legislature also voted to delay certain air quality rules and cut funding for the Texas Parks and Wildlife Department, slashing hours and services at several of our state parks (see page 3).

After each session, Environment Texas produces a scorecard to show the public how their representatives voted on key environmental issues. Lawmakers may have left town, but we’re going to make sure their constituents know whether they sided with polluters or with the public. You can find the scorecard on our website.

President Obama announces new fuel standards

As President Obama negotiated with auto companies over fuel efficiency, Environment Texas and our national federation advocated a 60-miles-per-gallon standard—a move that would slash our nation’s oil consumption by 44 million barrels per year. This past July, after Environment Texas secured media coverage across the state, the administration announced the outline of new clean car standards, which will require cars and light trucks to meet the equivalent of a 54.5 miles per gallon fleetwide average by 2025—roughly twice as strong as the current standard. The new standards represent the single biggest step this country has ever taken to end our addiction to oil and reduce global warming pollution.

Of course, the president’s announcement is only the first step in a rulemaking process that will last through next year. With support from Gov. Rick Perry, the state of Texas has sued to block the president’s authority to set stronger fuel economy standards. In the months ahead, Environment Texas will again join forces with our national federation to push these guidelines across the finish line.

How do you want to be remembered?

You can be remembered as a someone who cared enough to keep up the fight for a cleaner, greener, healthier future by making a bequest to Environment Texas.

For information, call: 1-800-841-7299, or email PlannedGiving@EnvironmentTexas.org.

Photo: NPS

Our federal global warming director, Nathan Willcox (left, center), thanks President Obama for the new 54.5 mpg fuel standard.
This June, Environment Texas hailed San Antonio Mayor Julian Castro’s announcement that the city-owned Deely Power Plant will close 15 years ahead of schedule and be replaced with new investments in clean energy.

The coal-fired power plant, which has supplied electricity in San Antonio since the 1970s, will be the first in Texas to shut down.

The announcement follows more than a decade of work by Environment Texas and our allies to highlight the pollution from the coal-fired power plant and urge utilities to instead invest in renewable energy, drawing heavily from solar power.

It was a move that will bring clean air and green jobs to the Alamo City and to Texas—not more asthma attacks and poisoned water in Bexar County.

Plant caused asthma attacks, early death
“The ‘Dirty Deely’ power plant has plagued the health of San Antonio for decades and we’re glad to see that it will be going away,” said Environment Texas State Director Luke Metzger. “We applaud Mayor Castro for his leadership on the issue.”

According to research by Environment Texas, in 2009 alone, the Deely plant emitted 3,657 tons of nitrogen oxide, a key ingredient in smog pollution. Further, according to a study by the Clean Air Task Force, power plant pollution in Bexar County is linked to 282 asthma attacks and 11 deaths every year.

Utility to increase its investment in solar power eightfold
CPS Energy, the utility that draws power from Deely, announced it would replace the energy from the plant with a major investment in solar power. Upon receiving bids from solar developers with historically low prices, the utility decided to increase its solar investment eightfold, contracting enough to power 80,000 homes.

Presently, power plants, oil refineries and other industrial facilities spew a dangerous mix of mercury, lead, arsenic and other toxic pollutants into our air every day.

“Texas has 19 coal-fired plants, more than any state,” said Metzger. “It’s my hope that shutting Deely will increase pressure to retire other facilities and prevent efforts to build any new facilities.”

In the coming months, Environment Texas will continue its work to move away from coal-powered energy and increase reliance on renewable sources.

A new push to save state parks
Staff at 24 parks across the state, including Brazos Bend, Government Canyon and Devil’s Sinkhole, were laid off by the Texas Parks and Wildlife Department this July to absorb more than $150 million in budget cuts by the Legislature.

The layoffs are just the first of many cost-cutting measures the Department is expected to make in coming months, which will include cutting hours and services at parks across the state. Previously, the Legislature had contemplated shutting down seven state parks, but public opposition helped avoid this outcome.

Texans help support our parks in a number of ways, including conservation license plates and park entrance fees. But one of the most important funding sources is a sales tax on sporting goods like bicycles, fishing tackle and camping gear. Those taxes bring in about $120 million every year—more than enough to protect and grow our parks system.

Unfortunately, because legislators sapped these funds for other programs, our state parks will receive only a small percentage of the benefits.

“We can’t let them get away with it,” said Luke Metzger, state director for Environment Texas. “In the coming months, the Legislature needs to hear that Texans care about their state parks.”
Environment Texas filed a lawsuit against ExxonMobil last December, after the company released 8 million pounds of excess pollutants over the past five years.

Luke Metzger (left), attorney David Nicholas (center), and Environment Texas member Shae Cottar (right) at a Baytown press conference.

Texas Clean Air Project: Exxon suit advances

This June, a federal court denied ExxonMobil’s efforts to dismiss a lawsuit alleging thousands of Clean Air Act violations at its Baytown refinery and petrochemical plant. Together with the Sierra Club, this is Environment Texas’ third federal lawsuit that targets illegal air emissions in the Houston area, following earlier successful cases against Shell Oil Company and Chevron Phillips.

Early this summer, Exxon moved to dismiss the suit, contending that only state and federal agencies—not citizens—can sue to enforce the Clean Air Act. Environment Texas and the Sierra Club successfully argued, however, that the government’s failure to stop Exxon’s violations opens the door to direct enforcement of the law by citizen groups.

“Congress specifically allowed for citizen enforcement suits because sometimes government agencies fall down on the job,” said Luke Metzger, director of Environment Texas. “This case is a perfect example of that.”