

## Texas Legislature Moves to Stop Cities from Regulating Fracking

Of the many bad bills passed by the Texas Legislature this year, House Bill 40 tops the list. It places the regulation of oil and gas operations exclusively in the hands of the state, preempting cities and counties from protecting their citizens. This is an overreaction to Denton's fracking ban, passed overwhelming by its voters last November. HB 40 will also likely undo setbacks established by Dallas, Fort Worth and other communities to protect neighborhoods and schools, and will have a chilling effect on communities that have wanted to follow their example.

Somewhat confusedly, HB 40 also states that localities can regulate oil and gas activities above the ground — but only if these are “commercially reasonable” and do not “effectively prohibit” these activities as conducted by a “reasonably prudent operator.”

“The burden of proof is laid upon the cities, and frankly we’re handing the keys to the oil and gas industry to decide what’s commercially reasonable,” says Clean Water Action’s North Texas Outreach Coordinator, Rita Beving. “Long standing ordinances including setbacks and traffic regulation could be lost along with other important rules to protect the public’s health and safety.”

HB 40’s passage is likely to open the door to countless lawsuits while giving industry a freer hand to frack in public parks and close to schools and homes.

**TAKE ACTION!** To thank your legislators for voting against HB 40 or to hold them accountable for voting for the bill, go to [www.cleanwateraction.org/TX\\_HB40](http://www.cleanwateraction.org/TX_HB40)

Photo by David R. Tribble, CC



Texas Barnett Shale gas drilling rig near Alvarado, Texas.

### HISTORIC VICTORY TO PROTECT OUR WATER

AFTER TEN YEARS, the US EPA has restored protection under the Clean Water Act to 60% of our stream miles and millions of acres of wetlands. These are waterways that used to be protected from pollution, but those protections were called into question a decade ago, putting the sources of drinking water for 1 in 3 Americans at risk.

Thank you to EPA Administrator Gina McCarthy and President Obama for fixing this problem and protecting clean water.



# Texas Legislature Caves In To Polluting Industries

In what long-time environmental advocates are calling the worst session in more than 25 years, the Texas Legislature this year approved a long list of bills that favor oil and gas operations and other polluting industries over public health and the environment. Fortunately, Clean Action and our allies stopped bad bills that would have voided city ordinances to protect trees or regulate plastic bags, and a bill that would have undermined Texas' renewable energy programs.

## THE 5 WORST BILLS (and their sponsors)

### **HB 40, Rep. Drew Darby:**

An overreaction to the Denton fracking ban that strips localities of their ability to regulate oil and gas activities to protect public safety and quality of life. It leaves communities no avenue to address the siting of deep injection wells, the installation and inspection of subsurface emergency shut off valves, or boring under roadways. [PASSED.](#)

### **SB 709, Fraser:**

Would severely limit citizens' ability to challenge industrial permits through the contested case hearing process, making it more difficult stop or improve permits for landfills, coal plants, etc. [PASSED.](#)

### **HB 1794, Rep. Charlie Geren:**

Would limit polluters' penalties for permit violations. This would erode incentives for companies to comply with the rules. The bill also sets a 5 year statute of limitations on violations. [PASSED.](#)

### **HB 3298, Rep. Lyle Larson:**

Dubbed 'Gridzilla' by its critics, would direct the Texas Water Development Board to study the feasibility of a massive grid of pipelines, pumping stations, and reservoirs to move water around the state. This is similar to the California system which is a factor in that state's drought crisis. [STALLED.](#)

### **SB 931, Rep. Troy Fraser:**

Would eliminate the state's successful renewable portfolio standard and end the extension of transmission lines that bring wind and solar energy from West Texas to cities in the east. Without these programs, Texas could not have become the nation's top wind energy producer. [KILLED!](#)

## THE 5 BEST BILLS (and their sponsors)

### **HB 1232, Rep. Eddie Lucio III:**

Would direct the Texas Water Development Board to map and analyze the quality and quantity of water in aquifers around the state. [PASSED.](#)

### **SB 1356, Sen. Juan Hinojosa:**

Would promote water conservation by providing a sales tax holiday for water-efficient products and appliances. [PASSAGE LIKELY.](#)

### **HB 1902, Rep. Donna Howard:**

Would require the Texas Commission on Environmental Quality to adopt rules and standards for additional uses and sources of household graywater, such as air conditioning condensate, washing machines and shower water. [PASSED.](#)

### **SB 551, Sen. Kel Seliger:**

Would create a Water Conservation Advisory Council to report every 2 years on statewide water conservation progress. [PASSED.](#)

### **SB 1366, Sen. Lois Kolkhorst:**

Would allocate 100% of sales tax proceeds on sporting goods to the historically underfunded Texas Parks & Wildlife Department. [PASSED.](#)

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## Georgetown Proves It: The Time for Renewables is NOW!

Georgetown, Texas, the once-sleepy university town in Williamson County, made headlines around the country recently by announcing that 100% of its energy will come from West Texas wind and solar farms by 2017. Local leaders explain that this clean energy will cost less than fossil fuels and provide power at a fixed cost, avoiding the price volatility and regulatory uncertainty associated with dirty fuels like frack gas and coal.

Though cost was the primary driver in Georgetown's landmark decision, Mayor Dale Ross has been quick to cite one critical environmental benefit. "Our move to renewable power is a significant reduction in our total water use in Georgetown," he wrote in the Austin-American Statesman. "Traditional power plants making steam from burning fossil fuels can use large amounts of water each day."

Clean Water Action congratulates Georgetown for this prescient, water-conserving decision and urges other cities to follow their lead.

## ★ PEC ELECTION ENDORSEMENT ★

# Pedernales Electric Co-op Board: Cristi Clement, Larry Landaker and Jeff Barton



**Cristi Clement**  
District 1



**Larry Landaker**  
District 6



**Jeff Barton**  
District 7

Clean Water Action endorses **Cristi Clement** (District 1) and **Larry Landaker** (District 6) for re-election to the Pedernales Electric Cooperative (PEC) Board. Clean Water Action also endorses **Jeff Barton**, running to replace outgoing board president Patrick Cox in District 7.

The PEC is the nation's largest and fastest growing electric co-op, serving 260,000 households in a vast area that stretches from Austin all the way to Johnson City and beyond. The co-op was mired in corruption for decades until a member revolt and public outcry forced it to begin holding fair elections in 2008.

Clement and Landaker were among the first board members chosen in these elections and have implemented critical reforms. Jeff Barton has a long history of public service in Hays County and has promised to build on these successful reforms. Under new governance PEC reforms to date have included:

- **Open Government:** Passage of a landmark Members Bill of Rights guaranteeing fair elections, open meetings, and member control.
- **Cash for Members:** The PEC now pays an annual dividend after decades of neglect. Three rate reductions have been implemented in the last 6 months alone, with another expected soon.
- **Affordable, Water-Saving Renewable Energy:** The PEC is set to meet its 2020 goals for clean, renewable energy, and for energy efficiency. Unlike gas and coal plants, renewables require no water to operate.
- **Emerging Programs:** The PEC is set to roll out new programs, such as on-bill financing for solar installations and time-of-day price options, to help members take advantage of these technologies.

After long years of corruption, the PEC is on the right track, with rates falling and renewable energy programs expanding. Clean Water Action members who live in the PEC service area can support the reform movement by voting for Cristi Clement, Larry Landaker, and Jeff Barton!

*PEC members may vote online at <http://www.directvote.net/pec> or by mail until midnight June 12. Although candidates must reside in specific districts, voting is at-large, and all PEC members may vote in each race.*

## Solar Si, Gas No! Austin Faces Critical Decision

The City of Austin will likely decide before the end of the year whether to replace an aging gas-fired power plant in East Austin with yet another gas plant or with an additional investment in solar energy. Clean Water Action urges the city council to opt for solar.

As Georgetown has shown, and as Austin's own 2014 contract to purchase low-cost solar from West Texas demonstrates, solar is now cost-competitive with gas. Moreover, investing in a new gas plant — at a 30-year cost of more than \$5 billion to construct, fuel, maintain, and operate — would make the capitol city complicit with polluting, water-wasting fracking operations for decades to come. Yet Austin Energy, the city-owned utility, prefers to build another 500 megawatt gas plant

*Contact the mayor and urge him to invest in clean, renewable, cost-effective solar instead, [www.cleanwater.org/AustinEnergy](http://www.cleanwater.org/AustinEnergy)*



*Solar array in Austin, Texas*

Photo by Larry D. Moore CC BY-SA 3.0

JOIN US

## SPRING FOR WATER

Saturday, June 6th, 2015, 6:00 p.m. to 9:00 p.m.

Sustainable Food Center

2921 E. 17th St. Bldg. C, Austin, TX 78702

Tickets: \$35.00

An evening celebration benefitting Clean Water Fund of Texas.  
Join us for bites, drinks, and a silent auction to support our work  
fighting for clean water, renewable energy, and a sustainable Texas.

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