



Sierra Club Priorities for the 88th Texas Legislature - December 2022

Priority 1: Community Protection from Pollution

Communities across Texas are suffering from pollution, generation after generation. It has to stop. There are no sacrifice zones without sacrificed people. Every Texan deserves to breathe clean air and live in a healthy and safe environment. The Sierra Club prioritizes bills that will address the adverse impact pollution has on communities, especially those on the frontline which are disproportionately communities of color.

Our main goals include:

- Passage of a robust and protective Sunset bill that continues and improves the Texas Commission on Environmental Quality that:
 - Expands and improves air quality monitoring along the Gulf Coast and in Permian Basin
 - Requires consideration of cumulative impacts, improved community monitoring, and environmental justice in state permitting decisions
 - Enhances public participation on environmental permitting at the TCEQ through additional required public meetings, improved notice and requirements for local government, citizens, and organizations concerned about pollution impacts from permits
 - Supports improved regulations and siting of concrete batch plant and aggregate operations.
 - Enhances environmental enforcement by raising penalties from a maximum of \$25,000 to \$50,000, charges the economic benefit of non-compliance and considers each event and pollutant separately;
 - Ends affirmative defense, and Maintenance, Shutdown and Start-up practices that pollute frontline communities.
 - Prioritizes water quality enforcement and standard development
- Improve oversight and regulation of oil and gas activities by:
 - Assuring improved plugging of orphan wells by taking advantage of federal funding, increasing bonding amounts for oil and gas wells and limiting plugging extensions on inactive wells;
 - Limit the time period that railroad commissioners can accept contributions to the same election period allowed for statewide judicial candidates or officeholders, and limiting contribution amounts to the same amounts allowed for statewide judicial candidates or officeholders;

- Controlling emissions of methane and eliminating the practice of routine flaring and venting;
- Increasing maximum administrative penalties on oil and gas facilities from \$10,000 to at least \$25,000 and up to \$50,000;
- Creating improved standards for underground wastewater disposal injection wells
- Eliminating direct discharge of fracked wastewaters and prioritizing onsite reuse;
- Requiring companies that want additional permits for oil or gas wells to have a good compliance record and existing well sites cleaned up
- Requiring the TCEQ to develop health-based standards on hydrogen sulfide pollution
- Support sunset reforms of the Texas Low Level Radioactive Waste Compact Authority and continue efforts to oppose imports of high level radioactive waste

Priority 2: Clean Energy, Energy Efficiency, and Climate

The solutions to our climate and pollution crises are right in front of us, but our elected leaders have not kept up with the times. Advances in renewable energy, energy storage, electric vehicles, and energy efficiency need better policy support at the state level for Texas to make them real solutions. Our transmission system needs upgrading to get cleaner forms of power to and from homes and businesses. Continued funding for the Texas Emissions Reduction Plan is also a priority. The Bipartisan Infrastructure Law and Inflation Reduction Act represent a unique opportunity to grow clean energy and electrify transportation, and reduce atmospheric carbon dioxide and we must take advantage of these federal funds in a way that prioritizes impacted communities. The Sierra Club prioritizes bills that enable these technologies in a way that supports good jobs and includes a just transition from fossil fuel industries.

- Increase energy efficiency savings and expand use of electric vehicles
 - Require all private utilities to achieve a goal of reducing peak energy by at least 0.7% and reducing energy use by 1% of sales by 2025 through energy efficiency programs, and encourage public utilities to meet a similar goal;
 - Improve energy use reporting from state agencies and local utility companies;
 - Adopt statewide appliance standards for a suite of 18 water and energy-saving appliances;
 - Update our statewide building codes to the latest national standards, and ensure counties have the same powers as cities to adopt codes, require inspections, and enforce rules;

- Spend the full amount of funds (including money from Title Certification Fees) in the Texas Emissions Reduction Plan Trust Fund to reduce ozone pollution through cleaner vehicles, including electrification of transportation, reductions in oil and gas emissions, creation of a revolving loan fund for energy efficiency and the utilization of energy storage facilities
- Pass an Electrification Transportation Act that moves Texas forward on new electric vehicle and electric transit policy taking advantage of federal funding to more fully electrify our transportation.
- Reform the Public Utility Commission of Texas, the Office of Public Council of Texas and ERCOT through the sunset process, including
 - Improving public participation opportunities and language access at these key agencies;
 - Assuring that programs exist to help residential consumers on payment assistance and lowering energy burdens, including by creating a new state “Percentage of Income Payment” Plan;
 - Assuring that the residential consumer is well represented in the boards of the PUCT and ERCOT;
 - Moving regulation of the gas supply and gas utility rates from the RRC to the PUCT;
 - Clarifying rules that allow third-parties and customers to utilize electric storage, energy efficiency, demand response, and renewable onsite generation to provide reliability services and participate fully in energy markets;
 - Allowing non-ERCOT transmission and distribution utilities to “secure” early retirement of fossil fuel plants, as well as worker transition and renewable energy development, through financial mechanisms;
 - Bolstering the transmission process at the Public Utility Commission and ERCOT to resolve constraints that impact generation, and to enable economic transmission and bulk transmission projects to proceed more readily;
 - Giving the Office of Public Council more tools to represent consumers in water, electric, gas and broadband issues.
 - Free ERCOT of political influence;
 - Increasing monitoring and enforcement tools at the PUCT, including for the gas supply;
 - Assuring that in its planning and operations, ERCOT incorporates the reality of climate change.
- Increase Renewable Energy Equitably

- Create a Clean Energy Economic Development and Worker Training Taskforce to assure a just transition for workers into new industries;
- Create funding and financing options for low and moderate income Texans to have better access to individual and community solar energy;
- Expand access for distributed energy resources such that all small distributed energy resources could fully participate in our energy and ancillary service markets;
- Require state agencies to consider climate change in their strategic plans and planning models;
- Require a biannual carbon emissions inventory and footprint report by key state agencies;
- Oppose efforts to make it harder to grow renewable energy in Texas through market changes.

Take advantage of federal funding in the Bipartisan Infrastructure Bill and Inflation Reduction Act to set up the rules for state-administered programs and support increased funding in weatherization, appropriate carbon capture, energy efficiency rebate and loan programs, clean energy, well plugging, resilient building codes, environmental justice projects, and transmission through federal funds.

Priority 3: Parks, Wildlife, and Land

Public land belongs to the people, but it doesn't look that way right now. Oil and gas companies are allowed to drill in state parks, pipelines can cross critical wildlife management areas, and polluting corporations can abuse eminent domain provisions to snatch up land for corporate profit. Sierra Club prioritizes bills that will put Texas lands back on a path that protects and preserves it, and will seek fundamental reforms at the Departments of Agriculture and Parks and Wildlife to ensure adequate funding for healthy soils, wildlife and parks, and proper enforcement of pesticide use.

- Fund soil conservation programs at the Texas State Soil and Water Conservation Board to encourage farmer and rancher to improve soil health through sequestration of carbon and nutrient retention
- Enact important Parks and Wildlife Reforms, including:
 - Improving mitigation for any required pipeline easements and restricting oil and gas development in state parks and wildlife management areas.
 - Allowing Parks and Wildlife to comment on and participate in contesting environmental permits;
 - Improve funding for the expansion of existing parks and the development of unopened state parks, and acquisition of new parks and Wildlife

Management Areas, as well as an adequate and diversified funding for the wildlife diversity (non-game) program

- Enact a statewide ban on gassing and use of chemicals on wildlife, such as used in the Rattlesnake Roundup, to protect predators;
- Protect pollinators and restrict neonicotinoids;
- Declare Mountain Lions as a Game Animal so that the TPWD can develop a sustainable management plan;
- Support legislation to prohibit predator roundup contests;
- Allow the authorization of a small impact fee on development to allow local governments to fund organizations that help wildlife and fund local wildlife officers to educate the public about wildlife protection;
- Reform eminent domain by improving the process to give landowners greater rights in the event of an eminent domain request by private companies, such as oil and gas companies;
- Establish a new pipeline routing process such that pipelines routes must be evaluated and approved through a public process, similar to the way that transmission lines are evaluated and approved.

Priority 4: Water Resources Management & Protection

There are four overarching water challenges: ensuring there's enough water for people and the environment, making sure that water is clean, reducing flood risks endangering many people in the state, and ensuring that our water initiatives are implemented in a just and equitable manner. Texas is not doing enough to meet those challenges, though some progress has been made. Sierra Club is dedicated to advancing progress in meeting those challenges through legislation this session to accomplish the following:

- Continue the Texas Water Development Board (TWDB), which is currently under sunset review, but enhance TWDB's effectiveness by requiring the agency to prioritize nature-based solutions for water supply and flood management, fully consider climate change in water supply and flood planning processes, directly address environmental flow needs in water planning, and provide greater access to funding to meet the water needs of disadvantaged and overburdened communities (for example, through grants and technical assistance);
- Enhance the rights of recreational groups and environmental organizations to contest proposed TCEQ water and wastewater permits and restore the right of the Texas Parks & Wildlife Department at its option to seek or participate in those contested cases, to protect fish, wildlife, and other state resources;
- Prohibit TCEQ from issuing a permit for direct discharge of waste or pollutants into a stream designated as a "pristine stream" (the definition of a pristine stream to be established in statute based on a phosphorus content of less than .06 milligrams per liter.);

- Provide adequate funding to TCEQ to reduce its backlog in the establishment of Total Maximum Daily Loads (TMDLs) for streams that currently violate water quality standards, in order to advance clean-up of those streams;
- Provide the necessary funding to implement the adaptive management components of the state's program to protect environmental flows, including: funding to continue environmental flow scientific studies and to support science advisory teams and stakeholder committees in the review of initially established environmental flow standards;
- Prohibit direct discharge of "produced water" from oil and gas operations into the state's surface streams, and establish stakeholder processes at TCEQ and/or the Railroad Commission to study constituent chemicals and available treatments for produced waters and finalize a program for disposition of produced waters based on the results of those studies;
- More accurately identify "water loss" in wholesale and retail water distribution systems, and provide additional infrastructure funding prioritizing water loss control as well as grants or other assistance to utilities to improve maintenance of that infrastructure;
- Ensure that management of groundwater and surface water recognizes the connections between those sources;
- Establish a statewide plugging program for abandoned water wells;
- Increase funding at the TWDB for the Flood Infrastructure Fund, and prioritize nature-based flood solutions;
- Prohibit discharge of pre-production plastics and require rulemaking to implement no discharge wastewater permits for visible and invisible plastic pollution.

Priority 5: Local Democracy & Voting Rights

Our cities and counties have been under attack for too long from the Texas Legislature. We must continue to defend the right of local communities to establish safeguards for community safety and justice, and we must defend and expand the right to vote. Efforts to weaken local governments and make voting more difficult will be opposed by the Sierra Club as we seek to strengthen our democracy and local governmental accountability.

- Support the right to vote for all;
- Expand opportunities to vote;
- Improve and defend local control on environmental, worker rights and other issues;
- Improve and defend first amendment rights to protest.