

ENERGY & THE ENVIRONMENT

Texas Democrats recognize that climate change is a real and serious threat that is causing drought, crop failure, heat waves, more torrential storms, and extreme climate events. We recognize that Texas has some of the dirtiest coal plants in the nation, and our residents are at great risk from the health effects of carbon pollution and climate disruption. We also recognize, as does the Department of Defense, that crop failure and drought caused by climate disruption can lead to political instability throughout the world resulting in massive migration and violence. To mitigate these risks, we recommend statewide and national clean energy policies that will spur economic development and reduce carbon emissions in Texas and the nation through the use of renewable energy and energy efficiency.

Texas has long been a world energy leader, and Texas can continue that dynamic leadership in a transition to diverse, clean, abundant energy as we tap our wealth of alternative energy sources – solar, wind and geothermal resources.

We support:

- the EPA's historic carbon pollution reduction initiative, the Clean Power Plan, and the proposed rules to cut carbon dioxide emissions from existing power plants by 30% (below 2005 levels) by 2030, and the EPA's Regional Haze Rule and Methane Rule;

- institution of a revenue neutral carbon tax increasing in rate each year and rebating a flat amount to each taxpayer so that those whose energy usage generates the least carbon benefit the most;
- development of technical and academic programs and research in renewable energy at state post-secondary institutions;
- requiring all electric utilities to offer free net-metering to create base-load electricity and expand the grid system;
- energy efficiency standards and green building policies;
- financial incentives for the manufacturing of American-made equipment for alternative energy production, for the development of energy storage technologies and for both homeowners and landlords to invest in conservation and energy efficiency;
- public education programs that promote methods and benefits of energy conservation;
- the use and development of renewable energy, while recognizing the importance of the oil and gas industry and seek safe, responsible and well-regulated fracking and other tertiary recovery. Science has shown that large quantities of methane are released in fracking operations, and that such releases are much more powerful in heating our climate than carbon emissions. Fracking should continue only with strict regulation that prevents negative impacts to communities, to our air and water, and to our climate;
- the rights of local governments and voters to regulate oil and gas operations within their communities, including the right to establish setbacks and bans on hydraulic fracturing; therefore, Texas must repeal House Bill 40 (84R), the law restricting those rights;
- the investigation and resolution of the deleterious effects of fracking, including the increased incidence of earthquakes from the disposal of liquids into injection wells; and
- a transportation policy that encourages the development of affordable, fuel efficient vehicles that can run on electricity and alternative fuels.

Clean and Available Water

Texas Democrats understand that global climate change has accelerated and recognize that natural and man-made droughts and floods and changes in emerging energy policy must be addressed as part of a comprehensive federal and state approach to water conservation and control. Clean Water from publicly managed resources is critical to our future and our health.

We support:

- access to clean drinking water, as well as clean irrigation water;
- the implementation of aggressive water conservation and reuse practices;
- a well-funded state water education campaign to inform Texans of the sources of their water and how to conserve and protect those water resources;
- the development and implementation of effective drought response plans by public water suppliers;
- the protection of Texas bays, estuaries, in-stream flows, and wetlands with regulations and with incentives for voluntary actions;
- clear authority and resources to regional groundwater conservation districts to preserve the water within their districts;
- thorough analysis of the relative short-term and long-term costs and environmental impact of proposed large new reservoirs and alternative sources of public water supplies, including the impact of electric generation plants that require the use of significant amounts of water;

- expanded testing of fish and shellfish for mercury, radionuclides, and other contaminants and public notification of health risks;
- research and understanding of the state's groundwater resources and the hydrologic connections between groundwater and surface water; and
- actions to prevent depletion and exploitation of limited state water resources including banning the use of non-brackish water for hydraulic fracturing ("fracking"), prohibiting speculative water marketing, and acquiring open space to protect aquifers and watersheds.

Environmental Protection, Regulation and Enforcement

Environmental protection, regulation, and enforcement is essential to preserve the health of our people, the quality of life, and to secure long-term economic growth. It is vital that the Texas Commission on Environmental Quality (TCEQ) look out for the health and welfare of Texans through environmental stewardship.

We support:

- Texans' right to know if hazardous chemicals and materials are being stored in their communities;
- the State of Texas fully enforcing environmental laws instead of ceding its responsibility to protect Texans' health;
- working more closely with the Environmental Protection Agency and ending the current hostile litigious relationship;
- TCEQ and the EPA making human health and quality of life paramount when deciding whether or not to grant either an air or wastewater permit;
- retiring the oldest, heavy-polluting, coal burning Texas power plants that are so outdated that pollution controls are not an economically viable option;
- ending the destruction of our natural resources by coal strip mining;
- the enforcement of the Clean Air Act and Clean Water Act for all industries;
- the Environmental Protection Agency (EPA) in its efforts to cut carbon pollution from existing power plants through the Clean Power Plan;
- strengthening the violation penalties so that it does not pay to pollute;
- EPA's proposed rule to reduce emissions of toxic air pollutants from power plants, specifically mercury and air toxics standards (MATS) for power plants that will reduce emissions from new and existing coal- and oil-fired electric utility steam generating units;
- requiring TCEQ to protect the health of Texans by enforcing the Clean Air Act and analyzing cumulative pollution impacts on downwind communities before making permitting decisions;
- the rights of all citizens to participate in the permitting process and contested hearing in order to protect their property, health and the environment, including reversing recent efforts by the Texas Legislature to make it more difficult for citizens to participate in contested case hearings;
- the enactment of laws and regulations to protect low-income communities and communities of color from environmental racism and environmental injustice;
- halting the plan to import high-level radioactive waste for consolidated storage in Texas due to risks of water contamination, security concerns and transportation accidents, and we oppose transport of high-level radioactive waste on our highways or railways;

- halting expansion of the Keystone XL tar sands pipeline in Texas, and construction of the Trans Pecos Pipeline;
- halting the potential contamination of Texas' land, air and water by all proposed Canadian tar sands pipelines, and call upon Congress to strengthen the authority of the Pipeline and Hazardous Materials Safety Administration (PHMSA) to regulate the transportation of tar sands diluted bitumen throughout Texas and the United States;
- requiring green completions of wells by requiring excess gasses to be captured; stricter limits on flaring, a sustainable yield permit for water withdrawals and recycling or appropriate disposal of tainted water; and a prohibition of known carcinogenic or toxic chemicals used in this process;
- efforts to protect our cities, towns and communities from the dangers presented by the dramatic increase in shipments of highly flammable oil and gas products by train; and
- the appointment of new TCEQ officials who will enforce state and federal laws that protect our air, water, and land from those who pollute for profit.

The Texas Railroad Commission has been tasked with overseeing the operation of Texas' natural gas wells. However, they have become little more than a rubber stamp for businesses that damage air and water supplies in the name of profit. We support the Sunset Commission's recommendations to improve the functionality of this agency as it relates to transparency, conflict of interests, ethics and changing the name of the agency to better reflect its role and jurisdiction.

We believe that:

- the members of the Railroad Commission should use their regulatory power as a means of protecting the health, welfare and property of Texans, rather than using it as a political tool;
- statutory jurisdiction should require the Railroad Commission to consider quality of life factors and seismic activity when evaluating drilling and disposal permits;
- the Railroad Commission should look with greater scrutiny at natural gas producers who use damaging fracking techniques as a means of producing natural gas;
- the impact of methane emissions on climate should be recognized and controlled;
- political contributions to Railroad Commissioners from the oil and gas industry should be banned;
- penalties levied by the Railroad Commission should be significant enough to deter energy production practices that cause pollution;
- the Legislature should review the ethics and rule of conduct of the Railroad Commission's elected offices as it relates to its recusal policy and revise as necessary to ensure the commissioners' awareness of, and compliance with, these requirements;
- the statutory funding gap in the Oil and Gas Regulation and cleanup fund should be increased from \$20 million to at least \$30 million, and the same fund's floor should be increased from \$10 million to \$25 million;
- legislative action should be taken to elevate the influence of local communities to partner with the Railroad Commission to mitigate concerns regarding pollution, public health, traffic and depreciating property values;
- legislative action should be taken to direct the Railroad Commission to study and use and development of telecommunication technology designed to increase the transparency of, and the public's participation in, agency hearing processes, and better protect the rights of Texas mineral owners and landowners;

- legislative action should be taken to require the Railroad Commission to implement a transparent process to confirm that entities declaring common carrier status for pipelines are actually operating as common carriers and not as private entities. Such legislation should also establish a process for landowners to contest a determination by the Railroad Commission that an applicant is a common carrier; and
- legislative action should be taken to direct the Railroad Commission to ask for expanded authority over interstate pipelines to inspect, monitor and review pipeline safety and maintenance to assist the Pipeline and Hazardous Materials Safety Administration in its federal regulatory responsibilities.

The preservation of recreational and open spaces is essential to a healthy Texas. We support:

- increased funding for the upkeep, maintenance, and acquisition of state park land and for the protection of state park land in the event of natural disasters such as the recent drought-caused wildfires;
- rewarding those who voluntarily protect endangered species on their lands through Safe Harbor Agreements and similar measures;
- encouraging the large-scale planting of native trees and drought hearty species to absorb greenhouse gases, improve wildlife habitat, and promote beautification; and
- strong enforcement of laws that provide full public access and restoration of public lands, parks, beaches, and waters. We affirm the Texas Open Beaches Act and the Texas Constitution's guarantee of public access to beaches. We oppose any actions that endanger this right.

Recycling & Waste Reduction

Reducing the use of natural resources is the best option, followed by reuse and then recycling. We support:

- programs that encourage the reduction of use of unnecessary single use plastics;
- retailer take-back programs for electronics that will keep e-waste out of the waste stream;
- responsible e-recycling that does not merely ship the problem to other countries;
- financial and other incentives for communities to provide residential recycling.

We oppose any attempts by the Texas Legislature to stifle efforts of municipalities to regulate litter and pollution through city ordinances and regulations that ban bottles, bags, Styrofoam, or other wasteful packaging. Municipalities should be allowed to address waste reduction locally without state interference and allowed to enact ordinances to combat the problem that may be more restrictive than state laws if it is of the will of the local community.