Jeff Civins in Law360: Texas Regulations to Watch in 2020

By Jeff Civins | January 2, 2020

RELATED PRACTICES Environmental Due Diligence, Permitting, Regulatory Counseling, and Compliance, Environmental

Haynes Boone Senior Counsel Jeff Civins talked with *Law360* about some of the regulations that will matter in 2020.
Here is an excerpt:

The Legislature earlier this year passed H.B. 2771, which sets up a pair of changes for how oil and gas companies can pursue water-related permits.

First, it would from transfer permitting authority for produced water, hydrostatic test water and gas plant effluent for oil and gas developers from the Railroad Commission to the Texas Commission on Environmental Quality. But that change can't happen until the TCEQ is granted National Pollutant Discharge Elimination System authority for oil and gas developers from the U.S. Environmental Protection Agency.

The EPA, however, doesn't allow oil and gas developers to discharge wastewater into regulated waters, which is why much of it is injected underground.

However, Jeff Civins, senior counsel at Haynes Boone, doesn't understand why environmentalists are so concerned. He said that whether state-level responsibility falls to the TCEQ or RRC, the EPA's restrictions will still apply to industry.

"The effluent limitation guidelines for the oil and gas sector prohibit discharges to waters of the United States. You are going to move that authority from RRC to TCEQ, and you can't discharge anyway," Civins said. "So what difference does it make?"

An early rulemaking in the process was proposed in November and would make the TCEQ adopt certain EPA effluent limitations for the fossil fuel industry by reference. That proposal is scheduled to be adopted by May.

To read the full article, click here.

© 2026 Haynes and Boone, LLP