

A Clear Path for the Texas Commission on Environmental Quality



How to protect communities through the TCEQ Sunset bill

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The Problem

- The Texas Commission on Environmental Quality (TCEQ) is the largest statewide environmental agency in the country, but it is broken. It lacks transparency, and too often rubber stamps pollution permits without giving the public a chance to weigh in.
- Our air is polluted, with about half of Texas's population living in areas that fail federal standards for smog pollution.
- With over 166,000+ permits issued, many communities – including a disproportionate number of black and brown communities - are overburdened by air, land, and water pollution.
- Failure to take action on water pollution and decaying superfund sites has led to pollution hotspots across Texas.
- Urban and suburban areas are facing an onslaught of polluting cement batch plants and quarries with inadequate action by the agency.
- The level of air monitoring in Texas is inadequate, so we don't even know to what extent our air is unhealthy.

The Solution: Pass a robust Sunset Bill that requires TCEQ to:

- Raise fines from \$25,000 to \$40,000 for lawbreakers.
- Follow federal law and consider cumulative impacts in all major permits.
- Implement a State Implementation Plan on methane pollution.
- Invest in public participation, including language access, and put all permits and permit proposals online.
- Expand our air monitoring network, particularly in the Gulf and West Texas.
- Tackle the clean-up backlog on water pollution and state superfund sites.
- The Legislature should also pass comprehensive bills on concrete batch plants and aggregate production operations to better protect communities.
- Involve the Texas Parks and Wildlife Department in contested case hearings where state wildlife, waters, and lands are at risk.

Funding Needs

- Support requests by the agency to modernize its website (\$6.3 million) and provide more tools to access public documents (\$7.1 million).
- Increase funding for air monitoring equipment. The Sierra Club is suggesting \$2 million.

Constituent Support

- During the Sunset process, more than 200 Texans showed up on a June morning to testify at the official public hearing, all expressing concerns about the broken agency, and thousands of comments were submitted to the Sunset staff overall.
- Action on concrete batch plants has bipartisan support as evidenced by bills filed by both Republicans and Democrats this session and last.

Related Bills (For a full list of bills the Sierra Club is tracking see our website - this is a partial list of bills filed on TCEQ issues)

HB 50 (Ordaz Perez) Relating to the provision by the Texas Commission on Environmental Quality of certain information in a language other than English.

HB 933 (Dutton) Relating to the notice of intent to obtain a permit from the Texas Commission on Environmental Quality.

HB 934 (Dutton) Relating to the definition of "affected person" for purposes of a contested case hearing held by or for the Texas Commission on Environmental Quality regarding certain environmental permit applications.

HB 935 (Dutton) Relating to public comments on matters subject to a hearing under the jurisdiction of the Texas Commission on Environmental Quality.

HB 952 (Dutton) Relating to the carcinogenic risk level used in the development of certain environmental remediation benchmarks.

Bills Related to Concrete Batch Plants (A selected few)

HB 344 (Johnson, J) Relating to the requirements for notice of a standard permit for certain concrete plants.

HB 406 (Collier) Relating to who may request a public hearing from the Texas Commission on Environmental Quality related to the construction of a concrete plant.

HB 758 (Walle) Relating to the deadline to request a contested case hearing on an authorization to use a standard permit for a concrete plant.

HB 759 (Walle) Relating to a motion to overturn an executive director decision on an authorization to use a standard permit for certain concrete plants.

HB 1687 (Murr) Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality

Bills we oppose

SB 471 (Springer) Relating to the imposition of a fee by the Texas Commission on Environmental Quality for the investigation of certain complaints.