



SIERRA CLUB

LONE STAR CHAPTER

To: The Honorable Brooks Landgraf, Chair
Members, House Committee on Environmental Regulation
From: Cyrus Reed, Conservation Director, Lone Star Chapter Sierra Club,
512-740-4086, cyrus.reed@sierraclub.org
Re; SB 471 by Springer

May 10, 2023

The Sierra Club opposes SB 471 by Springer - Now is the not the time to silence voices - please vote no

CSSB 471 by Springer would give discretion to the TCEQ to not investigate complaints from members of the public about potential environmental violations. Specifically, under the bill, the TCEQ is not required to investigate a complaint that:

- may be addressed during other TCEQ activities; or
- was filed by an individual when there is not a reasonable probability that TCEQ can substantiate the complaint, and
- the complaint is repetitious or redundant of other complaints concerning the same site investigated in the preceding 12 months that were not substantiated by TCEQ; or
- the complainant has filed at least five complaints that were not substantiated by TCEQ in the preceding seven years.

The Sierra Club does not support this change in statute. Indeed the proposed changes don't even make sense and will be hard to implement. What does may be addressed during other TCEQ activities even mean? How would TCEQ determine whether or not they would have a reasonable probability that they

could substantiate a complaint? This legislation is very complex and will lead to confusion.

In addition, we just went through an 18 month sunset process in which TCEQ was found to be a reluctant regulator, to not in general have a good relationship with the public, and to be frequently criticized for failing to follow up to citizen complaints, and to enforce the laws often in a way that provided more discretion to the company potentially violating the laws than the public. In fact, hundreds of citizens came to the public hearing and thousands of written comments. While we understand the intent of the legislation to give TCEQ discretion where complaints are repeat complaints found not to be valid, we would rather TCEQ err on the side of caution, rather than avoiding responding to complaints. Even the examples provided by Senator Springer are more complex and nuanced than suggested. Indeed, while some of those cases have not led to any findings by the TCEQ of underlying issues, some have, indicating that citizens have real issues in those communities with the asphalt operations, landfill, concrete batch operators that operate.

TCEQ has discretion on whether to pursue enforcement, whether to seek to initiate conversations with community members and the company, or whether to choose to declare the complaint as not requiring any action. However, we do not think they should have discretion on whether to investigate a complaint. We should be cautious in undermining trust in our state agencies by giving them this discretion to do nothing. Citizens already have a hard time being involved in issues that impact their lives, and this bill would limit those rights even more. We oppose this unnecessary legislation. Indeed, it could have a chilling effect on citizen involvement when citizens are often closest to the problems.