



SIERRA CLUB

LONE STAR CHAPTER

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TCEQ Sunset Bill (CSSB 1397): Sierra Club supports the bill though some clarification needed

The Sierra Club appreciates the hard work of Rep. Keith Bell in bringing an improved version of SB 1397 to the House Floor. We fully support the bill though believe some clarifications or improvements are needed.

The Sierra Club was an active participant in the sunset commission process and was supportive of the Sunset report and the decisions of the Sunset Commission. During the public meeting, some 200 individuals, many of them from the Houston area, made the trek to the public hearing on TCEQ's sunset, as well as a number of "informal" meetings and virtual hearings with community organizations. There is a lack of trust and frustration with the TCEQ for not being responsive to the public and for not properly regulating industries in our state. As a reminder that about half the state fails to meet the basic air quality standards on urban smog, and roughly a half of the state's surface water miles are considered "impaired" because they fail to fully meet water quality standards.

The sunset report found TCEQ to be a reluctant regulator and lacking good public participation practices. Indeed, as we frequently pointing out, as an organization the Sierra Club (and other partner organizations like Environment Texas and Environmental Integrity Project) frequently take polluters to court under the Clean Air Act's citizen enforcement provisions, and have settled a number of large cases which have led to cleanups of major refineries and gas processing facilities. Simply put we have had to step in when TCEQ refused to do their job. Thus, the Sierra Club is supportive of

CSHB 1397, although we believe that other issues such as those raised in separate petitions to the EPA on water and air regulations are needed.

Among the important issues we support in the Sunset bill include:

- Better public notice and posting of permit applications online;
- Potential for online, virtual public hearings;
- Improved permitting procedures and hearings, including ability to make comments up to 36 hours after a hearing ends;
- Increasing the maximum administrative fines that can be assessed against environmental law breakers from \$25,000 to \$40,000
- Allowing updates to compliance ratings to better reflect reality;
- Better training of commissioners and clarifications on management staff responsibilities.

While we fully support the bill, we do believe there are a number of clarifications that are needed in the bill. We support some clarifications through amendment or legislative intent, including:

- Clarification in the sections on environmental flow procedures to better align with sunset report and the role of the advisory committee;
- Assuring the TCEQ follows federal laws and guidelines on assessing environmental justice analysis and cumulative impact analysis, particularly on large permits and permit amendments in non-attainment areas;
- Clarifying that the \$40,000 maximum fine is intended to be utilized by TCEQ aggressively where there are major violations such as those seen in the recent cases with ITC and PTC in the Houston and Beaumont/Port Arthur areas in recent years.

We have provided specific language to the author of the bill on these issues, and are hopeful these issues can be addressed by the bill, or clarified through legislative intent.

Please vote YES On SB 1397.