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Good morning, commissioners.

I'm Kathryn Guerra, with Public Citizen's Texas office. I serve as director of the TCEQ Watchdog Campaign, an agency accountability and community capacity-building initiative.

We've been tracking the agency's enforcement case backlog. The last commissioners' agenda had 50 enforcement cases resolved - I think that's the most we've seen recently. Today, you have 30 more on the docket. We want to commend the agency's staff on their progress - closing enforcement cases with an agreed order that binds the respondent to compliance deadlines and imposes a penalty.

But we're still concerned about the number of cases being closed without an agreed order. We have several months of enforcement backlog data now that we've received in response to our requests under the Texas Public Information Act.

In February, 32 cases were closed or non-suited; in March, there were 13; and in April, there were another 23. That's nearly 70 cases.

Unfortunately, in some of the non-suited, or withdrawn, cases it appears TCEQ just waited too long to send the proposed agreed order and businesses closed or transferred hands and the responsible party couldn't be found after so much time had passed. Non-suiting cases negates the work that the agency's investigators do - they found violations egregious enough to rise to the level of enforcement action, but there won't be any accountability. Ultimately, that's a failure.

Some of the closed enforcement cases for which there was no agreed order or penalty were for serious environmental disasters.

In Fort Worth, the TCEQ alleged that in December 2019, [the U.S. Navy spilled approximately 2,600 gallons](#) of PFAS-containing 3% Aqueous Film-Forming Foam (AFFF) solution (a synthetic fire-fighting concentrate used to extinguish fuel fires) from an above-ground tank directly into the storm drain at the Naval Air Station Joint Reserve Base. That spill contaminated a local creek, but the Navy failed to contain the spill or respond to the pollution. The TCEQ requested sampling of the impacted creek, but the Navy did not respond. The City of Fort Worth is suing the U.S. Department of Justice for contaminating the city's drinking water with PFAS, which they allege also came from the use of AFFF for fire suppression at the Joint Reserve Base. TCEQ closed this enforcement case in February, after six years - seemingly without requiring sampling, remediation or payment of a penalty.

Last month, it appears the agency closed two air enforcement cases from 2022 and 2025 against Chevron Phillips Cedar Bayou Plant, a habitual violator of their air permits, without any clear resolution.



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We previously requested information on how these cases were being closed and were told that the agency didn't have to provide that information.

We are encouraged and appreciate the TCEQ's new resolve to address its enforcement backlog, but the public deserves transparency and accountability.

We've published a summary of the agency's efforts on the enforcement backlog on our website that further breaks down how these cases are being handled, and we'll continue to monitor which cases the agency closes without resolution and which result in actual progress for communities and accountability for polluters.

Thank you.