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Good morning, Commissioners.

I'm Adrian Shelley, with Public Citizen's Texas office. Public Citizen is a nonprofit consumer advocacy organization with over 1M members and supporters that champions the public interest in the halls of power.

Public Citizen, through our TCEQ Watchdog Campaign, became engaged with this enforcement issue with Darling Ingredients in July. We've had extensive discussions with Councilmember Casnovsky and residents, and a few weeks ago, we facilitated a townhall meeting in Elgin to both educate folks and to hear their health concerns. There was standing room only at the city's civic center. To say this facility is negatively impacting families would be an understatement.

Although this is the first time many of these folks have ever interacted with the TCEQ, we at Public Citizen are very familiar with the agency and its enforcement policies.

We know that despite the compliance dates being incorporated into a legally-binding agreement that the agency itself drafted, the agency often grants extensions of compliance deadlines in favor of industry and in disservice to residents like these people here today.

We also know that the agency's enforcement policy refuses to send a polluter back to enforcement for the same violation during what it considers the compliance period, even if that period has been arbitrarily extended by agency staff.

But we also know that the TCEQ does have the authority to both change its enforcement policy and initiate escalated enforcement action against a facility, including imposing the maximum penalty per violation per day and, if necessary, referral to the OAG.

Considering that there have been a staggering 268 complaints to the TCEQ against this facility in just three months since the agreed order was signed, I would anticipate that the agency will be receiving more. Especially as residents in Bastrop have requested that we hold another townhall meeting there like the one we held in Elgin. Hopefully, TCEQ staff will accept our invitation to attend this meeting, as they declined to attend the last.

Darling is a multi-billion dollar company, capable of investing in the most advanced technologies available. It simply hasn't, and from discussions with local elected leadership, it seems Darling is going to ask the TCEQ for even more time, while residents continue suffering.

Every day that this problem continues is a day that the TCEQ allows it to continue. Simply attempting to resolve the issue is not the same as achieving compliance, which is what is required in the Agreed Order this Commission approved. Darling has had more than a year to remedy these violations. Instead, it has incurred five more.



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That doesn't indicate to me that they're serious about resolving this very real health concern for the residents of Bastrop County. If the TCEQ is serious about protecting them, it should escalate enforcement action against Darling today.