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Date: April 22, 2025

To: Chairman Charles Perry and the Members of the Senate Committee on Water,
Agriculture and Rural Affairs

CC: Sen. Kelly Hancock, Sen. César Blanco, Sen. Pete Flores, Sen. Roland Gutierrez, Sen.
Nathan Johnson, Sen. Lois W. Kolkhorst, Sen. Kevin Sparks, Sen. Drew Springer
Via hand delivery and by email.

From: Adrian Shelley, Public Citizen, ashelley@citizen.org, 512-477-1155

Re: SB 2386, TCEQ notice of administrative actions – Public Citizen support

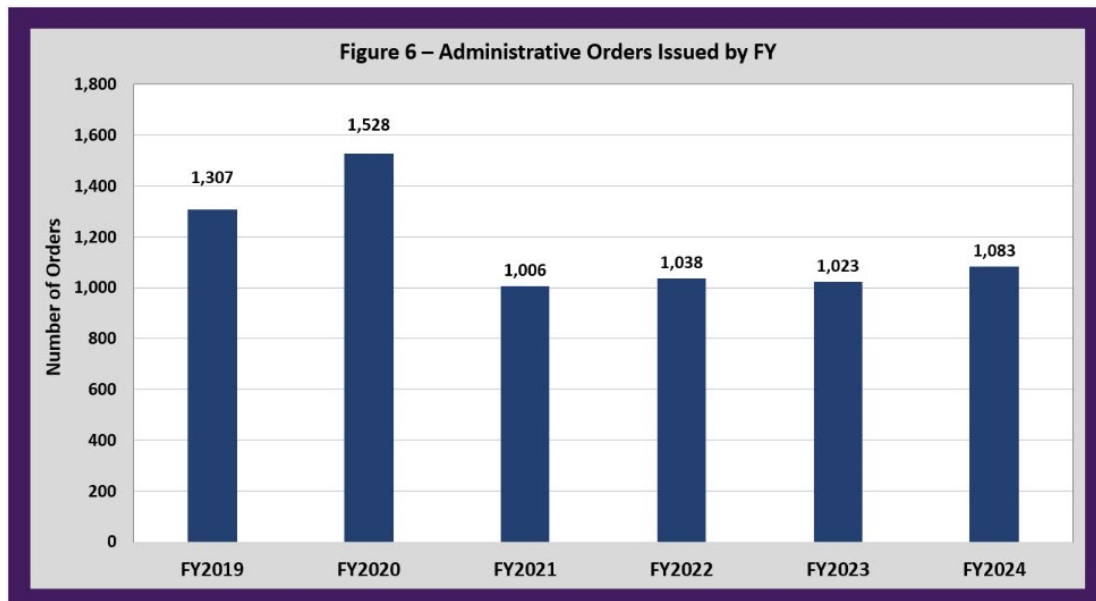
Dear Chairman Perry and Members of the Committee:

Public Citizen appreciates the opportunity to testify in support of SB 2386, relating to the provision by the Texas Commission on Environmental Quality to the pertinent state representative and state senator of notice of certain administrative actions of the commission.

We note that this bill passed the senate last session as SB 813 (88R).

SB 2386 would provide legislators with notice of administrative actions by TCEQ.

The Texas Commission on Environmental Quality issues about 1,000 administrative orders each fiscal year to resolve violations of environmental laws.¹



¹ See “FY 2024 Annual Enforcement Report” TCEQ GIS Team (18 Nov. 2024) available at <https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/annenfreport.html>.



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At present, the only way for a state Senator or Representative to receive notice of these administrative actions is to monitor the general notice procedures followed by the Texas Commission on Environmental Quality. This is very difficult to do in practice.

SB 2386 would send each state Senator and Representative notice of each administrative order issued in his or her district. This includes penalties and settlement agreements.

Notice to members of penalties could improve compliance with environmental laws. Most permit holders are good faith actors who genuinely want to comply with the law. If local elected officials are more aware of violators, they might exert public pressure that brings them into compliance. This would have the effect of reducing violations of environmental laws, which means cleaner air, water, and land for the public.

Polluting facilities are concentrated in certain districts.

Polluting facilities are not evenly distributed across the state. Certain House and Senate districts have a disproportionate number of such facilities. The TCEQ does not track administrative orders by county or district, but we can count the number of facilities in a county that report air pollution in the TCEQ's Point Source Emissions Inventory.² Doing so for the 2023 PSEI, we find that 184 counties have facilities that report air pollution data to the TCEQ. The top ten counties are as follows:

County	# of polluting facilities	County	# of polluting facilities
Harris	264	Wise	57
Dallas	67	Nueces	43
Tarrant	65	Chambers	38
Brazoria	60	Bexar	37
Jefferson	58	Galveston	35

This data shows that members in Harris County especially might have an interest in receiving notice about penalties and administrative orders in their districts.

Compliance with SB 2386 should not burden the TCEQ.

The bill does not have a fiscal note, as the agency is expected to be able to absorb the additional burden of notice to members who request it.

In conclusion, we ask you to support SB 2386 because it will provide members of the legislature with notice about TCEQ administrative actions in their districts.

² Available at <https://www.tceq.texas.gov/airquality/point-source-ei>.