

Date: May 4, 2023  
To: Chairman Landgraf and the Members of the House Committee on Environmental Regulation  
CC: Rep. R. D. "Bobby" Guerra, Rep. Keith Bell, Rep. Jay Dean, Rep. John Kuempel, Rep. Janie Lopez, Rep. Thresa "Terry" Meza, Rep. Penny Morales Shaw, Rep. Ron Reynolds  
*Via hand delivery and by email.*

**From: Adrian Shelley, Public Citizen, [ashelley@citizen.org](mailto:ashelley@citizen.org), 512-477-1155**

**Re: SB 813 – notice of TCEQ administrative actions – Public Citizen testimony in support**

Dear Chairman Landgraf and Members of the Committee:

Public Citizen appreciates the opportunity to testify in support of SB 813 by Senator Borris Miles, relating to providing notice to a state representative and senator of certain administrative actions of the Texas Commission on Environmental Quality.

**SB 813 allows members to request notice of TCEQ penalties and administrative orders.**

This bill allows state representatives and senators to elect to receive notice from the TCEQ of penalties and administrative orders. This will allow only those members who are interested in violations of environmental laws in their districts to receive notice of them directly from the TCEQ.

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 residents.

**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 reports air pollution in the TCEQ's Point Source Emissions Inventory.<sup>1</sup> Doing so, we find that 191 counties have facilities reporting to the PSEI. The top ten counties are as follows:

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<sup>1</sup> Available at <https://www.tceq.texas.gov/airquality/point-source-ei>.

County	# of polluting facilities
Harris	271
Dallas	68
Tarrant	65
Brazoria	64
Jefferson	59
Wise	59
Chambers	44
Nueces	43
Bexar	36
Galveston	35

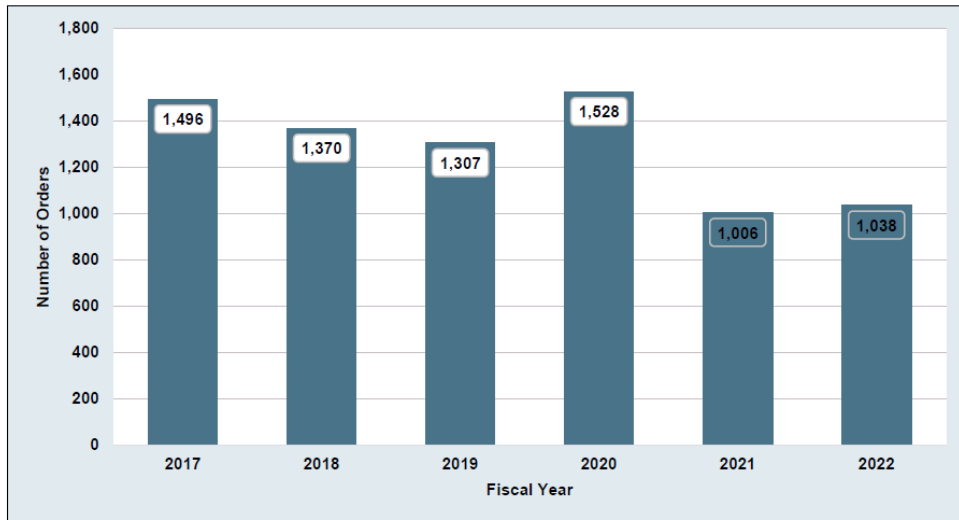
This data shows that members in Harris County especially might have an interest in receiving notice about penalties and administrative orders in their districts.

**Compliance with SB 813 should not burden the TCEQ.**

The bill as drafted 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.

According to the TCEQ, there are approximately 1,000 to 1,500 administrative orders issued each fiscal year.<sup>2</sup> SB 813 will allow members who want them to receive notice of these TCEQ actions in their districts.

**Figure 7-Administrative Orders Issued by Fiscal Year**



<sup>2</sup> See “FY 2022 Annual Enforcement Report” available at <https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/annenfreport.html>