



CITIZEN'S ADVISORY COUNCIL TO LA PORTE INDUSTRY

TCEQ's Investigation & Enforcement Process

For this meeting, the Texas Commission on Environmental Quality (TCEQ) was asked to review its investigation and enforcement procedures and explain the Sunset Act and its impact on the investigation and enforcement process in Texas.

Warda Omar, Program Coordinator for the Air Section at TCEQ's Office of Compliance and Enforcement, provided an in-depth overview of the investigation and enforcement processes followed by the agency, as well as the Sunset Act. TCEQ conducts investigations either in-house, without visiting the site, or onsite at the industry or residential area. These investigations can be scheduled in advance or occur on-demand, driven by public or legislative complaints. The outcomes of these investigations could lead to a Notice of Violation (NOV) or Notice of Enforcement (NOE).

An NOV is a written notification that informs the responsible party of any violations and allows time for corrective action. If violations are corrected within the time specified, violations are resolved. If violations are not corrected within the time specified, violations may be referred for formal enforcement.

An NOE is a written notification that initiates formal enforcement action for more severe or unresolved violations. When violations are serious or are continuing violations, TCEQ is authorized to enforce correction of the violations and assess penalties to prevent future noncompliance. TCEQ enforces compliance either through administrative orders, such as Agreed Orders, or Default Orders if no response is received, and may also refer cases to the Attorney General's Office for court enforcement.

Next Omar described the Sunset Act. The Sunset Act is a legislative oversight tool that regularly evaluates whether a state agency should continue to exist. It establishes a termination date, known as the Sunset date, after which the agency will be abolished unless the Legislature passes a bill to extend its operation, typically for another 12 years. This process encourages a thorough review of the agency's mission, priorities, and performance, allowing the Legislature to address any issues identified. The Texas Sunset Advisory Commission is a legislative agency that conducts this review and consists of 12 members: 5 senators, 1 public member appointed by the lieutenant governor, 5 representatives, and 1 public member appointed by the speaker of the house. TCEQ's most recent review occurred during the 88th Legislative Session. As a result,

Senate Bill 1397 was signed into law by Governor Abbott on June 18, 2023, extending TCEQ's existence for another 12 years.

Looking ahead, TCEQ is working to implement the statutory changes and management recommendations from the Sunset review, which may require new rulemaking, reporting, hiring, and program adjustments. The implementation will be monitored through compliance reviews by the Sunset Advisory Commission and the State Auditor's Office, expected to begin in late 2024.

The CAC is a forum for candid and constructive dialogue between those who live or work in La Porte, Morgan's Point, and Shoreacres and the managers of 43 chemical plants in La Porte. The CAC welcomes visitors. It meets again on Tuesday, November 5 at 6:00 p.m. to learn about Electrical Grid Capacity. Contact info@laportecac.org if you wish to attend. The CAC shares information about its meetings and presentations at www.laportecac.org.