


86TH LEGISLATIVE SESSION

Important Bills

HB 3745 –TERP TRUST FUND

Establishes a mechanism for the continued funding of the Texas Emissions Reduction Plan. Beginning in 2021, the trust fund will provide additional grant money for projects to reduce emissions of nitrogen oxides from mobile sources across the state. The trust fund will be outside the state treasury held by the comptroller and administered by TCEQ as the trustee.


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HB 2771 –TRANSFER OF THE OIL- AND GAS-PRODUCED WATER DISCHARGE PROGRAM

This legislation transfers the state's portion of the wastewater permitting authority from the Texas Railroad Commission to TCEQ. It streamlines and consolidates the wastewater permitting process and directs TCEQ to seek federal delegation for permitting authority of the National Pollutant Discharge Elimination System by Sept. 1, 2021. Currently, applicants who want to discharge wastewater are required to submit separate applications to EPA and to RRC. Should EPA delegate this authority to TCEQ, applicants will be able to apply for just one permit. This will make the entire permitting process more efficient for this category of regulated entities.


HB 2726 –AT RISK CONSTRUCTION

Authorizes a person who submits an application for a permit amendment, to the extent permissible under federal law, to begin construction related to the application at a person's own risk after the executive director has issued a draft permit including the permit amendment.

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SB 698—EXPANSION OF THE EXPEDITED AIR PERMITTING PROGRAM

Until now, surcharges collected from expedited air permits could only be used to fund overtime and contract labor for people working on those permits. The new law allows those surcharges to fully fund full-time employees who work on these expedited permits. This allows TCEQ to fund the program entirely through these surcharges.





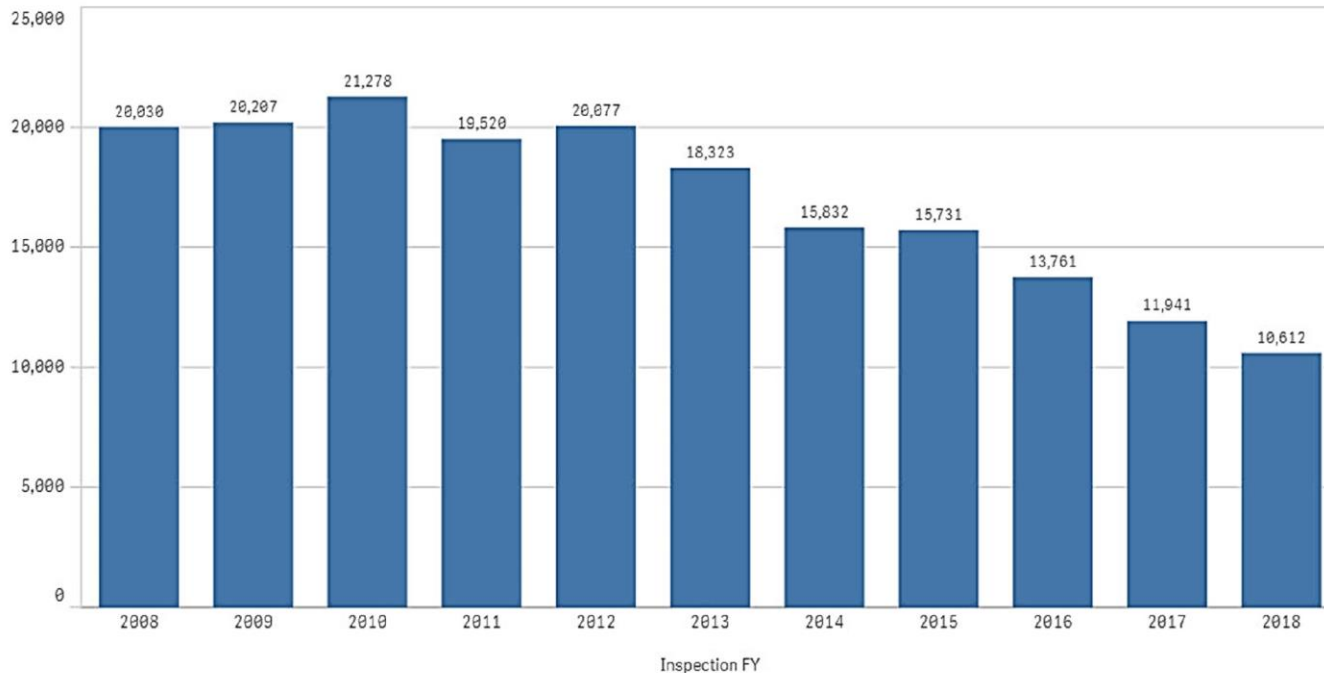
Enforcement

- Trends in Federal Civil Enforcement
- Trends in Texas Criminal Enforcement

Enforcement statistics



Federal Inspections and Evaluations (Conducted by EPA)
FY 2008 – FY 2018



- In FY 2018, EPA conducted 10,600 inspections/evaluations.
- EPA continues to use data analytics and other tools to improve inspection targeting, which allows it to use its inspection resources more efficiently.

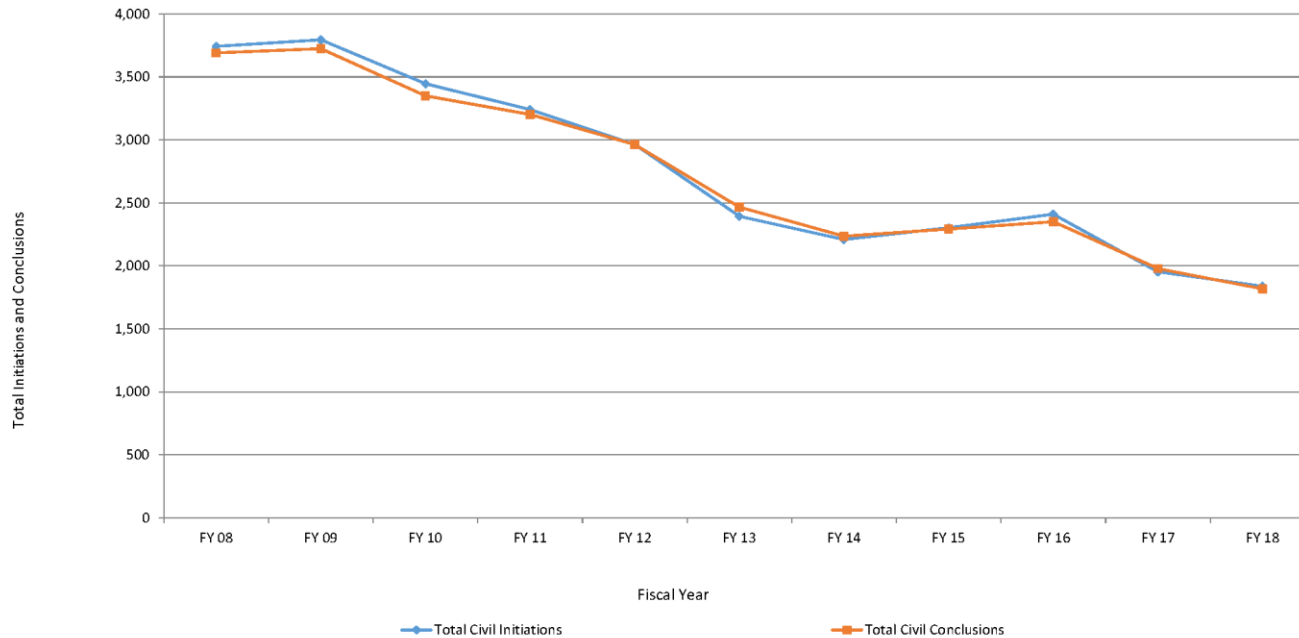
Data Source: ICIS, RCRA Info (for RCRA HW), manual (for SDWA UIC)
Data as of: Dec-9-2018

U.S. Environmental Protection Agency

Enforcement statistics



Total Civil Enforcement Case Initiations and Conclusions
FY 2008 – FY 2018



➤ In FY 2018, EPA initiated and concluded more than 1,800 civil judicial and administrative cases.

1. Totals include CERCLA Initiations and Conclusions.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

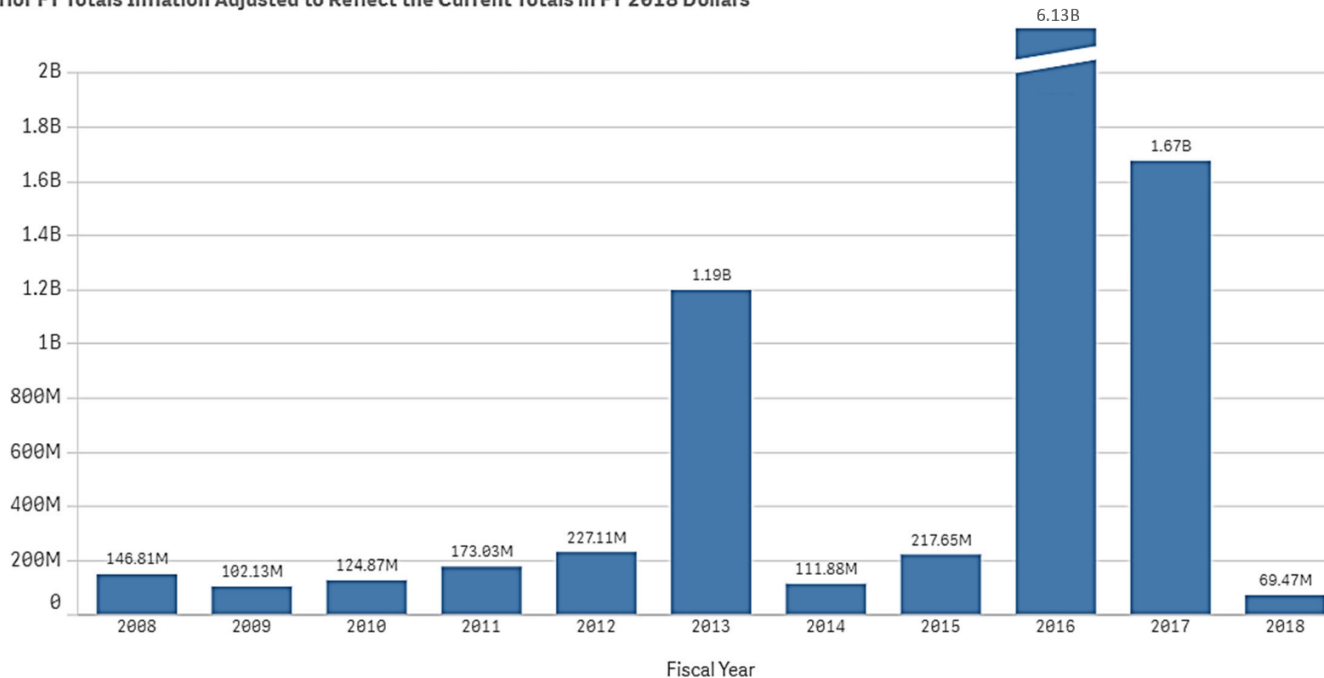
U.S. Environmental Protection Agency

Enforcement statistics



Administrative and Civil Judicial Penalties Assessed FY 2008 – FY 2018

Prior FY Totals Inflation Adjusted to Reflect the Current Totals in FY 2018 Dollars



- In FY 2018, EPA obtained over \$69 million in federal administrative and civil judicial penalties.
- Annual total penalties assessed are often strongly influenced by the existence of one or two large cases.
- The FY 2017 results were dominated by the record setting \$1.45 billion Clean Air Act – Mobile Source penalty in the Volkswagen case and the FY 2016 results were dominated by the \$5.7 billion BP action.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2018 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
2. Dollar figures referenced in the bullets are nominal values. They are not adjusted to reflect inflation/deflation.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: Dec-9-2018

U.S. Environmental Protection Agency

FY2017-FY2019 National Enforcement Initiatives

1. Cutting Hazardous Air Pollutants
2. Reducing Toxic Air Emissions from Hazardous Waste Facilities
3. Reducing Risks of Accidental Releases at Industrial and Chemical Facilities
4. Keeping Industrial Pollutants Out of the Nation's Waters
5. Ensuring Energy Extraction Activities Comply with Environmental Laws
6. Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters
7. Reducing Air Pollution from the Largest Sources



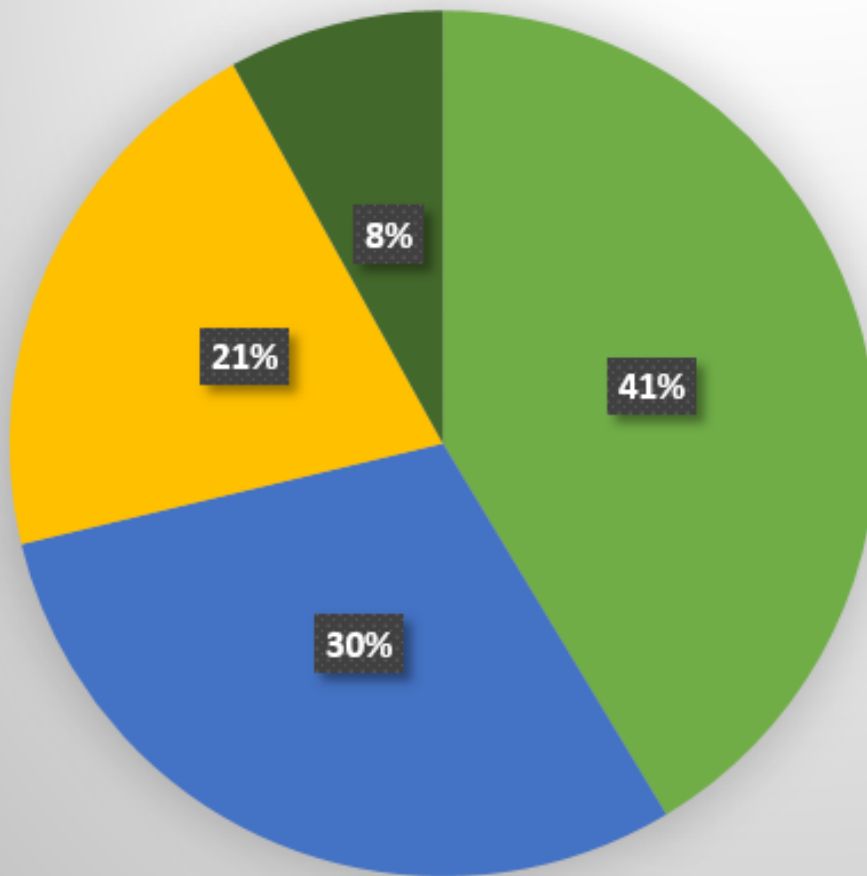


TEXAS CRIMINAL ENFORCEMENT



Historic TX State Criminal Enforcement

Most Commonly Violated Statutes (2012-2018)

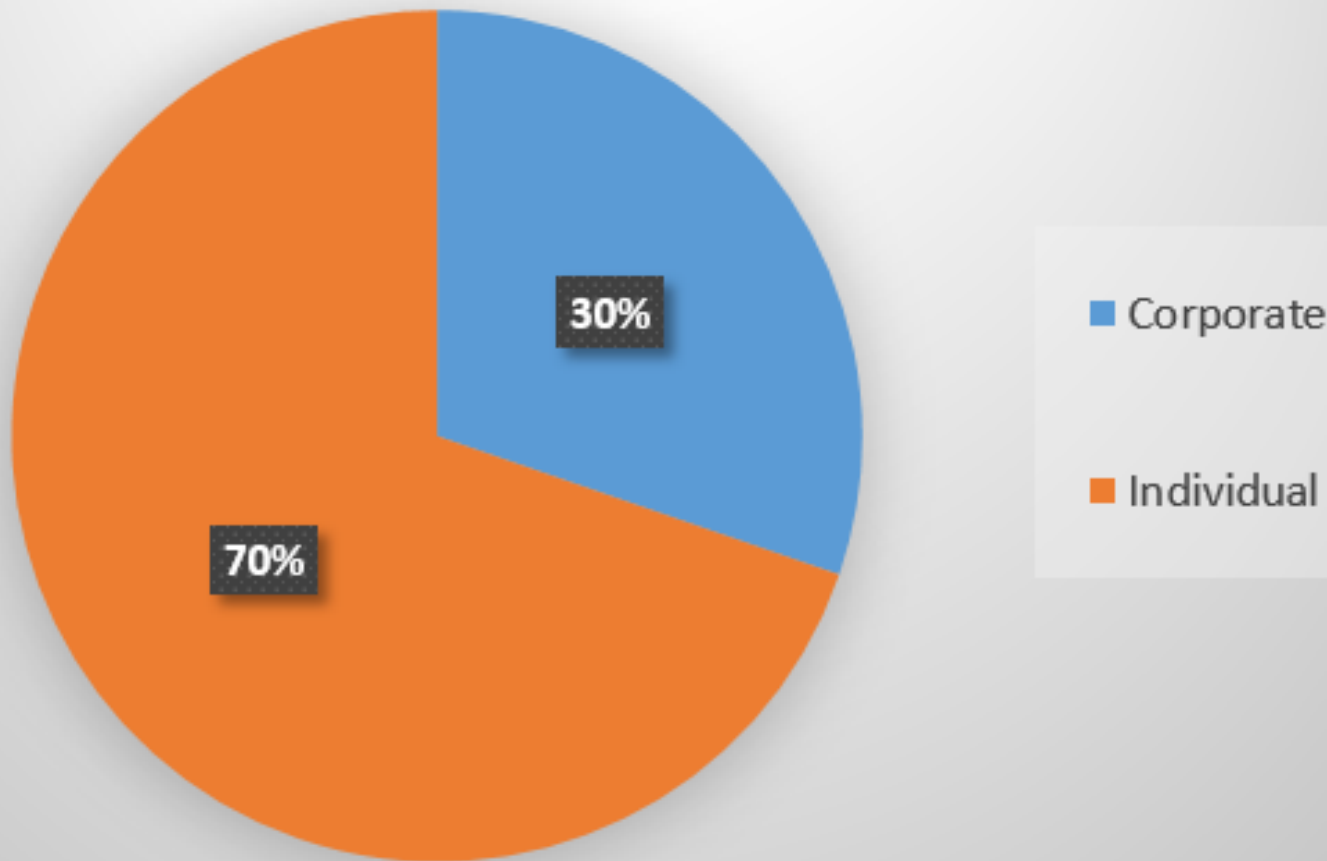


- Texas Health & Safety Code § 365.012 (illegal dumping of solid waste)
- Texas Penal Code § 37.10 (tampering with a governmental record)
- Texas Water Code § 7.147 (unauthorized discharge into waterways)
- Texas Penal Code § 32.46 (deceitfully executing a document)



Historic TX State Criminal Enforcement

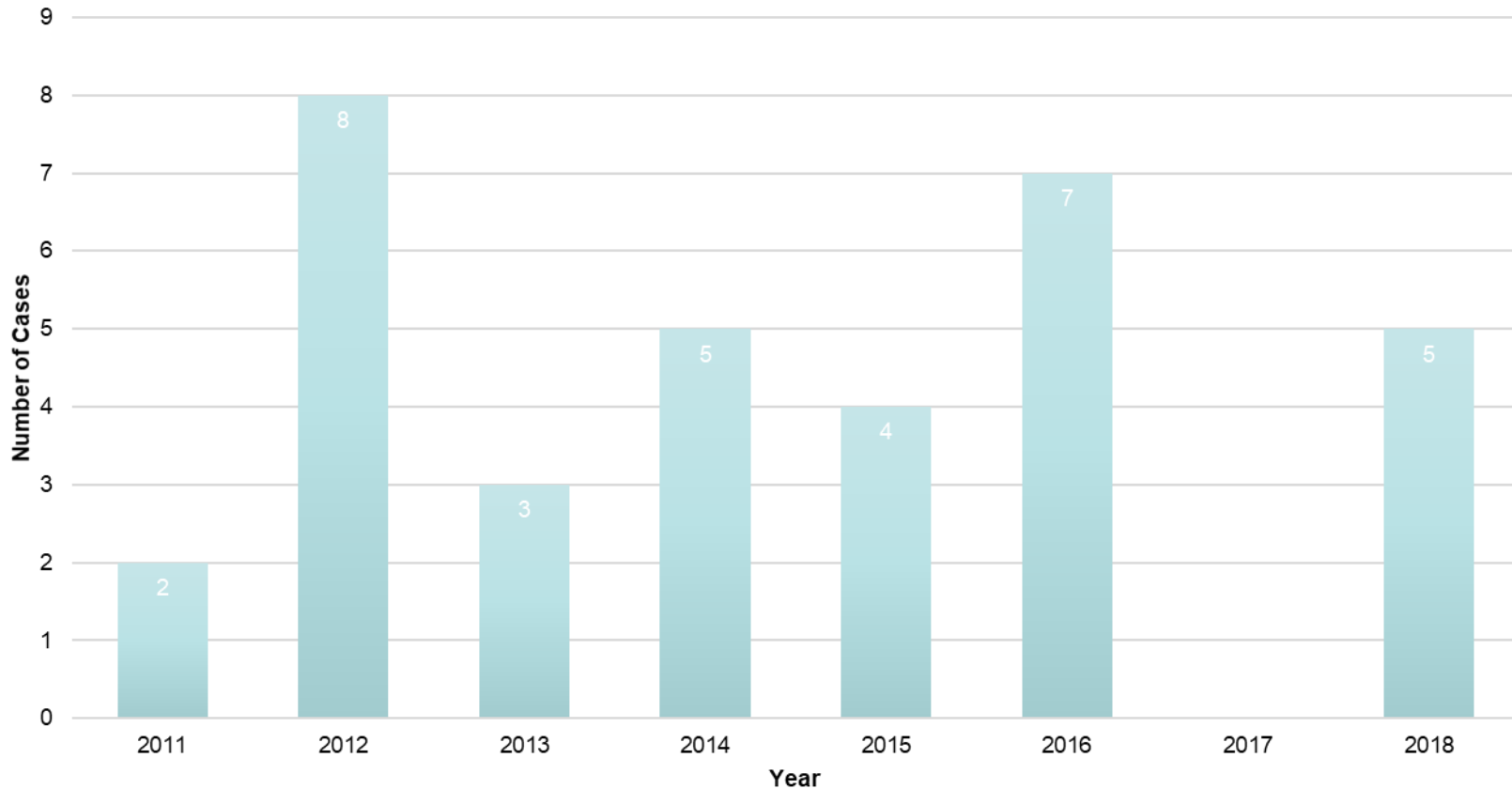
Distribution of Defendant Type (2012-2018)





Historic TX State Criminal Enforcement

Joint Texas/Federal Criminal Prosecutions



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