

# Statesman

## Environmentalists urge feds to take over Texas oversight

Asher Price, Austin American-Statesman  
12:23 p.m. Tuesday, Jan. 12, 2016

Accusing Texas officials of not sufficiently protecting the public, a pair of environmental groups is asking federal regulators to strip the state of some of its enforcement responsibilities.

The Environmental Defense Fund and Caddo Lake Institute filed a legal petition with the U.S. Environmental Protection Agency on Monday asking it to take back some of the responsibilities that it had previously delegated to the state under the federal Clean Air Act and Clean Water Act.

The petition cites a law passed last year by the Texas Legislature that raises the bar for citizens to win standing to fight proposed industrial permits and another new law that caps the penalties a local government can receive from certain lawsuits to \$2.15 million per lawsuit — anything more goes into the state's coffers. Environmental groups say the laws are meant to dampen challenges to polluters.



Environmentalists allege that Texas regulators don't adequately protect Texans against pollution as required under the Clean Air Act and the Clean Water Act.

These laws have put "the health of Texas families at risk," said Jim Marston, the director of the Environmental Defense Fund's Texas office. "The Texas laws create fundamentally unfair legal processes that deprive all Texans of basic rights and will result in more pollution in our state."

The petition also says that Texas' spending on environmental protection has decreased over recent years. In the 2007 fiscal year, the Texas Commission on Environmental Quality spent \$596 million; by 2014, spending dropped to \$374 million, according to the petition.

"Texas is out of step nationally," says the petition: In 2012, Texas spent \$39.65 per capita on natural resources, or the fifth-lowest of all the states and only 57 percent of the national average, according to the petition.

"The Legislature also has repeatedly underfunded the state environmental agency to the point that the TCEQ cannot adequately do its job," Marston said in a prepared statement. "Sadly, because our current office holders will not protect Texans from dangerous pollution, we have no

choice but to ask EPA to exercise its fundamental duty under the Clean Air and Clean Water acts and to retake responsibility to administer these vital national health programs.”

The petition asks federal officials to revoke the state’s authority for permitting because of “ongoing noncompliance with federal standards,” which it says were exacerbated by the new laws and lack of state environmental agency funding.

“Texas law has and continues to meet federal requirements – to suggest otherwise is misleading to the public. We expect EPA to reject this frivolous petition,” said TCEQ spokesman Terry Clawson.

“We are not aware of significant deficiencies in TCEQ delegated environmental programs at this time,” said David Gray, spokesman of the Dallas regional office of the EPA. “We will carefully review and consider claims raised by the environmental groups and respond accordingly.”