



May 10, 2023

Re: Texans for Responsible Aggregate Mining's Opposition to CSSB 471 - Disregarding complaints to the TCEQ

Dear Chairman Landgraf and Members of the Committee,

Texans for Responsible Aggregate Mining (TRAM) strongly opposes CSSB 471, proposed by Senator Springer and urges this Committee to vote "No" on this bill. This legislation serves to take rights away from concerned Texans without solving the following fundamental problems. Many of our partners and members have already filed comprehensive comments we hope are thoroughly considered. Our comments below consolidate some major points.

- **This bill does nothing to address TCEQ's staffing issues.** It is widely recognized that the agency is under-resourced but by the Office of Compliance and Enforcement's own reports they are by no means burdened by the volume of complaints.¹ If anything it is the enforcement division in need of more support.
- **This bill does nothing to address the current deficiency in complaints and violation investigations.** The Sunset Advisory Commission's 2022 report highlights how the agency has become a "reluctant regulator," has not fostered a positive relationship with the public, has frequently been criticized for failing to follow up on citizen complaints, and enforce laws in a manner that favors the potentially violating companies over the public.²

In summary, this bill would give the TCEQ a free pass to avoid investigating complaints. This bill is in search of a problem that does not exist: *Fewer than 5% of the investigations completed by the Office of Compliance and Enforcement during fiscal year 2021-2022 were based on complaints.*³

In conclusion, we strongly urge the Committee to vote "No" on this bill. We greatly appreciate the opportunity to comment on this issue.

Sincerely,

Cliff Kaplan
Program Director, Hill Country Alliance
Secretary, TRAM

Jennifer Hadayia
Executive Director, Air Alliance Houston
TRAM Member

¹ Annual Enforcement Report - Fiscal Year 2022" Office of Compliance and Enforcement, Texas Commission on Environmental Quality (30 Nov. 2022) available at <https://storymaps.arcgis.com/stories/96e4cceaf365447eba51f00fb3b02789>.

² Sunset Advisory Commission Staff Report 2022-2023, 88th Legislature (Nov 2022) available at https://www.sunset.texas.gov/public/uploads/2022-12/TCEQ%20Staff%20Report%20with%20Commission%20Decisions_11-22-22.pdf.

³ "Biennial Report FY2021-FY2022, Appendix A - Assessment of Complaints Received," TCEQ (Dec. 2022) available at https://www.tceq.texas.gov/downloads/publications/sfr/sfr-057-22/sfr-057-22-biennial_appendix_a.pdf.