



Not Logged In [Login](#) / [Sign-up](#)

chron | Houston & Texas News

NOW **73°**

[Facebook](#) [Twitter](#)

[NEWS](#) [SPORTS](#) [BUSINESS](#) [ENTERTAINMENT](#) [LIFE](#) [TRAVEL](#) [BLOGS](#) [JOBS](#) [HOMES](#) [CARS](#) [CLASSIFIEDS](#)

13 Comments [Recommend](#) **10**

Search [advanced search](#) | [archives](#)

Sunset hearing could cast shadow over TCEQ

Foes: Agency too soft on oil, coal, chemicals

By **MATTHEW TRESAUGUE**
HOUSTON CHRONICLE
Dec. 14, 2010, 11:34PM

Share

- [Del.icio.us](#)
- [Digg](#)
- [Twitter](#)
- [Yahoo! Buzz](#)
- [Facebook](#)
- [StumbleUpon](#)
- [Email](#)

[Recommend](#) 10 people recommend this. Be the first of your friends.

The **Texas Commission on Environmental Quality** takes center stage in Austin today as a panel of state lawmakers again considers whether the agency is tough enough on polluters.

Environmentalists say the TCEQ has become a rubber stamp for anyone with land and a blueprint for a **coal-fired power plant**, as well as a toothless regulator whose penalties scare no one.

Interests from the opposite ranks — the oil refiners and chemical and plastic makers that spur the **Texas** economy - say the agency is anything but a pushover.

While no one expects the Legislature's Sunset Advisory Commission, which evaluates state agencies to determine whether they should continue to exist, to abolish the TCEQ, changes may come from the testimony given today.

The Sunset commission's staff has made two dozen proposals intended to make the TCEQ more responsive to the public. The theme is not new, echoing 2001, the last time the agency, then known as the Texas Natural Resource Conservation Commission, appeared before the panel.

Average fine \$8,300

In this latest debate over the TCEQ, environmentalists are focusing on the Sunset staff's call for higher fines. The state now caps penalties at \$10,000 for each violation per day.

The Sunset staff suggests a \$25,000 cap so that the TCEQ can take "effective enforcement action" against polluters.

The proposed amount still would be less than the federal limit and the statutory maximums in other states, including Louisiana.

In response to the Sunset recommendation, the TCEQ said it agrees with "the intent to provide a range of options that encourage compliance" but will continue to calculate penalties in accordance with its policies.

The TCEQ said it issued a record 1,756 penalties last year, but the fines amounted to \$8,300 on average. The agency's critics contend that isn't enough to prevent illegal emissions from companies that make billions of dollars in revenue.

The increased cap is "the boldest recommendation by the Sunset staff," said Luke Metzger of the advocacy group Environment Texas. "This is about public health and **law and order**, and I'm hopeful they will take the side of tough enforcement and not big industry."

Federal suit filed

On Tuesday, Metzger's group and the Sierra Club filed a federal suit against **Exxon Mobil**, seeking to force the oil giant to reduce harmful emissions at its huge Baytown complex.

The lawsuit is the third one filed by the groups in their attempts to enforce the federal **Clean Air** Act at refineries and chemical plants in the Houston area.

The suit alleges that the complex has illegally released more than 8 million pounds of toxic **pollutants**, including benzene and 1,3-butadiene, into the air over the past five years.

Exxon Mobil has indicated that it plans to fight the case, noting it has spent \$1.3 billion on plant upgrades to keep emissions at nearly 40 percent below its federal permit since 2005.

Metzger said the suit is necessary in the absence of "effective action" from state regulators. The Irving-based refiner reported more than 2,500 emissions violations to the TCEQ over the past five years, according to the lawsuit, which is seeking up to \$37,500 per day for each breach of federal law.

TCEQ spokesman Terry Clawson said the agency will not comment on the specifics of the lawsuit. But he noted that it has issued about 50 enforcement orders at the Baytown facility over the past five years.

"The TCEQ takes issue with any assertion that the agency has failed to exercise its enforcement authority in accordance with state law for the protection of the citizens of Texas," Clawson said.

Penalty cap just part of it

Still, Tom "Smitty" Smith, who leads the Austin office of the advocacy group Public Citizen, said the enforcement policies and penalties in Texas are too puny to be effective.

"The penalties should be large enough to deter illegal activity," said Smith, whose group is not involved in the suit against Exxon Mobil. "Today, the penalties often are cheaper than the release of pollutants."

Smith and his allies said the penalty cap is only part of the problem with TCEQ. The Sunset staff's analysis does not address the heated dispute between the federal government and Texas over the way the Lone Star State regulates industrial air pollution.

The **U.S. Environmental Protection Agency** recently rejected some of the state's permitting rules, saying they fall short of federal Clean Air Act requirements.

Texas has challenged the decision in court, as well as new federal rules for carbon dioxide and other heat-trapping gases.

Kathleen Hartnett White, a former chairwoman of the TCEQ under Gov. Rick Perry, said the state has improved air quality in creative ways, not with a heavy hand. The Sunset commission, she said, should encourage the TCEQ to implement rules that bring about the most environmental benefit for the least cost.

"Although regrettable and painful, the legal activities are necessary to figure out whether the TCEQ is just a branch of the EPA," said White, now a fellow at the conservative Texas Public Policy Foundation, a think tank in Austin. "Is there any room for the state to make choices?"

matthew.tresaugue@chron.com

- [Houston museum unearths next big creature feature](#)
- [Rockets to acquire Nets' Williams in three-team trade](#)
- [Driven 19-year-old graduates from A&M in 2½ years](#)
- [Cops: Man fires at Fla. school board; kills self](#)
- [Rockets stay hot at home, cruise past Kings 118-105](#)

- [Judge rules against Obama's health-care law\(781\)](#)
- [Texans rally back only to fall to Ravens in OT 34-28\(226\)](#)
- [Dead Dallas toddler believed to have been dipped in boiling water\(195\)](#)
- [Solomon: Texans add another come-from-behind defeat\(166\)](#)
- [Death sentences in decline\(142\)](#)

- [Suspect arrested in knife slaying near Montrose club](#)
- [City Council votes to boost nearly 150 fees](#)
- [Texas Tech regents to tackle housing shortage](#)
- [Houston gets a two-day break from the cold 2, including firefighter, injured in Galleria-area blaze](#)
- [Sunset hearing could cast shadow over TCEQ](#)
- [Houston museum unearths next big creature feature](#)

- [Texas lawmakers' priorities could be going 'green'](#)
- [Suit demands Exxon Mobil reduce emissions at Baytown refinery](#)
- [EPA moves to limit CO2 even if Congress doesn't](#)
- [Obama picks divide Houston industries, smog-fighters](#)
- [Editorial: Lax regulations compromised air quality](#)
- [EPA toughens tailpipe rules in national greenhouse gas limits](#)
- [Feds refuse to give Texas pass on EPA rules](#)
- [Industrial groups criticize bills on toxics](#)
- [Global warming heats up Texas Legislature](#)
- [EPA alarm may lead to new greenhouse gas limits](#)

Read More

From Chron.com:

Powered by one spot

Lawsuit: Exxon Mobil must reduce...

Two environmental groups asked a federal court today to force Exxon Mobil Corp. to reduce harmful emissions at its massive...

Texas Tech regents to tackle housing shortage

The Tech system's board of regents is scheduled to meet Thursday and Friday to confront a handful of housekeeping and austerity measures...

Florida defensive aide may replace Muschamp at...



2 Texas House members jump to GOP



Gary Johnson's double-double leads No. 22...

Gary Johnson scored 17 points and tied his career-high with 12 rebounds and No. 22 Texas coasted past North Florida 70-48 on Tuesday night.

From Around the Web:

ExxonMobil facing suit over refinery emissions

Dec 15, 2010 | API SmartBrief

Affordable housing groups oppose new air rules

Dec 15, 2010 | San Francisco Bay Area News — SFGate

CalPERS lawsuit shows need for strict ethics rules

Dec 15, 2010 | San Francisco Bay Area News — SFGate

Madoff 'clawback' lawsuits going after Jewish groups

Dec 15, 2010 | JPost.com - International News

Gay group wants apology from FIFA

Dec 15, 2010 | San Francisco Bay Area and California...

ADVERTISEMENT

Related Topics:

[Air pollution](#) • [United States Environmental Protection Agency](#) • [Texas Commission on Environmental Quality](#) • [Law & Order](#) • [ExxonMobil](#)



Add Your Comment

New to the site?

To use commenting, you need to sign up.

[Sign up](#)

Already a member?

Please log in.

[Forgot Password?](#)

Email

Password

Remember Me

[Log in](#)

Most Popular Comments



FloLake 2:46 AM on December 15, 2010

The best policy is to be proactive.

[REPLY](#) [\(10\)](#) [\(0\)](#)

POPULARITY: 10

[Share](#) | [Email](#) | [Print](#) | [\[Report Abuse\]](#)



Festus 2:41 AM on December 15, 2010

Rick Perry's appointees at the TCEQ have a mission to do little more than provide cover for the governor's polluting campaign contributors. Texans deserve better.

[REPLY](#) [\(16\)](#) [\(9\)](#)

POPULARITY: 7

[Share](#) | [Email](#) | [Print](#) | [\[Report Abuse\]](#)



Catclaw 7:41 AM on December 15, 2010

Texas is pathetically married to pollution kings. The TCEQ is a do-nothing little group that represent just how ridiculous our state government has become. They contribute nothing, absolutely nothing. Cross palm and you can spew all the waste your business generates.

[REPLY](#) [\(8\)](#) [\(4\)](#)

POPULARITY: 4

[Share](#) | [Email](#) | [Print](#) | [\[Report Abuse\]](#)

[View Comments \(13\)](#)

[Dream Home Sweepstakes](#)

Enter the Houston Dream Home Giveaway & [DreamHome.TaylorMorrison.com](#)

[1 Tip To Lose Stomach Fat](#)

Follow This 1 Simple Diet Tip And Lose 9 [CDKitchen.com](#)

[\\$79/Hr Job - 488 Openings](#)

Make \$79/hr Working From Home. As seen on [www.hound.com/jobs/](#)

[Mortgage Rates Hit 2.99%](#)

If you owe less than \$729k you probably [www.MortgageRatesExperts.com](#)

Ads by Yahoo!

<p>CHRON</p> <ul style="list-style-type: none"> Home Houston & Texas Nation Business Sports Entertainment Life Travel Corrections Blogs 	<p>Weather Chron Commons Traffic</p> <p>TOPICS</p> <ul style="list-style-type: none"> Small Business PetsHouston MomHouston HoustonBelief Gardening 29-95 	<p>NEIGHBORHOODS</p> <ul style="list-style-type: none"> Aldine Alief Baytown Bellaire Clear Lake Conroe Cy-Fair East End Fort Bend Heights Katy 	<p>MARKETPLACE</p> <ul style="list-style-type: none"> Kingwood Lake Houston Magnolia Memorial Montrose Pasadena Pearland Spring Tomball West U The Woodlands 	<p>SERVICES</p> <ul style="list-style-type: none"> Jobs Homes Cars Classifieds Place a classified ad Place a retail ad Contests 	<p>MEMBERSHIP</p> <ul style="list-style-type: none"> Help Business directory Legal notices Contact us Send us tips About the company Employment opportunities Advertise with us Buy a banner ad <p>MEMBERSHIP</p> <ul style="list-style-type: none"> Sign up Log in <p>OTHER EDITIONS</p> <ul style="list-style-type: none"> Home delivery Mobile RSS feeds Chronicle In Education e-Edition Breaking news alerts
--	--	---	--	---	---

LOCAL SERVICES

[Houston Attorneys](#) [Houston Salons](#) [Houston HVAC Contractors](#)



[Privacy statement](#) | [Terms of service](#) | [About Our Ads](#)
Copyright © 2010 The Houston Chronicle

