



Recapping the 88th Legislative Session

Making TCEQ Work for Our Communities

[SB 1397](#) won't transform the Texas Commission on Environmental Quality (TCEQ) from being a "reluctant regulator," but it will give the agency stronger tools for holding polluters accountable. The highlights:

- Extension of the time to submit public comments on an air permit up to 36 hours after a public meeting (right now the cut-off time is the conclusion of the meeting itself).
- Increase in the daily maximum fine that TCEQ can issue against a polluter from \$25,000 to \$40,000 (a great change, if TCEQ will actually issue the fine).
- TCEQ can now update facility compliance ratings in real-time to better reflect the reality of major incidents like the recent Shell Chemical Plant fire in Deer Park.
- Permit applications and draft permits must now be posted online on the TCEQ website.

Unfortunately, the TCEQ complaints bill, [SB 471](#), also passed. While the final bill doesn't fine people who file multiple complaints (as was originally proposed), it will discourage people from filing multiple complaints against a problematic polluter. We don't want anyone to withhold a complaint due to this bill. Talk to us, and we'll help you! The bill also doesn't apply to any agency but TCEQ. [Learn more about filing pollution complaints](#).

Creating More Sustainable and Equitable Transportation Options

Once again, we tried hard to give the Texas Department of Transportation (TXDOT) the ability to do anything with State Highway Funds other than build more community crushing highways like the North Houston Highway Improvement Project (NHHIP). This requires an amendment to the Texas Constitution, and, unfortunately, that amendment ([HJR 77](#)) failed again this session. [HB 4386](#) also failed to advance this session. That bill would have prevented new highways from being built in socially vulnerable communities, again like the NHHIP. On the other hand, [HJR 111](#) also failed to advance. That bill would have diverted some state highway funds to prop up oil and gas infrastructure (yikes!). Overall: a wash, with both good and bad bills failing to make it to the finish line. What's clear is that the Texas Legislature continues to signal opposition to anything other than highways as its statewide transportation policy.

Standing Up to Concrete Batch Plants (CBP)

Almost 20 bills were introduced this session to better protect communities from CBP pollution. The two bills that did move on to the Governor's desk – [SB 813](#) requiring that local elected officials receive notice of a new CBP in their district and [SB 1399](#) requires a new protectiveness review of each CBP permit every six years vs. 10 – were vetoed. The last-minute amendment to the TCEQ Sunset Review Bill on CBP Best Management Practices won't change any real-world pollution controls.

Other

We also supported partners in their quest to ensure access to essential services for the diverse people of Houston and across Texas through language justice. [HB 5166](#) would have required the Health and Human Services Commission (HHSC) to ensure language access for all non-English speakers, a fundamental right (and federal requirement). The bill ultimately failed, but the movement for language justice has been strengthened, emboldened, and enhanced by the addition of environmental justice-minded perspectives like ours.