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For Immediate Release (Monday, April 18, 2011):

**Statement of Ken Kramer, Director, Lone Star Chapter of the Sierra Club, on Proposed Chisum Amendment That Would Gut the Contested Case Process for Pollution Control Permits (Pre-Filed Amendment to TCEQ Sunset Legislation)**

“State Rep. Warren Chisum will attempt on the House floor Tuesday to amend the ‘sunset’ legislation for TCEQ to gut the contested case process that allows Texans to improve pollution control permits or even stop issuance of permits that pose too great a risk for public health and the environment. Texans need to let their state representatives know that they oppose any move to thwart their ability to contest permits for pollution sources in order to protect their communities and their families.

“We appreciate Rep. Chisum’s apparent commitment to ‘recycling and reuse,’ but we would prefer that he *not* recycle and reuse bad old ideas about limiting citizens rights in pollution control cases. He has been promoting those ideas well over a decade, with little or no success. This session he introduced House Bill 3037 to try to give polluters yet another advantage in the contested case process, in addition to the ones they already enjoy: specifically to place the ‘burden of proof’ on those contesting a pollution control permit to prove that it should not be issued. Currently the burden of proof is where it should be – on polluters to demonstrate that their discharges into the water or emissions into the air will be within legal limits and not produce adverse impacts. Our air and our water are shared resources. If a person or a company wants to introduce pollutants our air and water, than they need to prove that it will not be harmful – the burden should not be on those potentially affected by the pollution.

“House Bill 3037 received a hearing in the House Environmental Regulation Committee a couple of weeks ago, and it received overwhelming bipartisan opposition from citizens around Texas – from El Paso to Central Texas to Conroe and many other areas – and from local governments enforcing pollution control laws. The only supporters of the bill were those industries who want to eliminate any meaningful opposition to the pollution control permits they seek. The Committee has not acted on the bill, so Rep. Chisum has taken the HB 3037 language and fashioned it into a proposed amendment to House Bill 2694, the legislation that will continue the Texas Commission on Environmental Quality (TCEQ), set for House floor debate tomorrow.

“On Tuesday the members of the Texas House of Representatives will have the opportunity to show where they stand when Rep. Chisum presents his amendment to HB 2694. They can side with Rep. Chisum and polluters, or they can side with the people – their constituents who want the right to improve or stop pollution control permits affecting their neighborhoods. The choice should be simple.”

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