

# Overview of Criminal Environmental Enforcement Law

## **HGAC Solid Waste Workshop Series – Environmental Enforcement**

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# Overview

- Illegal Dumping
- Water Pollution
- Air Pollution (Clean Air Act Violations)

# Illegal Dumping

- Chapter 365, Health and Safety Code
- Litter or other Solid Waste (Does Not Include Sewage)
- Class A, B and C Misdemeanors
- Strict Liability Offenses

# Illegal Dumping

- State Jail Felony Offenses
- Must prove a Culpable Mental State

# Illegal Dumping

- Commercial Purpose Dumping
- Class A Misdemeanors or State Jail Felony Offenses
- Want to file on Individual and/or Corporation/Business Entity

# Water Pollution

- Chapter 7.145 and 7.147, Water Code
- Unauthorized/Unpermitted Discharges into or adjacent to any Water in the State
- Includes Storm Sewers and Sanitary Sewers
- Generally liquids that are discharged
- Have to take a sample!

# Water Pollution

- Special Misdemeanor – 7.147
- Special Felony – 7.145
  
- The Misdemeanor is a Strict Liability Offense

# Air Pollution

- Chapter 7.182, Water Code
- No Strict Liability Offenses
- Most common offenses charged are Nuisance violations and unlawful Outdoor Burning violations
- All Special Misdemeanor Offenses



# Air Pollution

- Clean Air Act generally prohibits all outdoor burning within the State of Texas unless there is express authorization or the person comes within one of the exceptions in the rules.

# Air Pollution

- Regardless of the 2017 Legislative changes, there still is no Class C Misdemeanor offense for unlawful Outdoor Burning!

# QUESTIONS???

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