



# TAKING ACTION FOR CLEANER AIR IN TEXAS

by Texas Attorney General Greg Abbott

AS A PROUD TEXAN, I CARE DEEPLY ABOUT protecting our state's tremendous natural resources. As Attorney General, I have secured record-breaking financial penalties against polluters who put Texas in harm's way by violating state and federal environmental laws. With Air Quality Awareness Week taking place May 7-11, it's important that we ensure that the air we breathe and the water we drink is safe and clean for generations to come.

For years, the State of Texas has worked cooperatively with our federal counterparts at the U.S. Environmental Protection Agency (EPA) to enforce laws that protect the environment. In 2005, the Texas Attorney General's Office worked with the EPA to obtain the largest-ever air quality settlement with a refining company when we required San Antonio-based Valero to spend more than \$700 million upgrading its facilities. Improvements included installation of upgraded pollution control devices and new emission-reduction technologies. This was a substantial step toward improving air quality in the State of Texas, and all Texans will benefit from the resulting reduction in harmful air emissions.

In 2009, we also worked with federal regulators to shut down a lead

smelter in El Paso. The Texas Attorney General's Office also secured a \$52 million penalty from ASARCO to pay for a massive cleanup effort at the company's former 422-acre smelter site in downtown El Paso.

Texas also has a record of enforcing the state's environmental laws on our own – as we did recently when we secured a largest civil penalty ever collected under the Texas Clean Air Act. Just last year the Texas Attorney General's Office resolved a \$50 million settlement with BP for multiple violations of state environmental protection laws, which included violations that led to a deadly explosion in March 2005 at the company's Texas City refinery. Additionally, in 2003, when a Port Arthur refinery owned by Huntsman put local communities at risk by illegally spewing harmful pollutants into the air, the state pursued an enforcement action that required the refinery to improve pollution controls, increase disclosures about its operations and pay a \$9 million penalty for the unlawful emissions.

While I am proud of Texas' enforcement record, I also recognize that many plants and facilities across the state work cooperatively with state environmental regulators to ensure they fully comply with state and federal

environmental laws. In part, the state's successes stem from its commonsense regulatory programs, which are intended to protect the environment without stifling economic development and job creation.

Consider, for example, Texas' Flex Permits Program, which was established in 1994 under Governor Ann Richards to cut down on uncontrolled emissions from older facilities. At the time, facilities benefited from a grandfather clause that effectively exempted them from state environmental laws – so the Flex Permits Program was created to encourage these unregulated facilities to voluntarily subject themselves to regulatory oversight by state authorities. Despite the Flex Permits Program's successes, more than a decade later the EPA switched course and rejected the program. The state is opposing the Obama Administration's decision because it ignored the success of this long-standing state air permitting program – which has reduced emissions at a rate that exceeds the national average – and violated federal law.

Just last month the EPA was chastised by a federal court for interfering with another one of Texas' successful environmental regulatory programs.

The state's Pollution Control Project Standard Permitting Program was created to reduce bureaucratic delays so that facilities could install pollution controls more quickly and efficiently. Once again, the EPA ignored federal law and rejected the state's commonsense program many years after it was first implemented. The state challenged the EPA's flawed decision in federal court and won a significant victory when the court ruled that the EPA's rejection was both too late and improper.

As Texas Attorney General, I am committed to enforcing our state's environmental laws – and working with federal authorities to enforce federal law – so that violators are held accountable. Thanks to that approach, we have obtained record-breaking fines for Clean Air Act violations. In light of our successes, I do not believe the federal government's heavy-handed, one-size-fits-all approach makes good sense. Throughout the years here in Texas, I believe we've done a good job of enacting commonsense regulations that help prevent pollution before it occurs while at the same time ensuring that Texas businesses can continue to operate efficiently and create jobs.

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