

Texas Environmental Enforcement Options

	# Cases	Case Categories	Enforced By	Violations	Attorneys	Court
Civil	Very Few	Major Civil Violations To \$25,000 per day; 1/2 of civil penalties stay local	Your city or county attorney files suits in District Court <i>or</i> State Attorney General	<u>Authority: TWC 7.351</u> THSC Chapter 361 THSC Chapter 382 TWC Chapter 26 Several other chapters and rules, permits, orders issued	Your County Attorney <i>or</i> City Attorney files suit; State included as necessary party	District Court
Criminal	Few	Felonies > 1 year; \$10,000+	Your police department; county sheriff; other peace officers	TWC Chapter 7 THSC Chapter 365	District Attorney	District Court
	Many	Class A Misdemeanors 1 year; to \$4,000		THSC Chapter 365 TWC Chapter 7 (few)	County Attorney	County Court
	Many	Class B Misdemeanors 6 mos; to \$2,000	TCEQ Environmental Crime Unit	THSC Chapter 365 TWC Chapter 7 (few)		
	Very Many	Class C Misdemeanors To \$500	TPWD Env Crimes	<u>Oil and Gas Waste</u> TWC Chap 29 Nat Res Sec. 91.002 + Statewide Rule 8	File directly with JP; County Attorney presents case	Justice Court or Municipal Court
Health	Very Many	Health Nuisance Violations Civil/criminal to \$200 Subsequent to \$1,000	Your Health Department; police department; county sheriff	THSC Chapter 341 THSC Chapter 343	File directly with JP; County Attorney presents case; City Attorney	Justice Court or Municipal Court
Code	Few	Code Violation Injunctions	Your city	Local Government Code Sec 54.016	City Attorney	District / or Co Court
	Most of All [400,000 yr]	Municipal Code Violations To \$500 Some to \$2,000	Municipal code enforcement	Municipal Codes (similar, but unique for each city)	City Attorney	Municipal Court
Admin	Some	Administrative Rule Violations	TCEQ Administrative	State Rules	N/A	N/A
		Remember: Administrative enforcement is NOT local enforcement!				

Source: Texas Illegal Dumping Resource Center (www.tidrc.com)

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