

ILLEGAL DUMPING



A Regional
Approach to
Environmental
Enforcement

This study was funded through a solid waste management grant provided by Texas Commission on Environmental Quality through Houston-Galveston Area Council. This funding does not necessarily indicate endorsement or support of the study's findings and recommendations.



**ILLEGAL DUMPING: A REGIONAL APPROACH TO ENVIRONMENTAL
ENFORCEMENT**

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Abbreviations and Definitions

ALJ	Administrative Law Judge
Brush	Tree limbs, bushes, other clean woody debris
Bulky Items	Couches, chairs, mattresses, etc.
C&D	Construction and Demolition debris
CLE	Continuing Legal Education
H-GAC	Houston-Galveston Area Council
HHW	Household Hazardous Waste
Junked Vehicles	Immobile abandoned vehicles left on public or private property
KAB	Keep America Beautiful
MSW	Municipal Solid Waste
NCTCOG	North Central Texas Council of Governments
RS&Y	Reed, Stowe & Yanke, LLC
SEEN	Southern Environmental Enforcement Network
SEP	Supplemental Environmental Project
SOAH	State Office of Administrative Hearings
TBA	Texas Bar Association
TELEA	Texas Environmental Law Enforcement Association
TCEQ	Texas Commission on Environmental Quality
U.S. EPA	United States Environmental Protection Agency
White goods	Household appliances such as refrigerators, washing machines, dryers, etc.

EXECUTIVE SUMMARY

A. Background

Illegal dumping continues to be a problem for local governments throughout the United States. The situation is no different in Texas, or in the 13-county Houston-Galveston Area Council (H-GAC) planning region. Illegal dumping occurs in rural, suburban and urban settings. The types of illegal dumping problems in the region vary greatly based on the many types of communities and the wide range of residents and businesses in the region. H-GAC has taken a proactive approach and attempted to assist communities within the region in combating illegal dumping by providing grant funding to local communities to assist in hiring environmental enforcement officers, purchasing surveillance equipment, etc.

Based on Houston-Galveston Area Council's experience in funding these programs, it has been determined that certain environmental enforcement programs are more effective than others. It has also been determined that certain activities concerning environmental enforcement may be better handled at a regional level rather than at the local level. For example, a regional advertising program may prove more cost effective in disseminating information across the 13-county region.

B. Purpose of the Technical Study

Houston-Galveston Area Council retained the services of Reed, Stowe & Yanke, a division of R. W. Beck, Inc.¹ (RS&Y), in August 2002 to perform a study regarding improvements to, and the potential regionalization of, environmental enforcement activities within the H-GAC region. The purpose of this study is to evaluate the current practices of environmental enforcement programs within the 13-county area and to develop a regional approach to environmental enforcement activities that will result in increased program efficiency, effectiveness, and financial self-sufficiency. A map of the H-GAC region, as well as individual maps of the 13 counties, is located in Appendix B. The H-GAC region is comprised of the following counties:

- Austin
- Brazoria
- Chambers
- Colorado
- Fort Bend
- Galveston
- Harris
- Liberty
- Matagorda
- Montgomery
- Walker
- Waller
- Wharton

¹ Formerly Reed, Stowe & Yanke, LLC.



C. Technical Study Format

RS&Y conducted interviews with representatives from the majority of the environmental enforcement programs within the H-GAC region.² The objective of the interviews was to develop a preliminary inventory of programs in the region and to gain a better understanding of the program structure, activities, needs, priorities, and challenges. Many of the programs received a survey prior to the interviews. The survey was divided into nine sections.³ The survey results were compiled and are presented in a tabular format in Appendix E.

Surveys that were completed and returned prior to the interview provided RS&Y with a preliminary understanding of the environmental enforcement program and structure. The interviews expanded upon the basic information provided in the survey and were designed to gather information and input from the programs on issues such as the regionalization of certain environmental enforcement activities. The information gathered through the interview process are summarized in Section I, Inventory of Programs.

Although environmental enforcement programs have unique characteristics in terms of structure, challenges, and needs, all these programs have the same basic underlying goals and objectives. The interview process enabled RS&Y to discuss and analyze opportunities for Houston-Galveston Area Council to provide additional services that will assist these programs to reach these goals and objectives. RS&Y identified, discussed and evaluated numerous suggestions for a more regional approach to environmental enforcement activities, such as public education and training. This analysis is discussed in Section II, Regional Program Design Issues.

Based on the interviews and analysis, RS&Y was able to develop a series of recommendations, as well as an implementation timetable for each of the specific recommendations. This information is provided in Section III, Recommendations/Implementation.

“Illegal Dumping: A Regional Approach to Environmental Enforcement” is intended to complement both H-GAC’s *Solid Waste Management Plan for the H-GAC Region, 1992-2012*, 2002 Amendment and TCEQ’s *Solid Waste Management in Texas: Strategic Plan 2001-2005*. In addition, this study complies with all of the TCEQ’s requirements for the development of a technical study, as described in 30 Texas Administrative Code, Chapter 330, Subchapter O.

D. Key Findings and Recommendations

H-GAC provides training, materials, and financial assistance to environmental enforcement programs throughout the 13-county region. In order to continue to provide grants to environmental enforcement programs in an effective and prudent manner, H-GAC must have a more comprehensive system of objective criteria to evaluate each applicant. In addition, there

² A listing of those individuals interviewed is provided in Appendix C.

³ A copy of the survey is provided in Appendix D.

are certain processes, which if implemented by H-GAC, will assist the region in maximizing its environmental enforcement dollars. The recommendations provided in this document can be used to assist H-GAC in the determination of how to allocate the limited grant funds in the most effective manner. Based on RS&Y's analysis, the following key recommendations were developed:

- 1. Implementation of a circuit rider prosecutor program.** RS&Y would propose that H-GAC conduct a study to determine the most effective manner in which to implement a circuit rider prosecutor program. This program would assist in providing a prosecutor to those counties that do not have convenient access to a prosecutor knowledgeable in environmental law, and the processes involved in prosecuting environmental crimes.
- 2. Creation of an environmental court.** H-GAC should consider on a longer term basis the possibility of establishing an environmental court within the H-GAC region. This court would focus solely on hearing and processing environmental cases.
- 3. Training concerning junked/abandoned vehicles.** The challenges associated with dealing with junked and abandoned vehicles were mentioned by environmental enforcement officers as a significant problem. RS&Y would recommend that a seminar be conducted that would train these officers on the laws associated with this issue, and how to best handle these vehicles.
- 4. Funding for laboratory testing.** The high costs associated with the conduct of laboratory testing for certain environmental crimes was cited by a number of city and county individuals as a cost prohibitive factor in the prosecution of certain cases. The RS&Y would propose that H-GAC study the feasibility of establishing a grant program to fund laboratory testing costs.
- 5. Creation of a regional database.** There is a strong desire among the enforcement officers to establish a regional database that could be shared by all officers within the H-GAC region that would list individuals convicted of an environmental crime. Houston-Galveston Area Council should consider contracting with a systems specialist familiar with the establishment of web-based databases that could be designed to meet this need.
- 6. Establishment of performance standards.** During RS&Y's interviews, we found that many of the environmental enforcement programs do not maintain detailed records with regard to their activities (sites investigated, number of citations issued, etc.). Most entities keep records concerning their key activities when they have recently received grant funds from H-GAC (because they are required to), but once they are no longer required to keep the records, they quit tracking this data in a manual or electronic manner.

RS&Y would propose that H-GAC attempt to get all cities and counties that are operating environmental enforcement programs to establish a consistent manner in

which to track key operating statistics, thus ensuring a uniform approach in which all programs can be monitored. This could be established as criteria for the provision of future funding to local governments.

- 7. Development of SEPs (Supplemental Environmental Projects).** RS&Y would recommend that H-GAC provide a training session for local governments on how they can go about establishing a SEP and ensuring that it stays in compliance with all necessary rules and regulations.
- 8. Creation of a regional task force.** There is a desire by some law enforcement officers that a regional task force be created to help the smaller cities and counties deal with some of the more complex environmental cases. RS&Y would recommend that H-GAC study how such a task force could potentially compliment the environmental enforcement subcommittee which currently operates as an advisory committee, versus an entity that can provide funding, personnel, and equipment to assist in the investigation of environmental crimes.
- 9. Ongoing environmental enforcement training.** Due to the nature of the position, there is continual turnover within the local governments' environmental officer position. Therefore, RS&Y would recommend H-GAC provide ongoing training seminars and educational materials so the new officers can be trained as quickly as possible.
- 10. Miscellaneous issues.** Two additional issues that were discussed during the course of this study included whether a new physical location or building should be established which would be the headquarters for all regional environmental enforcement activities. RS&Y would recommend that this not be done, and that regional environmental enforcement activities continue to be headquartered from H-GAC's current office space. An issue was also raised as to whether grant funds should be used to fund the clean-up of illegal dumpsites and scrap tires. Due to the limited funds available for such an enormous activity, and a serious concern about how the funds would be equitably distributed, RS&Y would recommend against the use of grant funds for such activities.

I. INVENTORY OF PROGRAMS

RS&Y conducted on-site interviews throughout the H-GAC region with numerous officials involved in environmental enforcement. These officials included police officers, sheriff's deputies, constables, special agents, county judges, code enforcement officials and prosecutors. Information gathered through this interview process is summarized and sorted by county within this section. The information is provided in an alphabetical format, by county.

A. AUSTIN COUNTY

County Constable's Office

Contact	Title	Approximate Start Date of Program	Number of Staff ⁴	Location of Program
Sammy Miller	Constable	1998	2 FTE 2 Reserves	County Constable's Office

The environmental enforcement activities in Austin County are the responsibility of Constable Sammy Miller. The position has recently been assigned to Constable Miller since joining the constable's office in 2001.⁵ Enforcement activities in the county have been in place for a number of years and are actively supported by Austin County Judge Carolyn Bilski.

The illegal dumping challenges facing Austin County include the dumping of scrap tires, brush and woody debris, and household hazardous waste. The judge reported that many of the illegal dumpers are commercial businesses that come in from neighboring counties rather than from local residents.

H-GAC has provided a number of grants to Austin County during 1998 through 2001. These monies have been used to fund an environmental enforcement officer and surveillance camera. Currently the county keeps some records with regard to the number of illegal dumpsites, number and types of convictions, dollar amount of fines, and amount of waste illegally dumped. As a result of the illegal dumping within the county, there has been an aggressive public awareness campaign to educate the public regarding illegal dumping issues. Newspaper articles on illegal dumping and enforcement activities, as well as promotional items such as pens and mugs with the phone number to report illegal dumping have been created and distributed throughout the community.

⁴ It should be noted that full time equivalents (FTEs) are "estimates" by the majority of the local governments interviewed. For instance, Austin County may say they have two FTE's working on environmental enforcement, but those individuals may also spend some of their time on other activities as well – building inspections, etc. This is especially true in smaller cities and counties where staff are oftentimes asked to perform a variety of different tasks. Wherever possible, we have equated 1 FTE with one person working 40 hours per week dealing with illegal dumping. Where that is not the case, the adjustment is noted in either a footnote, or the text of the report.

⁵ Prior to 2001 the environmental enforcement program was not housed in the constable's office.

Because much of the historical knowledge and experience regarding the daily enforcement activities were lost when the previous environmental enforcement officer left the position, there are several areas in which regional assistance could benefit Austin County. For instance, training on the various aspects of environmental enforcement, including environmental law, investigation techniques, data tracking, and surveillance equipment usage would be very beneficial.

It would appear that a circuit rider prosecutor would be very beneficial for the county. Due to the current workloads, county prosecutors do not have a great deal of time available to become more knowledgeable with regard to environmental law, or to take on these additional cases.

B. BRAZORIA COUNTY

City of Pearland – Fire Marshal’s Office

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Larry Steed	Fire Marshal	1997	2 FTE	Fire Marshal’s Office

The City of Pearland operates their environmental enforcement program from the fire marshal’s office. Fire Marshal Larry Steed oversees the program that began in 1997 through an H-GAC grant. Originally administered by the Building & Inspections/Permits Department, the program primarily worked with code enforcement. Currently, the program does not receive any grant money.

The environmental enforcement program focuses on three primary tasks:

- enforcement of laws
- prosecution of violators
- education of citizens

Enforcement of laws has ranged from prevention to responding to complaints. Preventative measures have involved the use of hidden cameras to catch dumpers in the act and flood lights to discourage dumping in chronic dumpsites. When the fire marshal responds to a complaint, he will document the violation and often search through the trash for clues as to where the garbage came from.

The City of Pearland’s goal in prosecuting illegal dumpers is to collect a reasonable fine for the infraction and educate the individual regarding the consequences of repeated violations and the hazards of illegal dumping. First time offenders are given the option to pay a fine and receive a Class C misdemeanor or clean up the trash that was discarded. A hardcopy of any case information is kept on file at the fire marshal’s office, however many cases do not go to court, thus few records are available.



Fire Marshal Steed described most of the materials illegally dumped as municipal solid waste and clean woody debris. The areas that are most active include a heavily wooded region in northern Brazoria County, which is immediately adjacent to a number of communities in Harris County.

The fire marshal’s office stated that more emphasis needs to be placed on illegal dumping regionally. Fire Marshal Steed reported that based on his experience, illegal dumpers are often transient in nature and will locate various potential dumpsites in rural areas of the region. **He suggested that greater awareness of the consequences of illegal dumping and training of officers on environmental enforcement methods will help combat the proliferation of illegal dumpsites.**

County Environmental Health Department

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Robbie Drake	Director	1980	2 FTE	County Health Department

The environmental enforcement activities in Brazoria County are located within the county environmental health department. During the course of RS&Y’s interview with the county health department, we had the opportunity to visit with a number of individuals; however the primary contact is Mr. Robbie Drake.

Mr. Drake mentioned that illegal dumping is a problem in their county and that continually educating the citizens with regard to proper disposal is one of their biggest challenges. Brazoria County has one peace officer and one code enforcement officer dedicated to investigating environmental crimes. They also deal with pipeline leaks, etc. as there is an extensive network of pipelines (gas, oil, chemicals, etc.) within the county. Therefore their time is not dedicated 100% to environmental enforcement activities.

Brazoria County has never received any grant funds from H-GAC for environmental enforcement activities, however the environmental health department would like to pursue grants to assist with environmental enforcement activities. The primary types of illegal dumping occurring within the county are scrap tires, which was identified as the biggest problem for the county, motor oil, commercial haulers and municipal solid waste.

If voluntary compliance is not achieved from the illegal dumper, the investigator will typically take his case to the district attorney’s office, unless it is a minor case and then it is handled by the justice of the peace⁶. When the cases are handled through the district attorney’s office, the county has pursued cases in both civil and criminal venues, depending on the nature of the crime. At present, the only records kept with regard to environmental

⁶ The maximum fine a Justice of the Peace can impose is \$500.00



enforcement cases are the records that are retained by the justices of the peace or the district attorney's office.

The Brazoria County Environmental Health Department listed a series of comments and concerns regarding future environmental enforcement activities in the county:

- Due to the magnitude of illegal dumping along waterways in Brazoria County, the staff desires to obtain a grant that would allow them to **purchase a boat** to investigate these sites.
- **Funding of four wheel drive vehicles** to investigate "hard to reach" sites.
- **County commissioners need to be continually educated** about the importance of environmental activities and why these crimes must be investigated and prosecuted.
- County staff agreed that a **formal report, perhaps annually, to the commissioner's court** describing the accomplishments of the investigators (number of sites investigated, number of sites cleaned up, number of convictions, etc.) would be a good way to show the need for continued funding and support for environmental enforcement activities.

RS&Y had an opportunity to visit with Judge John Willy during the course of this project. He also expressed a desire to actively pursue these criminal activities and to enforce the stiffest penalties possible in order to deal with this issue. In fact, the judge remarked he was going to start hearing these cases, personally, in order to ensure that the severest penalties are imposed.

C. CHAMBERS COUNTY

County Environmental Health Department

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Sidney Lewis	Director	2001	1 FTE	County Environmental Health Department

The Chambers County Environmental Health Department (EHD) coordinates environmental enforcement within Chambers County. Established in 2001, the goal of the program is to address the problems associated with illegal dumping and establish preventive measures to stop illegal dumping before it becomes a major problem.

Currently the code enforcement officer is charged with the responsibility of responding to illegal dumping complaints. Chambers County utilizes a county nuisance ordinance to enforce all complaints that are considered environmental crimes.

The majority of the complaints are from citizens who call the county commissioner's office or the EHD. If the citizen chooses to remain anonymous, they can do so if they report the violation to the county commissioner's office. These complaints range from the dumping of scrap tires, junked vehicles, septic systems, high weeds, to municipal solid waste. There are approximately 15 to 35 complaints per month. Many of these complaints are addressed



through voluntary compliance of the property owner. Illegal dumping is not a severe problem in the community due to the low cost and accessibility of the county's citizen collection stations.

The EHD has taken many proactive measures to prevent illegal dumping, including the creation of an electronic database to track all complaints, as well as facilitating communication regarding environmental enforcement activities between various precincts. The illegal dumping database includes:

- Name of Violator
- Date of Violation
- Actions Taken
- Fines Levied
- Photographs of Violation
- Clean-up Measures

The data is available on the county's electronic online server to all officers and is updated regularly. The purpose of this database is to ensure open communication between precincts and make officers aware of any repeat offenders.

County Solid Waste Department

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Jimmy Kahla	Director	2001	N/A	County Solid Waste Department

The county solid waste department manages the collection and disposal of solid waste throughout the county. It operates eight citizen collection stations, a tub grinder for clean woody debris, permits and fees for municipal solid waste drop off as well as an incinerator for the disposal of solid waste and medical waste. The county also provides and operates a white goods collection for the disposal of large appliances.

The eight citizen collection stations are strategically located throughout Chambers County. The citizen collection stations accept scrap tires, batteries, motor oil, large household appliances and municipal solid waste. A citizen can annually purchase a sticker for \$2.00 to dispose of their waste at the citizen collection stations. Commercial haulers are able to annually purchase a sticker for \$10.00 and bring waste directly to the incinerator. Small businesses can also purchase stickers for \$2.00 and bring their waste to the citizen collection stations. The solid waste department believes that by providing an inexpensive and convenient location to dispose of solid waste, the citizens of Chambers County will be less inclined to illegally dump their waste.



The incinerator operated by Chambers County is licensed to accept household waste, construction and demolition debris and medical waste. The incinerator began operations in January 2002 and has the capability to incinerate 100 tons per day; however, it routinely operates at 50 percent capacity. The incinerator reduces the waste volume by 70 percent, to an ash residue, which is then hauled to the landfill.



Chambers County is home to one of only a handful of incinerators in the State of Texas.

A tub grinder is available for the recycling of clean woody debris at the incinerator complex. It is operated by one full-time employee and the service is free to the public. Chambers County had previously operated a chipping machine, however the process was extremely labor intensive and led to injuries.

Director Jimmy Kahla remarked that the county does not currently need a circuit rider prosecutor, however, it does realize the potential benefit it might hold for other rural communities in the region.

D. COLORADO COUNTY

County Commissioner's Office Precinct 1

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Darrell Gertson	Commissioner	N/A ⁷	1 FTE ⁸	County Commissioner's Office

The Colorado County Commissioner's Office Precinct 1 is charged with responding to illegal dumping in Colorado County. Commissioner Darrell Gertson of Precinct 1 also acts as the information source regarding illegal dumping for many local governments within Colorado County.

Although Commissioner Gertson reported the area has not experienced any severe illegal dumping cases, the most common violations occurring in Colorado County are the dumping

⁷ Since no official programs exists, no start date can be determined.

⁸ The commission also utilizes his road crew to respond to illegal dumping throughout the county.

of municipal solid waste, white goods and scrap tires. Illegal dumping occurs infrequently and no habitual illegal dumpsites exist. Clean up of these items is handled by the commissioner's road crew, primarily on rainy days.

To discourage illegal dumping, the county instituted a household hazardous waste (HHW) collection. This is an annual event occurring in the spring when residents can dispose of household hazardous waste at no cost. Residents are encouraged to bring batteries, motor oil, and various household chemicals for disposal. Educational materials and entertainment are provided to children regarding illegal dumping.

The HHW collection was funded through a grant from H-GAC and was very well received by the community and hopes to continue in the future. Citizens generated more waste than initially expected, leading to the project going over budget.

Commissioner Gertson believes that illegal dumping is not a major issue in the county due to the pride that many of the residents take in their community as well as the convenience and inexpensive costs associated with proper landfill disposal. Various cities and other unincorporated areas of the county subscribe to weekly municipal solid waste pickup provided by private waste hauling companies in the area.

E. FORT BEND COUNTY

County Environmental Health Department

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Troy Scalco	Director	2002 ⁹	2 FTE 3 PTE	County Environmental Health Department

As of September 2002, the environmental enforcement program was relocated to the County Environmental Health Department and is staffed by civilian code enforcement officers and supervised by Mr. Troy Scalco. The County Environmental Health Department staff is dedicated to environmental enforcement and includes 2 full-time code enforcement officers devoted to environmental enforcement activities as well as 3 support staff who dedicate approximately 25-30 percent of their time to environmental enforcement.

Prior to September 2002 all environmental crimes were investigated by the Environmental Crimes Unit (ECU) which had been located in the sheriff's department since 1996. This program was operated until September 2002 by Deputy Sheriff Jim Winton. The ECU maintained an extensive database that tracked statistics related to environmental enforcement. The information tracked included:

⁹ The Environmental Crime Unit (ECU), headed by Deputy Sheriff Jim Winton, has recently undergone an organizational change. The program has been within the Sheriff's Department since 1996 and was begun by Mr. Winton, however in 2002 the program was transferred into the county environmental health department.



- Number of sites identified and sorted according to pounds of waste
- Number of complaints and referrals received
- Number of violators identified
- Number of verbal and written warnings issued
- Number of citations issued
- Number of cases tried, convictions, cases dismissed, fines ordered
- Amount of fines
- Number of community service orders issued and hours ordered
- Number of dumps cleaned up, amount of waste removed, amount of waste recycled
- Number of public speaking engagements and number of people in attendance
- Number of training hours conducted and hours attended
- Active mileage in Adopt-A-County Road
- Administrative meeting hours with the H-GAC Solid Waste Advisory Committee

The ECU tracked dumpsite locations by color coding input dots onto a map grid. The various colors indicated the type of waste dumped, such as household hazardous waste, household waste or water code violations. This system proved to be helpful in identifying illegal dumping "hot spots" that were used to focus more officer attention on specific areas of concern.¹⁰

The illegal dumping of scrap tires was historically a big problem, but five years ago the county began accepting up to eight tires for free from residents at the county's recycling center. This program costs the county money, but it was decided that the costs of providing proper disposal were less than the costs associated with cleaning up illegal dumpsites.



Municipal solid waste dumping a common form of dumping in Fort Bend County.

The largest illegal dumping problem in the county involves the illegal dumping of residential municipal solid waste.¹¹ The county has not implemented mandatory garbage collection services in rural areas and therefore illegal dumping and burn barrels are a problem. The ECU has historically focused on education rather than prosecution. Violators may be

given one opportunity through a verbal or written warning, depending on the severity of the offense. However, only one warning is given and if the crime is repeated then the matter is prosecuted.

¹⁰ In a follow-up interview Mr. Scalco stated that it was his goal to continue the current database and mapping system used by the ECU.

¹¹ While some people may believe that sham recycling is the largest environmental problem in the county, for purposes of this study, we were told that the illegal dumping of residential municipal solid waste was the biggest problem.

Mr. Scalco stated that a circuit rider environmental prosecutor would be very helpful for the county as well as for the region as a whole. Prosecutors and judges are not uniformly educated on environmental law and do not consistently apply penalties for offenses. Additionally, Mr. Scalco believes that police academies should include mandatory training on environmental enforcement and environmental law.

F. GALVESTON COUNTY

City of Texas City - Public Works Department

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Mike Stump	Solid Waste Manager	1996 ¹²	.3 FTE ¹³	City Public Works Department

The environmental enforcement activities in Texas City are housed within the Public Works Department. Currently, there is no defined program for environmental enforcement. When illegal dumping is reported to the city or identified by city workers, the solid waste staff will clean up the dumpsite or try to find identifying information in the waste and have the offender or property owner clean the dump. The costs associated with the clean up of the waste, if on private property, will be included on the homeowner's water bill.

Mr. Stump, solid waste manager, reports that illegal dumping is a significant problem in the area and that the city would benefit from a full-time environmental enforcement officer. Additionally, the city would benefit from regional training opportunities, such as education packets for community outreach, teacher training packets, and training on environmental law.

Galveston County Auto Crimes Division

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Mike Mize	Sergeant	1996	8 FTE 3 Reserves	County Auto Crimes Division

The Galveston County Auto Crimes Division (ACD) is charged with investigating automobile theft and “vehicle dumping” in Galveston County. The ACD, which operates under Chapter 683 of the Transportation Code, was established in 1996 through an Auto Theft Prevention Authority Grant from the Texas Department of Transportation.

¹² In 1996, the public works department received a grant from H-GAC to establish a position for an environmental enforcement officer. Although the grant ended, the public works department has continued to combat illegal dumping, even though the formal position for an environmental enforcement officer no longer exists.

¹³ Mr. Stump reports that approximately 10% of the time of each of these three individuals is dedicated to environmental enforcement.



Sergeant Mike Mize, a member of the ACD and a local unofficial environmental task force, reported that the ACD primarily deals with automobiles dumped on private property, empty fields, or yards. These junked vehicles often belong to owners who do not have adequate funds to repair the vehicles. Junked automobiles are also dumped by illegal chop shops in the area. The ACD responds to automobiles that have been abandoned on public property or the roadside for more than 72 hours.

The goals of the ACD are as follows:

- to identify as many junked vehicles as possible
- gain compliance by the individual or business in question

The ACD believes that changing attitudes regarding illegal dumping and automobile crimes is the most effective tool in combating this problem. Sergeant Mize stated that the most effective method to change these attitudes is through sustained educational campaigns and strict enforcement. In the event a vehicle has been abandoned for many years and no title can be found in the vehicle, or the owner has died, the ACD follows the procedure outlined in Chapter 683 of the Transportation Code.

Sergeant Mize reported that one of his biggest challenges is convincing overburdened assistant district attorneys to take environmental cases. Often these cases may lack a great deal of evidence or deals with environmental laws that many assistant district attorneys are often unfamiliar with.

The ACD operates an online database with information on cases that have been investigated. The database includes all automobile crimes including automobile theft and “vehicle dumping”. Sergeant Mize remarked that while some of the information is case sensitive, he is encouraged by the idea of a regional online database and would be willing to share the information that has been collected within their governmental agency. He suggested that area law enforcement be supplied case information forms. These forms would be completed at the discretion of the unit, allowing for any sensitive information to be withheld.

Galveston County Health District - Nuisance Abatement Division

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Garrett Foskit	Nuisance Abatement Officer	1996	1 FTE	County Health District

The Nuisance Abatement Division of the Galveston County Health District has been in charge of environmental enforcement in the county since 1996. The division handles issues related to code enforcement, including illegal dumping abatement. The staff hours devoted to illegal



dumping issues would be equivalent to one full-time position, although the responsibilities are divided among several code enforcement officers.

The materials most commonly dumped include scrap tires, construction and demolition debris, and municipal solid waste. The majority of the illegal dumping within the county is in the unincorporated areas, where the county has not mandated garbage collection in these areas. The division reported that it is unlikely that the county would mandate garbage collection in the near future.

The division coordinates with local cities, including the Cities of Dickinson, Santa Fe, and Hitchcock on nuisance abatement issues and also hosts community clean-up events. At this time, however, there is not a formal public awareness campaign or education program currently in place.

The division reported that they have a good working relationship with the county prosecutors but that the county is backlogged with cases that need to be tried. Therefore, environmental enforcement cases have become a lower priority. **The division would benefit from a circuit rider prosecutor, as long as the fines assessed would remain with the county. Currently, the division assesses between \$20,000 to \$25,000 in fines each year.**

The division reported that they are understaffed in relation to the amount of environmental enforcement needs in the county and would benefit from having a deputy devoted to enforcement activities. They would also benefit from additional training opportunities, public awareness campaign information, and lab testing/sample analyses.

G. HARRIS COUNTY

City of Baytown - Health Department (Neighborhood Protection Division)

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Mike Lester	Director	1997	5 FTE	City Health Department

The City of Baytown houses the environmental enforcement activities within the Neighborhood Protection Division of the Health Department. There are currently five full time employees that perform code enforcement activities. The Neighborhood Protection Division maintains a 24-hour hotline to report nuisances such as illegal dumping and property maintenance issues.

The majority of the illegal dumping problems in the city involve scrap tires, brush and woody debris, construction and demolition debris, household hazardous waste, white goods and car parts. The city offers collection of white goods (however the Freon must be removed first and the appliance “red tagged” by a certified technician, stating the Freon has been removed properly). The city maintains a recycling and junk drop-off center that will accept most waste



other than household hazardous waste and scrap tires for an annual registration fee. However, many residents are unwilling or unable to utilize the drop-off center and continue to illegally dump.

There seem to be several reasons for the continued illegal dumping in the city:

- People from outside the city coming into the city or driving through on the many highways find it convenient to dump in secluded areas near the highways and under the underpasses.
- Refrigerators are dumped because in order to be picked up by the city the Freon must be first properly removed, and certified by a licensed technician.
- An annual fee is charged for use of the city’s recycling and junk drop-off center.
- It may be confusing to the citizens as to what materials are accepted at the drop-off center. For instance, in the drop-off center’s literature it states that building materials are accepted, however, further down in the same paragraph of the brochure it states that concrete masonry, bricks and shingles are not accepted.

The division performs approximately 30 educational presentations per year regarding illegal dumping and nuisance issues and they work with Keep Baytown Beautiful on clean up events. However, the staff reports that they are often working reactively rather than proactively on the illegal dumping problems. Many of the chronic dump sites are located near freeway underpasses and are believed to be from businesses and/or residents from outside the city that have easy access to local freeways and bridges.

The program has not grown much over the past several years and they are hoping that surveillance equipment will make a significant difference in their ability to catch illegal dumpers. They maintain good relationships with the police department but have had few opportunities to interact with the city prosecutors because there have been few illegal dumping arrests. **The division reported that there is a need for additional training opportunities, such as training on environmental law, how to take proper field samples and the chain of custody of the sample, how to track and effectively utilize data on illegal dumping activities, and how to utilize surveillance equipment.**

City of Houston - Police Department (Environmental Investigations Unit)

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Thomas W. Collins	Chief Inspector	1990	15 FTE	Police Department

The City of Houston's Environmental Investigations Unit (EIU) was formed in the early 1990’s. The program began initially with an environmental crime hotline that offered financial rewards to citizens that reported cases of illegal dumping. The success of the program grew steadily over the years and the EIU was able to obtain funding from such



governmental entities as the Texas Commission on Environmental Quality (TCEQ) and H-GAC for personnel and equipment.

The program is located within the Houston Police Department. The program currently has 15 employees devoted to environmental enforcement activities, including six peace officers, six civilian code enforcement officers, one community outreach staff member, and two administrative personnel. The EIU has assisted other programs in the region with investigations when help is requested. For instance, the EIU has assisted Fort Bend County as well as the United States Coast Guard concerning environmental crimes.

The EIU maintains a database that tracks certain information on environmental crimes. This information is used for internal benchmarking purposes as well as for grant reporting requirements for H-GAC. Information tracked by the EIU includes:

- Number of new complaints and total complaints
- Number of cases closed
- Type of charge (Class A, B or C misdemeanor, felony, etc.)
- Type of waste (municipal solid waste, industrial, hazardous, medical, or other)
- Complaints with injury or property damage
- Violators identified or not identified
- Complaints with violation notices given
- Number of summons issued, and arrests, citations
- Number of dumps cleaned (by city or volunteer)
- Number of pounds and cubic yards removed in clean-up
- Costs associated with clean-up

Houston has approximately 100-200 chronic dumpsites that need to be monitored on a weekly basis. There are approximately 200-300 new dumpsites identified every month. The chronic dumpsites are usually comprised of construction and demolition debris, scrap tires, and household hazardous waste. **From the EIU's perspective, the dumping of scrap tires is currently the largest illegal dumping problem in the city.**

Another problem in the city is the dumping and leaking of automobile fluids from commercial businesses such as auto mechanic shops and salvage yards. Historically, this has generated many citizen complaints and therefore the commercial businesses were the first segment of the population that was targeted through community outreach and education efforts. Free seminars on how a business can come into compliance before enforcement measures are taken are provided to the business community. The EIU has found that seminars to business groups and civic groups are the most effective means of educating the public.

The Texas Litter Abatement Act is the piece of legislation most frequently utilized by the EIU. The officers have found the use of city ordinances to be less effective in discouraging illegal dumping because some businesses simply include the cost of citations in their cost of doing business. Another technique the EIU has found to be effective involves the issuance of as many citations as necessary and appropriate at one time. The EIU has issued as many as 30



citations at once and they have found this to be an effective way of discouraging repeat offenders.

The EIU has established a City of Houston Supplemental Environmental Project (SEP) fund as an option for violators. The benefit of the SEP is that the funds received from the offender to settle the illegal dumping charges are channeled back to the community in some form to help combat illegal dumping rather than into the city's general fund. Many times the funds are channeled back into the community in the form of a Brownfield rehabilitation or park cleanup. The EIU has received over \$1.0 million through the SEP program. This SEP is operated and administered by the City of Houston's Special Investigations Division.

The EIU reported that the largest regional problem regarding illegal dumping is a lack of effective and consistent prosecution. The EIU has found, through its serving on the H-GAC Solid Waste Advisory Committee that many rural prosecutors do not have the time to devote to environmental crimes due to heavy caseloads or other priorities.

In order to address this problem, the EIU is supportive of the creation of a circuit rider environmental prosecutor program. This would help alleviate the problem of the lack of effective prosecution and would allow for environmental enforcement expertise to be devoted to the problems in rural areas that do not have enough prosecutors. **Another effective solution would be to establish a regional environmental court. The circuit rider and regional court would provide uniform enforcement of the Litter Abatement Act throughout the region.**

City of Pasadena – Planning and Development Department (Environmental Enforcement Task Force)

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Lloyd Hatley Sarah Metzger	Officer Engineer	2002 ¹⁴	6-12 FTE ¹⁵	City Planning and Development Department

The City of Pasadena has implemented a task force approach to environmental enforcement. The city's task force consists of representatives from various city departments, including police, fire, health, planning, and engineering. The task force was provided a budget for the 2002-03 fiscal years and was placed under the city's planning and development department.

The task force has an office with an administrative assistant that will begin to keep records on inspections and investigations. The planning department has ARC View/GIS that can map

¹⁴ 2002 marked the beginning of the City of Pasadena's Environmental Enforcement Task Force.

¹⁵ The membership of the task force varies from 6-12 representatives of the different city departments depending on the type of investigation.



complaints, which assists the city in tracking problem areas. By October 2003 or early 2004, the task force will have the tracking computer system on line.

The priority of the task force is to educate the community about illegal dumping and the environmental laws of Texas. They have found that residents and businesses in the community do not know about the law as it relates to illegal dumping. There is a hot line which citizens can call and lodge complaints. However, because the community is not educated on these issues, the task force receives few citizen complaints. The public outreach includes presentations to local citizens, the police academy, code enforcement officers, neighborhood associations, schools, and community organizations.

The mayor is actively involved in the campaign to educate the public about illegal dumping issues and has received free publicity via the local news media. The task force has developed videos for schools and will have a segment on illegal dumping on the local municipal television channel. Bilingual informational flyers have also been produced and distributed to accommodate the large Spanish speaking population.

The task force has worked hard to maintain a good relationship with the city prosecutors and there is now a city attorney on the task force. They have historically prosecuted individuals using city ordinances but will now also be prosecuting under state law. Currently, the city's system is structured in such a way that a violator cannot simply pay a fine for illegal dumping, but must show up in court to resolve the violation.

It was mentioned during the interview that the largest illegal dumping challenges currently facing the city are from the illegal disposal of materials by commercial businesses. For instance, there has been a problem with auto-mechanic shops dumping scrap tires. Dumping of concrete and construction and demolition debris is also a problem. Finally, there is a problem with landscapers and tree trimmers that illegally dump brush and woody waste.

Because the task force is a new environmental enforcement program, they have stated there are several areas that could be improved through regional assistance. The task force believes that it would be beneficial if training on all aspects of environmental enforcement, such as environmental law, investigation techniques, data tracking, and surveillance equipment usage were provided to the members. Additionally, a circuit rider environmental prosecutor could assist the city's attorney in the prosecution of environmental crimes.

Harris County Office of the District Attorney

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Roger Haseman	District Attorney	1991 ¹⁶	3 FTE	District Attorney's Office

The Harris County Office of the District Attorney is responsible for providing criminal legal counsel and representation to all elected and appointed officials in Harris County including members of the commissioner's court, sheriff's department and constable's office. Roger Haseman, Assistant District Attorney, spearheads all criminal environmental enforcement cases brought forth by the county. Mr. Haseman also provides training and technical assistance to smaller communities seeking legal assistance.

Mr. Haseman reported that fines from violators exceed the operational cost of the division, and is a good source of revenue for the county. The proportion of monies that are returned to the county from fines vary with the type and degree of activity of the enforcement officers on a case by case basis. Table 2.1 describes the fee structure in percentages. While these monies all go back to the county's general fund, the point is that the program is generating sufficient revenue to be totally self-sufficient.

Violation	Venue	Percentages
Illegal Dumping	County Court	100% to Local Government
Illegal Dumping	Municipal Court	100% to Local Government
Environmental Crime OR Environmental Crime ¹⁸	District Court	50% to County 50% to State
	District Court	75% to County 25% to County

The office of the district attorney reported the most substantial obstacle in the prosecution of violators is a deficiency in the number of judges who are willing to hear environmental enforcement cases. Mr. Haseman attributes this to a fear of an unfamiliar subject matter or a belief that environmental cases are quasi-civil.

Mr. Haseman believes the most immediate need is the development of a circuit rider environmental prosecutor program for the region. A circuit rider would need to be sworn in as a **Special Prosecutor** in every participating county. Mr. Haseman suggested the circuit rider's salary and support costs be funded by participating counties and a multi-year grant from H-GAC. After the grant expires, other funding mechanisms would be explored, such as

¹⁶ In 1991, Mr. Haseman was appointed Chief of the Environmental Crimes Division, however, environmental crimes have been prosecuted in Harris County since the early 1970's.

¹⁷ This is after "court costs" are subtracted from the fines, penalties, etc.

¹⁸ Scenario 2 may only occurs if the County exhibits more work during the investigation and prosecution of offenders than the state.



a service fee charged to each county based on participation in the program. Mr. Haseman suggested that the circuit rider be housed at the Harris County Office of the District Attorney, since it is centrally located and one of the most active in the region with regard to environmental enforcement activities.

The Office of the District Attorney considers the creation of a regional environmental enforcement court a priority for H-GAC region. The creation of a court would require the passage of a bill at the State Legislature. Mr. Haseman noted that El Paso County District Court No. 1, the state’s only environmental court, could be used as a template when drafting legislation. **Mr. Haseman suggested that since the penalties for illegal dumping were increased from misdemeanors to felonies, the court should be permitted to hear both misdemeanor and felony cases.**

Harris County Attorney's Office

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Cathy Sisk	County Attorney	1991 ¹⁹	3.5 FTE	County Attorney’s Office

The Harris County Attorney's Office (HCAO) is charged with providing primarily civil law legal counsel and representation to all elected and appointed officials in Harris County, including members of the commissioner’s court, sheriff’s department, and constable’s office. Ms. Cathy Sisk, the Environmental Division Chief, oversees the civil environmental enforcement cases brought forth by the county. The HCAO works with the county rather than cities because cities usually handle civil matters within the city’s municipal court system.

Illegal dumping cases are usually criminally prosecuted because civil injunctions may not be as effective in discouraging repeat offenders. However, one benefit of civil prosecution is that the process for filing several violations at once is more simple and streamlined than with criminal prosecution. Because many of the illegal dumping cases are handled through criminal prosecution rather than civil prosecution, a majority of the cases are sent to Mr. Roger Haseman, in the Harris County District Attorney's Office. The county district attorney's office enforces state law for both municipalities and the county.

The HCAO receives many of its illegal dumping environmental enforcement referrals, totaling approximately 15 cases per year, from Harris County Pollution Control. The HCAO has 3.5 attorneys devoted to environmental crimes, including water code violations. In an attempt to assist other rural counties with the preparation of the necessary documents for effective environmental enforcement activities, the HCAO has provided sample filings that may be viewed and downloaded from the Texas District and County Attorney's Association's

¹⁹ Ms. Sisk has been working at the County Attorney’s Office since 1991, however, Harris County has been prosecuting civil cases involving environmental violations since the inception of the Clean Air and Clean Water Acts of the early 1970’s.



web site at http://www.tdcaa.com/lrd/sresults_lrd.asp. The environmental forms provided on the site include:

- Commissioner Court Order Authorizing Suit
- Court's Temporary Injunction
- Nuisance Odor Agreed Judgements
- Nuisance Order Petition
- Sewage Case Agreed Judgement
- Solid Waste Petition

The HCAO believes that a key to increasing the effectiveness of environmental enforcement would be to provide training to peace officers through the police academy. Additionally, the HCAO believes that the creation of a circuit rider environmental prosecutor may be an effective means of empowering rural counties to address their illegal dumping problems.

Precinct 3 Constable's Office (Environmental Enforcement Division)

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Ted Heap	Captain	1994	8 FTE	Constable's Office

The Environmental Enforcement Division (EED) is located within the constable's office of Harris County Precinct 3. There are eight constable precincts in the county and they have the same authority as the sheriff's department. The EED has been in existence since 1994 and maintains a staff of seven investigators led by Captain Ted Heap.

The EED provides environmental assistance to and coordinates investigations with numerous entities involved in environmental enforcement, including the other constable precincts, county sheriff, Harris County Flood Control, and Harris County Health Department. The EED also works very closely with Texas Parks and Wildlife and they often times share personnel, services, and equipment. The investigators in the EED are well trained and are often commissioned to conduct training seminars on environmental enforcement activities throughout the state.

The EED reports that the prioritization of environmental enforcement varies greatly according to precinct. For instance, while Precinct 3 is extremely active with regard to environmental enforcement, very few of the other precincts in Harris County take as proactive of an approach.

The EED reports that there is a significant need for environmental enforcement training within the H-GAC region. Although there are some opportunities for training in the region, including workshops sponsored by the Texas Environmental Law Enforcement Association (TELEA) and the Texas Commission on Environmental Quality, staff turnover in many of the local environmental enforcement programs is high and therefore there is a strong need for



ongoing training. **The EED has suggested that there should be a mandatory 8 to 16 hours of environmental law study included in police academy curricula.**

The EED reports that there is also a significant need for a more accessible means of obtaining lab testing and analysis of samples taken from illegal dump sites. It is estimated that approximately 10 to 20 percent of investigations require a lab analysis. The analysis is important because it tests for various contaminants that result from illegal dumping, such as used motor oil contamination, or for water code violations from malfunctioning septic tanks. The lab analysis is needed for municipal solid waste illegal dumping because there is usually a mix of materials in a dumpsite, such as motor oil and/or hazardous waste. **The lab analysis results are necessary to convict under the Texas Used Oil Collection, Management and Recycling Act, Chapter 371 of the Texas Statutes Health and Safety Code.**

Currently, the EED sends samples to Harris County Pollution Control’s lab for analysis but there is a limit to the types of samples that can be sent over for testing due to funding constraints. The EED reports that it would be a huge benefit to have a place to send lab samples. A regional lab would ensure a proper chain of custody of the samples, allow rural counties access to testing facilities, and provide consistent accessibility to sampling services.

The EED also reported that there is a need for more comprehensive communication among the various environmental enforcement programs within Harris County as well as within the region as a whole. Illegal dumpers and companies that conduct environmental crimes are mobile and travel from county to county and a more convenient and structured means of sharing information may be a valuable method of stopping repeat offenders.

Harris County Pollution Control Division

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Patrick Pendleton	Solid Waste Supervision	1971	3 FTE	County Public Health Services Department

Harris County Pollution Control Division is a division of the Harris County Public Health Services Department. The division consists of 20 investigators that are cross-trained to investigate air, water, and solid waste pollution complaints. Three of the 20 investigators are full-time solid waste investigators, but the majority of the division's investigators deal with water violations.

The division has an in-house lab that perform test samples of water and soil for investigations and for evidence in court cases. They often perform laboratory analyses on behalf of the environmental enforcement division of the constable's office. Cases investigated through the division are often turned over to the Harris County Attorney's Office for prosecution. The



division has a very professional and effective working relationship with the Harris County Attorney's Office.

The division does not currently have a formal data tracking or community outreach program. Because there is a high rate of staff turnover, ongoing environmental enforcement training is a need for the division. They report that once staff is thoroughly trained in the law and enforcement issues, they are recruited by other entities.

H. LIBERTY COUNTY

City of Cleveland – Office of City Inspector

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Mr. John Davis	Inspector	2002 ²⁰	1 FTE	City Inspector's Office

The City of Cleveland's environmental enforcement efforts are housed within the Office of the City Inspector. The program has been in existence for approximately three years. The program has received increased attention and support for illegal dumping efforts in the last year from various elected officials.

The majority of the illegally dumped material consists of junked vehicles, municipal solid waste, and scrap tires. In November 2002, the city identified 83 junked vehicles and has made significant efforts in the clean up of this problem. The city reports that while the vehicles were removed from within the city, it is suspected that many of the vehicles were illegally dumped in unincorporated areas of Liberty County.

The city enforces its environmental regulation under Chapter 343.011 Subchapter B of the Health and Safety Code. The city also enforces its own nuisance ordinances. The city has found the ambiguity of these sections provides a great deal of latitude in the enforcement of illegal dumping and public nuisance acts.

Presently, identification and capture of individuals caught in the act of dumping are the most significant challenges the city faces. The city has been unable to provide funding for the purchase of surveillance equipment or other equipment necessary to investigate illegal dumpers.

The city requires a mandatory collection of garbage throughout all incorporated areas of the city. Mr. John Davis, code enforcement officer, explained that this service provides an easy outlet for citizens and businesses to dispose of their trash legally.

²⁰ In June 2002, Mr. Davis was hired as city inspector and was charged with environmental enforcement for the city. Previously, environmental enforcement had been handled by the police department.

Mr. Davis fully supports the funding of a circuit rider environmental prosecutor as well as the establishment of a regional environmental court. In addition, Mr. Davis is in favor of an educational campaign for residents of the City of Cleveland and Liberty County on the dangers and penalties associated with illegal dumping.

County Constable's Office - Precinct 6

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Royce Wheeler	Constable	2002	1 FTE	Precinct 6 - Constable's Office

The environmental enforcement measures in Liberty County are maintained within the Liberty County Constable's Office - Precinct 6, under the direction of Constable Royce Wheeler. The environmental enforcement officer is Officer Ray Bowen who started in this position when it was created in September 2002. The environmental enforcement officer handles all illegal dumping and septic facilities complaints in Liberty County. Officer Bowen has attended Southern Environmental Enforcement Network (SEEN) and Texas Environmental Law Enforcement Association training and is very active in illegal dumping investigations. Although no grant money has been previously allocated to fund this program, the constable's office plans to apply for grant funding from H-GAC in FY 2004.

The county estimates that there are 2,000-3,000 illegal dumpsites in the county. They include 200-300 illegal scrap tire dumpsites, and various quantities of junked vehicles, construction and demolition debris, white goods and municipal solid waste. The constable's office has yet to participate in any aerial or watercraft surveillance of the county. Officer Bowen believes that once these alternative methods of investigation are employed, more illegal dumpsites will be identified.



Citizen collection stations provide a viable alternative to illegal dumping for citizens living in unincorporated areas of the county

The county operates four citizen collection stations for the collection of solid waste. The citizen collection stations all include a recycling center for the collection of mixed paper and white goods. The constable's office expressed the hope that with the expansion of collection operations and greater educational efforts, illegal dumping will diminish.

Environmental crimes will be prosecuted under the county's nuisance laws however; the county has yet to prosecute any violators. Violators have historically complied with the officer's request after an initial warning or citation. Officer Bowen expects the county to prosecute some large-scale violators in the near future.

The constable's office is very eager to participate in any regional environmental efforts initiated by H-GAC. In the immediate future, the county expressed a need for the training of prosecutors and new surveillance techniques for the prosecution of illegal dumpers. The constable's office is willing to work with other counties on a task force to combat illegal dumping.

I. MATAGORDA COUNTY

County Environmental Health Department

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Ed Schulze	Director	1989	1 FTE	Environmental Health Department

The environmental enforcement activities for the county are housed within the Matagorda County Environmental Health Department. Mr. Ed Schulze is responsible for overseeing the program.

Matagorda County was the recent co-recipient of a \$100,000 grant (U.S. EPA sponsored – Section 319 Funds) that will allow the county and the Lower Colorado River Authority to work together with regard to dealing with illegal dumping, specifically along waterways in Matagorda County. The grant will be used for educational materials, billboards and surveillance equipment.

The primary types of illegal dumping in the county are municipal solid waste and bulky items that are dumped along the side of the road, in creek beds, etc. The dumpers that have been caught in the county are typically dumping for the following reasons:

- Want to avoid the fees associated with legal disposal
- Do not want to spend the time driving to a citizen collection station, etc.
- Unaware of the legal disposal options

If evidence is discovered at an illegal dumpsite that identifies who the illegal dumper is, that person is contacted and told to clean up the illegal dumpsite. The illegal dumper must bring a receipt proving that the waste was properly disposed of at an approved disposal facility. Failure to comply with this requirement will result in a citation being issued and a complaint being forwarded to the justice of the peace's court. Repeat offenders are taken immediately to court. Only one or two cases per year may be filed with the district attorney's office, while the vast majority are filed with the justice of the peace. At this time, the county does not do any real tracking regarding the number of complaints, illegal dumpsites investigated, etc., other than what is recorded in the judicial system if a case is taken to court.



J. MONTGOMERY COUNTY²¹

City of Oak Ridge North - Police Department (In conjunction with Montgomery County Drainage District 6)

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Mr. Andy Walters	Chief	1999	1 FTE	Police Department

The City of Oak Ridge North's Environmental Enforcement Program is charged with combating illegal dumping in the city as well as Montgomery County Drainage District 6 (District). The program was established in 1999 and is funded jointly by the district and the city. Chief of Police, Andy Walters, and Environmental Enforcement Officer, Doug Berry, are located at the City of Oak Ridge North Police Station. Officer Berry has received extensive training from in-state environmental enforcement programs and EPA sponsored training programs.

There are no recurring illegal dumpsites within the City of Oak Ridge North, an incorporated community of approximately 4,000 residents. Although occasional reports of improper oil or paint disposal are received, problems with illegal dumping in the city are very low in comparison to the level of illegal dumping found in the county. Officer Berry attributes this to the good patrol base that the unit maintains as well as the fact that the city has very little undeveloped land.

The majority of illegal dumping in the area occurs within the jurisdiction of the district. This area encompasses 60,000 residents located outside and within the Oak Ridge North city limits. Officer Berry explained that other areas adjacent to the district can be included in his jurisdiction when necessary. This action is justified on the grounds that water flows in and out of the area, and therefore is considered a part of the district.

Illegal dumping in the district consists of white goods, construction and demolition debris, household hazardous waste, household waste, clean woody debris and junked automobiles. The majority of the material can be traced to sources in north Harris County and south and east Montgomery County. Although Officer Berry reports significant strides have been made in the clean up of illegal dumpsites and the prosecution of offenders, many of the impoverished areas still have severe illegal dumping problems. The city also disclosed that much of the hazardous waste has not been tested, due to the enormous costs associated with the testing of hazardous chemicals. Officer Berry is currently exploring various funding mechanisms that would recover the cost of testing.

²¹ Listed in this section are the environmental enforcement programs in Montgomery County, as identified by RS&Y, during the course of this study. To the extent that other programs exist in the county, we were unable to obtain responses to our surveys and phone calls.

The city brought forth a number of suggestions to improve the effectiveness of environmental enforcement programs in the H-GAC region. The city believes the number of U.S. EPA agents that service the Houston region should be expanded. **The city encourages and supports the establishment of a circuit rider environmental prosecutor program to provide training and assistance to local prosecutors.**

The city also supported the establishment of an interagency task force in the H-GAC region. Chief Walters believes that a coordinated effort among many different agencies would create a significant advantage for law enforcement by increasing the pool of knowledgeable resources. **The city recommends the task force include the establishment of a centralized electronic database for the tracking of repeat illegal dumping offenders who illegally dump material in different parts of the H-GAC region. Officer Berry considers the sharing of information the most important component to a successful coordinated effort to combat illegal dumping.**

Montgomery County – Office of Emergency Management

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Jim Strong	Coordinator	1995	3.8 FTE ²²	Office of Emergency Management

The environment enforcement activities in Montgomery County are housed within the Montgomery County – Office of Emergency Management. Located in the county judge’s office, the program has recently centralized in October 2002, although environmental enforcement has been ongoing since 1995. Mr. Jim Strong, emergency management director acts as coordinator for environmental enforcement efforts in the county. The county currently has 3 environmental enforcement officers with the potential for a fourth.

The county centralized its environmental enforcement efforts after they received a \$400,000 grant over 4 years from H-GAC, which will aide in consolidating all environmental enforcement efforts in the county. Mr. Strong believes that a centralized effort will foster a more successful environmental enforcement program.

Mr. Strong reported that there are approximately 6 major active illegal dumpsites in the county, and roughly 6 new dumpsites are discovered each year. The magnitude of the dumping centers on construction and demolition debris derived from the many new communities in Montgomery County as well as clean woody debris originating from land clearing operations throughout the county.

²² 3.8 FTE includes 3 full-time environmental enforcement officers, as well as Mr. Jim Strong and Mr. Pat Buzbee who dedicate approximately 40% of their time toward environmental enforcement.



To track illegal dumpsites the county instituted an electronic database tracking system in 1998 located in the Montgomery County Environmental Health Department under the direction of Mr. Pat Buzbee. This has resulted in a more active environmental enforcement campaign and allowed law enforcement officers to track repeat violators and chronic illegal dumpsites.

Mr. Strong also noted that often investigations cross over county lines into San Jacinto and Waller Counties. To solve the issue of cross-jurisdictional constraints that may inhibit investigations of illegal dumping, the county has created an intergovernmental agreement which gives the participating counties the power to cross jurisdictional boundaries to pursue violators.

The county expects to establish a centralized illegal dumping hotline or website in the near future where citizens can report incidents of illegal dumping. **Mr. Strong is very supportive of a regional hotline or website for the H-GAC region as well.**

Mr. Strong soundly supports the establishment of a circuit rider prosecutor and would like to see that individual provide assistance in both civil and criminal cases. County prosecutor activity in environmental violation cases is limited and he believes that the circuit rider could be a real asset for the county prosecutors.

County Constable’s Office - Precinct 3

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Tommy Gage	Constable	2000	2 FTE	Precinct 3 – Constable’s Office

The Montgomery County Precinct 3 Constable’s Office has been actively involved in the enforcement of environmental crimes for approximately two years. Officer Tommy Gage oversees the precinct’s efforts, who reports directly to Constable Tim Holifield.

This area has suffered from the illegal dumping of construction and demolition material generated from the rapid growth and associated construction that has occurred in the Woodlands during the past ten years. Officer Gage has seen a significant decline in the amount of illegal dumping in Precinct 3. He attributes the decline to the urbanization of the area and policies mandating builders to maintain an onsite roll-off dedicated to construction waste material storage.

Officer Gage has worked with The Woodlands to clean up illegally dumped hazardous materials and municipal solid waste. Officer Gage has also worked with the TCEQ and the Attorney General’s Office on the Isaiah Thomas illegal landfill investigation, prosecution and clean-up. Officer Gage stated that each precinct has jurisdiction over illegal dumping offenses that occur only within their specific precinct, making it difficult to elicit help from other constables in the county.



Officer Gage records each infraction and creates a file on each dumper. Precinct 3 reports approximately twelve citations for illegal dumping each year. The biggest challenge in pursuing illegal dumpers has traditionally been finding the necessary evidence at the illegal dumpsite. The constable's office currently has not established any educational or public outreach campaigns.

The majority of environmental cases are taken before the justice of the peace or handled via voluntary compliance. Since illegal dumping is not viewed as a serious problem within Precinct 3, the goal of the constable's office is compliance and education concerning the law. The problem with this approach is that it has thus far not proved to be a very effective strategy in deterring the amount of illegal dumping occurring within the county. Officer Gage remarked that the clean up success rate is extremely high after the first citation.

Officer Gage strongly supports the training of prosecutors with regard to environmental law. He reported that the district attorney's office in Montgomery County is not fully cognizant of all the laws and resources available in seeking compliance with regard to environmental offenses.

K. WALKER COUNTY

County Environmental Enforcement Division

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Tom Olenik	Officer	1996	1 FTE	Planning and Development Department

Established in 1996, The Walker County environmental enforcement program is housed in the planning and development department. Officer Tom Olenik investigates illegal dumping and



Officer Tom Olenik investigates an illegal dumpsite in Walker County.

on-site sewage facilities (OSSF) violations throughout the county. Officer Olenik has received training from the Texas Environmental Law Enforcement Association, Texas Commission on Environmental Quality, Keep Texas Beautiful, and H-GAC conferences.

The majority of the cases that Officer Olenik pursues are Class C misdemeanors, which are tried in justice of the peace courts. These cases involve illegal dumping of construction and demolition debris, junked vehicles, scrap tires, and household waste. Officer Olenik has had very few Class A misdemeanors or felony violations. Officer Olenik reports there are few

cases that involve repeat offenders.

The major concern with regard to environmental enforcement efforts in Walker County is the bottleneck that is experienced when prosecuting violators. Officer Olenik reported that overburdened assistant district attorneys cannot take environmental crimes seriously due to higher profile murder and rape cases. Walker County also experiences a high turnover rate among prosecutors and judges leading to continual retraining of new individuals. Finally, Officer Olenik cites few judges are willing to hear environmental cases.

Officer Olenik also mentioned what he perceives as a lack of cooperation between law enforcement within the county and regional environmental enforcement efforts. **He believes that a regional on-line database is greatly needed to assist in the prosecution of repeat offenders and extreme cases of illegal dumping.**

In 1998, Walker County, in association with Montgomery County, developed a Supplemental Environmental Project (SEP). Walker County uses the SEP for the purpose of funding soil testing in criminal investigations. During the interview it was mentioned that the county will be investigating the feasibility of creating a SEP for Walker County only.

The idea of a circuit rider prosecutor is very appealing to Officer Olenik. He believes that a prosecutor with familiarity on environmental issues is needed for the successful prosecution of these cases. He is also very receptive to the idea of a regional court.

L. WALLER COUNTY

County Sheriff's Office

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
John Kremmer	Lieutenant	1994	N/A	County Sheriff's Office

Environmental enforcement is administered through the Waller County Sheriff's Department under the direction of Lieutenant John Kremmer. Although no officer is specifically dedicated to environmental cases, responsibility rests with each of the 14 deputies in the sheriff's department. Traditionally, illegal dumping has not been a major problem in the county. Unfortunately, as urban sprawl affects Waller County and surrounding communities, illegal dumping is becoming a greater problem in the area.

The sheriff's department reports that the illegal disposal of household hazardous waste, construction and demolition debris, junked vehicles, and scrap tires are the most common forms of dumping. They believe most of the HHW comes from residences within the county, while the construction and demolition debris can be traced to sources in Harris and Brazoria Counties. A majority of these cases are isolated, yet some large dumpsites still exist within the county.



The majority of cases originate from complaints by residents. Citizens are urged to call the sheriff's dispatch number, which is available 24 hours a day. All cases of illegal dumping are stored electronically on the county's database and can be accessed by any law enforcement officer in Waller County.

The sheriff's department has experienced the greatest difficulty in the clean-up of junked vehicles. Many dumpers are willing to comply with the inexpensive and easy clean-up of municipal solid waste and construction and demolition debris, however, junked vehicles are expensive to remove and dispose of properly. Many junked vehicle cases are investigated until compliance is achieved.

The main goal of the environmental enforcement efforts in the county is to gain compliance, and not to bankrupt an individual for their mistakes. Many illegal dumping cases are not brought to court and fines are rarely levied. Instead, deputies will work with the individual or small business to make sure the area is cleaned up.

Although Waller County has a very supportive and helpful district attorney's office, they are often over burdened with other cases. The district attorney's office has sought the expertise of Harris County Assistant District Attorney, Roger Haseman. **Lieutenant Kremmer believes that a circuit rider prosecutor would be beneficial to Waller County in order to ease the burden and provide technical assistance to local prosecutors.**

M. WHARTON COUNTY

County Constable's Office

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Mark Somer	Deputy Constable	2002	1 FTE	Precinct 2 – Constable's Office

The environmental enforcement activities for Wharton County are located within the constable's office and are handled by Deputy Constable Mark Somer. Deputy Constable Somer took over the duties of environmental enforcement in the county in February 2002. The environmental enforcement activities were previously located within the sheriff's department but were moved to the constable's office in February 2002. Because he has only been active in environmental law enforcement for approximately one year, he is just beginning to learn how to investigate environmental cases, etc.

The constable's office was recently awarded a grant from H-GAC in 2003 which will be used to purchase a laptop computer and new truck for Deputy Constable Somer to use in carrying out his duties and responsibilities. During 2003, the primary goal of this program will be to increase education within the schools so as to raise the awareness of proper disposal of waste,



versus illegally dumping it along the side of the road. Support from the commissioner's court is very strong with regard to this program, despite a tight county budget.

Typical wastes discovered at illegal dumpsites are household waste and white goods. Another common complaint is junked vehicles on private property.

For cases that Deputy Constable Somer pursues as a Class C Misdemeanor, he will take care of filing the case and do all of the paperwork himself. If it is a Class B or higher, he will then



involve the county prosecutor. If the case is handled through the justice of the peace's court, the fines are typically handled like a speeding ticket (i.e. the fine is paid, and that is the end of the case). Deputy Constable Somer files most of his cases with one specific justice of the peace since he is tougher in handing out the punishments. In these instances the fines typically are handled in the following manner:

Construction and demolition debris, like the steel above, are often illegally dumped in the H-GAC region

- If the illegal dumper cleans up the waste: \$150 fine and 8 hours of community service.
- If the illegal dumper does not clean up the waste: \$250 fine and 12 hours of community service.

Deputy Constable Somer made a series of recommendations with regard to environmental enforcement:

- He would like to see the implementation of a program that would provide a **circuit rider** so he could take cases to someone that would deal exclusively with environmental crimes.
- Deputy Constable Somer would like to see a **regional task force** that would provide resources, such as laboratory testing and investigators that could provide their expertise with regard to "complex" investigations.
- He would also like to receive **additional educational materials** that he could use in his public awareness campaigns, public speaking events, etc. within Wharton County.

N. OTHER ENTITIES

Texas Parks and Wildlife Department – Environmental Crimes Unit

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Grahame Jones	Sergeant Game Warden	1992	6 FTE	Texas Department of Parks and Wildlife

Sergeant Game Warden Grahame Jones heads the Environmental Crimes Unit (ECU) for the Texas Parks and Wildlife Department. The ECU primarily aids local law enforcement's efforts to combat hazardous material, air and water pollution in the H-GAC region and across the state.

Established in 1992, as the Environmental Crimes Task Force (ECTF), the program was renamed the ECU in 1998. Since that time, the ECU has taken a more active role in environmental enforcement. Currently, the ECU has six full time officers who cover the entire State of Texas.

In the past, the ECU has worked primarily with law enforcement divisions involved in commercial and industrial pollution of the waterways. The ECU does not take an active participation in civil investigations; therefore all cases are exclusively criminal.

The ECU also investigates large illegal dumpsites, which comprise less than five percent of their caseload, and total approximately 25 cases per year. The ECU has assisted local governments with cases involving the dumping of hazardous materials, scrap tires and asbestos. Game Warden Jones explained that he acts as a resource for other law enforcement agencies by providing information on methods to catch and prosecute illegal dumpers.

With regard to public outreach, the ECU members speak to neighborhood associations on how to report illegal dumping, conduct presentations for school age children on Earth Day, and provide seminars for businesses on the economic implications of environmental crimes.

Sergeant Game Warden Jones reported that in his opinion the most serious problems for environmental enforcement exist in the lack of funds for laboratory testing costs. Since costs associated with sampling are substantial, it is necessary for many local governments to search for alternative funding sources. The ECU relies on SEP funds to pay for these tests, but Mr. Jones remarks that many smaller governments do not have these funding mechanisms.

The ECU recommends that communication between law enforcement divisions be increased and training and education efforts be enhanced. The organization of an official regional task force and uniformity of police band frequencies could be implemented to improve communications. Game Warden Jones reports that there is currently an unofficial

group of environmental officers in the H-GAC region who work together on environmental crime cases.

Game Warden Jones believes that many environmental enforcement officers would also attend regional training programs such as Texas Environmental Law Enforcement Association (TELEA) and Southern Environmental Enforcement Network (SEEN) in order to become more familiar with methods to combat environmental crimes.

Game Warden Jones was very receptive to the idea of a regional database to store information on violators. He explained that sharing information across county lines would be invaluable to rural counties, since many violators continually cross county lines to illegally dump.

The ECU was also in favor of an increase in the number of prosecutors in the area who are familiar and willing to take environmental cases. **The idea of a circuit rider prosecutor and environmental court would address many problems associated with the prosecution of environmental violators.**

Texas Commission on Environmental Quality (TCEQ) – Region 12

Contact	Title	Approximate Start Date of Program	Number of Staff	Location of Program
Marsha Hill	Waste Section Manager	1993 ²³	3.5 FTE	Region 12

The TCEQ is charged with investigating and enforcing compliance regarding permitted solid waste facilities as well as providing technical assistance to local environmental enforcement programs upon request. The TCEQ’s role in the investigating of environmental enforcement violations was diminished considerably approximately six to eight years ago when the Texas Legislature created the solid waste coordinator position within the twenty-four councils of governments.

Since 1999, the TCEQ has primarily been involved in only large-scale illegal dumping violations. These investigations are handled from an administrative standpoint (i.e. before the State Office of Administrative Hearings), with civil penalties if the suspect is convicted. This process is lengthy and in the event that concurrent investigations by local law enforcement exist, the TCEQ may suspend their administrative investigation in favor of a criminal case.

Drawbacks to an administrative investigation of illegal dumping include:

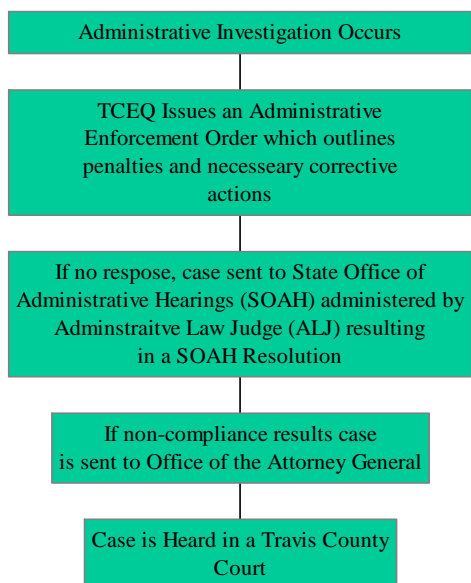
- A lengthy adjudication process ranging from six months to two years if sent to the Office of the Attorney General.

²³ Prior to the creation of the Texas Commission on Environmental Quality, all solid waste investigations were handled by the Texas Department of Health.



- The process is only successful if the respondent is willing to engage in discussion.
- The process usually works best with permitted facilities with minor environmental violations.

Administrative Hearing Process : Texas Commission on Environmental Quality



Since investigations initiated by the TCEQ are rare, involvement is limited to cases involving the Texas Environmental Crimes Task Force (TECTF)²⁴, in which the TCEQ staff serves as a technical resource during the investigation. The TCEQ staff frequently acts as an expert witness or fact witness in illegal dumping hearings.

The TCEQ staff also co-chairs the TECTF and acts as a coordinator for all illegal dumping investigations that the TECTF is involved in. The participating state agencies team up with the U.S. Attorney's Office, the U.S. Environmental Protection Agency, and the Federal Bureau of Investigation obtaining and analyzing samples, conducting inspections, and performing other functions necessary to support local criminal investigations and prosecutions.

²⁴ The TECTF is comprised of individuals from the Houston Police Department, Austin Police Department, Defense Criminal Investigative Service, El Paso County Attorney's Office, FBI, LCRA, NASA-Office of Inspector General, Naval Criminal Investigative Service, Office of the Texas Attorney General, Office of the Governor, Texas General Land Office, TCEQ, Texas Parks and Wildlife Department, Texas Railroad Commission, Travis County District Attorney's Office, U.S. Army Criminal Investigation Division, U.S. Attorney's Office, U.S. Coast Guard Investigation Service, U.S. Customs Investigations, U.S. Department of Justice, U.S. Department of Transportation, U.S. Environmental Protection Agency, U.S. Fish and Wildlife, and the U.S. Postal Service, Office of the Inspector General.



The TCEQ has the capacity to take reports of environmental violations through four different means of communication:

- Emergency response hotline
- Twenty-four hour complaint hotline
- Contacting the TCEQ regional office directly
- Online via the TCEQ website

The emergency response number is limited to situations that require immediate assistance such as a hazardous material spill. The complaint line encompasses a much broader spectrum of lower priority environmental problems. The TCEQ has an intake operator for environmental crime reports received during regular business hours. The TCEQ has also established an online intake page on the TCEQ website (<http://www.tceq.state.tx.us>) for those who wish to report illegal actions online. All illegal dumping cases are referred to the local law enforcement entity in that area.

II. REGIONAL PROGRAM DESIGN ISSUES

RS&Y has identified a number of key criteria which are essential to the development and operation of a successful regional environmental enforcement program. These characteristics are drawn from research, interviews with environmental enforcement officials and knowledge in the field of illegal dumping. Each topic discusses background information, suggested solutions including feedback from environmental enforcement officials and case studies from around Texas and the nation, and implementation strategies and concerns that directly pertain to the H-GAC region.

The topics discussed in “Illegal Dumping: A Regional Approach to Environmental Enforcement” are intended to complement both H-GAC’s *Solid Waste Management Plan for the H-GAC Region, 1992-2012, 2002 Amendment* and TCEQ’s *Solid Waste Management in Texas: Strategic Plan 2001-2005*. In addition, this study complies with all of the TCEQ’s requirements for the development of a technical study, as described in 30 Texas Administrative Code, Chapter 330, Subchapter O.

A. CIRCUIT RIDER PROSECUTOR

Background Information:

Currently, there is a shortage of well-trained prosecutors who are familiar with environmental laws in the H-GAC region. Environmental laws that govern these cases are very different from the cases that prosecutors normally handle in court using the criminal code. Therefore, these environmental cases require a special understanding and knowledge that most prosecutors do not currently possess.

Law enforcement officials have reported that one of the most common obstacles they encounter in prosecuting violators is in the court system. They believe that many cases are ignored or abandoned by prosecutors. The three most typical reasons that were identified by law enforcement officials are:

- Prosecutors are not knowledgeable in environmental law.
- Prosecutors have a full workload.
- Prosecutors feel that more serious offenses should be given a higher priority.

The study also showed the problem is more significant in rural areas. Law enforcement officials in Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton Counties reported that the effective prosecution of illegal dumpers could be improved.

Suggested Solutions:

The establishment of a circuit rider prosecutor for the H-GAC region could serve as a potential solution that addresses many of the concerns law enforcement officials have expressed.

The circuit rider program would benefit all counties in the H-GAC region, especially the predominately rural counties that lack prosecutors with expertise in environmental law. An increase in the number of convictions and cases tried could be expected as a result of a circuit rider program.

The circuit rider prosecutor could also potentially be available to train law enforcement staff and local prosecutors on environmental enforcement law and investigation techniques.

Implementation Strategies:

The implementation of a circuit rider prosecutor would require several immediate and long term commitments by local governments and H-GAC.

RS&Y has identified several steps that are necessary to establish a circuit rider program in the H-GAC region.

Step 1 - The circuit rider prosecutor would need to obtain a “special prosecutor” license from each participating county. This license allows the circuit rider special standing for cases involving illegal dumping.

Step 2 - Funding of the position would need to be addressed. Grants from the Office of the Governor’s Criminal Justice Division²⁵ or H-GAC could be obtained to assist in the funding of this position. Collection of fine monies could also be used to offset some of the costs associated with this program.

Step 3 - RS&Y recommends the circuit rider prosecutor be housed in the Harris County District Attorney’s Office. The Harris County District Attorney’s Office is centrally located and currently maintains several active attorneys knowledgeable in cases involved with illegal dumping.

²⁵ For example, The El Paso County Environmental Prosecutor is partially funded by a grant from the Office of the Governor – Criminal Justice Division.

B. ENVIRONMENTAL COURT

Background Information:

Law enforcement officials and prosecutors have at times expressed frustration with the judicial system's treatment of environmental crimes. Many officials describe the court system in the H-GAC region as overloaded with a heavy backlog of cases.

The inability of the courts to respond to increases in the number of illegal dumping cases handled by prosecutors has led to fewer convictions and few cases being sent to trial. Environmental enforcement attorneys and officers attribute the judges' inexperience in environmental cases as one of the most significant challenges in achieving illegal dumping convictions.

Suggested Solutions:

Several communities in the United States have been successful in establishing environmental courts that only deal with environmental crimes. In other parts of the country, these courts have proven successful in reducing illegal dumping for several reasons. These reasons include that judges and prosecutors know the applicable environmental laws and can recognize repeat offenders.

Benefits from operating an environmental court can include the following:

- Enforcement personnel become more active in the enforcement of environmental crimes as there is a greater likelihood that their efforts will result in a conviction.
- Enforcement personnel can be more effective in the field, as they know that the environmental court can ultimately "back-up" any requests for compliance.
- Provides an opportunity for multiple cities and/or counties to coordinate efforts to enforce environmental crimes.
- Penalties can be enforced on a consistent basis and with a purpose of reducing future illegal dumping through fines and/or jail time.
- Provides an opportunity to focus on compliance from offenders in terms of cleaning up illegal dumpsites.

The concept of an environmental court is similar to the purpose of establishing other types of specialty courts such as for traffic and juvenile crimes. In fact, the American Bar Association has recognized environmental courts as a court of specialty.

The City of Memphis and Shelby County established the first environmental court in Memphis, Tennessee through a coordinated effort. This court has served as a model for the more than 25 environmental courts that have been established in the United States to date. The court will hear cases involving the following issues: housing, fire, building inspections and health (illegal dumping). Key features of the Memphis/Shelby County court is that

enforcement personnel from various departments such as code enforcement, building inspections, fire and police coordinate efforts to improve their effectiveness. In addition, they have a computer database system in place to help identify repeat offenders and to track locations with chronic illegal dumping problems. Steps used to establish the Memphis/Shelby County court included the following:

1. Identify a judge who will serve as the judge for the environmental court.
2. Identify a prosecutor(s) who will serve as the prosecutor for the environmental court.
3. Establish a system to channel all environmental crime cases to the environmental court. This can be done through the use of an effective operating computer system.
4. Ensure that enforcement personnel understand the purpose, function and procedures of the environmental court

To establish one or more environmental courts in the H-GAC region, local governments will need to determine whether it would be more effective for cities and counties to establish a joint court or develop separate courts. For example, there could be a single court for all (or many of the) cities in Dallas County. In other parts of the region, several counties could coordinate efforts to create a single environmental court.

El Paso County, Texas – District Court No.1 – In 2001, the Texas State Legislature passed House Bill 1979 that designated two new courts in El Paso County, designating District Court No. 1 as the county’s environmental court. Ms. A.M. Cristina Viesca-Santos, Assistant County Attorney, at the county attorney’s office acts as the environmental prosecutor. The environmental prosecutor is a position funded by the county and through a four-year grant by the Office of the Governor – Criminal Justice Department.

Ms. Viesca-Santos reports that she has received a great deal of support for her efforts to combat illegal dumping, and believes that more courts of this nature should be dedicated to environmental enforcement. She suggests that any court dedicated to environmental enforcement be given the authority to rule over criminal cases since heavier penalties are associated with these cases. At present, the court in El Paso County only handles misdemeanor offenses.

Environmental Mediation: Mediation is a form of alternative dispute resolution designed to settle conflicts or legal matters without having to go through a formal legal hearing, trial, etc. The mediation process brings two parties with a dispute before a mediator to discuss the problems and potential solutions of the case. The goal is to reach a settlement that both parties agree is fair.

Advantages of mediation include:

- It is less expensive than a trial.
- It is faster than a trial.
- It keeps cases from clogging up the court system.
- Individuals must agree to a solution they formulate.

Environmental mediation is a unique form of mediation since in most cases the parties to the mediation, and the mediator are all familiar with environmental issues, laws, etc.

Many environmental enforcement programs interviewed by RS&Y reported their goal is to gain compliance and educate the individual to change their behavior. Mediation serves as a means to achieve all of these goals by fostering communication and interaction between the two parties.

Implementation Strategies:

The creation of an environmental court for the H-GAC region would require planning by community leaders and environmental enforcement officials as well as political support at the state and local levels.

The largest hurdle in establishing an environmental court would be at the state level. Since an environmental court requires the passage of legislation by the state legislature, sponsorship by an elected official and political support would need to be gained. A copy of the enacting legislation for El Paso County is located in Appendix F.

RS&Y recommends that local governmental officials interested in the potential creation of an environmental court explore the feasibility of establishing an environmental court for the H-GAC region.

C. JUNKED VEHICLES

Background Information:

The illegal dumping of vehicles in communities across the H-GAC region is a problem that many communities are not equipped to handle. These problems stem from a lack of knowledge regarding proper disposal techniques for junked vehicles.

This problem encompasses both rural and urban areas and varies only in degree of severity. Junked vehicles have been reported on both private and public property and require different procedures for the removal and disposal of the vehicles. The damage caused by these vehicles range from decreased property values to potential health and safety issues.

Officers stated that many of the vehicles were abandoned due to mechanical failure. Vehicles are also junked by illegal “chop shops”. These vehicles are very difficult to trace and many of the owners are unable to be located.

Several cities and counties in the H-GAC region described different procedures for the removal of junked vehicles. The entities reported they were unsure of the correct procedure for the removal of junked vehicles.



Junked vehicles, like the one pictured above are often found illegal dumped in vacant lots or open fields.

Suggested Solutions:

The problem with junked vehicles on public and private property can be addressed by greater education of the public and provision of information and training for law enforcement personnel. Increases in education will not only increase the awareness to the public of the dangers and penalties associated with junked vehicles but will bring uniformity in how environmental enforcement personnel pursue this problem.

Implementation Strategies:

RS&Y recommends that information on junked vehicles be included in any information booklet/brochures distributed by H-GAC on illegal dumping. Associating the problem of junked vehicles with other forms of illegal dumping can help individuals realize the hazards of illegally dumping an automobile.

All environmental enforcement officers should be provided information on the proper methods for disposing of junked vehicles, including the proper procedures for removing these vehicles from public and private property.

D. LABORATORY TESTING

Background Information:

Many environmental crime investigations require laboratory testing of unknown substances at the illegal dumpsite. The substances may range from liquids stored in old 55-gallon drums, to soil samples in and around the dumpsite area. This process is very expensive and laboratories qualified to conduct these tests are limited due to the uniqueness of the personnel and equipment required to conduct this analysis.

Since 2001, when the Texas Legislature passed legislation which amended the penal code and health & safety code increasing the penalty for illegal dumping and other various environmental crimes to felony offenses, environmental enforcement programs have increased their efforts to combat this problem.

Unfortunately, environmental enforcement officials report that often they do not have sufficient financial resources to effectively fund the testing of potentially hazardous materials found in the course of the investigation. This is especially true in rural areas where environmental enforcement programs are not as sophisticated as ones in urban areas, and the amounts of dedicated funds are exceeded by the high costs of laboratory testing.

Suggested Solutions:

One option would be to consider the creation of a “block grant” administered by H-GAC which would provide funds to local communities throughout the H-GAC region, with the funds used by the local environmental enforcement programs to pay for testing of samples at a private laboratory. This grant could potentially be administered in a fashion similar to how H-GAC manages funds used to pay for the legal disposal of materials collected at household hazardous waste clean-up events throughout the H-GAC region.

Another option would be to consider the establishment of a regional laboratory for the testing of materials extracted during the course of an environmental crime investigation.

Support for some type of grant funding program for laboratory testing has garnered support from both rural and urban entities as well as support from state entities. These entities recognize that if environmental enforcement is to be a priority in the region, investigators must have all the necessary tools to ensure successful prosecution of criminals. This includes laboratory testing.

Implementation Strategies:

RS&Y recognizes the most important phase in the creation of a laboratory testing program is the establishment of an adequate and equitable funding mechanism, so that all entities in the H-GAC region have the ability to participate. An equitable funding formula for the sharing of these funds would be critical to the success of the program.

RS&Y recommends that H-GAC explore the feasibility of establishing a solid waste grant that would provide funds to all communities within the H-GAC region to be used for funding laboratory testing throughout the region.

E. REGIONAL DATABASE

Background Information:

Environmental enforcement programs in the H-GAC region lack a comprehensive database that would allow all environmental enforcement officers to access one universal database that would list all convicted illegal dumpers in the H-GAC region as well as individuals that were acquitted or are currently under investigation. The benefit of developing a regional database would be that if a person is caught illegally dumping in Wharton County, and then convicted a second time in Liberty County, the level of penalty can be increased for the second conviction. Fragmented efforts by many entities at various levels of government without the means to cooperate and coordinate efforts prevents the establishment of a successful regional campaign to combat illegal dumping.

Past illegal dumping studies by RS&Y, and interviews conducted for this study, revealed that illegal dumpers may move their illegal dumping activities from one region to another if it is found that environmental enforcement in the first region has increased. Illegal dumpers are aware that communication or cooperation rarely occurs between various governmental entities, therefore if they are caught in one county, their illegal dumping record will not “follow them” from one county to another.

Suggested Solutions:

A regional database could be designed to track all illegal dumpsites and dumpers in the H-GAC region. The goal of a regional database is to track chronic illegal dumpers across jurisdictional lines and record/monitor illegal dumpsites throughout the region.

A database should include, but not be limited to, the following information:

- Name of Offender
- Date of Offense
- Description of Material Dumped
- Actions Taken
- Status of Current Case
- Prior Convictions
- Fines Levied
- Photographs of Illegal Dumping Site(s)
- Other Information

Interviews conducted with environmental enforcement officers in the H-GAC region found that the creation of a regional database will impact law enforcement positively in the following ways:

- Increases in the number of second time offenders prosecuted, leading to greater penalties for second time offenders.
- Fosters communication and cooperation between entities throughout the region.
- Electronic database access makes it easily available to law enforcement in the field. Online database could be designed to work with computers currently utilized by environmental enforcement personnel.
- Database could be employed by H-GAC as a means of tracking performance standards for a particular city, county, etc.

Environmental enforcement officers contacted during the course of the study were very receptive to the development of a regional database and would be willing to utilize and assist in the development of such a tool for the H-GAC region.

The information for this database could be stored online using one of H-GAC's computer servers and made available to environmental enforcement officials and prosecuting offices. The North Central Texas Council of Governments can be contacted and used as a reference regarding the development of a database.²⁶

In developing a regional database there are several issues which H-GAC must address prior to, or during the creation of the database. These issues are as follows:

- Will the database record only those cases that result in a conviction, or will cases currently being investigated, or that resulted in an acquittal also be included in the database?
- Will the data be loaded in by H-GAC staff person, or will all environmental enforcement officers enter their own data?
- How will the confidentiality of information compiled in the database be addressed?²⁷

These issue needs to be addressed prior to anyone gaining access to the database.

Implementation Strategies:

RS&Y would strongly encourage that H-GAC take the lead in the development of a regional web-based database.

²⁶ NCTCOG has developed a database which is currently in use by enforcement officers in the NCTCOG region.

²⁷ During the course of this study, while RS&Y personnel were addressing this issue, there was a great deal of uncertainty with regard to how this information should be handled and who should have access to this information.

F. PERFORMANCE STANDARDS

Background Information:

During the course of our study, RS&Y had the opportunity to visit with quite a few environmental enforcement officers concerning their current data collection activities. In particular, RS&Y discussed the collection of data regarding the number of illegal dumpsites investigated, cases filed, conviction rates, dollar amount of fines, etc. RS&Y found that very few of the local environmental enforcement programs retained any detailed historical records that would allow a program to measure its success using statistical information gathered over the life of the community's environmental enforcement program.

At present, H-GAC has a "Project Results Report – Local Enforcement" (See Appendix G) that local governments receiving grants to combat illegal dumping need to complete and submit to H-GAC. However, this information needs to be compiled for only the year during which the local government receives the grant. In visiting with these communities, many of the cities and counties cease gathering this data once they are no longer required to submit this information to H-GAC.

Continued collection of this data is critical, even after the grant cycle is complete, so that the local government can compile a history with regard to its environmental enforcement program's performance. By building a database of historical information, complete with trend analyses, etc.; this data can then be used to foster continued financial support from local elected officials. This information will also assist in showing H-GAC that the local government deserves to receive future grant funding that will assist it in expanding its environmental enforcement activities.

Suggested Solutions:

One solution to dealing with the lack of historical information is for H-GAC to develop a spreadsheet that would be provided to all local governments, in an electronic format. This spreadsheet would be used to compile information, which would assist local governments and H-GAC in monitoring the local governments' results with regard to their environmental enforcement programs.

This data could be gathered in an Excel based spreadsheet or Access database, which would allow for the monitoring of separate sub-categories of information concerning environmental enforcement activities. Such sub-categories could include, but are not limited to the following:

- Number of dumpsites investigated
- Number of cases filed
- Number of convictions
- Dollar amount of fines collected
- Number of hours of community service
- Cubic yards or tons of waste cleaned up (actual or estimated)
- Number of educational/public awareness events

Each sub-category would then gather data based on a series of questions/queries that would allow the local government, as well as H-GAC, the ability to measure the success of the program on an annual basis.

In order to provide an incentive for local governments to utilize the spreadsheet, H-GAC could state that those local governments using the schedule, and providing it to H-GAC, would receive “credit” for providing H-GAC with this information on future solid waste grant fund applications.

Implementation Strategies:

RS&Y would recommend that H-GAC develop a spreadsheet tool that would be distributed to communities in the H-GAC region with environmental enforcement programs. Local governments using this spreadsheet could then monitor the success of their environmental enforcement programs from year to year. This information would be provided to H-GAC so they could compile this information by county, sub-region, and on a regional basis. By compiling this information on an aggregate basis, H-GAC will have a better idea with regard to the level of ongoing environmental enforcement activities throughout the region.

By developing a standardized spreadsheet which is completed by ALL environmental enforcement programs, even if they are not currently receiving grant funds, a criteria will be established which local governments must meet in order to receive grant funding.

G. SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Background Information:

The majority of the environmental enforcement programs in the H-GAC region received their initial funding from H-GAC. However, ultimately the local government has to be willing to assume the funding responsibility for their environmental enforcement program. H-GAC funding is used to start a program, not as an ongoing funding source. Finding ongoing funding sources is imperative, since in many cases, sufficient funding for environmental enforcement is directly related to the amount of environmental enforcement activities taking place in the community.

Suggested Solutions:

Supplemental Environmental Projects (SEPs) are a method for collecting fines and penalties for environmental crimes that can be directed toward environmentally beneficial projects. Many counties in the H-GAC region are not taking advantage of Supplemental Environmental Projects. A SEP is designed to direct monies collected from fines towards environmental projects instead of having them deposited directly into the city, county or state's general revenue fund accounts.

Currently there are 38 SEPs in the H-GAC Region. Of those 38, 13 cover more than one county. Further analysis revealed that only two programs are truly regional in nature²⁸. These include:

- [Resource Conservation and Development, Inc., Sam Houston, Abandoned Tire Clean-Up](#)
RC&D will coordinate with local city and county government officials to clean-up sites where scrap tires have been disposed of illegally. Contributions will be used to clean up illegal tire sites. Eligible sites will be limited to areas where a responsible party can not be identified and where there is no preexisting obligation to clean up the site by the owner or government. SEP monies will be used for the direct cost of collection and disposal of debris and scrap tires.
- [Resource Conservation and Development, Inc., Sam Houston, Wastewater Treatment System Assistance](#)
Low income homeowners with failing on-site wastewater treatment systems will be provided with technical and financial assistance to enable repair or replacement of the failing system. Projects include, but are not limited to, construction of wetlands for sewage treatment. Soil samples are taken to determine the most appropriate system for each site. The project can also include larger systems such as those for rural schools.

Research and interviews conducted during the course of the study indicated that many officials in the H-GAC region did not know that SEPs existed for their county. Appendix H provides a list of current SEPs in the H-GAC region. A complete listing of SEP projects is located at : <http://www.tnrcc.state.tx.us/legal/sep/seprojects.htm>.

²⁸ "Regional in nature" means that they include the entire or vast majority of the H-GAC region.

After speaking with environmental enforcement officials in the H-GAC region, overwhelmingly officials supported the creation of a regional SEP to fund laboratory testing. Supplemental Environmental Projects could potentially be established to fund the laboratory testing of soil samples and other suspected contaminated material.

Implementation Strategies:

RS&Y recommends that the further use and expansion of SEPs for various environmental purposes be considered. Possible uses for the SEPs may include:

- Laboratory testing for criminal investigations
- Hazardous material clean-up
- Junked vehicle removal
- Municipal solid waste clean-up
- Scrap tire collection and recycling

H-GAC might also wish to consider the conduct of a training session to show local governments how a SEP can be established.

H. REGIONAL TASK FORCE

Background Information:

At present, H-GAC has an environmental enforcement subcommittee that meets every two to three months. While this group has proven invaluable in training new enforcement officers, sharing information, etc., a number of individuals have expressed a desire for a formal task force that would coordinate large-scale investigations and encourage more cooperation among area programs.

The benefits of a regional task force include:

- Rural programs would have greater access to resources unavailable to them in the past.
- An ability to act quickly in a concerted effort on an illegal dumping investigation.
- Training and seminars could be coordinated through a centralized unit.
- Visibility of illegal dumping efforts increases, thus making communities more aware of the efforts made by environmental enforcement teams.

Examples of task forces around the state include the Texas Environmental Crimes Task Force coordinated by the Texas Commission on Environmental Quality and the Capital Area Planning Council's Capital Region Solid Waste Enforcement Task Force²⁹.

Capital Area Planning Council (CAPCO) - Capital Region Solid Waste Enforcement Task Force

The Capital Area Planning Council (CAPCO) coordinates the Capital Region Solid Waste Enforcement Task Force (RETF) in Central Texas. The task force has a series of intergovernmental agreements between multi-jurisdictional law enforcement agencies within the CAPCO planning region. Created in 1996, the RETF's membership is comprised of the following 15 government entities:

- Bastrop County
- Blanco County
- Burnet County
- Caldwell County
- Fayette County
- Hays County
- Lee County
- Llano County
- Travis County
- Williamson County
- Lower Colorado River Authority
- City of Austin
- City of Cedar Park
- City of Flatonia
- City of Schulenberg

²⁹ This task force was started by CAPCO – The Capital Area Planning Council

The RETF provides technical expertise, prosecution and law enforcement training support for its member cities. A copy of the intergovernmental agreement used by the RETF is located in Appendix I.

Membership in the organization consists of representatives from the 15 governmental entities listed above. Each entity appoints two representatives to the task force, one member to sit on the Board of Directors, the other to act as a point of contact for law enforcement officials.

The RETF does not require that member communities participate or provide any resources. Consequently, small rural communities, who would otherwise be unable to join the task force due to scarce resources, are encouraged to join.

Suggested Solutions:

H-GAC currently has an environmental enforcement subcommittee. However, if a task force were developed, a more formal organization and network could be developed in the H-GAC region. A copy of the RETF by-laws are included in Appendix J. The goals of this task force would be as follows:

- Encourage the sharing of ideas and solutions for problems related to illegal dumping.
- Provide a formal network to develop and distribute a coordinated public awareness campaign.
- Provide a method of sharing resources that would otherwise be unachievable (i.e. surveillance, manpower, and prosecution expertise).

Implementation Strategies:

H-GAC's solid waste planner(s) could coordinate the task force and provide informational resources to any participating entity. The program should include a governing board of directors comprised of representatives from all participating entities. The participating entities can include state, county, and city entities dedicated to stopping illegal dumping.

To encourage membership in the task force, H-GAC could modify the grant application review process to give greater credit to those entities that participate in the regional task force. This would encourage local governments to not only join, but to become active members on the task force.

I. ENVIRONMENTAL ENFORCEMENT TRAINING

Background Information:

A number of law enforcement officers in the region lack the adequate skills and knowledge that are necessary to successfully conduct environmental enforcement investigations.

In the State of Georgia, a course entitled “Crimes Against the Environment” recently became part of the new peace officer training curriculum. The penalties for environmental crimes significantly increased in Georgia during the past ten years, thus prompting policymakers to place greater emphasis on enforcing these penalties. The Georgia Department of Natural Resources also offers a four-hour refresher course in environmental law designed to refamiliarize officers in environmental enforcement.

Suggested Solutions:

Law Enforcement Personnel - Law Enforcement personnel should be encouraged to attend one or more of the many training seminars conducted in Texas. These seminars help develop the skills and knowledge that are necessary to successfully enforce environmental laws. These training seminars include explanations of environmental laws, investigating techniques, and re-enactment’s of various environmental crimes and emergency response demonstrations.

County/City Prosecutors - Prosecutors can attend one of many Continuing Legal Education (CLE) courses held in Houston, Austin or Dallas. CLEs are licensed by the Texas Bar Association and cover a variety of topics including environmental law. The Texas Environmental Superconference (TESC), held annually in September in Austin, is sponsored by the Texas Bar Association and will go toward the fulfillment of the necessary CLE courses required by the Texas Bar Association³⁰.

Seminars for Judges - By having a well trained environmental enforcement officer or prosecutor, communities will have the upper hand in dealing with environmental crimes and have a better chance of catching and prosecuting these criminals. Judges who receive training on environmental enforcement topics will have a greater likelihood of being informed regarding the various environmental laws and how to impose sentencing for these crimes.

Implementation Strategies:

RS&Y recommends that local governments encourage their law enforcement personnel to attend conferences and training seminars on illegal dumping. The most significant obstacle for rural law enforcement is the costs associated with attending these training seminars. To address this issue, information on these seminars can be obtained by contacting the Special Investigations Unit of the TCEQ at (512) 239-3416. RS&Y recommends H-GAC request

³⁰ For more information on environmental CLE’s contact: **Texas Environmental Superconference** Katherine Glass, Haynes and Boone, LLP, (512) 867-8425

that training seminars continue to be provided in the H-GAC region, as was done this past October 2002.



J. MISCELLANEOUS ISSUES

Physical Location for the “Regional Environmental Enforcement Headquarters”

One of the issues discussed at the beginning of this study was whether there needed to be a physical location or building created/established that would be the headquarters for the regional environmental enforcement activities/personnel. Based on our review of the local environmental enforcement programs and how they interact with each other, as well as with H-GAC personnel, RS&Y does not believe that it is necessary, or a wise use of funds to establish a new physical location. Instead, RS&Y would propose that H-GAC staff (specifically the Solid Waste Program Coordinator, and Environmental Planner(s), as necessary) continue to coordinate the environmental enforcement activities from H-GAC’s current offices.

The existing H-GAC office space provides sufficient meeting rooms, as well as a central location within the 13-county region. In addition, there is ease of access to GIS personnel and other resources that are critical to the activities associated with a regional environmental enforcement program.

Use of Grant Funds to Clean-up Illegal Dumpsites and/or Scrap Tires

Another issue raised during the course of this study was whether grant funds should be used to clean-up illegal dumpsites or scrap tire sites. While the use of these funds would provide some much needed funding to assist with a problem that is pervasive throughout the state, and within the H-GAC region, RS&Y does not believe that this would be the wisest use of H-GAC grant funds. Due to the limited nature of these monies, and the demands placed on these funds already, there are not significant funds to adequately address the clean-up of illegal dumpsites or scrap tires. In addition, there would be a serious equity issue as H-GAC would have to develop an equitable manner in which to disseminate these funds to the 13 counties for these various clean-up activities.

III. RECOMMENDATIONS / IMPLEMENTATION

The purpose of this study is to evaluate the current environmental enforcement activities within the H-GAC 13-county region and determine what if any recommendations could be made to assist with regard to improving the effectiveness of environmental enforcement in the H-GAC region. During the course of this study, RS&Y project team members interviewed in excess of 50 individuals within the H-GAC region that are actively involved in combating illegal dumping (see Appendix C). Based on those interviews, our familiarity with regard to illegal dumping in the H-GAC region and our experience with regard to illegal dumping at a national level RS&Y has provided the following recommendations.

The basis for these recommendations is provided in Section II of this report. In addition to providing these recommendations, we also provide a general timeframe during which H-GAC may wish to begin the implementation of these recommendations.

Note: These recommendations are all important to combating illegal dumping, with many of them interrelated. Therefore, these recommendations are not listed in order of priority.

- 1. Implementation of a circuit rider prosecutor program.** As was discussed in Section II, there is universal support from environmental enforcement officers with regard to H-GAC designing and implementing a circuit rider prosecutor program. We would recommend that H-GAC begin to immediately study how to most effectively implement a circuit rider program in the H-GAC region. Upon completion of the study, the findings and recommendations of that study should be immediately implemented.

Timing: Conduct the study and begin implementation of the circuit rider program within the next 12 months.

- 2. Creation of an environmental court.** A number of individuals expressed a strong desire to see an environmental court developed within the H-GAC region. However, due to the need to have legislation passed at the state level, this recommendation may take more time to implement as it will involve the following:

- Coordinating the passage of legislation
- Determining where the court should be established
- Types of cases it should be allowed to hear (civil, criminal, etc.)
- Funding for the court

Therefore, while RS&Y would like to see an environmental court established in the H-GAC region, we would place this recommendation “lower” on the lists of priorities.

Timing: Passage of legislation should be considered for the current 78th legislative session, or no later than the 79th session.³¹ During this time the location as to where the court will be established, types of cases accepted, funding, etc. need to be resolved.

- 3. Training concerning junked/abandoned vehicles.** Virtually every enforcement officer complained about the challenges associated with junked/abandoned vehicles on public and private property. RS&Y would strongly recommend that H-GAC establish a training seminar that could be provided within the H-GAC region for environmental enforcement officers concerning how to deal with this pervasive problem. An excellent resource for the conduct of this training may be Officer Mike Mize of the Galveston Auto Crimes Division.

Timing: H-GAC should attempt to conduct this training seminar sometime during FY 2003.

- 4. Funding for laboratory testing.** Many officers complained about the high cost of laboratory testing, which is required when attempting to prosecute under the used oil act, or in proving other more complex environmental cases. RS&Y would recommend that H-GAC consider the establishment of a grant that would be made available to all local governments that have environmental enforcement programs, which could be used to pay for laboratory testing. While an equitable formula would need to be developed to share these funds amongst the various environmental enforcement entities, this grant program would most likely encourage local governments to more actively pursue cases involving “lab testing”, if a source of funding is available for these costs.

Timing: H-GAC should begin exploring during FY 2003 how to go about establishing such a grant program.

- 5. Creation of a regional database.** During the course of this study, RS&Y found a strong desire amongst the environmental enforcement officers for a regional database that would allow them to identify whether someone had been convicted of an environmental crime in a neighboring county or city within the H-GAC region. RS&Y would recommend the creation of a regional web-based database that could be accessed on a secured basis by environmental enforcement officers in the H-GAC planning region.

Timing: H-GAC should undertake contracting with a systems specialist familiar with the development of web-based databases and the confidentiality issues associated with such databases.

- 6. Establishment of performance standards.** RS&Y discovered that very few local governments are keeping an on-going database that measures key statistical data with regard to their environmental enforcement program’s performance. RS&Y would

³¹ Because H-GAC cannot be an active participant in the drafting of legislation, local government officials would need to pursue the creation of this legislation.

recommend H-GAC develop a spreadsheet tool that would be distributed to communities with environmental enforcement programs.

Timing: H-GAC should consider developing the performance standards and spreadsheet so that it can be implemented in time for compiling data effective October 1, 2003.

- 7. Development of SEPs (Supplemental Environmental Projects).** SEPs can be an effective tool for local governments to use in funding environmentally beneficial projects that otherwise might not be funded. RS&Y would recommend that H-GAC conduct a training seminar on how local governments can go about establishing a SEP and how to make sure that the program remains in compliance with all rules and regulations associated with such a program.

Timing: H-GAC should attempt to conduct this seminar sometime during FY 2004.

- 8. Creation of a regional task force.** A number of environmental enforcement officers in the H-GAC region expressed a desire for a regional task force that could assist the more rural local governments in prosecuting complex cases that may exceed the fiscal limits and/or technical expertise of the smaller communities. H-GAC members already benefit from an environmental enforcement subcommittee that meets approximately every three months to discuss illegal dumping issues. However, RS&Y would encourage H-GAC to seek to establish a regional task force similar to perhaps the one that has been developed in the Capital Area Planning Council.

Timing: This task force will take time to be created so RS&Y would recommend that this task force be created over the next two fiscal years, so it is operational by the beginning of FY2005.

- 9. Ongoing environmental enforcement training.** Due to the turnover/attrition in the environmental enforcement officer position, we visited with a number of officers that were new to the position and were starting from “scratch”. RS&Y would recommend that H-GAC continue to provide training seminars and educational materials to these officers so they can become knowledgeable as quickly as possible.

Timing: H-GAC does a good job of providing training seminars and informal meeting opportunities for enforcement officers – H-GAC environmental enforcement subcommittee – RS&Y would encourage H-GAC to continue providing these training resources to the “new”, as well as “older” enforcement officers.

- 10. Miscellaneous issues.** Two additional issues that were discussed during the course of this study included whether a new physical location or building should be established which would be the headquarters for all regional environmental enforcement activities. RS&Y would recommend that this not be done, and that regional environmental enforcement activities continue to be headquartered from H-GAC’s current office space. An issue was also raised as to whether grant funds should be used to fund the clean-up of

illegal dumpsites and scrap tires. Due to the limited funds available for such an enormous activity, and a serious concern about how the funds would be equitably distributed, RS&Y would recommend against the use of grant funds for such activities.



GLOSSARY OF TERMS

A

Administrative Law Judge – Judge presiding over a court in the State Office of Administrative Hearings. All cases prosecuted by the TCEQ must move through an administrative court.

B

Brush – Vegetation such as grass clippings, shrub or tree cuttings or other wastes resulting from lawn care or gardening. Also known as green waste or yard waste.

Brownfield – An area of land that is abandoned and inactive or ,because of illegal dumping, has some form of soil contamination that poses a risk to the environment or the health and safety of residents.

Bulky Items – Large items such as furniture, construction and demolition debris, remodeling waste, and appliances.

C

Capital Area Planning Council (CAPCO) – Regional planning entity located in the central Texas area.

Capital Region Solid Waste Enforcement Task Force (RETF) – A task force coordinated through CAPCO comprised of 15 governmental entities in the central Texas area dedicated to the enforcement of solid waste laws.

Chop Shop – Any building or lot where vehicles or watercraft obtained by theft or fraud is altered, destroyed, disassembled, dismantled, or reassembled. Often, chop shops illegally dump spare vehicle or watercraft parts.

Circuit Rider – A prosecutor with the ability to assist in the prosecution or try cases of offenders in multiple jurisdictions.

Code Enforcement Officer – Officers dedicated to enforcing a city’s codes on parking, weeds, illegal dumping and inoperative vehicles.

Continuing Legal Education (CLE) – Annual classes required for lawyers by the Texas Bar Association. CLE classes can cover topics such as environmental law.

Construction and Demolition Debris (C&D) – Solid wastes resulting from the construction or demolition of buildings or homes. Examples of C&D waste include: metals, wood, gypsum, asphalt shingles, roofing, concrete, rocks and rubble.

E

Environmental Court – A district/county court dedicated solely to hearing cases regarding environmental crimes.

Environmental Enforcement – Enforcement of all laws and policies pertaining to the protection of the environment and health and safety.

F

Full-time Equivalent Employee (FTE) – An employee working at least 2080 hours annually.

G

Geographic Information Software (GIS) – Software tool which can assist individuals in the creation of detailed maps of various regions while categorizing and displaying various attributes of a given area.

H

Household Hazardous Waste (HHW) – Household wastes with properties that make them dangerous or capable of having a harmful effect on human health and the environment.

Houston-Galveston Area Council (H-GAC) – A regional planning entity located on the Texas gulf coast.

I

Illegal Dumpers – Any person(s) or business(es) that illegally dump liquid or solid wastes on public or private property.

J

Junked Vehicles – Immobile or abandoned vehicles left on public or private property.

Justice of the Peace (JP) – Presides over the justice and small claims courts. Small claims court has concurrent jurisdiction with the justice court in actions by any person for the recovery of money in which the amount involved, exclusive of costs, does not exceed \$5,000.

K

Keep America Beautiful (KAB) – A network of local, statewide, and international affiliated programs who educate individuals about litter prevention and volunteer time to cleanup areas of the community.

M

Municipal Solid Waste (MSW) – Solid waste that originates from homes and residences, usually found illegally dumped in plastic bags. Examples of this include: junk mail, paper products, and food wastes.

Municipal Solid Waste Landfills – An engineered method of disposing of solid waste on the land under regulatory control and in a manner that protects the health and welfare of humans and the environment. Commonly permitted landfills include Type I, which accept municipal solid waste and Type IV, which accept municipal solid waste and construction and demolition debris.

N

North Central Texas Council of Governments (NCTCOG) – Regional planning entity located in north central Texas.

P

Peace Officer – Any person who by virtue of his/her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

R

Reed, Stowe & Yanke, a division of R.W. Beck (RS&Y) – The authors of this study.

Rural – Smaller towns and counties located in sparsely populated areas or unincorporated areas of the county. Examples of rural areas in the H-GAC region include Colorado County, City of Weimar, and Liberty County.

S

Scrap Tire – Rubber objects once used on domestic, agricultural and industrial vehicles. Illegally dumped tires can often trap water, which can act as a breeding ground for disease carrying pests.

Sham Recycling – Business who accepts various forms of solid waste under the guise they will be recycling these materials at a later time. Also known as an Illegal Landfill.

Southern Environmental Enforcement Network (SEEN) – Professional environmental association dedicated to the growth and development of its members by providing training, networking opportunities, information, and support services to its members.

State Office of Administrative Hearings (SOAH) – Administrative court system dedicated to conduct fair, objective, prompt, and efficient hearings and alternative dispute resolution proceedings and to provide fair, logical, and timely decisions.

Suburban – Cities and towns located on the outskirts of a major metropolitan areas. Examples of suburban communities in the H-GAC region include the cities of Stafford, The Woodlands, Sugarland, and Katy.

Supplemental Environmental Project (SEP) - A means by which fines, fees, and penalties for environmental violations may be directed toward environmentally beneficial projects. Through an SEP, a respondent in an enforcement matter can choose to invest penalty dollars in improving the environment, rather than paying into the Texas General Revenue Fund.

T

Texas Bar Association (TBA) - An administrative agency of the judicial branch in Texas. Every licensed attorney is a member of the State Bar, which provides a wide array of services to its members and the public.

Texas Commission on Environmental Quality (TCEQ) - The head environmental agency for the State of Texas. The TCEQ has approximately 3,000 employees, 16 regional offices around the State of Texas

Texas Environmental Law Enforcement Association (TELEA) – A statewide network of technical and criminal environmental enforcement professionals dedicated to increasing the utilization of traditional law enforcement officers in criminal environmental enforcement efforts as well as providing a forum for sharing information regarding changes in laws, regulatory policies, and technological developments in environmental law enforcement. It achieves these goals through holding training and certification sessions on environmental law.

U

United States Environmental Protection Agency (U.S. EPA) – The head environmental agency for the United States. It's mission is to protect human health and to safeguard the natural environment — air, water, and land.

Urban – Cities comprised of many densely populated neighborhoods or business districts. Examples of these cities in the H-GAC region include Houston, Baytown, and Galveston.

W

White Goods – Large illegally dumped materials such as washers, dryers, refrigerators or freezers.

APPENDIX A: RESOLUTION



RESOLUTION

ADOPTING REGIONAL ENVIRONMENTAL ENFORCEMENT STUDY

WHEREAS, the Houston-Galveston Area Council (H-GAC) is a regional voluntary association of local governments and local elected officials serving the 13-county Gulf Coast Planning Area, with over 5 million people; and

WHEREAS, the mission of the Houston-Galveston Area Council is to help local government plan for the future; and

WHEREAS, management of solid waste is and will continue to be a critical issue facing local governments in the Gulf Coast Planning Area; and

WHEREAS, H-GAC has a regional solid waste management plan which has been adopted by the Texas Commission on Environmental Quality; and

WHEREAS, the Regional Environmental Enforcement Study was funded by the Houston-Galveston Area Council as a pass through grant, and was developed according to the Texas Commission on Environmental Quality (TCEQ) guidelines; and

WHEREAS, the TCEQ requires the Board of Directors of the Houston-Galveston Area Council to accept the Regional Environmental Enforcement Study as part of the TCEQ approval process,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Houston-Galveston Area Council that:

1. The Board of Directors of the Houston-Galveston Area Council has reviewed the Regional Environmental Enforcement Study and has determined that it is consistent with the regional solid waste plan, and
2. The Board of Directors of the Houston-Galveston Area Council accepts the Regional Environmental Enforcement Study to serve as a solid waste guide for the next twenty years.

PASSED AND APPROVED AT A REGULAR, DULY CALLED MEETING OF THE HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS, THIS 17TH DAY OF JUNE 2003.

APPROVED:

The Honorable Andy Meyers
Commissioner, Fort Bend County
H-GAC CHAIR

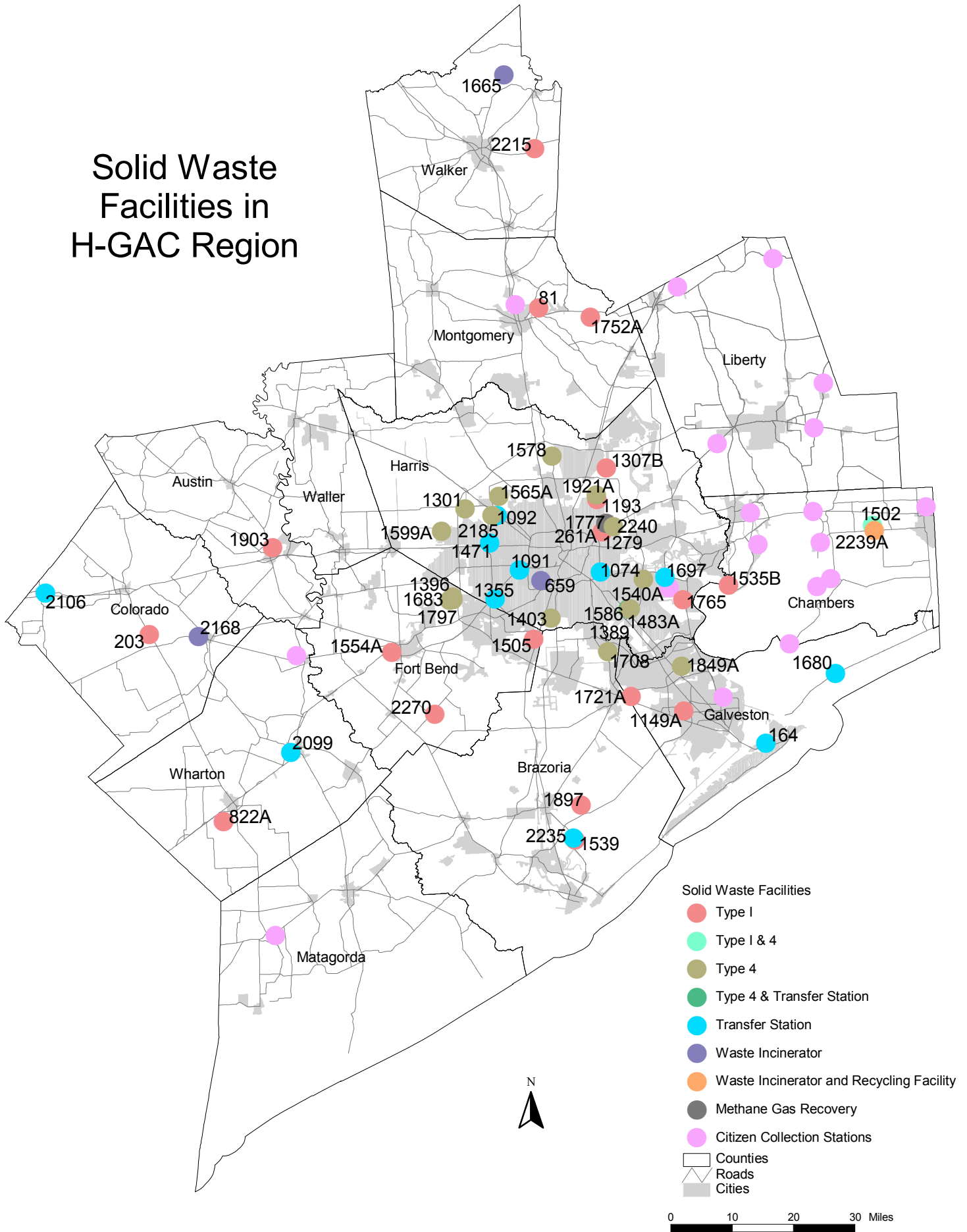
ATTEST:

The Honorable Greg Westmoreland
County Judge, Matagorda County
H-GAC VICE CHAIR



APPENDIX B: MAPS OF H-GAC REGION

Solid Waste Facilities in H-GAC Region





Austin County

- Solid Waste Facility
- Major Roads
- Cities
- Austin County



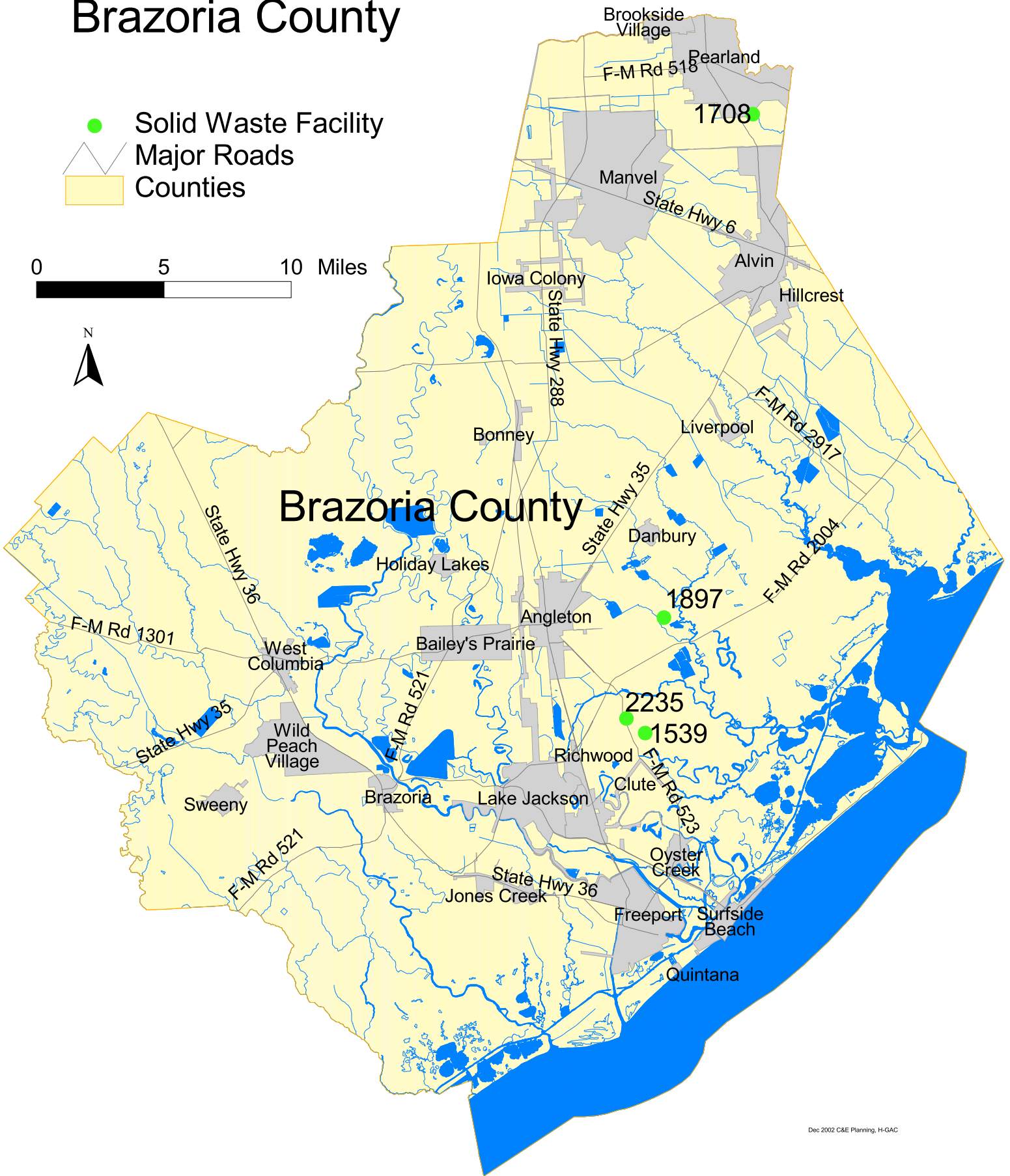
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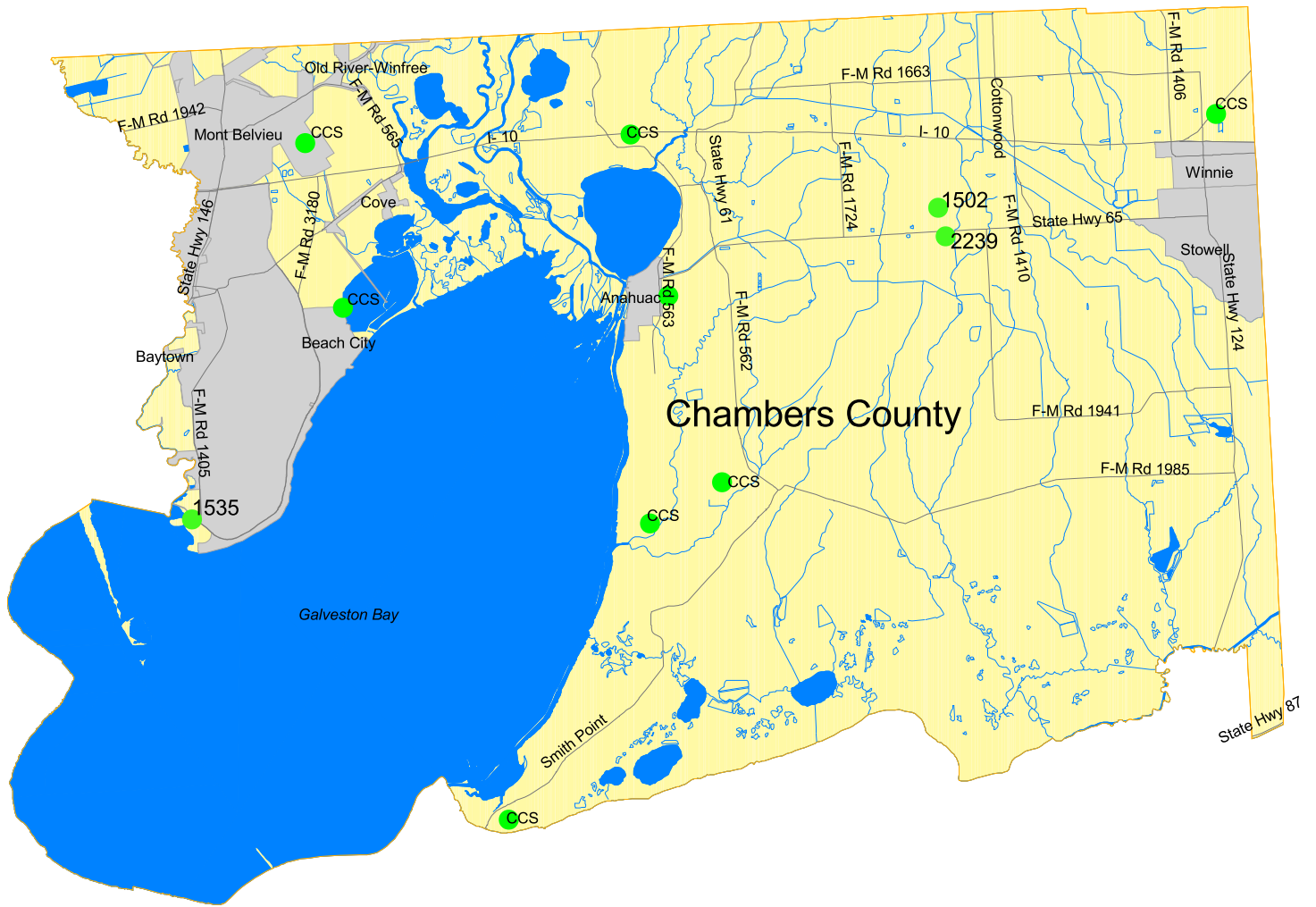


Brazoria County

- Solid Waste Facility
- ▬ Major Roads
- ▭ Counties

0 5 10 Miles



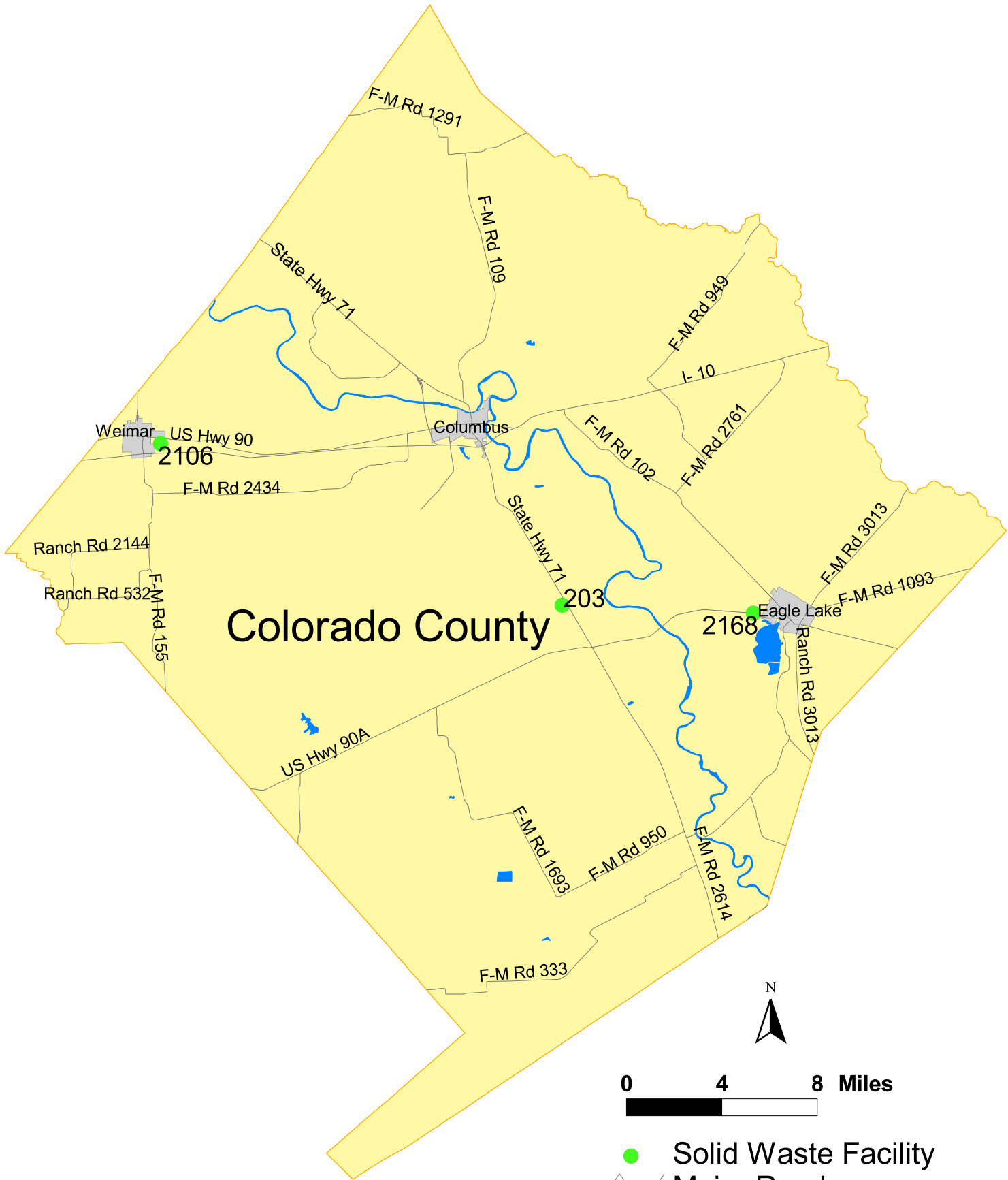


Chambers County



- Solid Waste Facility
- Major Roads
- Chambers County



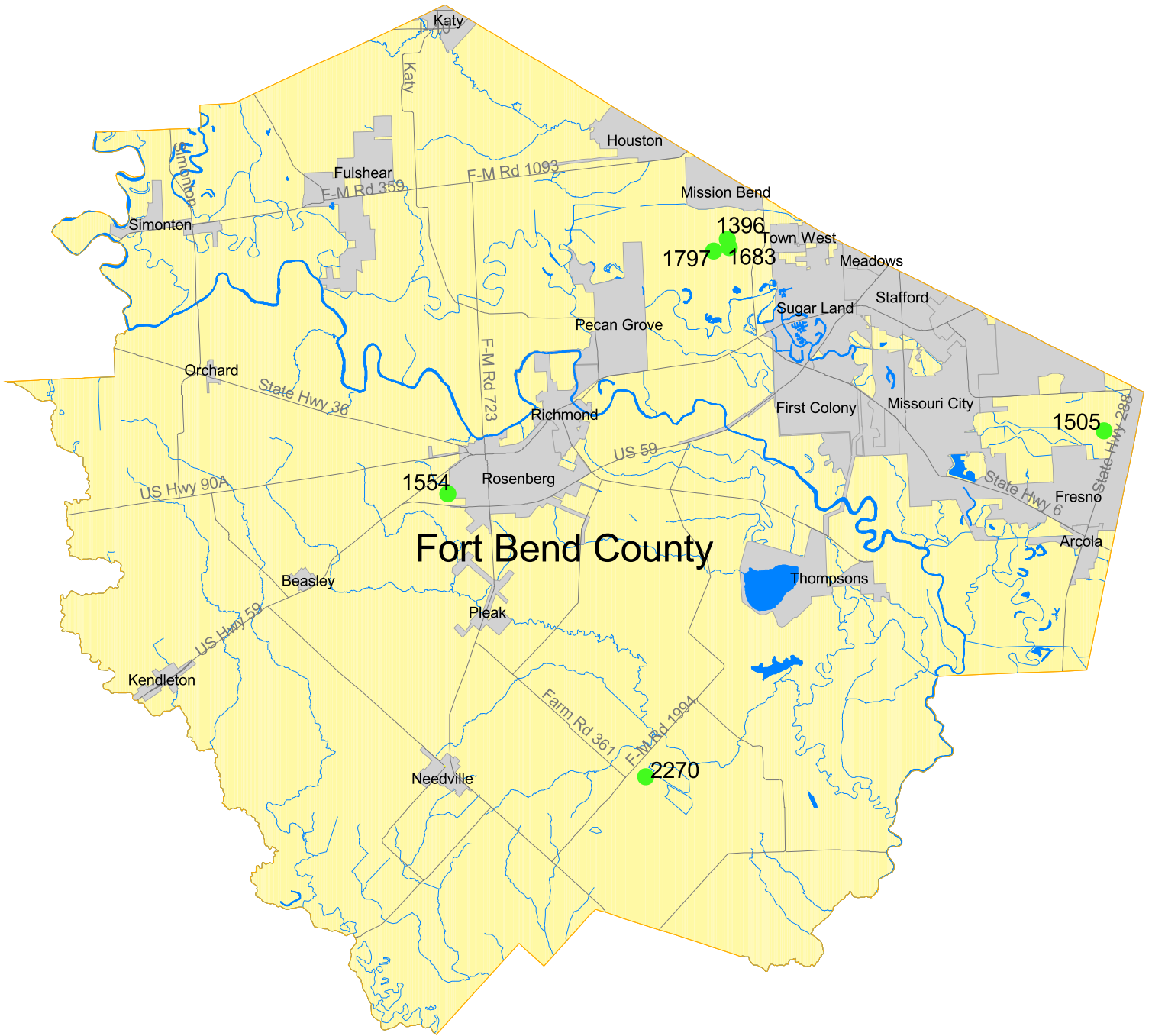


Colorado County

N

0 4 8 Miles

- Solid Waste Facility
- Major Roads
- Cities
- Colorado County

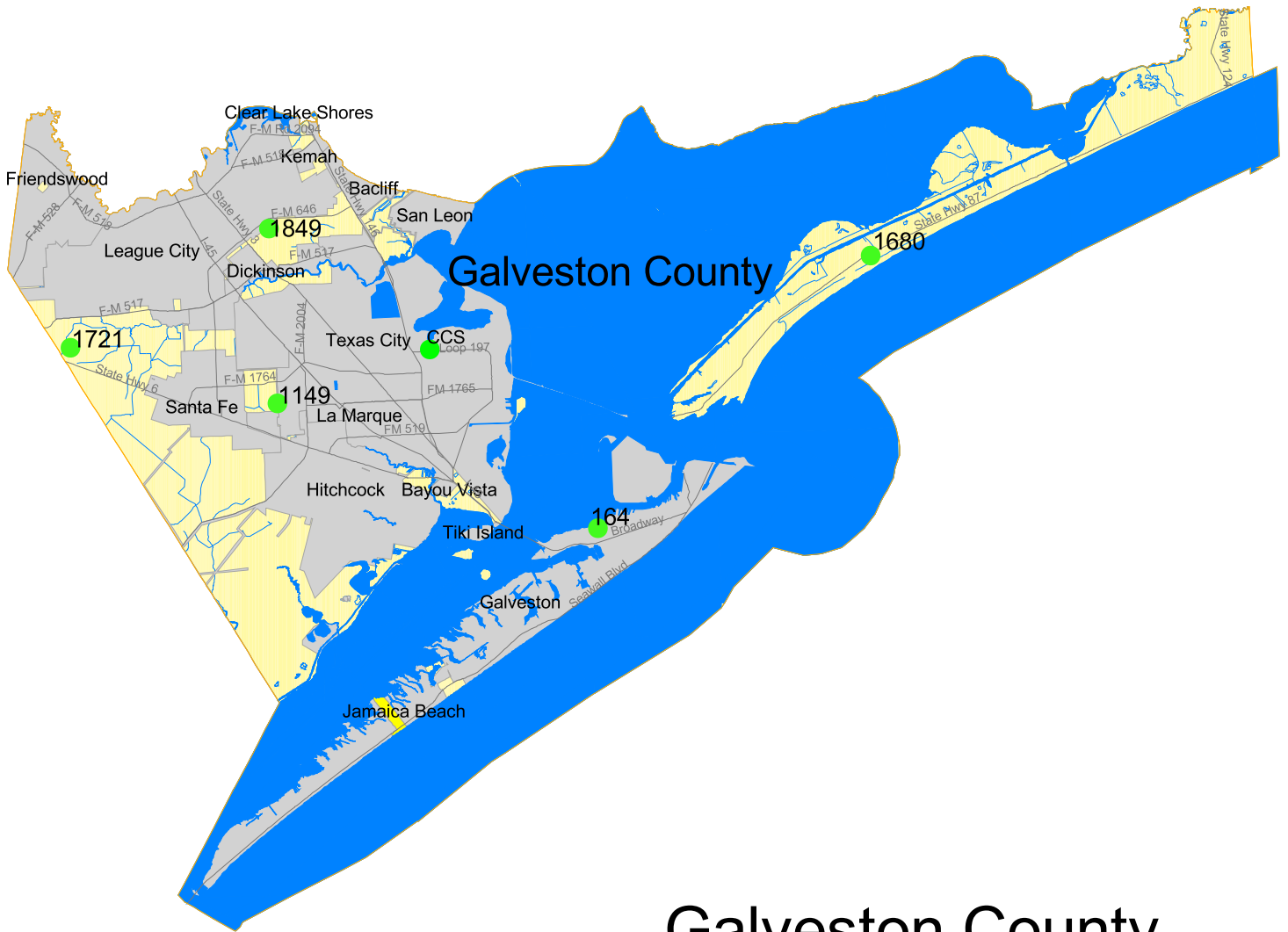


Fort Bend County



- Solid Waste Facility
- Major Roads
- Cities
- Fort Bend County

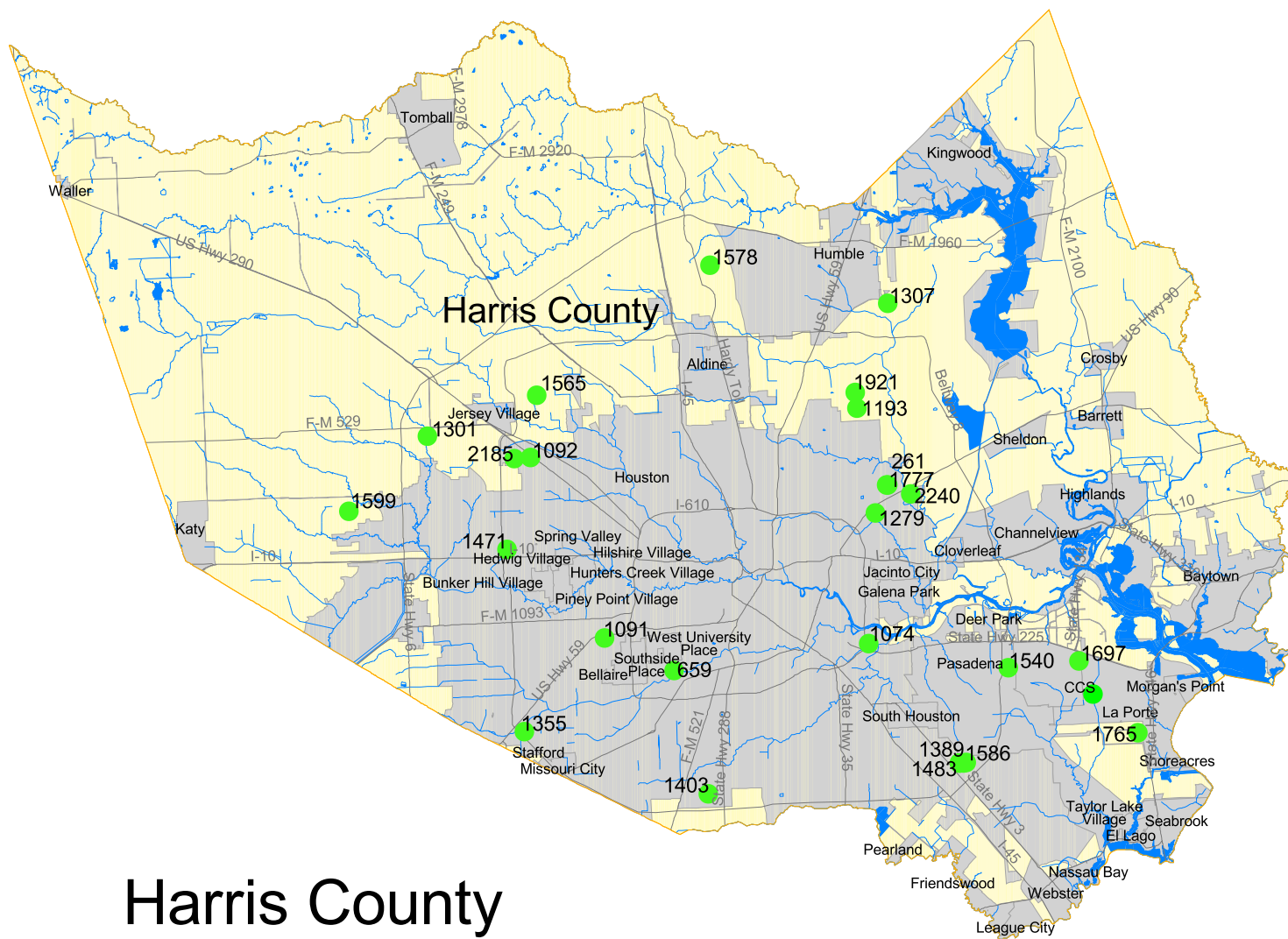




Galveston County

- Solid Waste Facility
- Major Roads
- Cities
- Galveston County

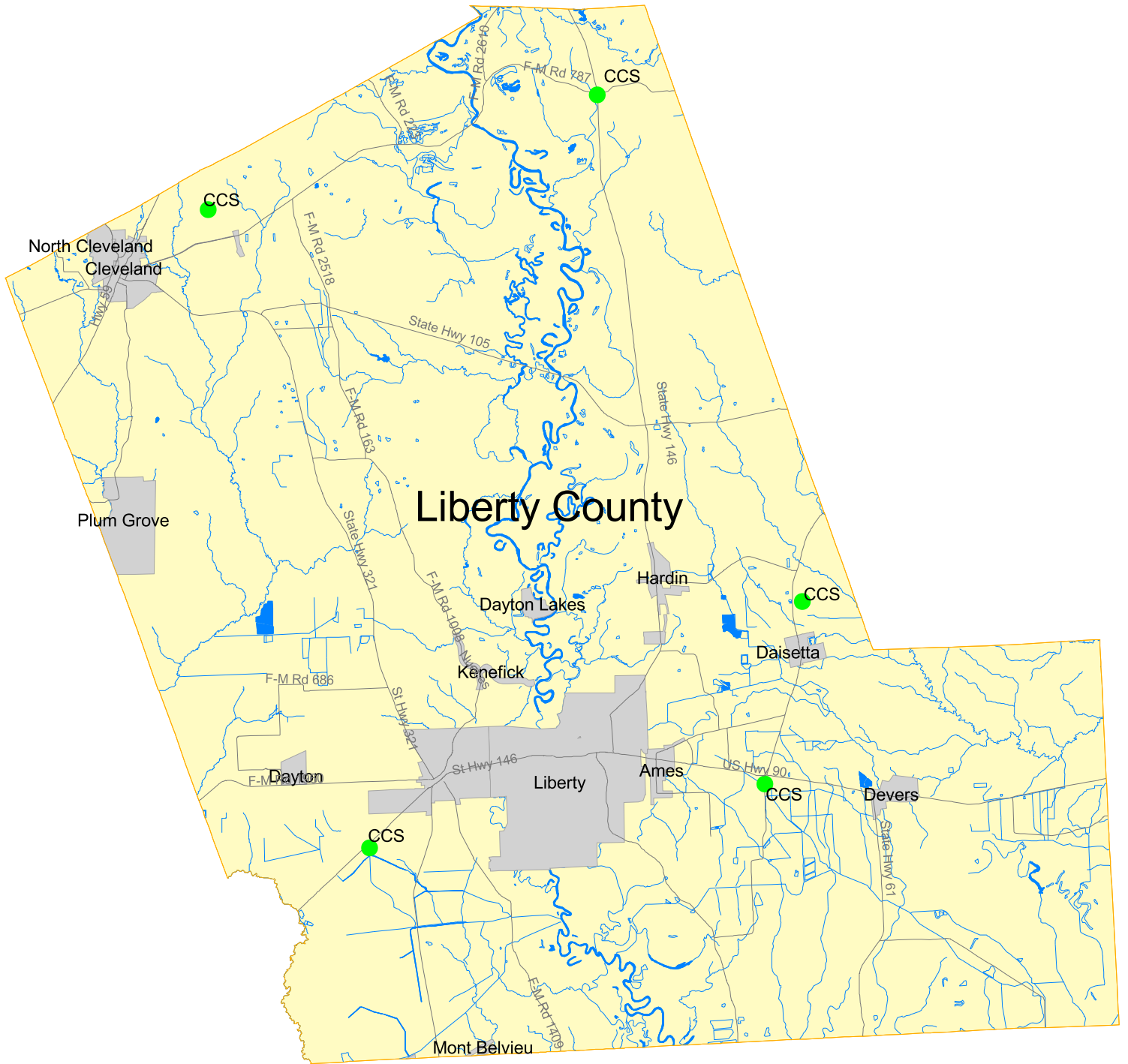




Harris County

- Solid Waste Facility
- Major Roads
- Cities
- Harris County

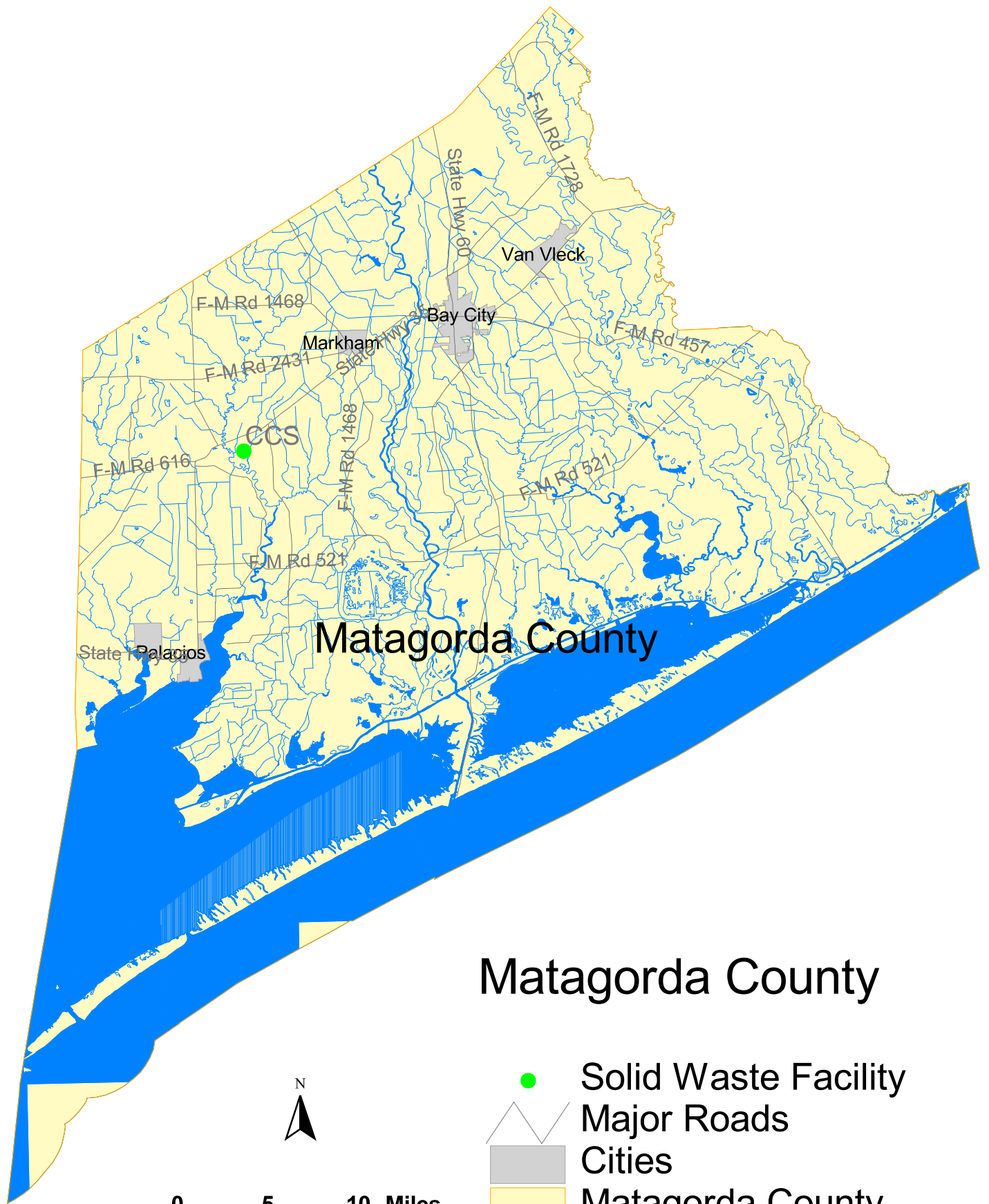




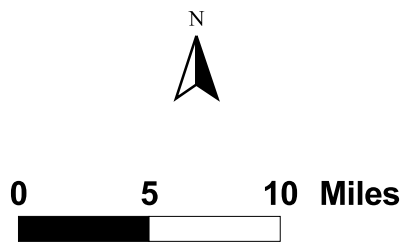
Liberty County



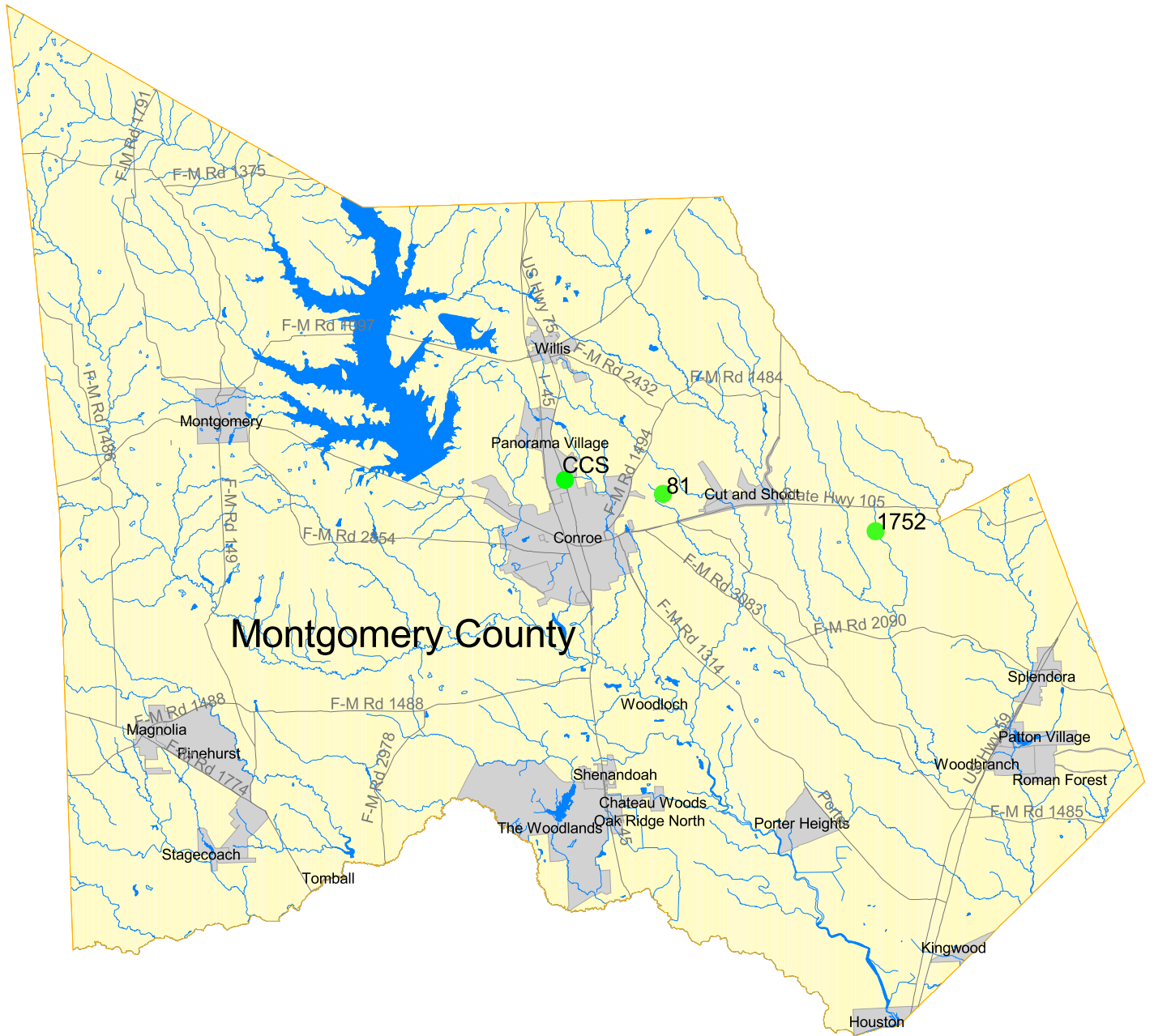
- Solid Waste Facility
- Major Roads
- Cities
- Liberty County



Matagorda County



- Solid Waste Facility
- Major Roads
- Cities
- Matagorda County



Montgomery County

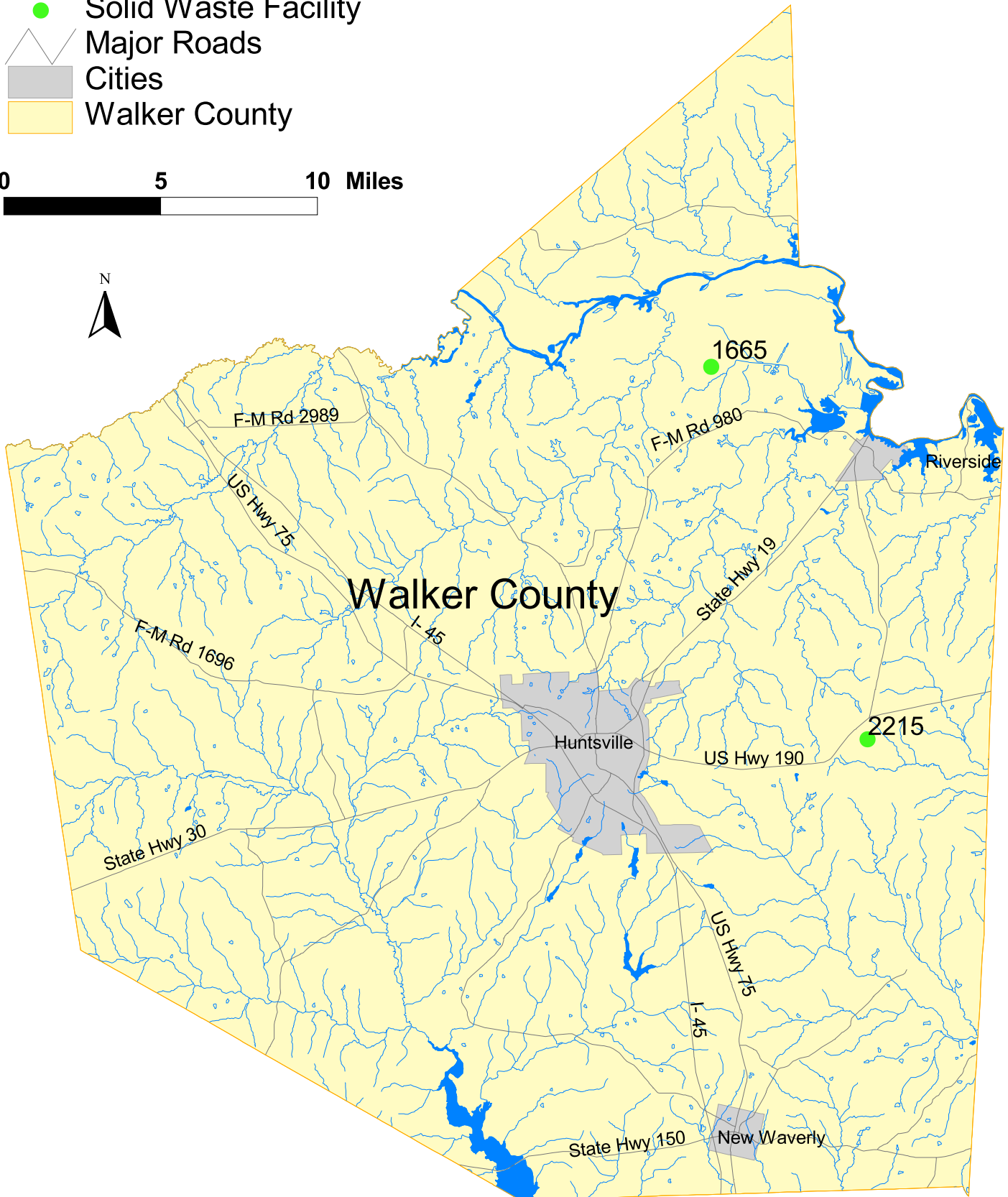
- Solid Waste Facility
-  Major Roads
-  Cities
-  Montgomery County

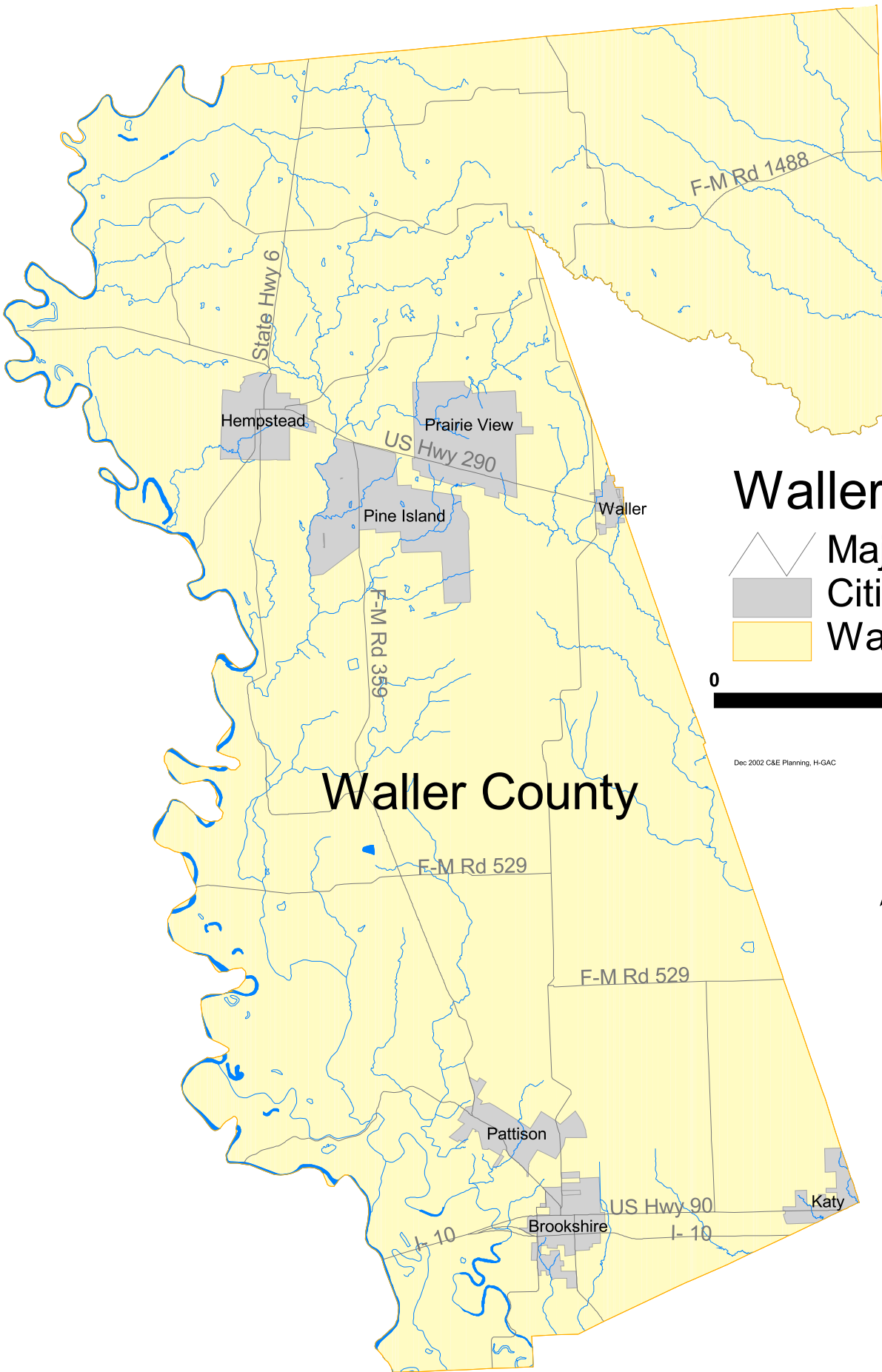


Walker County

- Solid Waste Facility
- ▬ Major Roads
- ▭ Cities
- ▭ Walker County

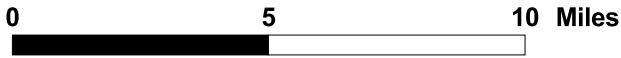
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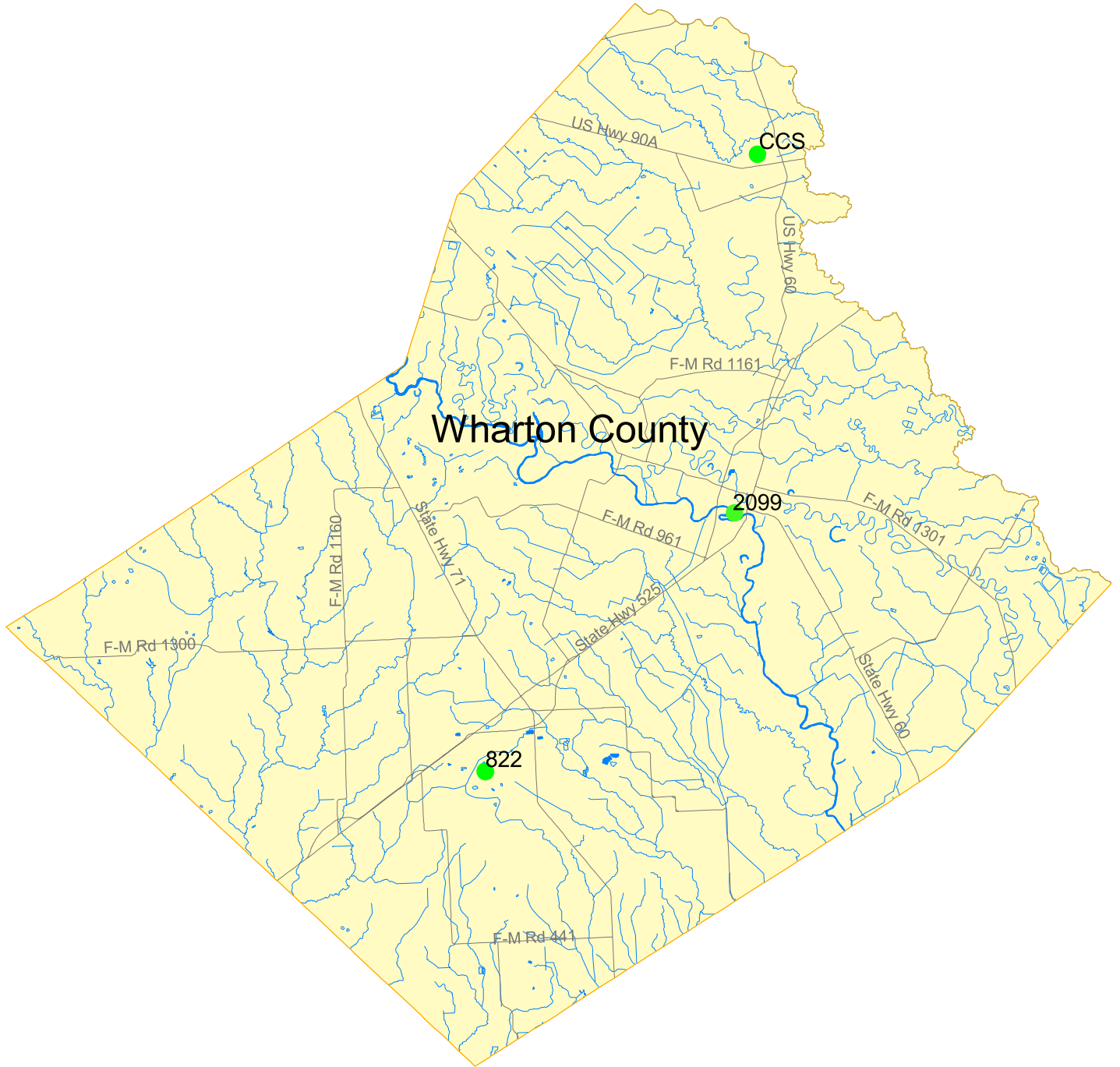
Waller County

-  Major Roads
-  Cities
-  Waller County



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Wharton County



-  Solid Waste Facility
-  Major Roads
-  Wharton County

**APPENDIX C: ENVIRONMENTAL ENFORCEMENT PROGRAMS
CONTACT LIST**

Environmental Enforcement Officials : Interview List

No.	Name	Title	Entity	Phone
Austin County				
1	Sammy Miller	Constable	Constable's Office	979-865-5911
Brazoria County				
2	Larry Steed	Fire Marshall	City of Pearland	281-652-1952
3	John Willy	Judge	County Judge	979-864-1595
4	Cheryl Sutton	Inspector	Department of Environmental Health	979-864-1600
5	Rodney Garrett	Supervisor	Department of Environmental Health	979-864-1600
6	Floyd Bell	Investigator	Department of Environmental Health	979-864-1600
7	Robbie Drake	Director	Department of Environmental Health	979-864-1600
Chambers County				
8	Sidney Lewis, Jr.	Director	Department of Environmental Health	409-267-8424
9	Jimmy Kahla	Director	Department of Solid Waste	409-267-8202
Colorado County				
10	Darrell Gertson	Commissioner	Colorado County Precinct #4	979-732-2435
Fort Bend County				
11	Troy Scalco	Director	Health Department	281-238-3532
12	Jim Winton	Deputy Sheriff	Sheriff's Office - Environmental Crimes Unit	281-633-7577
Galveston County				
13	Garret M. Foskit	Nuisance Abatement Officer	Health District - Environmental & Consumer Health	409-938-2300
14	Martin Entringer	Director	Health District - Environmental & Consumer Health	979-938-7211
15	Ronnie Schultz	Pollution Control Director	Health District - Environmental & Consumer Health	409-938-2314
16	Mike Mize	Sergeant	Galveston County Auto Crimes	409-766-4503
17	Mike Stump	Solid Waste Manager	Texas City Public Works Department	409-643-5814
Harris County				
18	Ted Heap	Captain	Precinct 3: Environmental Enforcement Division	281-371-0565
19	Larry Mitchell	Investigator	Precinct 3: Environmental Enforcement Division	281-463-4619
20	G.W. Latham	Sergeant	Precinct 3: Environmental Enforcement Division	281-463-4619
21	J. Larry Doss	Officer	HPD - Environmental Investigations Unit	713-525-2728
22	Thomas W. Collins	Chief Inspector	HPD - Environmental Investigations Unit	713-218-5532
23	Steve Dicker	Officer	HPD - Environmental Investigations Unit	713-218-5556
24	Cathy Sisk	County Attorney	Harris County Attorney's Office	713-755-7872
25	Clarissa Bauer	County Attorney	Harris County Attorney's Office	713-755-7962
26	Lloyd Hatley	Officer	City of Pasadena Police Department	713-477-1221
27	Sarah Metzger	Engineer	City of Pasadena Stormwater/Public Works	713-475-7835
28	David Brannon	Deputy Fire Marshal	Fire Marshall's Office	281-931-1085
29	Joe Barrington	EMS Ambulance Supervisor	City of Pasadena Health Department	713-475-5529
30	Kathy Perez	Health Inspector	City of Pasadena Health Department	713-475-5529
31	Mike Lester	Director	City of Baytown Health Department	281-402-7189
32	Patrick Pendleton	Solid Waste Supervisor	Harris County Pollution Control	713-920-2831
33	George Kennard	Senior Investigator	Harris County Pollution Control	281-920-2831
34	Roger Haseman	District Attorney	Harris County District Attorney's Office	713-755-7889
Liberty County				
35	John Davis	City Inspector	City of Cleveland	281-592-2667
36	Ray Bowen	Officer	Precinct 6 Constable's Office	281-593-8418
37	Royce Wheeler	Constable	Precinct 6 Constable's Office	281-593-8418
Matagorda County				
38	Ed Schultze	Director	Environmental Health Department	979-244-2717
Montgomery County				
39	Tommy Gage	Constable	Commissioner's Precinct 3	281-356-4156
40	Andrew T. Walters	Chief of Police	City of Oak Ridge North	281-292-8736
41	Doug Bery	Environmental Officer	City of Oak Ridge North	281-292-8736
42	Jim Strong	Emergency Management Supervisor	Montgomery County Judge's Office	936-760-6964
Walker County				
43	Andrew Isbell	County Planner	Planning and Inspection Department	936-294-5780
44	Tom Oleinik	Officer	Environmental Enforcement Division	936-436-4939
Waller County				
45	Lt. John Kremmer	Lieutenant	Waller County Sheriff's Department	979-826-8282
Wharton County				
46	Mark Somer	Deputy Constable	Wharton County Constable, Precinct 2	979-335-6210
Other Entities				
47	Marsha Hill	Waste Section Manager	TCEQ - Region 12	713-797-3610
48	Rama Yadav	Waste Section Team Leader	TCEQ - Region 12	713-767-3600
49	Grahame Jones	Sergeant Game Warden	Texas Parks and Wildlife Department	713-278-5752
50	Larry Potter	County Judge	Shelby County, Tennessee Environmental Court	901-545-3456
51	A.M. Cristina Viesca-Santos	Environmental Prosecutor	El Paso County Attorney	915-546-2050
52	Donnell Whitfield	Regional Director	Cumbaa Enterprises	800-674-4383
53	Casey Kneupper	Solid Waste Planner	CAPCO - Solid Waste Division	512-916-6041
54	Richard Doege PhD	Fellow at Harvard College	National Association of Regional Councils	617-495-1100
55	John Babb	Sergeant	LCRA - Public Safety Division / CAPCO	512-473-3200
56	Ms. Kirk Emerson PhD	Director	Environmental Conflict Resolution Center	520-670-5299
57	David Preister	Deputy Chief	OAG - Natural Resource Division	512-463-2100
58	Jan Summer	Executive Director	UT - Center for Public Policy Resolution	512-471-3507
59	Mr. Gene Valentini PhD	Director	ADR Department - SPAG	806-762-8721

Environmental Enforcement Officials : Survey List

Austin County			
1 Carolyn Bilski	Judge	Austin County Courthouse	979-865-5911
Brazoria County			
2 Robbie Drake	Director	Brazoria County Environmental Health	979-864-1600
3 Larry Steed	Fire Marshall	City of Pearland	281-652-1952
Fort Bend County			
4 Jim Winton	Deputy Sheriff	ECU	281-633-7577
Galveston County			
9 Mike Stump	Solid Waste Supervisor	Texas City Public Works	409-643-5814
10 Garret Foskit	Nuisance Abatement Officer	Galveston County	409-938-2300
Harris County			
5 Ted Heap	Captain	Environmental Enforcement Division	281-371-0565
6 Tommy Atkinson	Precinct Deputy	Commissioner Pct 4	
7 Thomas W. Collins	Chief Inspector	HPD - Environmental Investigations Unit	713-218-5532
8 Mike Lester	Director	Health Department	281-402-7189
Liberty County			
11 Ray Bowen	Officer	Precinct 6 Constable's Office	281-593-8418
Matagorda County			
12 Ed Schulze	Director	Matagorda County Environmental Health	979-244-2717
Walker County			
13 Tom Oleinik	Officer	Environmental Enforcement Division	936-436-4939
Waller County			
14 Lt. John Kremmer	Lieutenant	Sheriff's Office	979-826-8282
Wharton County			
15 Mark Somer	Deputy Constable	Wharton County Environmental Enforcement	979-335-6210
Other Entity			
16 Grahame Jones	Sergeant Game Warden	Texas Parks and Wildlife Department	713-278-5752

**APPENDIX D: H-GAC ENVIRONMENTAL ENFORCEMENT
SURVEY**



HOUSTON-GALVESTON AREA COUNCIL

ENVIRONMENTAL ENFORCEMENT PROGRAM SURVEY

Administered by:

Reed, Stowe & Yanke, LLC

5806 Mesa Drive, Suite 310

Austin, Tx 78731

Phone: (512) 450-0991

Fax: (512) 450-0515

www.rsylc.com



On behalf of the Houston-Galveston Area Council (H-GAC), Reed, Stowe & Yanke, LLC (RS&Y) would like to thank you for participating in this survey. The purpose of this survey is to gain a greater understanding of the types of local environmental enforcement programs within the H-GAC region and the ways in which these programs combat illegal dumping.

The information gathered through this survey will be utilized by the H-GAC for the purpose of updating the inventory of existing programs, determining characteristics of effective environmental enforcement programs, and evaluating potential areas for the coordination and regionalization of services and resources to better combat the problem of illegal dumping.

In completing the survey, please take the time to provide the most accurate information available. When no documentation exists regarding a specific question, please use your best estimation. We recognize that the information you provide is based on your current knowledge and understanding.

When you have completed the survey, please use the enclosed stamped envelope and return it to RS&Y no later than Friday, September 13, 2002. If it is more convenient, you may fax the completed survey to the number below. In addition to this survey, RS&Y staff will contact you to schedule a convenient meeting time to learn more about your jurisdiction's environmental enforcement program. Please do not hesitate to call or e-mail Ms. Kristin Keeling at RS&Y with any questions. Once again, thank you for your participation in this important survey.

Ms. Kristin Keeling
Reed, Stowe & Yanke, LLC
5806 Mesa Drive, Suite 310
Austin, Texas 78731
Phone: (512) 450-0991
Fax: (512) 450-0515
kkeeling@rsyllc.com

**HOUSTON-GALVESTON AREA COUNCIL
ENVIRONMENTAL ENFORCEMENT PROGRAM SURVEY**

Name: _____

Program Title: _____

Jurisdiction:¹ _____

1. Environmental Enforcement Program Structure and Budget

1.A. Please describe the organizational structure of your program.

- | | |
|-------------------------------------------|-------------------------------------|
| _____ Within solid waste/sanitation dept. | _____ Within public works dept. |
| _____ Within health dept. | _____ Within sheriff's dept. |
| _____ Within county commissioner's office | _____ Within code enforcement dept. |
| _____ Within county prosecutor's office | _____ Within police dept. |

Other: _____

1.B. What is the total annual budget for the environmental enforcement program? \$_____

1.C. How is the program funded and what percentage of the total environmental enforcement budget is provided through each funding source?

- | | |
|----------------------------------------------------------|------------------------------------|
| _____ User fee (i.e. incorporated into solid waste bill) | Percentage of total budget _____ % |
| _____ Grants | Percentage of total budget _____ % |
| _____ General Fund | Percentage of total budget _____ % |
| Other: _____ | Percentage of total budget _____ % |

1.D. What amount of grant funding has the program received from the **H-GAC** over the past **five years**?

- Grant Amount: \$_____ Year: _____
- Grant Amount: \$_____ Year: _____
- Grant Amount: \$_____ Year: _____
- Grant Amount: \$_____ Year: _____

1.E. What amount of grant funding has the program received from sources **other than the H-GAC** over the past **five years**?

- Grant Amount: \$_____ Year: _____ Source: _____
- Grant Amount: \$_____ Year: _____ Source: _____
- Grant Amount: \$_____ Year: _____ Source: _____

¹ "Jurisdiction" refers to the name of the city or county that your environmental enforcement program is responsible for.

1.F. How long has the environmental enforcement program been in operation? _____

2. Personnel

2.A. How many **full-time** employees are devoted to environmental enforcement activities? _____

2.B. How many **part-time** employees are devoted to environmental enforcement activities? _____

2.C. Does your program have a system in place to share environmental enforcement personnel with environmental enforcement programs in other jurisdictions?

_____ Yes

_____ The program is planning to share employees in the future

_____ The program has shared employees in the past

_____ No

3. Program Performance Measures

3.A. How does your program compile illegal dumping information?

_____ Files/Paperwork

_____ Computer database

_____ No information tracking

Other: _____

3.B. What information does the program track for the purpose of performance measures? (check all that apply)

_____ Number of call-in reports of illegal dumping

_____ Number and location of illegal dumpsites

_____ Times of illegal dumping (estimated time of day/day of week of illegal dumping activities)

_____ Names of suspected illegal dumpers

_____ Name of complainant

_____ Status of illegal dumpsite investigations

_____ Number and type of convictions

_____ Dollar amount of fines levied/collected

_____ Amount of waste (volume/weight) illegally dumped

_____ Type of waste (C&D, tires, MSW, HHW)

_____ Environmental medium affected by waste (soil, air, groundwater, surface water)

Other: _____

Other: _____

Other: _____

- 3.C. How many known illegal dumpsites are there **currently** within your jurisdiction? _____
- 3.D. On average, how many illegal dumpsites are within your jurisdiction in any given year? _____
- 3.E. On average, how many **new** illegal dumpsites are discovered each year? _____
- 3.F. Describe the general **trend** in the discovery of **new** dumpsites over the past five years.
____ Significant increase
____ Slight increase
____ No change
____ Slight decrease
____ Significant decrease

3.G. Please provide your opinion about the reasons for the trend described in the previous question. (3.F)

4. Prosecution

4.A. Please describe the process of investigating and prosecuting illegal dumpers within your jurisdiction. Please include details such as investigation procedures, communication with other departments, coordination with the prosecutor, etc.

- 4.B. How many illegal dumping investigations led to **prosecutions** in each year listed below?
 1998 _____ 1999 _____ 2000 _____ 2001 _____ 2002 _____
- 4.C. How many prosecutions led to **convictions** in each year listed below?
 1998 _____ 1999 _____ 2000 _____ 2001 _____ 2002 _____
- 4.D. How many convictions resulted in **jail time** in each year listed below?
 1998 _____ 1999 _____ 2000 _____ 2001 _____ 2002 _____
- 4.E. How many convictions resulted in **fines** in each year listed below?
 1998 _____ 1999 _____ 2000 _____ 2001 _____ 2002 _____
- 4.F. What is the typical fine amount (or range) assessed on convicted illegal dumpers? \$ _____

5. Clean-Up

- 5.A. On average, how many illegal dumpsites are cleaned up each year? _____
- 5.B. In general, how often does illegal dumping occur at the same sites that require repeated clean-ups?
 _____ Often _____ Occasionally _____ Rarely _____ Never
- 5.C. Which personnel/labor assist in the clean-up efforts of illegal dump sites? (check all that apply)
 _____ Local environmental enforcement program staff
 _____ Local solid waste department staff
 _____ Local public works department staff
 _____ Local road and bridge crews
 _____ Personnel from departments and programs in **other jurisdictions**
 _____ Volunteers (i.e. citizens through clean-up events)
 _____ Individuals satisfying probation/parole community service requirements
 _____ Incarcerated individuals
 Other: _____

6. Public Awareness

- 6.A. Which of the following ways can people access your program to report illegal dumping activities?
 _____ Telephone during normal business hours
 _____ 24-hour Hotline
 _____ Website (residents can register complaints on-line)
 Other: _____

6.B. Which public awareness activities does your program regularly perform? (check all that apply)

- Radio Public Service Announcements
- Television Public Service Announcements
- Flyers and/or informational brochures
- Presentations to community organizations (neighborhood and civic associations, etc.)
- Public awareness educational programs in local schools
- Presentations to commercial organizations (builders associations, developers, etc.)
- Other: _____

6.C. What public awareness activities do you believe to be most effective in reducing illegal dumping?

7. Training

7.A. What **types** of training activities are offered to program staff and **how often** are these training opportunities utilized? (i.e. TNRCC environmental enforcement seminars, H-GAC training sessions)

8. Coordination/Regionalization

8.A. Does your program coordinate any efforts with other jurisdictions/programs?²

- Yes Occasionally No

8.B. What are the types of coordination efforts **regularly** undertaken between your program and other jurisdictions and/or environmental enforcement programs? (check all that apply)

- Sharing of heavy equipment
- Sharing of surveillance cameras
- Combined community clean-up events
- Combined development and production of educational materials
- Sharing of personnel
- Sharing of data/information on suspected illegal dumpers, dumping trends, etc.
- Other: _____

² "Other jurisdictions/programs" may include neighboring cities and counties as well as the H-GAC.

8.C. What jurisdiction(s) and/or other programs have you coordinated with in the past five years?

8.D. Please describe the effectiveness of the relationship (communication/coordination) between your program and the prosecutors and judges responsible for enforcing illegal dumping laws.

_____ Excellent _____ Good _____ Fair _____ Poor

8.E. Please describe the availability, reliability, and convenience of solid waste collection and disposal services for residents and businesses within your area of jurisdiction.

_____ Excellent _____ Good _____ Fair _____ Poor

8.F. What do you perceive to be the greatest barrier to the reduction of illegal dumping within your jurisdiction? Please **rank** the following in order of magnitude (1= greatest barrier to success).

_____ Insufficient personnel

_____ Insufficient equipment

_____ Lack of political support to address illegal dumping problems

_____ Inadequate collection/disposal options for residents and businesses

_____ Inadequate education regarding collection/disposal options

_____ Inadequate education regarding why illegal dumping is wrong

_____ Ineffective prosecution system (low priority for prosecutors/judges)

_____ Lack of support for environmental enforcement from neighboring communities

_____ Other: _____

9. Other

9.A. Please provide contact information for any neighboring environmental enforcement programs that you recommend we visit with.

9.B. Other comments or issues regarding environmental enforcement:

Thank you for the time and effort put forth to complete this survey. Staff from RS&Y will be contacting you in the near future to set up interviews regarding your environmental enforcement program. Please return this completed survey by Friday, September 13, 2002.

If you have any questions, please feel free to call Ms. Kristin Keeling of RS&Y at (512) 450-0991 or by email at kkeeling@rsyllc.com.

The completed survey may be faxed or mailed to:

Reed, Stowe & Yanke, LLC

5806 Mesa Drive, Suite 310

Austin, Texas 78731

FAX: (512) 450-0515

APPENDIX E: SURVEY RESULTS MATRIX

Appendix D: Environmental Enforcement Program Survey Results

The majority of the larger environmental enforcement programs within the H-GAC region were mailed a survey requesting information on various aspects of their program. The survey was designed to create a foundation of baseline data regarding the structure, performance, and needs of environmental enforcement programs in the region.

The information provided in the surveys was based on the best available knowledge and information at the time regarding program activities. Some of the information provided may be the result of estimations, opinions, and/or educated guesses. In order to facilitate communication among enforcement programs within the region, a listing of the program contacts is provided at the end of the survey results.

Note: Not all communities responded to the survey despite follow-up telephone calls, etc. Therefore a more comprehensive listing of all people interviewed (over 50) and their contact information is provided in Appendix H.

SECTION 1: ENVIRONMENTAL ENFORCEMENT PROGRAM STRUCTURE AND BUDGET

- 1.A. Please describe the organizational structure of your program.
- 1.B. What is the total annual budget for the environmental enforcement program?
- 1.C. How is the program funded and what percentage of the total environmental enforcement budget is provided through each funding source?
- 1.D. What amount of grant funding has the program received from the H-GAC over the past five years?
- 1.E. What amount of grant funding has the program received from sources other than the H-GAC over the past five years?
- 1.F. How long has the environmental enforcement program been in operation?

ENTITY	1.A.	1.B.	1.C.	1.D.	1.E.	1.F.
Austin County						
Austin County	County Commissioner's Office (CCO)	\$40,000	General Fund and Grants	1997- \$58,285 1998- \$40,650 2000- \$52,900 2001- \$41,000	N/A	4 Years
Brazoria County						
Brazoria County	Environmental Health Dept. (EHD)	None	N/A	N/A	N/A	4 to 5 Years

ENTITY	1.A.	1.B.	1.C.	1.D.	1.E.	1.F.
City of Pearland	Fire Marshall's Office (FMO)	Unknown Portion of Fire Marshall's Budget	General Fund	3 year grant from H-GAC	N/A	3 Years
Fort Bend County						
Fort Bend County	Sheriff Department (SD)	Unknown	10% Grants 90% General Fund	1997- \$41,400 1998- \$48,065 1999- \$14,000 2000- \$66,500 2001- \$26,600	N/A	6 Years
Galveston County						
Galveston County	Health District (HD)	Unknown portion of \$180,000	100% General Fund	No response	No response	In Nuisance Abatement for 8 Years
Harris County						
Harris County	Constable's Office (CO)	Approx. \$500,000	5% Grants 95% General Fund	No response	N/A	9 Years
Harris County	Sheriff's Dept. (SD)	No response	100% General Fund	N/A	N/A	Over 20 years
City of Baytown	Health Dept. (HD)	\$401,551	43% CDBG Grants 57% General Fund	N/A	Only CDBG Grants	5 Years
City of Houston	Police Dept. Rat-on-a-Rat (ROAR)	\$640,000	20% Grants 80% General Fund	1998- \$325,939 1998- \$19,065 1999- \$162,997 2000- \$225,320 2001- \$281,803	N/A	10 Years
Liberty County						
Liberty County	Constable's Office (CO)	\$40,000	100% General Fund	No Grants Awarded	No Grants Awarded	1 Year
Matagorda County						
Matagorda County	Health Dept. (HD)	None	2% General Fund	N/A	N/A	10 Years
Walker County						
Walker County	Planning and Development Dept. (PDD)	\$55,000	100% General Fund	1997- \$70,000 1998- \$32,500	\$3,000/year from Trinity River Auth. since 1994	6 Years

ENTITY	1.A.	1.B.	1.C.	1.D.	1.E.	1.F.
Waller County						
Waller County	Sheriff's Dept. (SD)	None	N/A	N/A	N/A	N/A
Wharton County						
Wharton County	Constable's Office (CO)	\$ 23,000	100% General Fund	N/A	N/A	No response
Other						
Texas Parks and Wildlife Department	Environmental Crimes Unit (ECU)	Unknown	100 % General Fund (Within Law Enforcement Division)	N/A	N/A	7 years

SECTION 2: PERSONNEL

- 2.A. How many full-time employees are devoted to environmental enforcement activities?
- 2.B. How many part-time employees are devoted to environmental enforcement activities?
- 2.C. Does your program have a system in place to share environmental enforcement personnel with environmental enforcement programs in other jurisdictions?

ENTITY	2.A.	2.B.	2.C.
Austin County			
Austin County (CCO)	1	3	Shared in the past
Brazoria County			
Brazoria County (EHD)	1	0	Yes
City of Pearland (FMO)	0	3	No
Fort Bend County			
Fort Bend County (SD)	2	1	Yes
Galveston County			
Galveston County (HD)	1	0	Yes
Harris County			
Harris County (CO)	8	0	Yes
Harris County (SD)	4	0	No
City of Baytown (HD)	5	0	No
City of Houston (ROAR)	15	0	Yes
Liberty County			
Liberty County (CO)	1	0	No
Matagorda County			
Matagorda County (HD)	1	0	No
Walker County			
Walker County (PDD)	1	0	No
Waller County			
Waller County (SD)	0	14 Patrol Deputies	No
Wharton County			
Wharton County (CO)	1	0	Yes

ENTITY	2.A.	2.B.	2.C.
Other			
Texas Parks and Wildlife Department (ECU)	7	0	Yes
Total Personnel	48	21	7 - Yes 7 - No

Section 3: Program Performance Measures (Questions 3.A. Through 3.B.)

3.A. How does your program compile illegal dumping information?

3.B. What information does the program track for the purpose of performance measures?

ENTITY	3.A.	3.B.											
		Number of call-in reports	Number and location of illegal dumpsites	Times of illegal dumping	Names of suspected illegal dumpers	Name of complainant	Status of illegal dumpsite investigations.	Number and type of convictions	Dollar amount of fines levied-collected	Amount of waste (volume-weight) illegally dumped	Type of waste (C&D, MSW, HHW)	Environmental medium affected (soil, groundwater)	Other
Austin County													
Austin County (CCO)	Files/Paperwork Computer Database		X					X	X	X			
Brazoria County													
Brazoria County (EHD)	Files/Paperwork Computer Database	X	X	X	X	X	X	X	X	X	X	X	
City of Pearland (FMO)	Files/Paperwork	X	X		X	X	X	X	X		X		Tracking Information not always separate from other duties.
Fort Bend County													
Fort Bend County (SD)	Files/Paperwork Computer Database	X	X		X	X	X	X	X	X	X		Number of complaints & referrals. Number of warnings. Amount of materials diverted for recycling.
Galveston County													
Galveston County (HD)	Files/Paperwork Computer Database		X					X					Number of corrected sites.

ENTITY	3.A.	3.B.											
		Number of call-in reports	Number and location of illegal dumpsites	Times of illegal dumping	Names of suspected illegal dumpers	Name of complainant	Status of illegal dumpsite investigations.	Number and type of convictions	Dollar amount of fines levied-collected	Amount of waste (volume-weight) illegally dumped	Type of waste (C&D, MSW, HHW)	Environmental medium affected (soil, groundwater)	Other
Harris County													
Harris County (CO)	Files/Paperwork Computer Database	X	X				X	X					Names of complainant and suspect.
Harris County (SD)	Files/Paperwork Computer Database												
City of Baytown (HD)	Files/Paperwork		X				X						
City of Houston (ROAR)	Files/Paperwork Computer Database	X	X	X	X	X	X	X	X	X	X	X	
Liberty County													
Liberty County (CO)	Files/Paperwork				X								
Matagorda County													
Matagorda County (HD)	Files/Paperwork												
Walker County													
Walker County (PDD)	Files/Paperwork	X	X		X	X	X	X		X	X		
Waller County													
Waller County (SD)	Files/Paperwork Computer Database	X	X	X	X	X	X	X		X	X		
Wharton County													
Wharton County (CO)	Files/Paperwork Computer Database	X	X		X	X	X						
Other													
Texas Parks and Wildlife Dept. (ECU)	Files/Paperwork						X	X	X	X	X	X	

SECTION 3: PROGRAM PERFORMANCE MEASURES (QUESTIONS 3.C. THROUGH 3.G.)

- 3.C. How many known illegal dumpsites are currently within your jurisdiction?
- 3.D. On average, how many illegal dumpsites are within your jurisdiction in any given year?
- 3.E. On average, how many new illegal dumpsites are discovered each year?
- 3.F. Describe the general trend in the discovery of new dumpsites over the past five years.
- 3.G. Please provide your opinion about the reasons for the trend described in the previous question.

ENTITY	3.C.	3.D.	3.E	3.F	3.G
Austin County					
Austin County (CCO)	N/A	N/A	N/A	Sight Increase	The population of Austin County has grown 19% in the past decade. There is more construction and the transient population does not have the county pride and awareness it needs. Locals have taken the easy way out with regard to disposal instead of driving to legal disposal facilities.
Brazoria County					
Brazoria County (EHD)	N/A	N/A	50	Significant Increase	More people complaining, rising cost of disposal fees, state laws for appliances, growing population.
City of Pearland (FMO)	2-3	2-3	None	Significant Decrease	Building (Commercial and Residential) Construction has eliminated many dumpsites within the city.
Fort Bend County					
Fort Bend County (SD)	8			Significant Decrease	I attribute the significant decrease in identified dumpsites to our high priority on educational programs, speaking engagements, and the distribution of in-house produced literature and brochures. While we do pursue prosecution of habitual or flagrant violators, our primary concern is the education of the general public. We further put a heavy emphasis on individual voluntary programs such as our "Adopt-A-County-Road" Program which currently has 47.5 miles of county roads adopted by individuals, churches, businesses, and civic groups. Our close association and working relationship with the county recycle center gives us the opportunity to offer citizens a legal and viable option to illegal dumping.
Galveston County					
Galveston County (HD)	35+ (over 20 sq. yds)	100+	10-30	Slight Increase	The areas without mandatory trash pick-up seem to be dumping more. This may be due to the economy or people are just being more lazy.

ENTITY	3.C.	3.D.	3.E	3.F	3.G
Harris County					
Harris County (CO)	N/A	N/A	N/A	Significant Increase	The increase in residential building as well as commercial development within Harris County has caused a tremendous increase in both solid waste issues of commercial and residential areas.
Harris County (SD)	N/A	N/A	N/A	N/A	After Tropical Storm Allison, they went way up. Now they are back to normal.
City of Baytown (HD)	25	200+	100	Significant Increase	People see other dumpsites and assume it's ok. Also, a lack of prosecution of dumpsters.
City of Houston (ROAR)	474 current for this year	1800	1800	Slight Decrease	Due to Tropical Storm Allison and 9-11 events, caseload decreased during 2001.
Liberty County					
Liberty County	N/A	N/A	N/A	Significant Increase	N/A
Matagorda County					
Matagorda County (HD)	8-10	5	2-3	Slight Increase	<ul style="list-style-type: none"> • Dumpers want to avoid fees associated w/disposal. • Dumpers look for the cheap, easy way out. • Some may not take advantage of free service. • Many dumpers have other social & psychological problems.
Walker County					
Walker County (PDD)	10	N/A	200	Significant Decrease	Timely warnings & complaint filings, clean-ups when illegal dumpsites located, positing "No-Dumping" signs
Waller County					
Waller County (SD)	4	10	10	Slight Increase	Population growth from Houston area west of Waller County. Stronger enforcement programs forcing violators out and into other counties.
Wharton County					
Wharton County (CO)	5	25	10	Just started position, unable to answer	N/A
Other					
Texas Parks and Wildlife Department (ECU)	Unknown	Unknown	100+	Significant Increase	Illegal dumpsites are moving from areas of historically strong local enforcement to areas of no known environmental enforcement. Example: From Harris County to Waller County, Liberty County, Brazoria County

SECTION 4: PROSECUTION (QUESTION 4.A.)

4.A. Please describe the process of investigating and prosecuting illegal dumpers within your jurisdiction. Please include details such as investigation procedures, communication with other departments, coordination with the prosecutor, etc.

ENTITY	4.A.
Austin County	
Austin County (CCO)	Investigate site, warning, major citation or warrant from D.A. Close working relationship Sheriff's department as well as local agencies. Sheriff's department makes initial call and then contacts enforcement officer.
Brazoria County	
Brazoria County (EHD)	Try to locate person responsible for dumping and have them meet investigator on-site. Personal information gathered on dumper. They are asked to pick up and haul to legal landfill and have weighed to determine weight and fines to be levied by volume. Work up offense report and turn over to DA for prosecution.
City of Pearland (FMO)	Investigations/Enforcement personnel go after the waste generators when the information is known. Personnel also go after the dumpers when the information is known, either through a tip, eyewitnesses, or paper trail). In some cases, municipal court citations are issued and in others, probable cause affidavits are filed with the court. Some communication is made between this office and code enforcement officers in the Permit's Office for fine documents. Obviously, every effort is made regarding coordination with our city prosecutor.
Fort Bend County	
Fort Bend County (SD)	We use surveillance equipment, which includes night vision, digital cameras and video cameras. We do <u>not</u> currently use any hidden surveillance cameras which would require the unattended placement of valuable equipment. We have used our bloodhound dog team, which is highly respected in this field, to identify suspects in dumping cases. We have further used the assistance of neighboring agencies for overhead flight surveillance of known dumpsites. Our working relationship with other jurisdictions and inter-departmental agencies is highly valued. Although we have had problems getting prosecutors and judges to take a sincere interest, these situations can be overcome by capitalizing on the ones which do receive favorable outcomes by publicizing these cases in the local media.
Galveston County	
Galveston County (HD)	See Nuisance Abatement Procedures. To help in gathering information I also ask law enforcement to help me gather additional information from their data bases that are accessible. I also try to find neighbors or people working in the area, depending on the significance of the issue would determine if charges would be filed without giving them a chance to correct. These changes could vary from a class C Misdemeanor to a 3 rd degree felony (depends on the D.A.).
Harris County	
Harris County (CO)	Complaints are received through various channels of communication (i.e. 24-Hour Complaint line, Sheriffs Dept., Constables Dept., Commissioner, PCT Camps, Flood Control, Pollution Control, Health Department, Engineering Dept., Task Forces, etc.). All calls are verified through phone for validity and additional information. Calls are then sent to an investigator based on their expertise or caseload. The investigator will conduct all aspects of the investigation (i.e. evidence gathering, witness statements, analytical work, photos, etc.). The case will then be reviewed with the DA to see what charges they will accept. Charges filed by the investigator and any follow-up work is done by investigator.

ENTITY	4.A.
Harris County (SD)	Issue photos to follow up on a site, if they are not caught in the act. Use normal investigative procedures. If samples of oil or grease are needed, I get assistance from PCT. 3 Environmental Division. If it is simple trash or household garbage, I go through the trash, find any papers with names on them, issue a citation to them. We locate them, then have county clean row and turn a report into Harris County Risk Management to recoup cost to clean up. They in turn send a bill to illegal dumpers. In Commissioners PCT. 4, we handle all illegal dumping, but get assistance if needed from PCT 3, they are very helpful. Harris County has 3 ADA's in the Environmental Division and all 3 are very helpful in assisting, advising and aggressive prosecution.
City of Baytown (HD)	We are primarily in a "reactive mode" instead of a "pro-active mode." Our investigations have not led us to any of the people who are dumping. We have coordinated extra patrols of these sites, but to no avail.
City of Houston (ROAR)	Investigator receives complaint: proceed to sight. Attempts to obtain evidence in the form of mail, bills, or any material with a name or address. Contact the reportee, if no evidence and no witness, the complaint is forwarded to the Solid Waste Department for removal. If evidence investigator photos, measures for the volume, and weighs the materials to obtain appropriate charge. Investigator contacts suspect to give him an opportunity to explain. If charges are warranted, forwards case to the DA's office. DA accepts or refuses charges, sometimes investigator must obtain more information. If investigator receives complaint in another jurisdiction, contacts that agency and refer the case them. A task force also exists that is made of multiple local, state, and federal agencies that enforce pollution laws. Surveillance is sometimes conducted at chronic dumpsites. The times depend on when the witness states that the offense is occurring. For example, every other Sunday between 08:00 and 16:00 hours. Surveillance can be conducted by the investigator(s), a video camera, or both.
Liberty County	
Liberty County (CO)	Complaint is received, Officer Bowen visits dumpsite writes report and attempts to gain compliance, warnings issued. Follow-up visits are made. Currently, no violators have been prosecuted.
Matagorda County	
Matagorda County (HD)	Complaints Received: We do an investigation if we find evidence of violators we may give them the opportunity to pick it up and properly dispose and furnish proof of disposal. Failure to comply results in citation issued or complaint sent to JP Court. Repeat offenders are taken to court with no questions asked. Most JP's will prosecute without hesitation.
Walker County	
Walker County (PDD)	1) Warning notices sent to all addressed material located in dumpsites 2) Contact with above suspects to determine action needed. 3) Warning filed or citations issued to all offenders that have DL# or I.D. cards 4) Conferences with DA or prosecutor on major infractions 5) Any out of county offenders – work with local departments.
Waller County	•
Waller County (SD)	<ul style="list-style-type: none"> • Investigate reported dumping • Prepare reports with documentation • Contact possible violators • Enforce clean-up • Refer report to District Attorney • Follow up as required

ENTITY	4.A.
Wharton County	
Wharton County (CO)	Receive complaint, go to location, investigate, take statements, conduct interviews, take photographs, write report, present to district attorney, issue warrants for arrest.
Liberty County	
Texas Parks and Wildlife Department (ECU)	We (TPWD-ECU) normally pass our investigations regarding illegal dumpers to other investigators in an attempt to train them on how to work illegal dumpsites. Normally, we only work large scale dumpsites ourselves (over 100,000 tires, hazardous waste, asbestos [ABM], or repeat offenders. This is due to a large caseload and an attempt to work cases that impact public health and natural resources the most.

SECTION 4: PROSECUTION (QUESTION 4.B. THROUGH 4.D.)

- 4.B. How many illegal dumping investigations led to prosecutions in each year listed below?
- 4.C. How many prosecutions led to convictions in each year listed below?
- 4.D. How many convictions resulted in jail time in each year listed below?

ENTITY	4.B.					4.C.					4.D.				
	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002
Austin County															
Austin County (CCO)															
Brazoria County															
Brazoria County (EHD)		4	8	10	6		4	8	10	6				1	
City of Pearland (FMO)	<p>1998: 24 Violations Filed. 14 Not Prosecuted (9 Dismissed and 5 FTA's) 10 fines assessed with \$2,300.00 actually collected. 1999: 12 Violations Filed. 6 Not Prosecuted (2 Dismissed and 4 FTA's) 6 fines assessed with \$2,499.00 actually collected. 2000: 11 Violations Filed. 5 Not Prosecuted (3 Dismissed and 1 Not Guilty, 1 FTA) 6 fines assessed with \$2,300.00 actually collected. 2001: 15 Violations Filed. 1 Not Prosecuted (1 Dismissed) 14 fines assessed with \$5,179.00 actually collected. 2002-Jan 2-Aug 2: 2 Violations Filed. 0 Not Prosecuted at this time, 1 fine assessed (other charge has pending court date) with \$2,300 actually collected.</p>														
Fort Bend County															
Fort Bend County (SD)	9	9	9	13	9	9	9	9	13	9					
Galveston County															
Galveston County (HD)			4	4 (*)	(**)			4	4						
Harris County															
Harris County (CO)															
Harris County (SD)															
City of Baytown (HD)															
City of Houston (ROAR)						77	84	62	51		53	41	45	28	

ENTITY	4.B.					4.C.					4.D.				
	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002
Liberty County															
Liberty County (CO)															
Matagorda County															
Matagorda County (HD)											0	0	0	0	0
Walker County															
Walker County (PDD)	100	80	60	40	20-30	75	60	45	30	15-20	0	0	0	0	0
Waller County															
Waller County (SD)			6	6	5										
Wharton County															
Wharton County (CO)					55					55					1
Other															
Texas Parks and Wildlife Department (ECU)	Unknown														

(*) Three cases pending.

(**) Eight cases pending.

SECTION 4: PROSECUTION (QUESTION 4.E. THROUGH 4.F.)

4.E. How many convictions resulted in fines in each year listed below?

4.F. What is the typical fine amount (or range) assessed on convicted illegal dumpers?

ENTITY	4.E.					4.F.
	1998	1999	2000	2001	2002	
Austin County						
Austin County (CCO)						N/A
City of Pearland (FMO)	(refer above)					\$230.00-\$350.00
Brazoria County						
Brazoria County (EHD)		4	8	10	6	\$100.00-\$5,000.00
Fort Bend County						
Fort Bend County (SD)	6	5	5	11	5	\$300.00 Class C
Galveston County						
Galveston County (HD)			4	4		\$100.00-\$500.00 for Class C \$100-\$5,00.00 for others through felony
Harris County						
Harris County (CO)						N/A
Harris County (SD)						N/A
City of Baytown (HD)						N/A
City of Houston (ROAR)	67	88	41	40		\$500.00-\$10,000.00
Liberty County						
Liberty County (CO)						\$100.00-\$500.00
Matagorda County						
Matagorda County (HD)						\$0.00-\$200.00

ENTITY	4.E.					4.F.
	1998	1999	2000	2001	2002	
Walker County						
Walker County (PDD)	75	60	45	30	15-20	\$100.00
Waller County						
Waller County (SD)						N/A
Wharton County						
Wharton County (CO)					55	\$150.00
Other						
Texas Parks and Wildlife Department (ECU)	Unknown					N/A

SECTION 5: CLEAN-UP

- 5.A. On average, how many illegal dumpsites are cleaned up each year?
- 5.B. In general, how often does illegal dumping occur at the same sites that require repeated clean-ups?
- 5.C. Which personnel/labor assist in clean-up efforts of illegal dumpsites?

ENTITY	5.A.	5.B.	5.C.									
			Local environmental enforcement program staff	Local solid waste department staff	Local public works department staff	Local road and bridge crews	Personnel from departments and programs in other jurisdictions	Volunteers (citizens through clean-up events)	Individuals satisfying probation-parole requirements	Incarcerated individuals	Other	
Austin County												
Austin County (CCO)	N/A	Often	X				X			X	X	
Brazoria County												
Brazoria County (EHD)	40	Occasionally	X									
City of Pearland (FMO)	1-2	Often			X							
Galveston County												
Galveston County (HD)	5-10	Occasionally	X							X		
Fort Bend County												
Fort Bend County (SD)	117	Occasionally	X				X		X	X	X	
Harris County												
Harris County (CO)	N/A	Often					X			X		
Harris County (SD)	N/A	Often					X	X				

ENTITY	5.A.	5.B.	5.C.									
			Local environmental enforcement program staff	Local solid waste department staff	Local public works department staff	Local road and bridge crews	Personnel from departments and programs in other jurisdictions	Volunteers (citizens through clean-up events)	Individuals satisfying probation-parole requirements	Incarcerated individuals	Other	
City of Baytown (HD)	200+	Often	X		X				X	X		
City of Houston (ROAR)	1400	Often	X	X	X				X	X	X	
Liberty County												
Liberty County (CO)	20-100	Often		X			X		X	X	X	
Matagorda County												
Matagorda County (HD)	3-5	Occasionally					X		X	X	X	
Walker County												
Walker County (PDD)	100%	Rarely	X						X	X		Get perpetrator to clean-up
Waller County												
Waller County (SD)	8	Occasionally					X	X		X		Violators
Wharton County												
Wharton County (CO)	25	Rarely					X			X		
Other												
Texas Parks and Wildlife Department (ECU)	Unknown	Often					X			X		

SECTION 6: PUBLIC AWARENESS (QUESTIONS 6.A. THROUGH 6.B.)

6.A. Which of the following ways can people access your program to report illegal dumping activities?

6.B. Which public awareness activities does your program regularly perform?

ENTITY	6.A.				6.B.						
	Telephone during normal business hours	24-Hour Hotline	Website (register complaints on-line)	Other	Radio Public Service Announcements	Television Public Service Announcements	Flyers and/or informational brochures	Presentations to community organizations	Educational programs in local schools	Presentations to commercial organizations	Other
Austin County											
Austin County (CCO)				Call Sheriff's Office				X	X		Newspaper press release
Brazoria County											
Brazoria County (EHD)	X										Newspaper articles
City of Pearland (FMO)	X			24-hour dispatch						X	Website
Galveston County											
Galveston County (HD)	X		X	E-mail				X			
Harris County											
Harris County (CO)	X	X	X	On-line complaints for government agencies only			X	X	X		
Harris County (SD)	X	X	X					X			
City of Baytown (HD)	X	X	X				X	X			
City of Houston (ROAR)	X	X	X			X	X	X	X	X	
Liberty County											
Liberty County (CO)	X			Walk in				X			

ENTITY	6.A.				6.B.						
	Telephone during normal business hours	24-Hour Hotline	Website (register complaints on-line)	Other	Radio Public Service Announcements	Television Public Service Announcements	Flyers and/or informational brochures	Presentations to community organizations	Educational programs in local schools	Presentations to commercial organizations	Other
Matagorda County											
Matagorda County (HD)	X			Call Sheriff's Department				X		X	
Walker County											
Walker County (PDD)	X						X	X			No dumping signs
Waller County											
Waller County (SD)	X			24-hour dispatch							
Wharton County											
Wharton County (CO)	X	X		Call 911				X			
Other											
Texas Parks and Wildlife Department (ECU)		X						X	X	X	

SECTION 6: PUBLIC AWARENESS (QUESTIONS 6.C)

6.C. What public awareness activities do you believe to be most effective in reducing illegal dumping?

ENTITY	6.C.
Austin County	
Austin County (CCO)	Giving public information to call-in illegal dumpers.
Brazoria County	
Brazoria County (EHD)	N/A
City of Pearland (FMO)	Don't know that any are actually that effective. People who dump will usually do it anyway and in this community, it is usually people from other areas that dump.
Fort Bend County	
Fort Bend County (SD)	Set-up staff booth at school career day events and at annual "Earth Day" event.
Galveston County	
Galveston County (HD)	Educating on proper disposal and penalties that will occur if not properly disposed. Letting the public, law enforcement, and taxing entities know who to call if they see dumping occur.
Harris County	
Harris County (CO)	Presentations to community organizations along with informational brochures, Public Service Announcements would be great. We just don't have it in the budget.
Harris County (SD)	In PCT 4, it's the Civic Association Meetings where people are encouraged to call and report, they do and usually get good suspect information.
City of Baytown (HD)	Radio Public Service Announcements to community organizations.
City of Houston (ROAR)	Presentations to commercial organizations
Liberty County	
Liberty County (CO)	N/A
Matagorda County	
Matagorda County (HD)	Outdoor advertising and news media

ENTITY	6.C.
Walker County	
Walker County (PDD)	Public Service Announcements. Programs for mandatory solid waste collection.
Waller County	
Waller County (SD)	N/A
Wharton County	
Wharton County (CO)	Personal contact
Other	
Texas Parks and Wildlife Department (ECU)	<p>Most of the large scale dumpsites we investigate are created to save money that would otherwise be used for legal disposal. These guys are well aware of the law, but we have to remember they are criminals. We can have public service announcements all day long explaining that bank robbing is wrong, but banks will continue to be robbed. The best educational tool we have is high profile enforcement (press release of finalized investigation, fines, jail time, etc.) I think eudcation would help in regard to certain commercial dumping practices; an example would be the cement concrete industry, but as a whole, more enforcement officers and prosecutors are needed before a dramatic change will occur.</p>

SECTION 7: TRAINING

7.A. What types of training activities are offered to program staff and how often are these training opportunities utilized? (i.e. TNRCC environmental enforcement seminars, H-GAC training sessions)

ENTITY	7.A.
Austin County	
Austin County (CCO)	Whatever is available from TCEQ or H-GAC.
Brazoria County	
Brazoria County (EHD)	TCEQ seminars, TELEA Conferences (as much as possible).
City of Pearland (FMO)	TCEQ environmental enforcement seminars annually: others when known.
Fort Bend County	
Fort Bend County (SD)	All staff attend the Texas Environmental Law Enforcement Association annual conference. Full time staff attend annual TCEQ environmental enforcement seminars. Full time staff attend H-GAC training sessions as availability & scheduling permits. An 8-hour school on environmental enforcement is put on by this department twice per year at our local police academy. All staff have been trained in handling hazardous materials at the 40 hour HAZWOPER class and attend an annual 8-hour refresher for this class.
Galveston County	
Galveston County (HD)	Sampling, crime scene surveying, interview techniques, search warrant processes, Hazmat training, etc. (SEEN, TELEA, TNRCC/TCEQ, TPW)
Harris County	
Harris County (CO)	TCEQ. Basic Training, Hazwoper Training, Southern Environmental Enforcement Network intermediate training, F.L.E.T.C., Advanced Environmental Crimes Training, H-GAC. training and seminars, TELEA seminars and training. Also, most investigators are on the guest instructor list for many of the mentioned groups.
Harris County (SD)	None to me, personally.
City of Baytown (HD)	Basic code enforcement training on a yearly basis.
City of Houston (ROAR)	Basic environmental training, interviewing interrogation techniques, special environmental topics, criminal environmental law, HazWoper, First Responder, environmental evidence sampling training, scan analysis.
Liberty County	
Liberty County (CO)	30 Hr. Course- TELEA – League City / 40 Hr. Course – SEEN - Mississippi

ENTITY	7.A.
Matagorda County	
Matagorda County (HD)	I take advantage of most opportunities provided they are offered within 100-150 miles and are of short duration (1-2 days). Budget must be considered for travel, per diem, regular fees, etc.
Walker County	
Walker County (PDD)	TELEA Conference, KTB Convention, TCEQ Conference, HGAC
Waller County	
Waller County (SD)	Annual training video TCEQ
Wharton County	
Wharton County (CO)	TCEQ annual training seminars.
Other	
Texas Parks and Wildlife Department (ECU)	We (The TPWD-ECU) train local law enforcement at the Texas Environmental Task Force school each year.

SECTION 8: COORDINATION/REGIONALIZATION (QUESTIONS 8.A THROUGH 8.B)

8.A. Does your program coordinate any efforts with other jurisdictions/programs?

8.B. What types of coordination efforts regularly undertaken between your program and other jurisdictions and/or environmental enforcement programs?

ENTITY	8.A.	8.B.						
		Sharing of heavy equipment	Sharing of surveillance cameras	Combined community clean-up events	Combined development and production of educational materials	Sharing of personnel	Sharing of data on suspected illegal dumpers, and dumping trends,	Other
Austin County								
Austin County (CCO)	Yes							
Brazoria County								
Brazoria County (EHD)	Yes					X	X	
City of Pearland (FMO)	No							
Fort Bend County								
Fort Bend County (SD)	Occasionally				X		X	Coordinate with probation departments for clean-up of dump sites.
Galveston County								
Galveston County (HD)	Yes			X		X	X	Joint investigation and clean-up
Harris County								
Harris County (CO)	Yes	X	X			X	X	Task Force
Harris County (SD)	Occasionally	X		X				
City of Baytown (HD)	No							
City of Houston (ROAR)	Yes	X			X	X	X	Search warrants
Liberty County								
Liberty County (CO)	No				X			

ENTITY	8.A.	8.B.						
		Sharing of heavy equipment	Sharing of surveillance cameras	Combined community clean-up events	Combined development and production of educational materials	Sharing of personnel	Sharing of data on suspected illegal dumpers, and dumping trends,	Other
Matagorda County								
Matagorda County (HD)	Occasionally			X	X			
Walker County								
Walker County (PDD)	N/A			X				
Waller County								
Waller County (SD)	Occasionally						X	
Wharton County								
Wharton County (CO)	Yes					X	X	
Other								
Texas Parks and Wildlife Department (ECU)	Yes					X	X	

SECTION 8: COORDINATION/REGIONALIZATION (QUESTIONS 8.C. THROUGH 8.E.)

- 8.C. What jurisdiction(s) and/or other programs have you coordinated with in the past five years?
- 8.D. Please describe the effectiveness of the relationship (communication/coordination) between your program and the prosecutors and judges responsible for enforcing illegal dumping laws.
- 8.E. Please describe the availability, reliability, and convenience of solid waste collection and disposal services for residents and businesses within your area of jurisdiction.

ENTITY	8.C.	8.D.	8.E.
Austin County			
Austin County (CCO)	Montgomery, Ft. Bend, Harris, Waller County	Fair	Poor
Brazoria County			
Brazoria County (EHD)	Coast Guard, TCEQ, local cities, sheriff/police, GLO, Railroad Commission	Good	Good
City of Pearland (FMO)	Other city code enforcement, PD, etc.	Good	Excellent
Fort Bend County			
Fort Bend County (SD)	H-GAC-Standardization of printed brochures & tri-fold pamphlets. TELEA-Training needs assessment	Fair	Good
Galveston County			
Galveston County (HD)	Every city in Galveston County and almost every county agency in addition to the GLO, Coast Guard and EPA.	Good	Fair
Harris County			
Harris County (CO)	Walker County, Fort Bend County, Montgomery County, HGAC, City of Houston, Ship Channel Task Force, F.B.I., E.P.A., T.P.W., Coast Guard, I.R.S., A.G. Office	Good	Fair
Harris County (SD)	PCT 3 Environmental Division (which consists of PCT 1, PCT 5 constables), Harris County District Attorney	Excellent	Good
City of Baytown (HD)	N/A	Good	Good
City of Houston (ROAR)	EPA, US Attorney, Coast Guard, FBI, INS, IRS, District Attorney, Fort Bend Constable, Sheriff, Fire Department, Code enforcement, Environmental Safety, Public Works, Keep Houston Beautiful, Citizens for Clean Environment	Good	Good
Liberty County			
Liberty County (CO)	N/A	Good	Fair
Matagorda County			
Matagorda County (HD)	Bay City Cottonwood Creek Clean-Up, County HHW Clean-Up, Beach Clean-Up, LCRA	Good	Fair

ENTITY	8.C.	8.D.	8.E.
Walker County			
Walker County (PDD)	N/A	Good	Fair
Waller County			
Waller County (SD)	Washington County, Austin County, TPWD, TCEQ	Excellent	Poor
Wharton County			
Wharton County (CO)	City of Wharton Police Department, Wharton County Sheriffs Department, LCRA Law Enforcement	Excellent	Excellent
Other			
Texas Parks and Wildlife Department (ECU)	None related to illegal dumpers – many regarding Hazardous Waste, water pollution, etc.	Excellent	Good

SECTION 8: COORDINATION/REGIONALIZATION (QUESTIONS 8.F.)

8.F. What do you perceive to be the greatest barrier to the reduction of illegal dumping within your jurisdiction? Please rank the following in order of magnitude (1=greatest barrier to success).

ENTITY	8.F.								
	Insufficient personnel	Insufficient equipment	Lack of political support to address illegal dumping problems	Inadequate collection/disposal options for residents and businesses	Inadequate education regarding collection - disposal options	Inadequate education regarding why illegal dumping is wrong	Ineffective prosecution system (low priority for prosecutors/judges)	Lack of support of environmental enforcement from neighborhood communities	Other
Austin County									
Austin County (CCO)				1			2		
Brazoria County									
Brazoria County (EHD)	1	2	4	6	7	8	3	5	
City of Pearland (FMO)								1	
Fort Bend County									
Fort Bend County (SD)	3	7	2	4	6	8	1	5	
Galveston County									
Galveston County (HD)	1	4	3	8	6	5	2	7	
Harris County									
Harris County (CO)	2	5	1	8	7	4	3	6	
Harris County (SD)	3	4	6	2	1	7	8	5	
City of Baytown (HD)	2	1	8	3	4	5	7	6	
City of Houston (ROAR)	2	3	6	5	4	7	9	8	1 (insufficient funding)
Liberty County									
Liberty County (CO)		1					2		

ENTITY	8.F.								
	Insufficient personnel	Insufficient equipment	Lack of political support to address illegal dumping problems	Inadequate collection/disposal options for residents and businesses	Inadequate education regarding collection - disposal options	Inadequate education regarding why illegal dumping is wrong	Ineffective prosecution system (low priority for prosecutors/judges)	Lack of support of environmental enforcement from neighborhood communities	Other
Matagorda County									
Matagorda County (HD)	1	2		5	3	4			
Walker County									
Walker County (PDD)	1	6	5	4	3	2	7	8	
Waller County									
Waller County (SD)	2	8	5	1	4	3	6	7	
Wharton County									
Wharton County (CO)		2						1	
Other									
Texas Parks and Wildlife Department (ECU)							1		Lack of Prosecutors
Average Score:	1.8	3.75	4.44	3.91	4.5	5.3	4.25	5.36	N/A

SECTION 9: OTHER

9.A. Please provide contact information for any neighboring environmental enforcement programs that you recommend we visit with.

9.B. Other comments or issues regarding environmental enforcement:

ENTITY	9.A.	9.B.
Austin County		
Austin County (CCO)		
Brazoria County		
Brazoria County (EHD)		
City of Pearland (FMO)		Most illegal dumping here is performed by people from Harris County/Houston.
Fort Bend County		
Fort Bend County (SD)	Mark L Somer, Deputy Constable Wharton County Constable, Pct #2 736 Clubside Drive East Bernard, Texas 77435	
Galveston County		
Galveston County (HD)	City of Dickinson, Keith Kiplinger Ph. (281) 337-2989 x261 Fax: (281) 337-6190 City of Santa Fe, Berry Davis Ph: (409) 316-1988 Fax: (409) 316-1941	There are a couple of issues: there is a lack of knowledge and understanding on all levels and sides of the issue.
Harris County		
Harris County (CO)		
Harris County (SD)		General enforcement rules need to be easy to obtain.
City of Baytown (HD)	Officer Dave Humphry, Police Department, Houston, TX (713) 308-8732	
City of Houston (ROAR)		Lack of funds and equipment
Liberty County		
Liberty County	City of Cleveland – Code Enforcement Officer	Lack of funding
Matagorda County		
Matagorda County (HD)	City of Bay City City of Palacios (stopped brush and bulky pick up-killing the county)	

ENTITY	9.A.	9.B.
Walker County		
Walker County (PDD)	Coordinate and educate other law enforcement agencies.	Require TCLOSE training on an annual basis. Frustrating that other officers want to get involved, but don't know how to address. Too busy on other crimes (i.e. traffic cop should pull over commercial haulers without a tarp. Even just use regular cops as witnesses.
Waller County		
Waller County (SD)		The TCEQ needs to get back into the enforcement programs, not referral of complaints. They have the jurisdiction to cross county lines making enforcement more effective.
Wharton County		
Wharton County (CO)		
Other		
Texas Parks and Wildlife Department (ECU)	<p>The TWPD-ECU does not normally investigate solid waste dumping, however we support and assist other agencies routinely with solid waste investigations. In addition, we investigate large scale illegal dumpsites or those with a substantial threat to the community or natural resources. Our main objective is to train local law enforcement in how to investigate illegal dumpsites, so we can spend our time on large scale environmental crime. We always assist when asked, but the bottom line is a lack of man power, and we have to concentrate on certain issues regarding hazardous waste disposal, water pollution and air issues. At the same time, on a yearly basis, I assist in on way or another with approximately 25 solid waste investigations.</p> <p>The most important issue affecting solid waste enforcement is a lack of prosecutors that are educated in environmental issues. What good does it do to spend 80 hours working a case where the county will not prosecute? The H-GAC needs to focus on a way to either educate or hire prosecutors that will accept these charges and work the case through final disposition.</p>	

**APPENDIX F: ENVIRONMENTAL COURT ENACTING
LEGISLATION**

AN ACT

relating to the creation of additional statutory county courts in El Paso County and to the administration, jurisdiction, and operation of statutory and district courts in that county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.0731(a), Government Code, is amended to read as follows:

(a) El Paso County has the following statutory county courts:

- (1) County Court at Law No. 1 of El Paso County, Texas;
- (2) County Court at Law No. 2 of El Paso County, Texas;
- (3) County Court at Law No. 3 of El Paso County, Texas;
- (4) County Court at Law No. 4 of El Paso County, Texas;
- (5) County Court at Law No. 5 of El Paso County, Texas;
- (6) County Court at Law No. 6 of El Paso County, Texas; ~~and~~
- (7) County Court at Law No. 7 of El Paso County, Texas;
- (8) County Criminal Court at Law No. 1 of El Paso County, Texas; and
- (9) County Criminal Court at Law No. 2 of El Paso County, Texas.

SECTION 2. Section 25.0732, Government Code, is amended by adding Subsections (w), (x), (y), (z), and (aa) to read as follows:

(w) In matters of concurrent jurisdiction, a judge of a statutory county court in El Paso County and a judge of a district court or another statutory county court in El Paso County may transfer cases between the courts in the same manner judges of district courts transfer cases under Section 24.303. This subsection does not apply to a county criminal court at law in El Paso County.

(x) A judge of a statutory county court in El Paso County and a judge of a district court in El Paso County may exchange benches and may sit and act for each other in any matter pending before the court. This subsection does not apply to a county criminal court at law in El Paso County.

(y) The El Paso Council of Judges shall order the transfer of criminal misdemeanor cases to the County Criminal Courts No. 1 and No. 2 from time to time to equalize the criminal misdemeanor dockets of the statutory county courts for the efficient operation of the court system and the effective administration of justice.

(z) The County Criminal Courts No. 1 and No. 2 have the criminal jurisdiction provided by law for county courts and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county as provided by Article 45.042, Code of Criminal Procedure, but have no other jurisdiction.

(aa) The County Criminal Court No. 1 has exclusive jurisdiction over environmental offenses.

SECTION 3. This Act takes effect and the County Criminal Court No. 1 of El Paso County, Texas, and the County Criminal Court No. 2 of El Paso County, Texas, are created January 1, 2002.

President of the Senate

Speaker of the House

I certify that H.B. No. 1979 was passed by the House on April 5, 2001, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1979 was passed by the Senate on May 3, 2001, by the following vote: Yeas 30, Nays 0, 1 present, not

voting.

Secretary of the Senate

APPROVED:

Date

Governor

HBA-EDN, KDB H.B. 1979 77(R)BILL ANALYSIS

Office of House Bill Analysis H.B. 1979

By: Chavez
Judicial Affairs
7/10/2001
Enrolled

BACKGROUND AND PURPOSE

The backlog of pending misdemeanor cases in El Paso County may result in cases not being adjudicated in a timely basis, which may cause delays in sentencing and may increase the chances that individuals released on bail may commit similar offenses. House Bill 1979 creates County Criminal Court at Law No. 1 of El Paso County and County Criminal Court at Law No. 2 of El Paso County to help reduce the current backlog of cases in El Paso County.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1979 amends the Government Code to create County Criminal Court at Law No. 1 of El Paso County and County Criminal Court at Law No. 2 of El Paso County. The bill sets forth the jurisdiction of the courts and provides for the transfer of cases among the courts in El Paso County. The bill authorizes a judge of a statutory county court in El Paso County and a judge of a district court in El Paso County to exchange benches and sit and act for each other in any matter pending before the court. Provisions relating to the transfer of cases in matters of concurrent jurisdiction and to the exchange of benches between judges do not apply to a county criminal court at law in El Paso County.

EFFECTIVE DATE

January 1, 2002.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

March 8, 2001

TO: Honorable Royce West, Chair, Senate Committee on
Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB683 by Shapleigh (Relating to the creation of
additional statutory county courts in El Paso County and
to the administration, jurisdiction, and operation of
statutory and district courts in that county.), As
Introduced

* No fiscal implication to the State is anticipated. *

Local Government Impact

The bill would create two new county criminal courts at law in El Paso County. The new courts would give preference to criminal law matters, and County Criminal Court No. 1 would have exclusive jurisdiction over environmental offenses. The bill would take effect and the new courts would be created January 1, 2002.

The Comptroller of Public Accounts contacted the El Paso County Auditor's Office and was told the estimated budget for the new courts would be \$1,331,768 for salaries and operating expenses. There would also be a one time capital outlay for equipment of \$62,000.

Source Agencies: 304 Comptroller of Public Accounts
LBB Staff: JK, TB, DB

WITNESS LIST

HB 1979
HOUSE COMMITTEE REPORT
Judicial Affairs Committee

March 12, 2001 - 2:00P or upon final adjourn./recess

For: Gonzalez, Judge Alex (El Paso County Courts at Law)
Herrera, Ricardo (El Paso County Commissioners Court and
Council of Jdgs.)
Lizarraga, Marcos (Self and Jaime Esparza, District
Attorney for 34th Jud. Dist.)

Registering, but not testifying:

For: Garcia, Joe (County of El Paso)
Kastrin, Deborah (El Paso County Commissioners' Court)

Committee Substitute (Deshotel/CSHB 1979)

For: Alarcon, Flora (El Paso County Courts at Law)

WITNESS LIST

SB 683

SENATE COMMITTEE REPORT

Jurisprudence Committee

April 2, 2001 - 1:30P or upon adjournment

FOR: Rivera, Guadalupe District Court Judge (El Paso
Council of Judges), El Paso, TX

Registering, but not testifying:

For: Herrera, Richard Judge, County Court at Law 1
(County Courts at Law of El Paso, Tx)
Jaime, Esparza District Attorney (District
Attorney's Office)
Kastrin, Deborah Lobbyist (County of El Paso -
Commissioners Court)
Kurita, Sue Judge (County Courts of El Paso)

APPENDIX G: H-GAC FY 2002/03 PROJECT RESULTS REPORT

H-GAC FY2002/03 PROJECT RESULTS REPORTS

LOCAL ENFORCEMENT

GRANT RECIPIENT: _____ CONTRACT NUMBER: _____

REPORTING PERIOD: _____ TO _____ CONTRACT FUNDING: \$ _____

REPORT NUMBER: _____ FINAL FY2001 REPORT: YES or NO (PLEASE CIRCLE)

REPORTING PARAMETERS	CUMULATIVE RESULTS
Total number of illegal dumping sites investigated	
Number of small illegal dumping sites investigated (<5 lbs.)	
Number of medium illegal dumping sites investigated (5-100 lbs.)	
Number of large illegal dumping sites investigated (>100 lbs.)	
Total number of violators identified	
Total number of fines issued	
Total amount of fines collected	\$
Total number of illegal dumping sites cleaned up through enforcement actions	
Total amount of waste (lbs.) removed from illegal dumping sites through enforcement actions	lbs.

EDUCATION AND TRAINING COMPONENTS

Reporting Parameter	CUMULATIVE RESULTS
Amount of grant funding applied toward education/training activities	\$
Total of all education/training events	
Total number of persons involved in education/training events	
Total of all items distributed related to education/training events (e.g., brochures, fliers, manuals, freebies, etc.)	
Total number of mass media activities (e.g., press releases, PSAs, billboards or signs, etc.)	
Estimated number of people reached through mass media activities	

COMMENTS

CERTIFICATION: I certify to the best of my knowledge and belief that this report is correct and complete.

Signature of Authorized Certifying Official

Typed or Printed Name and Title

Date Submitted

**APPENDIX H: SUPPLEMENTAL ENVIRONMENTAL PROJECTS –
H-GAC REGION**

Region 12 (Houston) - Ongoing Independent SEPs

Program	Eligible County/Counties
Galveston Bay Foundation, Galveston Bay Restoration "Marsh Mania"	Brazoria Chambers Galveston Harris
City of Houston, Household Hazardous Waste Collection Facility	Fort Bend Harris Montgomery
City of Houston, Illegal Tire Dumping Site Clean Up	Harris Montgomery Fort Bend
City of Houston, Purchase of Alternative Fueled Equipment and Vehicles	Harris Montgomery Fort Bend
Jefferson County, McFaddin National Wildlife Refuge Dune Restoration	Chambers Galveston
Native Prairie Association: Purchase of Tallgrass Prairie Remnants	Austin Brazoria Chambers Colorado Fort Bend Galveston Harris Liberty Waller Wharton
Resource Conservation and Development, Inc., Sam Houston Abandoned Tire Clean-Up	Austin Brazoria Colorado Fort Bend Galveston Harris Matagorda Montgomery Walker Wharton

Region 12 (Houston) - Ongoing Independent SEPs

Program	Eligible County/Counties
Resource Conservation and Development, Inc., Sam Houston Wastewater Treatment System Assistance	Austin Brazoria Colorado Fort Bend Galveston Harris Matagorda Montgomery Walker Wharton
Resource Conservation and Development, Inc., Southeast, Wastewater Treatment Assistance	Chambers Galveston Liberty
Resource Conservation and Development, Inc., Southeast, Abandoned Tire Clean-up	Chambers Galveston Liberty
Resource Conservation and Development, Inc., Southeast, Household Hazardous Waste Clean-up	Chambers Galveston Liberty
Resource Conservation and Development, Inc., Southeast, Volunteer Fire Department Assistance	Chambers Galveston Liberty
Texas Environmental Education Partnership (TEEP), Install Ozone Monitors in Schools	Fort Bend Galveston Harris
Audubon Society, High Island Clean Up	Chambers
Fort Bend County, On-site Wastewater Treatment System Assistance	Fort Bend
Fort Bend County Extension Service, Agriculture Waste Pesticide Collection Program	Fort Bend

Region 12 (Houston) - Ongoing Independent SEPs

Program	Eligible County/Counties
Audubon Society, Bolivar Flats Shorebird Sanctuary	Galveston
Audubon Society, Acquisition of Property, Boliver Flats Shorebird Sanctuary	Galveston
Audubon Society, Removal of Exotic Plants, Louis Smith Bird Sancutary	Galveston
Audubon Society, Removal of Exotic Plants, Smith Oaks Bird Sancutary	Galveston
Nature Conservancy, Gulf Coast Prairies and Marshes, Texas City Prairie Preserve, Fire Management Program	Galveston
Nature Conservancy, Gulf Coast Prairies and Marshes, Texas City Prairie Preserve, Non-native Species Control	Galveston
Nature Conservancy, Gulf Coast Prairies and Marshes, Texas City Prairie Preserve, Seeding Native Prarie Grasses	Galveston
Scenic Galveston, Inc., Purchase and Restoration of Wetlands	Galveston
Dominion Community Development Corporation, Lead Based Paint Reduction Project	Harris
Harris County and Texas Department of Criminal Justice	Harris
Air Monitoring Equipment	Harris
Meteorolgical Monitoring Equipment	Harris
Native Prairies Association: Local Ecotype Seed Increase for Tallgrass Coastal Prairie Restoration	Harris

Region 12 (Houston) - Ongoing Independent SEPs

Program	Eligible County/Counties
Trinity River National Wildlife Refuge	Liberty
Nature Conservancy, South Texas Plains, Clive Family Mad Island Marsh Preserve, Mad Island Bayou Oxbow Erosion Control and Shoreline Stabilization	Matagorda
Nature Conservancy, South Texas Plains, Clive Family Mad Island Marsh Preserve, Mad Island Marsh Preserve Erosion Control and Sediment Accretion Project	Matagorda
Nature Conservancy, South Texas Plains, Clive Family Mad Island Marsh Preserve, West Shell Lakes Phragmites Control Project	Matagorda
Nature Conservancy, South Texas Plains, Clive Family Mad Island Marsh Preserve, Restoration of Native Tallgrass Coastal Prairie	Matagorda
City of Conroe	Montgomery
Resource Conservation and Development, Inc., Big 8, Volunteer Fire Department Assistance	Waller
Resource Conservation and Development, Inc., Big 8, Household Hazardous Waste Clean Up	Waller
Resource Conservation and Development, Inc., Big 8, Wastewater Treatment Assistance	Waller
Resource Conservation and Development, Inc., Big 8, Abandoned Tire Clean-up	Waller
Resource Conservation and Development, Inc., Big 8, Clean-up of Illegally Dumped Household Waste	Waller

APPENDIX I: SAMPLE INTERLOCAL AGREEMENT

INTERLOCAL ASSISTANCE AGREEMENT
REGIONAL SOLID WASTE ENFORCEMENT TASK FORCE

This Agreement is made and entered into by and between the undersigned parties, including, but not limited to Counties of Bastrop, Blanco, Burnet, Caldwell, Hays, Lee, Llano, Travis, and Williamson, the Lower Colorado River Authority, and the City of Austin, hereinafter collectively referred to as the "Parties", pursuant to the Interlocal Cooperation Act, Texas Government Code § 791.001, et seq., and Chapter 362 of the Texas Local Government Code.

WHEREAS, the illegal disposal of solid waste is a crime that has steadily increased in recent years with landfill closures, rising disposal costs, and population growth; and

WHEREAS, the cost of clean-up places burdens on the public and private sector alike; and

WHEREAS, private individuals and business owners must pay to clean, haul, and dispose of waste that has been illegally deposited on their property; and

WHEREAS, local governments and river authorities must pay for removal and disposal of illegal dumping on public land, parks, roads, and rights-of-way; and

WHEREAS, illegal dumping often contaminates water supplies, placing additional burdens on the population in the form of health problems, medical expenses, and mitigation costs; and

WHEREAS, the Parties desire to address these problems within the Capital Area Planning Council Region by developing a comprehensive solid waste law enforcement program, including violation identification, investigation, prosecution, and public awareness; and

WHEREAS, the Parties presently desire to pool their resources and coordinate individual efforts in order to combat illegal dumping more efficiently and effectively;

NOW, THEREFORE, the Parties agree as follows:

I

FORMATION

The Parties by resolution or order enter into this Agreement to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement. The Parties hereby establish a Regional Solid Waste Task Force (the "Task Force"). The Task Force will pool its resources and coordinate individual efforts to combat illegal dumping more efficiently and effectively.

The Task Force will assist its members in investigating, prosecuting, and preventing illegal dumping.

II

RESOURCES

The allocation of law enforcement and prosecution resources is a discretionary decision, which is to be made by the governmental entity and official(s) who controls the resources. It is also acknowledged that the allocation of law enforcement and prosecution resources is dependent on the availability of funding and the resources in question. Subject to these expressly acknowledged limitations, the Parties agree to endeavor to provide available law enforcement and prosecution resources as requested in order to facilitate Task Force operations.

III

TASKS

A. The Parties will each appoint a representative to serve on a Board of Directors of the Task Force.

B. The Board will:

- 1) elect a chairperson from its membership;
- 2) set the policy of the Task Force;
- 3) receive reports concerning the activities of the Task Force;
- 4) meet annually on a date selected by its chairperson and at other times as set by the board;
- 5) adopt and follow proper parliamentary procedures at each of its meetings;
- 6) organize the Task Force to most effectively utilize Task Force resources in the accomplishment of its objectives;
- 7) appoint a Committee to develop standard operating procedures for the Task Force and the Committee will submit the procedures to the Board for its approval;
- 8) organize and implement Task Force operations;
- 9) establish inter-agency flow charts, meeting schedules, and screening criteria;
- 10) designate points of contact and determine agency responsibility; and
- 11) elect a Task Force coordinator to coordinate the day-to-day operation of the Task Force.

IV

JURISDICTION

A. The peace officers of the Parties, who are assigned to a Task Force operation, will have the additional jurisdictional authority set forth in this Agreement.

B. The jurisdiction conferred under this Agreement will include the power to conduct investigations, make arrests without a warrant, to execute search warrants, and to take other reasonable and necessary law enforcement actions for the purpose of and in the pursuit of achieving Task Force objectives outside the jurisdiction from which the officer is assigned and within the territory of a specific Task Force operation. All assigned officers will have the investigative and arrest authority necessary to effectively cooperate in the attainment of the Task Force objectives within the area covered by a specific Task Force operation.

C. Venue for the prosecution of a criminal offence under the Texas Health and Safety Code, the Texas Water Code, the Solid Waste Disposal Act, or other Texas law or for a suit for injunctive relief brought in connection with any Task Force operation will be in accordance with applicable law.

V

COORDINATION OF LAW ENFORCEMENT OPERATIONS

A. Each party will designate an individual to serve as a single point of contact for the purpose of coordinating law enforcement operations. The initial single points of contact are set forth in Exhibit "A", which is attached hereto and made a part hereof. The Parties may change the designated points of contact by delivering a notice to the other parties in accordance with the terms of this Agreement.

B. The individuals, who act as the single points of contact, will also act as the liaisons between the Task Force and the law enforcement officials of the participating jurisdictions. The Task Force Coordinator will notify the single point of contact of each jurisdiction to be involved in a Task Force operation of the contemplated operation and will communicate with the single points of contact to coordinate the day-to-day operation of the Task Force.

C. The law enforcement agencies of the area where an arrest is made shall be notified of the arrest without delay, and the notified agency shall make available the notice of arrest in the same manner as if the arrest were made by a member of that agency.

VI

PEACE OFFICER COMPENSATION

A peace officer assigned to the Task Force shall receive from the assigning party the same wages, salary, pensions, and other compensation, employment benefits, and rights, including injury or death benefits, for the service as though the service had been rendered directly for the party who assigned the officer to the Task Force. The officer is also entitled to payment for any reasonable expenses incurred for travel, food, or lodging, while on

duty outside the limits of the territory or jurisdiction of the assigning party.

VII

ALLOCATION OF FUNDS

A. A party to this Agreement shall not request reimbursement for any services performed pursuant to this Agreement by another party to this Agreement.

B. All funds received and/or other property forfeited under the provisions of law and as a result of the activities of the Task Force will be shared by the parties participating in the specific Task Force operation according to the provisions of applicable law and/or the agreement of the participating parties or at the election of the participating parties may be forfeited to the Task Force and held and used for a public purpose pursuant to Section 791.013 of the Texas Government Code. The Task Force will provide custody and accounting of these funds and assets, if any, and will utilize the funds and assets in accordance with applicable law and the decision of the Task Force Board of Directors.

VIII

LEGAL RESPONSIBILITIES

A. If any law enforcement officer assigned to the Task Force is cited as a defendant in any civil law suit arising out of his or her official acts as a law enforcement officer assigned to the Task Force, the officer will have the same benefits from the assigning agency that such law enforcement officer would be entitled to receive if such civil action had arisen out of an official act within the scope of his or her duties as an officer of and in the jurisdiction of the assigning party.

B. No party to this Agreement will be responsible for the acts of a law enforcement officer of another jurisdiction, who is assigned to the Task Force, except as may be decreed against that party by a judgment of a court of competent jurisdiction.

C. It is expressly understood and agreed that in the execution of this Agreement, no party waives, nor shall be deemed to waive, any immunity or defense otherwise available to it against any claims arising in the exercise of governmental powers and functions.

D. Each party to this Agreement waives all claims against every other party to the Agreement for compensation for any loss, damage, personal injury, or death, occurring as a consequence of the performance of this Agreement, except for acts in violation of law.

IX

NON-PEACE OFFICER PERSONNEL

In the event that a party to this Agreement assigns any non-peace officer personnel to participate in any Task Force operations, such personnel will have the rights to compensation and legal defense provided to peace officers under Sections VI and VIII of this Agreement, provided however, that nothing in this Agreement is intended to grant any law enforcement authority upon any such non-peace officer personnel.

X

DISTRIBUTION OF ASSETS

A. Upon termination of this Agreement, all assets of the Task Force, including any real property or funds available due to forfeitures made in accordance with State and Federal law, will be distributed in accordance with applicable law and the decision of the Task Force Board of Directors.

B. Upon termination of this Agreement, equipment on loan to the Task Force by the agreement of a party will be returned to the appropriate party.

XI

TERM & COMMENCEMENT & ADDITIONAL PARTIES

This Agreement will commence upon execution by at least three (3) of the Parties and renew automatically for consecutive one year periods unless terminated by amendment to this Agreement. If less than all of the contemplated parties execute this Agreement prior to commencement of the Task Force operations, this Agreement will operate as an Interlocal Agreement between the signatory parties at that time. Any governmental entities located in or serving the CAPCO region not a party to this Agreement may execute a copy of this Agreement and become a party upon the approval of the Task Force Board of Directors.

XII

LEGAL CONSTRUCTION

If any one or more of the provisions of this Agreement is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision and the Agreement will be construed without the invalid, illegal or unenforceable provision.

XIII

TERMINATION

Any party may, upon written notice to all other parties, withdraw from this Agreement at any time.

XIV

PAYMENTS

The party or parties paying for the performance of governmental functions or services shall make payments therefore from current revenues available to the paying party.

XV

NOTICE

Any notice given hereunder by any party to the other parties shall be in writing and may be effected by personal delivery in writing, by registered or certified mail, return receipt requested, when mailed to the proper party, in care of the official signing this Agreement or by fax transmission as agreed to by the Parties and as evidenced by a confirming return fax transmission.

XVI

LEGAL CONSTRUCTION

Whenever the context of this Agreement requires, the masculine, feminine, or neuter gender and the singular or plural number shall each be deemed to include the others. Any portion of this agreement held by a court of competent jurisdiction to be invalid, illegal, or ineffective shall not impair, invalidate, or nullify the remainder of this Agreement, but the effect thereof shall be confined to the clause, sentence, provision, paragraph, or article so held to be invalid, illegal, or ineffective.

XVII

ENTIRE AGREEMENT

This is the complete and entire Agreement between the parties with respect to the matters herein and supersedes all prior negotiations, agreements, representations, and understandings, if any, provided however, that this Agreement does not supersede or otherwise affect the "INTERLOCAL COOPERATION AGREEMENT CITY HEALTH DEPARTMENT/COUNTY HEALTH DEPARTMENT" between the City of Austin and Travis County, as amended. This Agreement may not be modified, discharged, or changed in any respect whatsoever except by a further agreement in writing duly executed by the parties hereto. No official, representative, agent, or employee of Travis County, Texas has any authority to modify this Agreement, except pursuant

to such express authority as may be granted by the Commissioners Court of Travis County, Texas.

XVIII

ADDITIONAL AGREEMENTS

The parties agree to execute such other and further instruments and documents as are or may become necessary or convenient to carry out the purposes of this Agreement.

XIX

APPLICABLE LAW

This Agreement shall be construed under the laws of the State of Texas. Any suits relating to this Agreement will be filed in a district court of Travis County, Texas.

XX

NO THIRD PARTY RIGHTS

Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.

XXI

MULTIPLE COUNTERPARTS

This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original and all of which together constitute one and the same instrument. In like manner, from and after the time it executes a consent or other document authorized or required by the terms of the Agreement, such consent or other document shall be binding upon such party.

Resolved, Ordered, and Executed as of the dates set forth below.

COUNTY OF BASTROP

Peggy Walicki
County Judge

Date: Nov. 14, 1996

APPENDIX J: SAMPLE TASK FORCE BY-LAWS

**BYLAWS OF THE
CAPITAL REGION SOLID WASTE ENFORCEMENT TASK FORCE**

I. Article I: Name

The name of this organization shall be the Capital Region Solid Waste Enforcement Task Force.

II. Article II: Purpose

The purpose of this organization is to improve the enforcement of solid waste laws in Central Texas through the collaborative efforts of governing bodies that are responsible for investigation and prosecution of such laws.

III. Article III: Membership

Section 1: The membership of the organization shall consist of representatives from governing bodies which have approved and executed the contract entitled "Interlocal Assistance Agreement, Regional Solid Waste Enforcement Task Force."

Section 2: Each governing body shall appoint two representatives to the task force. One representative shall sit on the Board of Directors and another will serve as Point of Contact for law enforcement operations. Members may appoint the same person to both positions. If any appointed representative fails to attend four consecutive regular meetings, the Executive Committee may petition that governing body to appoint a replacement who will be able to attend and participate.

Section 3: Non-member agencies may also participate in the task force if there is no objection by members. If there is an objection to participation, approval by two-thirds of the appointees will be required.

IV. Article IV: Officers

Section 1: The officers shall be President, Vice-President, Secretary/Treasurer, and two "At-Large" officers.

Section 2: The officers shall be elected by ballot at the Annual Meeting of the Task Force in May to serve a term of one year. Nominations and votes may be placed by proxy, fax, mail or telephone or E-mail if a representative cannot attend a meeting to vote.

Section 3: No member shall hold more than one office at a time.

Section 4: Officers who miss more than three meetings are subject to removal from their duties by the Board of Directors. The Board may appoint an interim officer to fill the position until the annual vote.

V. Article V: Duties of Officers

The President shall manage the general business of the task force.

The Vice-President shall conduct the organization's business in the absence of the president.

The Secretary/Treasurer shall notify members of meetings, prepare agendas, maintain a mailing list, and record meeting minutes when a clerk is not available and shall manage the financial affairs of the task force, prepare reports on these activities and perform additional duties as requested by the Executive Committee.

The At-Large Officers shall represent the task force as needed.

VI. Article VII: The Executive Committee

Section 1: The officers of the task force shall make up the Executive Committee.

Section 2: A TNRCC Advisor shall serve on the Executive Committee in a non-voting capacity.

- Section 3:** The Executive Committee is charged with coordination, management and responsibility for the organization. The committee shall establish the objectives of the organization and determine the strategy for development of such objectives.
- Section 4:** The Executive Committee shall select an officer to serve as meeting Chair.

VII. Article VI: Meetings

- Section 1:** Regular meetings shall be held quarterly, on the first Monday or Wednesday of the months of February, May, August, and November.
- Section 2:** The annual meeting shall be held on the regular meeting date in May.
- Section 3:** Special meetings may be called by the Officers or by any representative's request through the Officers for the transaction of only such business as is stated in the call for the meeting.
- Section 4:** In the case of emergency, action may be taken by the Board of Directors by telephone or fax concurrence of a majority of the members. Such action shall be reported in the minutes of the next meeting.
- Section 5:** Six voting members of the Board of Directors or their proxies shall constitute a quorum for the transaction of business at general meetings of the task force and at least one Officer must be present to lead the meeting. In the absence of a board member, the designated Point of Contact for that governing body may vote as proxy. In the event that a meeting lacks a quorum, a majority of the members present may recommend a date and time to reschedule the meeting.
- Section 6:** In the event of the lack of a quorum, an Officer may conduct voting by fax, telephone, mail or E-mail.

VIII. Article VIII: Other Committees

- Section 1:** Committees may be created by a vote of the Board of Directors.
- Section 2:** All committees are to make reports to the Board of Directors and act only on the board's recommendation.

IX. Article IX: Parliamentary Authority

The organization shall abide by the rules for parliamentary procedure outlined in the current edition of *21st Century Robert's Rules of Order* in all instances where they are applicable and consistent with the bylaws and any other rules that the organization shall adopt.

X. Article X: Amendment of Bylaws

The Bylaws may be amended by a majority vote of the Board of Directors, providing the amendment was on the agenda for the meeting and that a quorum is present.

XI. Article XI: Confidentiality

Representatives shall treat cases reviewed or taken up by the task force as confidential. A member shall only disseminate official information to those intended to receive it. Members shall not divulge the identity of a person giving confidential information, unless instructed otherwise by a proper authority.

