

Texas Environmental Enforcement Options

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