

**TIDRC015 Current Topics in
Local Environmental Enforcement 2020**

Study Guide

- #1 True or False, I completed all the reading for this class.
- #2 True or False, Municipal code enforcement officers should be able to recognize basic environmental crimes.
- #3 True or False, Texas illegal dumping and other anti-pollution laws generally do NOT apply to businesses.
- #4 True or False, Inside cities, code enforcement officers are perfectly able to respond effectively to illegal dumping; there is no need to involve local police departments.
- #5 True or False, District Attorneys and County Attorneys in Texas routinely study Texas environmental criminal law in law schools.
- #6 True or False, Enforcement officers are generally looked to as the local experts on the codes they apply and state anti-pollution laws (even if they do not know them), so they have an ethical duty to learn and convey accurately the content of those codes and laws.
- #7 True or False, Under Local Government Code Sec. 54.001(b)(2), a city can now set a fine of up to \$2,000 for "...violation of a rule, ordinance, or police regulation that governs the dumping of refuse."
- #8 THSC Chap. 341 (Minimum Standards of Sanitation and Health Protection Measures) is a state law controlling Public Health Nuisances. What is true about the enforcement of this law?
 - a. Code enforcement officers can enforce it as part of their regular duties
 - b. Like all criminal laws, this one requires a law enforcement officer to enforce it
- #9 Which of the following type of waste violations is NOT SPECIFICALLY included in THSC Sec. 341.013(c):
 - a. Garbage
 - b. Rubbish
 - c. Appliances
 - d. Refuse
 - e. Used Tires

- #10 What kinds of local government responses should normally happen in Public Health Nuisance cases handled through using THSC Chapter 341?
- A citation should be issued for the criminal offense
 - Provisions should be made to have the health nuisance abated
 - Both of these things should happen
 - Neither of these things need to take place
- #11 True or False, Without becoming certified in Criminal Environmental Enforcement, law enforcement officers cannot enforce the provisions of the Texas Health and Safety Code.
- #12 Which of the following types of enforcement may a city NOT undertake?
- Administrative enforcement of rule violations
 - Criminal violations of Texas Public Health Nuisance and Public Nuisance laws
 - Criminal violations of Texas Litter Abatement Act
 - Criminal violations of Texas Water Code Chapter 7, Subchapter E laws
 - Local municipal codes
- #13 Which one of these is the primary state criminal law used to stop illegal dumping?
- THSC Chapter 341
 - THSC Chapter 343
 - THSC Chapter 365
 - Texas Water Code Chapter 29
- #14 True or False, There are actually two steps in local enforcement of THSC Chapter 341 for Public Health Nuisance violations:
- CRIMINAL ENFORCEMENT against the party who has committed a violation; and,
 - ABATEMENT of the violation by the one creating the violation, enforced the Local Health Authority acting under Sec. 341.012(b)-(d).
- #15 True or False, Scrap tires often create a Public Health Nuisance that can be cited by a law enforcement officer under THSC Sec. 341.013(c).
- #16 True or False, Code enforcement, police officers, and other municipal and county employees meeting the public may find themselves dealing with mentally ill people and/or substance abusers.

- #17 Which of the following groups regularly study Texas criminal anti-pollution laws as part of their basic professional training?
- a. Code enforcement officers
 - b. Texas peace officers in their police academies
 - c. Prosecutors when they attend law school
 - d. City managers when they study for a master's degree in public administration
 - e. Health department officers in their basic training
 - f. This is a trick question, because none of them study this material
- #18 True or False, Local peace officers should refer all reports of illegal dumping to the TCEQ or TPWD Environmental Crime Units.
- #19 True or False, Enforcement efforts can generally bypass local residents; the real polluters are businesses.
- #20 True or False, Texas illegal dumping laws apply to private property as well as public property.
- #21 True or False, Before THSC Chapter 341 can be used inside a city, that municipality must adopt this law as a municipal code.
- #22 True or False, Most pollution is the result of waste being disposed in some location that the state has not designated as an authorized location.
- #23 True or False, The best way to respond to illegal dumping is by referring all cases to the Texas Commission on Environmental Quality, Environmental Crimes Section.
- #24 True or False, All cities in Texas have code enforcement programs.
- #25 True or False, Because THSC Sec. 341.013(c) covers such a wide range of wastes, it can usually be used to deal with Public Health Nuisances resulting in breeding places for mosquitoes, rats, and other kinds of vermin.
- #26 True or False, Municipal code enforcement officers may apply the provisions of the Texas Administrative Code.
- #27 True or False, City and county employees should never attempt to access the TCEQ Central Registry. It is strictly for the use of state officers.

- #28 Approximately how many registered scrap tire generators are listed in the TCEQ Central Registry?
- 1,500
 - 6,500
 - 11,500
 - 16,500
- #29 True or False, The most difficult aspect of illegal dumping enforcement is finding dumped solid waste and litter with which to work. The actual enforcement process is fairly easy after the waste has been located.
- #30 What is the per-search charge made to local governments to access the TCEQ Central Registry?
- \$1 per search
 - \$3 per search
 - \$5 per search
 - Nothing. It is free to use
- #31 Which one of these is NOT among the three largest program in the TCEQ Central Registry (in number of entities registered):
- Stormwater
 - Air New Source Permits
 - Petroleum Storage Tank Registration
 - Scrap Tire Program
- #32 True or False, Most small tire retail businesses are shown in the TCEQ Central Registry.
- #33 True or False, Unfortunately, there's no way to sort the TCEQ files of entities holding scrap tire registrations to extract the entities for your city or county.
- #34 True or False, Depending on their contents, dumped barrels and drums may contain types of waste that constitute violations IN ADDITION to illegal dumping violations under THSC Chapter 365.
- #35 What is a Local Health Authority?
- a physician appointed by a city council under THSC Chapter 365
 - a physician appointed by commissioners court or city council under THSC Chapter 121
 - a physician employed by the Department of State Health Services and assigned to a local community
 - the head of the County Health Department

- #36 True or False, In spite of the mandates of the State Legislature in THSC Sec. 341.012(b)-(d), the requirement for Local Health Authorities to work with violators and prosecutors to cause Public Health Nuisances to be abated is generally not followed.
- #37 True or False, Texas law enforcement officers and prosecutors generally learn about state criminal environmental laws in their basic training as peace officers and attorneys.
- #38 True or False, Local professionals, such as ministers, teachers, and business men and women have no role to play in keeping a community clean and healthy.
- #39 True or False, Most environmental crimes, unless dealt with by local law enforcement, will not be dealt with by anyone at all.
- #40 Which of the following do local systems responding to pollution NOT have to do?
- a. Receive complaints from the public or members of government roughly identifying and locating the dumping or other pollution;
 - b. Preliminarily investigate to determine if a violation has actually occurred;
 - c. Investigate more closely to identify the detailed violations involved, thus establishing the seriousness of the problem;
 - d. Determine the elements of the charges to be proven;
 - e. Systematically prove each element, including;
 - f. Identifying violators and witnesses and interviewing all parties;
 - g. Create a documented case referral to a prosecutor, including recommendations;
 - h. Refer the related Public Health Nuisance to the Local Health Authority for abatement under THSC Sec. 341.012;
 - i. Allow time for the prosecutor to educate herself on the provisions of these unusual laws and to build a case;
 - k. Prosecute the offender, including attempts to agree to a settlement not requiring a trial; and,
 - l. Adjudicate the case and apply punishment.
 - m. Provide free donuts to suspected violators when they are arrested
- #41 True or False, One reason slumlords might oppose an increase in local environmental enforcement is that the slumlords are “winners” in current lower-intensity environmental enforcement systems.

- #42 True or False, Because of the differences in political power and wealth between neighborhoods existing in many Texas cities, code enforcement may be openly ignored in some neighborhoods.
- #43 True or False, Until COVID-19 is better controlled, we may reasonably expect — and should plan for — more difficult interactions with citizens, increased residential evictions, more local illegal dumping, greater deterioration of many residential structures, and less available cash for physical improvements by property owners.
- #44 True or False, Most Municipal Courts realize that they can assess a fine in a trash-related violation to \$4,000, regardless of the language in their city charter on fine maximums, as specified in Local Government Code Sec. 54.001.
- #45 True or False, There is currently no way of determining the number of city code violation cases that are resolved without Municipal Court intervention.
- #46 True or False, Local police departments are not always interested in enforcing criminal environmental laws.
- #47 True or False, The Centers for Disease Control and Prevention Report - Mental Illness Surveillance Among Adults in the United States, reads: “According to the World Health Organization, mental illness results in more disability in developed countries than any other group of illnesses, including cancer and heart disease. Other published studies report that about 25% of all U.S. adults have a mental illness and that nearly 50% of U.S. adults will develop at least one mental illness during their lifetime.”
- #48 True or False, In these extra-stressful times, individual enforcement officers need to make special efforts not only to keep physically safe, but also to tend to their mental and spiritual health.
- #49 Which of these statements is not true?
- a. Different areas of town often get different levels of enforcement.
 - b. Many code enforcement officers simply don't know their city's codes outside their areas of specialization.
 - c. Official interference with code officers may constitute a crime in Texas
 - d. These three facts may generate stress for code enforcement staff
 - e. McDonalds gives enforcement officers free hamburgers at all their Texas stores as a matter of corporate policy
- #50 True or False, Inexpensive cameras can be a great way to monitor locations with chronic illegal dumping.