

Jeff Civins in Law360: Texas Justices Give Cities Back-Seat Role On Emissions

May 6, 2016 Jeff Civins

PRACTICES Environmental

The Texas Supreme Court's Friday decision to invalidate part of Houston's air pollution control ordinance doesn't completely cut out cities from monitoring compliance with emissions standards, but it does leave state regulators firmly in the driver's seat when it comes to cracking down on alleged violators.

The high court ruling stripped Houston's air quality ordinance of criminal enforcement provisions that allowed for fines of up to \$2,000 a day for violations of state environmental regulations and struck down the city's requirement that facilities like chemical refineries register with the city and pay an associated fee...

That means while Houston, which had taken an aggressive position on air quality in light of the area's outsized population of chemical refineries and energy companies, must take a back seat to the state, it can still play a "complementary, supplementary" role, said [Jeff Civins](#) of Haynes Boone LLP. Civins said local governments in Texas can still work with the TCEQ to enforce environmental standards, but compared their role to citizen suits under federal environmental laws that allow private plaintiffs to seek injunctions and penalties for alleged violations.

"The notion is that citizens can help supplement enforcement by governments because they're there on the ground," Civins said. "In that regard, I think cities can play similar, more significant roles."

Excerpted from *Law360*. To read the full article, please [click here](#) (subscription required).