

**From:** [Sunset Advisory Commission](#)  
**To:** [Elizabeth Jones](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Friday, June 24, 2022 1:38:07 PM

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**From:** Texas Sunset Advisory Commission <sunset@sunset.texas.gov>  
**Sent:** Friday, June 24, 2022 1:05 PM  
**To:** Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>  
**Subject:** Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Fri, 06/24/2022 - 11:53

Submitted by: Visitor

Submitted values are:

**Choose the agency that you would like to provide input about**

[Texas Commission on Environmental Quality](#)

#### **Public Comments**

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#### **First Name**

Susan

#### **Last Name**

Alvarez

#### **Title**

Assistant Director - Office of Environmental Quality & Sustainability

#### **Organization you are affiliated with**

City of Dallas

#### **Email**

[Susan.alvarez@Dallas.gov](mailto:Susan.alvarez@Dallas.gov)

#### **City**

Dallas

#### **State**

Texas

#### **Your Comments or Concerns**

We offer the attached letter from the Chairs of the Environmental Commission, and the Dallas City Council Environment & Sustainability Committee, that provides general support for the findings of the Texas Sunset Advisory Commission and offers some additional concerns for consideration by the Commission.

**Your Proposed Solution**

We offer the attached letter from the Chairs of the Dallas Environmental Commission, and the Dallas City Council Environment & Sustainability Committee, that provides general support for the findings of the Texas Sunset Advisory Commission and offers additional potential solutions for consideration by the Commission.

**Attachment**

[TCEQ\\_Sunset\\_CODComments\\_062322rev10.pdf](#) (208.72 KB)

**My Comments Will Be Made Public**

Yes



## CITY OF DALLAS

June 24, 2022

VIA Online Submission

Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas, 78711-3087

RE: Public Comments Concerning Sunset Advisory Commission Review of Texas  
Commission on Environmental Quality

Dear Mr. Romig:

Thank you for the opportunity to provide public comments concerning the findings of the Sunset Advisory Commission's review of the Texas Commission on Environmental Quality (TCEQ). The City of Dallas (the City) is the third largest city in Texas, serving a population of over 1.3 million residents (2022). Undersigned, as Dallas City Council Member for District 9 and Chair of the Environment & Sustainability Committee (the Committee), Paula Blackmon has successfully led the implementation of the City's Comprehensive Environmental & Climate Action Plan (CECAP). The CECAP includes goals for energy efficient and climate resilient buildings, renewable energy, sustainable transportation, zero waste, water resource management, protection of green spaces, food security, and clean air, with all of these areas touching on the work of the TCEQ. The Chair has also led implementation of the Urban Forest Master Plan, the Brownfield program, and several municipal setting program voluntary cleanup projects.

The Committee also oversaw the creation of a resident-led Environmental Commission (the Commission), led by the undersigned Chair Kathryn Bazan. The Commission oversees the implementation of the CECAP and supports equitable and effective action to resolve environmental issues within the City as they arise. The Commission works closely with communities in the City who face environmental racism and justice issues and who regularly interact with the TCEQ or are impacted by its permitting decisions.

We have carefully reviewed the Executive Summary of the Staff Report, the Staff Report, and the TCEQ Sunset Self-Evaluation Report (SFR-123/21) and offer the following general and specific section comments. We have also included some additional concerns for your consideration as a part of the Sunset Review process.

### **GENERAL COMMENTS**

We appreciate the thoroughness of the Sunset Commission's review of the TCEQ and the clarity with respect to how the findings were presented for public review and comment. In recognition of several severe climate events across Texas and related floods, droughts, wildfires, hurricanes, tornados, and other storms, the need to pro-actively manage our important natural resources in compliance with related state and federal criteria becomes even more critical to sustaining viable environmental quality across the state.

As you are aware, we also recognize that the North Central Texas Metropolitan Planning Region is in severe non-attainment for ground level ozone and in borderline attainment for particulates. Several segments of the Trinity River are included on the Clean Water Act Section 303(d) list of impaired waters for non-compliance with both the Texas Water Code and the federal Clean Water Act surface water quality criteria. We are actively working at the local level to address these air and surface water challenges. We support the important work that the TCEQ leadership and staff provide toward regulatory compliance and improving air and surface water quality conditions supporting a clean and healthy environment.

The City of Dallas appreciates working closely with TCEQ staff to implement the Municipal Setting Designation Program, the Voluntary Cleanup Program, Municipal Solid and Hazardous Waste Management Programs, and other TCEQ programs to address, improve, and protect soil and groundwater to conditions that are protective of human health and the environment.

We strongly support the report's findings that the *"state has a continuing need for the TCEQ, that Texas has a longstanding interest in regulating activities that could impact public health or cause serious damage to the state's natural resources. With its statewide presence and experience implementing, permitting and enforcement programs, TCEQ is the most appropriate agency to carry out this mission and should be continued."*

## **SPECIFIC COMMENTS**

### ***Issue 1: TCEQ's Policies and Processes Lack Full Transparency and Opportunities for Meaningful Public Input, Generating Distrust and Confusion Among Members of the Public.***

The City of Dallas has had the privilege and responsibility of supporting local compliance and enforcement programs alongside the TCEQ, including providing community support for permit implementation and related public meetings. We agree with the findings concerning Issue 1 and encourage the agency to consider updating methods of communicating with the municipal partners and their respective communities. Timely communication of new permit applications at the beginning and end of the application processes would be helpful to your local partners and our ability to, for example, effectively collaborate with TCEQ and residents on permit related matters and meet municipal obligations related to these permits (e.g., site inspections).

Moreover, the City of Dallas has received feedback from our residents who are affected by environmental permits that it is critical to provide information in a transparent way to ensure significant public participation. Potential methods of outreach and engagement should include notifications in both English and Spanish, ensuring that physical applications and appropriate documents are made locally available to those in the impacted community without Internet access and ensuring these materials are regularly placed at the local TCEQ office and the central filing room in Austin. We also suggest ensuring that the Agency consistently publishes public notices in a true "newspaper of record" based on circulation and provides options for in-person public meetings with language interpreters for public meetings in neighborhoods where the majority of residents speak any other primary language.

### ***Issue 2: TCEQ's Compliance Monitoring and Enforcement Processes Need Improvements to Consistently and Equitably Hold Regulated Entities Accountable.***

We encourage a more holistic approach to issuing permits by the TCEQ with greater collaboration across TCEQ departments. Doing so will ensure that applications are on hand for all required permits when a regulated entity (RE) applies for a permit or permit renewal. As an example, a facility that is seeking an air permit may also be required to seek a solid waste

and/or stormwater permit. City staff have observed that the TCEQ may issue that air permit without making the RE aware of the need to obtain a solid waste and/or stormwater permit. Improved coordination between TCEQ departments would better ensure properly permitted facilities and improved environmental quality.

About 89 percent of permitted facilities have a Compliance History Rating as “unclassified.” Many of these facilities are rated as unclassified because they have not been inspected. To better ensure environmental and human health protection and compliance with existing permits, we encourage the TCEQ to inspect a greater number of facilities, with inspection priorities based on risks posed by the onsite hazardous constituents in addition to environmental justice considerations. Specifically, we recommend that the TCEQ reevaluate the use of the standard permit for batch plants and require at least annual inspections of batch plants given the community health and environmental concerns related to these facilities.

***Issue 4: TCEQ and OPIC Lack Certain Transparent and Efficient Processes for Office of Public Interest Counsel (OPIC) to More Effectively Represent the Public’s Interest.***

The OPIC has been one of the most effective offices in assisting underserved communities that may be affected by the proposed facilities that are subject to hearings. We recommend that an Office of Environmental Justice be established within the OPIC to work with affected community members, non-governmental organizations, and TCEQ leadership to help support appropriate community engagement, permitting, compliance, and enforcement for neighborhoods impacted by the pending applications. To this end, we support the Sunset Review recommendations to consider developing and using third party umbrella contracts to secure expert assistance to support the OPIC and to direct TCEQ commissioners to take formal action on the OPIC Rulemaking recommendations.

Thank you again for the opportunity to comment during the Sunset Advisory Commission process. If you have any questions, please contact Carrie Rogers, Director, Office of Government Affairs, at [carrie.rogers@dallas.gov](mailto:carrie.rogers@dallas.gov) or 214-670-5797. Together, we look forward to working closely with the TCEQ to ensure a safe and healthy environment in the City of Dallas for many years to come.



Honorable Paula Blackmon  
Chair, Environment & Sustainability  
Committee  
City of Dallas City Council



Honorable Kathryn Bazan  
Chair, Environmental Commission  
City of Dallas