

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Tuesday, June 28, 2022 11:27:51 AM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Monday, June 27, 2022 5:01 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Mon, 06/27/2022 - 16:00

Submitted by: Visitor

Submitted values are:

Choose the agency that you would like to provide input about

[Texas Commission on Environmental Quality](#)

Public Comments

1

First Name

Yvette Arellano

Last Name

Arellano

Title

ED

Organization you are affiliated with

Fenceline Watch

Email

fencelinewatch@gmail.com

City

Houston

State

Texas

Your Comments or Concerns

attached

Your Proposed Solution

attached

Attachment

[TCEQ Sunset Review Jun27.22.docx.pdf](#) (510.13 KB)

My Comments Will Be Made Public

Yes



Mx. Yvette Arellano
Executive Director,
Mr. Shiv Srivastava
Policy Research
Fencelinewatch@gmail.com

Submitted electronically: Public Input Form

The agency under review: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Sunset Advisory Commission
Robert E. Johnson Bldg.,
6th Floor 1501
North Congress Avenue
Austin, TX 78701

Re: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY SUNSET REVIEW under the 2022-2023 TEXAS 88th Legislature

Messrs.

I am the founder and director of Fenceline Watch a Houston community-based environmental Justice effort dedicated to the eradication of toxic multigenerational harm on communities living along the fenceline of industry. We appreciate the commission for extending the public comment by providing a streaming webcast, oral and written interpretation. This comment will focus on how the TCEQ can affect language barriers, public input opportunities, nuisances, and resource allocation.

I. LANGUAGE BARRIERS and COMMUNITY PRIORITIES

I appreciate the TCEQ efforts in addressing language barriers but maintain that efforts are short of addressing the informal resolution set forth from the original title VI complaint. A complaint I assisted in forming in my former position along with Isabel Segarra now with the Harris County Attorney office. I would like the commission to understand that our community requested prioritization of the e-comment complaint page¹. A request made in 2020 that require under 200 words, less then half a page to be translated that has yet to occur.

In a public hearing meeting where TCEQ has opted at using bilingual staff, the interpretation has had inconsistencies. Although well-intentioned the staff have provided flawed Spanglish translations using a mix of English and Spanish or removed vital pieces of information.

¹ <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>



When I have been fortunate enough to attend meetings with professional services, I have witnessed additional barriers like having to turn in an ID for simultaneous translation equipment. There is no ID requirement to attend public meetings or rule requiring an exchange of an ID for services. In those cases, myself and volunteers would provide our own Drivers License. During those services I have managed to receive equipment to check the quality of interpretation and have witnessed gaps where the industry asking for the permit or another official speaks about the emissions or other parts of the application where the interpretation would pause and pick up in a different portion. I would have people ask, “what did they say” or “they stopped interpreting”. These were from professional services like the September 20, 2018, meeting where Global Speak Translations was contracted.



While the intent of these services, both voluntary and contracted, is positive, the impact is not. Both exemplify the need to provide quality control measures -best practices and hire services with proficiency in subject matter like those in our court system that use “Court Certified Interpreters.”

Working with the local community college system, which already provides pathways for Court and Medical interpretation to provide a pathway for Texas Environmental Regulatory settings² offers a path toward addressing this issue. Certified continuing education programs like these can offer TCEQ a path toward sustainable growth and staff a shot at increasing their skill set. For community members it offers kids who grow out of schools like down the street from a Valero Refinery like J.R. Harris Elementary an elementary school with 63%³ enrollment of school kids that are emerging bilingual - meaning they are learning English for the first time an opportunity to develop leadership skills and encourage civic participation.

² <https://www.lonestar.edu/programs-of-study/bilingualinterpretercertificate.htm>

³ https://rptsrv1.tea.texas.gov/cgi/sas/broker?_service=marykay&_program=perf rept.perfmast.sas&_debug=0&ccyy=2021&lev=C&id=101912166&prgopt=reports%2Fsrc%2Fsrc.sas



II. PROTECTING PUBLIC INPUT

Affected populations must have the opportunity to open opportunity to provide input prior to the draft permit during the technical review. In 2017 the Senior Toxicologist with the TCEQ Toxicology Division submitted an interoffice memorandum to Tony Ionescu in the Air Permits Division on permit no. 2501A and Tox Control No. 7385 Valero Refining-Texas, L.P. to authorize emission of Hydrogen Cyanide from the fluid-catalytic cracking unit. In the review document, the community was characterized as an industrial area naming only one church. Having spent years volunteering, door-knocking and walking the neighborhood I knew this was a mischaracterization as it left out a public park, community center and other community receptors. During the public hearing, I asked the TCEQ how they identify the community receptor and the response was google maps. Google maps! As context, I live next door to the TCEQ Houston office that was less than 10 minutes from this community. Public input is invaluable to help clarify affected communities and help not only an understaffed TCEQ but an applicant better understand and apply these considerations. With community, I continued my involvement through SOAH in mediation with the applicant presenting information to better inform the permit application that ended in modifications, increased public health limits on a permit that began with an over 500lbs increase to under 100lbs from an original 52lbs. This not only took time and resources from our community members but the applicant, state, and translators in a process not familiar to myself or other community members that lacked representation. Streamlining opportunities for public input prior to a draft proposal save time, and resources, and create more protective public health outcomes and most of all helps foster goodwill with the community for an agency facing increasing public mistrust.

III. NUISANCES AND RESOURCE ALLOCATION

We would like the commission to consider the complaint page that remains without translations, and understaffed bilingual staff. Additionally in my experience filing a complaint has never been without issue or inordinate time lapse from complaint to action. I have experienced filing an odor complaint only to be told it would take three days to get someone out which would miss the event. I urge the commission to take these experiences into account and prioritizing complaints before beginning to ignore them.

We support Harris County Pollution Control's comments on encouraging the commission to recommend to the legislature that the TCEQ be required by law to afford all local programs and organizations the opportunity to be included in the permit application review process for air, solid waste and water. This request would meet the needs of resource shortfalls and enable more accurate input and accurate applications.

Respectfully,
Yvette Arellano
Executive Director, Fenceline Watch
Fencelinewatch@gmail.com

3 of total number