

Rita Beving

, Texas

Testimony of Rita Beving Re: Sunset Review of TCEQ

My name is Rita Beving and I live in Farmers Branch, Texas. I am here today speaking for myself. I want to call the Commission's attention today to Issue 2 of the Sunset staff report regarding the TCEQ.

I agree with Sunset staff that the TCEQ's inequitable approach to compliance history needs to be revisited and improved, but I also want to point out to the Commission that there is another problem to be considered while looking at the agency and that is the lack of inspections and what categories of permitted entities get inspected.

On the bottom of page 29 of the staff report, there are permitted entities rated as "unclassified" by the agency. These are entities that had not been inspected within a five-year period.

The chart indicates that almost 90%, or 400,000, of more than 446,000 permitted facilities have not been inspected in the past five years.

Entities without compliance history data — like those that TCEQ has not inspected in the last five-year period — are rated as unclassified.¹¹ Appendix F lists the categories of permits that do not receive regularly scheduled inspections from TCEQ staff. Of the entities TCEQ assigns a compliance history rating to each year, most are classified as high performers, as noted in the table.

Compliance Ratings Categories - FY 2021

Classification	Number of Entities	Percent of Total
High	38,731	8.68%
Satisfactory	8,368	1.88%
Unsatisfactory	935	0.21%
Unclassified	398,013	89.23%

As a citizen concerned for the health and safety of my community and other areas of the state, I find that number disturbing. To think that almost 90% of the permitted entities in Texas are not inspected for at least five years is unacceptable.

Though I realize how industrial our state is, I think there are entire categories of entities not being inspected on a timely basis, that handle a large number of dangerous, hazardous chemicals. These entities are falling through the cracks,

and these industries need to be inspected within that five-year period to ensure they do not become the superfund sites that we see today.

What drew me to further look at inspections and then the superfund list was the case of Lane Plating in Dallas, which has now been listed on the National Priorities List with the EPA.

Lane Plating began its operations in 1926 and ceased operations in 2015 after filing for bankruptcy. From looking at EPA records and consulting with EPA staff, the first and only investigations or inspections we can find for this entity did not happen till 2006, though no records of that inspection could be found. The first TCEQ inspection and fines we could find a record of occurred in 2011, and then an inspection by OSHA in 2015. Why was this 90-year-old entity, which handled many dangerous and toxic chemicals, not inspected until then?

Lane Plating unsafely handled high levels of hexavalent chromium (a known carcinogen that can cause lung cancer and kidney failure), cyanide, arsenic, cadmium, mercury, and lead and other hazardous materials at this site. Almost 200,000 pounds of chemical waste were immediately removed “to eliminate the imminent threat and substantial endangerment to public health and welfare” according to a 2016 EPA report.

In OSHA’s Feb 2015 report, the agency noted, “The dangers of worker exposure to hexavalent chromium, a known carcinogen that can cause serious long-term health issues, including lung cancer and kidney failure should have come as no surprise to the Lane Plating Works Inc. owner. Air-monitoring tests told him [the owner] that workers were being overexposed to the dangerous toxin, but he failed to correct the hazard.”

After noting the lack of inspection for Lane Plating, I decided to look at the list of Superfund sites for Texas.

Texas is sixth in the nation for the most Superfund sites.

There are 170 current and inactive Superfund sites listed on the TCEQ website. 56 of those Superfund sites are active. On that list you will see a reoccurring pattern of industries listed, both now and historically, that beg the question of whether these categories of industry are being inspected enough, just like Lane Plating.

On the active Superfund list, 10% of the sites were from plating operations. Historically, you will find more listings of plating operations that also became Superfund sites and are no longer active cleanups.

According to various sources, an average Superfund cleanup ranges from \$15 million to \$100 million.

It's time we do more inspections in Texas with more inspectors to prevent these Superfund sites from happening.

It's time to examine those categories of facilities that need to be prioritized for inspection due to the risks they present, and the amount of hazardous chemicals used to stop repeating the mistakes of the past.

Thank you for your time and consideration.