

**From:** [Sunset Advisory Commission](#)  
**To:** [Elizabeth Jones](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Tuesday, June 21, 2022 8:07:58 AM

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**From:** Texas Sunset Advisory Commission <sunset@sunset.texas.gov>  
**Sent:** Monday, June 20, 2022 2:25 PM  
**To:** Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>  
**Subject:** Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Mon, 06/20/2022 - 13:21

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**

James

**Last Name**

Doyle

**Organization you are affiliated with**

self

**Email**

**City**

Canon Lake

**State**

Texas

**Your Comments or Concerns**

I'm writing to support adoption of the reforms suggested in the Sunset Commission Advisory Report particularly for:

## 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.

I've observed draft permits issued by TCEQ for two projects in Comal County, one that would impact air quality for the proposed Vulcan Quarry and the second for TPDES and TLAP applications that would impact water quality at Honey Creek State Natural Area. For both, I thought parts of the technical analyses by TCEQ to be superficial at best. In the case of Honey Creek, TCEQ was represented at public meeting by rather junior staff who were clearly unaware of background technical publications available in the public domain that would have a bearing on the suitability of that project to the area.

An insight I gained from the Staff Report was that meetings inviting public comment are not intended to influence the technical outcomes of TCEQ's conclusions but only come after the evaluation is concluded and a draft permit issued. I was particularly struck by the following comment: "By the time TCEQ holds a public meeting for a draft permit, agency staff have often spent several months, sometimes more than a year, conducting extensive engineering, scientific, and legal research and analysis while engaging with the applicant on these matters, all to ensure the draft permit is written to federal and state requirements." One can't expect the input from permit applicants to be objective. In any case, and especially if the TCEQ staff is relatively inexperienced, it's natural that TCEQ staff will be influenced by opinions from the applicant. If there is much of a collegial working arrangement it shouldn't be surprising that they close ranks with the applicant when faced with public criticism. The review suggested that the TCEQ would benefit from an earlier public meeting to receive public input while they are making technical decisions rather than afterwards. Whether by an earlier meeting or other means, early engagement with local stakeholders in the technical evaluation could benefit the TCEQ by bringing additional perspectives and local expertise into the process and could help mitigate the public's view of the TCEQ as a rubber stamp for industry.

Another striking point in the report is that many public health standards are decisions by TCEQ staff without any sort of public review or public vote by the commissioners. The example given is that TCEQ declined to adopt EPA standards on ethylene oxide after they "found errors in the EPA's analysis". There's no indication of any outside review supporting their conclusion which was different than the EPA and presumably TCEQ's equivalents in 49 other states. Also, of particular interest is the one mile 'rule' for affected parties which was generated internally by the staff and doesn't necessarily align with their legislative remit. The review recommends that standards be approved in a public forum by a vote of the TCEQ commissioners.

### **Your Proposed Solution**

Adopt Sunset Staff recommendations 1.1, 1.2 and 1.3.

### **My Comments Will Be Made Public**

Yes