

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Monday, June 27, 2022 8:56:11 PM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Monday, June 27, 2022 4:48 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 - 15:45

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

Jennifer

Last Name

Hadayia

Title

Executive Director

Organization you are affiliated with

Air Alliance Houston

Email

jennifer@airalliancehouston.org

City

Houston

State

Texas

Your Comments or Concerns

A. TCEQ Should Adopt Environmental Justice Principles as One of Its Basis For Permit Decision Making

The importance of environmental justice is noticeably absent from the current version of the Staff Report despite it being a federal priority for the EPA, which delegates authority to the TCEQ. The Commission's final statutory and management recommendations for the agency should re-align TCEQ with federal priorities by requiring an explicit environmental justice response, including making environmental justice one of the criteria against which facility air permit application decisions are made. This could also be reflected as a requirement to consider cumulative impact of individual permit applications and decisions. Adopting or adapting environmental justice policies developed by the EPA may save resources and time in accomplishing this goal.

B. TCEQ Lacks Full Transparency and Opportunities for Meaningful Public Input, Generating Distrust and Confusion Among Members of the Public

The Sunset Staff rightfully recognizes that TCEQ's policies and processes lack meaningful public input and that public meetings are currently "merely a formal exercise for the public comment on how the agency has done its job." The term "meaningful input" requires the real opportunity for public input to be considered in making the final air permitting decision. That means that the experience, requests, views, concerns/fears, and other input from impacted community members hold as much substantial weight as the permit applicant. AAH strongly supports the Sunset Report recommendation that public meetings be held before the issuance of a draft permit. We also recommend a public meeting on the final draft permit. This allows community members to provide meaningful input on permitting decisions at each stage.

Similarly, in order for members of the public to have meaningful input, they must first be made aware of the permit application and the decision-making process. In addition to TCEQ supplementing its website to include complete and easy to find information, language and literacy access must also be ensured. Houston is a diverse city with close to half of the population speaking a language other than English. Information on the website must reflect the languages most commonly spoken in the communities impacted by the permit. Similarly, there is a significant population that obtained a high school education or lower. This means that the information should also be easily understandable to the general public at an appropriate language and digital literacy level.

Your Proposed Solution

We recommend the following actions be added to the Commission's final recommendations for the TCEQ Sunset Review:

1. Require TCEQ to make environmental justice one of the criteria against which facility air permit application decisions are made. This could also be reflected as a requirement to consider the cumulative impact of individual permit applications and decisions.
2. Require TCEQ to hold a public meeting before and after a draft air permit is issued and before the final permit decision is made. There should also be clear documentation that the experience, requests, views, concerns/fears, and other input from community members have been afforded as much substantial weight as the permit applicant.

3. Require that information on the TCEQ website be provided in all languages spoken in affected communities and at an appropriate literacy level.

Attachment

[AAH Comments on Sunset Review 6-27-22.pdf](#) (221.41 KB)

My Comments Will Be Made Public

Yes



June 27, 2022

Chair Charles Schwertner, MD

Sunset Advisory Commission

PO Box 13066

Austin, Texas 78711

Online via: www.sunset.texas.gov/input-form

Re: Comments on The Sunset Commission Staff Report on The Texas Commission on Environmental Quality (TCEQ)

Dear Chair Schwertner and Members of the Sunset Advisory Commission:

Air Alliance Houston (AAH) appreciates the opportunity to provide additional comments on the Sunset Advisory Commission Staff Report on the Texas Commission on Environmental Quality (TCEQ). It is clear that the Sunset staff sought and valued the opinion of community members and stakeholders across the state. Overall, we agree with the observations contained in the Staff Report but we recommend two additions to the Commission's final statutory and management recommendations for the agency.

I. COMMENTERS

Air Alliance Houston (AAH) is a Texas 501(c)(3) non-profit advocacy organization working to reduce the public health impacts of air pollution and advance environmental justice through applied research, education, and advocacy. AAH takes a strong stance against disproportionate exposure to air pollution in overburdened communities of color and lower income by focusing attention on health equity and environmental justice.

II. RECOMMENDATIONS FOR COMMISSION DECISIONS

We recommend two additions to the Commission's final statutory and management recommendations for the agency.

A. TCEQ Should Adopt Environmental Justice Principles as One of Its Basis For Permit Decision Making

The importance of environmental justice is noticeably absent from the current version of the Staff Report despite it being a federal priority for the EPA, which delegates authority to the

TCEQ.¹ The Commission’s final statutory and management recommendations for the agency should re-align TCEQ with federal priorities by requiring an explicit environmental justice response, including making environmental justice one of the criteria against which facility air permit application decisions are made. This could also be reflected as a requirement to consider cumulative impact of individual permit applications and decisions. Adopting or adapting environmental justice policies developed by the EPA may save resources and time in accomplishing this goal.

B. TCEQ Lacks Full Transparency and Opportunities for Meaningful Public Input, Generating Distrust and Confusion Among Members of the Public

The Sunset Staff rightfully recognizes that TCEQ’s policies and processes lack meaningful public input and that public meetings are currently “merely a formal exercise for the public comment on how the agency has done its job.”² The term “meaningful input” requires the real opportunity for public input to be considered in making the final air permitting decision. That means that the experience, requests, views, concerns/fears, and other input from impacted community members hold as much substantial weight as the permit applicant. AAH strongly supports the Sunset Report recommendation that public meetings be held before the issuance of a draft permit. We also recommend a public meeting on the final draft permit. This allows community members to provide meaningful input on permitting decisions at each stage.

Similarly, in order for members of the public to have meaningful input, they must first be made aware of the permit application and the decision-making process. In addition to TCEQ supplementing its website to include complete and easy to find information, language and literacy access must also be ensured. Houston is a diverse city with close to half of the population speaking a language other than English.³ Information on the website must reflect the languages most commonly spoken in the communities impacted by the permit. Similarly, there is a significant population that obtained a high school education or lower. This means that the information should also be easily understandable to the general public at an appropriate language and digital literacy level.

¹ <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

² Texas Commission on Environmental Quality. Sunset Staff Report. *See electronically at:* https://www.sunset.texas.gov/public/uploads/2022-05/Texas%20Commission%20on%20Environmental%20Quality%20Staff%20Report_5-25-22.pdf

³ U.S Census Bureau. Houston, Texas. (2022). *See electronically at:* <https://www.census.gov/quickfacts/houstoncitytexas>

III. CONCLUSION

Air Alliance Houston (AAH) appreciates the opportunity to provide these comments. In summary, we recommend the following actions be added to the Commission's final recommendations for the TCEQ Sunset Review:

1. Require TCEQ to make environmental justice one of the criteria against which facility air permit application decisions are made. This could also be reflected as a requirement to consider the cumulative impact of individual permit applications and decisions.
2. Require TCEQ to hold a public meeting before and after a draft air permit is issued and before the final permit decision is made. There should also be clear documentation that the experience, requests, views, concerns/fears, and other input from community members have been afforded as much substantial weight as the permit applicant.
3. Require that information on the TCEQ website be provided in all languages spoken in affected communities and at an appropriate literacy level.

We hope to continue to collaborate with the TCEQ on our common goals of ensuring all people of Texas have the right to breathe clean air. If there are any questions about this letter, please feel free to contact me at any time either by telephone at (713) 539-1894 or by email at Jennifer@airalliancehouston.org.

Respectfully submitted,



Jennifer M. Hadayia, MPA

Executive Director

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