

**From:** [Sunset Advisory Commission](#)  
**To:** [Elizabeth Jones](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Monday, June 27, 2022 8:51:32 PM

---

**From:** Texas Sunset Advisory Commission <sunset@sunset.texas.gov>  
**Sent:** Monday, June 27, 2022 4:54 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 - 15:49

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**

Josh

**Last Name**

Leftwich

**Organization you are affiliated with**

Texas Aggregate and Concrete Association

**Email**

[joshl@Tx-Taca.org](mailto:joshl@Tx-Taca.org)

**City**

Round Rock

**State**

Texas

**Your Comments or Concerns**

See Attached Document

**Your Proposed Solution**

See Attached Document

**Attachment**

[TACA Sunset Comments 6\\_27\\_2022.pdf](#) (115.84 KB)

**My Comments Will Be Made Public**

Yes



**TO:** Members of the Texas Sunset Advisory Commission

**RE:** Comment of Texas Commission on Environmental Quality

Chair Schwertner, Vice Chair Holland, and Members of the Sunset Advisory Commission,

Thank you for the opportunity to provide comments on the TCEQ Sunset document. The Texas Aggregates and Concrete Association (TACA) is a statewide trade organization whose members supply aggregates, concrete, and other materials to developers, builders, and landowners who develop and construct commercial and public projects in Texas. Please find our comments below:

**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.**

**RECOMMENDATIONS:**

*1.1: Clarify statute to require public meetings on permits to be held both before and after the issuance of the final draft permit;*

*1.2: Direct the commission to vote in a public meeting on key foundational policy decisions that establish how staff approach permitting and other regulatory actions;*

*1.3: Direct tceq to develop a guidance document to explain how it uses the factors in rule to make affected person determinations.*

**TACA COMMENTS:**

TACA agrees that the public participation process needs to be improved, and that it is vital for communities to have precise and meaningful information about the regulated entities in their area. However, the TCEQ does not have regulatory responsibility over all activities of the facilities they regulate.

The public would benefit from a process that is more meaningful in providing the information they seek, not simply more of the same hearings that do not yield meaningful solutions. As you review the recommendations, please consider how the public meetings might be altered to make them more beneficial to all stakeholders, rather than additional meetings that, by their very nature, only provide an opportunity for bad faith delays in the permitting process, and not meaningful solutions.

**ISSUE 2: TCEQ'S COMPLIANCE MONITORING AND ENFORCEMENT PROCESSES NEED IMPROVEMENTS TO CONSISTENTLY AND EQUITABLY HOLD REGULATED ENTITIES ACCOUNTABLE.**

**RECOMMENDATIONS:**

*2.1: Require TCEQ's compliance history rating formula to consider all evidence of noncompliance while decreasing the current emphasis on site complexity, and direct the agency to regularly update compliance history ratings.*

*2.2: Require TCEQ to consider all violations when classifying an entity as a repeat violator;*

*2.3: Require TCEQ-regulated entities with temporary or open-ended permits to annually confirm their operational status;*

*2.4: Direct TCEQ to reclassify recordkeeping violations based on the potential risk and severity of the violation.*

**TACA COMMENTS:**

As mentioned in the staff report, all violations are treated with equal severity, and it does not serve the public's interest when a nuisance violation is treated as equal to a major environmental hazard. Further, TCEQ's limited resources become even more strained when investigating nuisance complaints, as it ties up vital resources that would be better served focused on major risks to the health and safety of the public and the environment.

TACA supports measures that would establish a tiered approach to complaints submitted to the TCEQ. While nuisance complaints should be monitored, we do not believe that they should occupy the same level of resources as major violations, and should therefore not be handled as such.

In regard to recommendation 2.3, TACA supports best practices in regard to record keeping within the TCEQ, as the agency is a resource contact when providing up-to-date information to our members and the public.

In regard to recommendation 2.4, TACA supports best practices in record keeping, and additionally recommends that the agency allow and encourage the use of digital records during the inspection process. Converting a facility's digital records to paper format during an inspection is a time consuming and expensive task, that could easily be remedied by the Agency's acceptance of the readily available digital records.

**ISSUE 5: The State Has a Continuing Need for the Texas Commission on Environmental Quality.**

**RECOMMENDATIONS:**

*5.1: Continue the Texas Commission on Environmental Quality for 12 years and remove the Sunset date of the agency's enabling statute.*

*5.2: Update the standard across-the-board requirement related to board member training.*

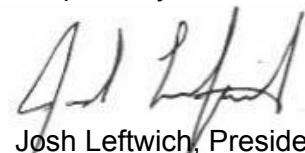
*5.3: Update the standard across-the-board requirement regarding the separation of duties of commissioners from those of staff.*

**TACA COMMENTS:**

As the state continues its unprecedented growth, it is vital that the TCEQ have the tools necessary to act as a reliable steward to the public, the environment, and the industries it regulates. TACA supports the Sunset Staff recommendation that the TCEQ be continued for 12 years, and agrees that it is a vital agency whose operations protect the public while fostering economic growth. TACA further agrees that the TCEQ performs its duties admirably, and that increased resources and training will help improve the agency in execution of those duties.

We appreciate your time in reading and taking in consideration of our comments on the TCEQ's Sunset Review Process, and look forward to working with you in the upcoming Legislative Session to ensure that the agency has the resources to perform its tasks as Directed by the Legislature. If you have any questions or would like further information on any of these comments, please do not hesitate to contact me.

Respectfully submitted,



Josh Leftwich, President and CEO  
Texas Aggregates and Concrete Association  
(979)220-9943  
joshl@tx-taca.org