

**From:** [Sunset Advisory Commission](#)  
**To:** [Elizabeth Jones](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Monday, June 27, 2022 3:22:27 PM

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**From:** Texas Sunset Advisory Commission <[sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)>  
**Sent:** Monday, June 27, 2022 3:19 PM  
**To:** Sunset Advisory Commission <[Sunset.AdvisoryCommission@sunset.texas.gov](mailto:Sunset.AdvisoryCommission@sunset.texas.gov)>  
**Subject:** Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Mon, 06/27/2022 - 14:03

Submitted by: Visitor

Submitted values are:

**Choose the agency that you would like to provide input about**  
[Texas Commission on Environmental Quality](#)

#### **Public Comments**

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#### **First Name**

Marina

#### **Last Name**

Sugg

#### **Title**

Vice President

#### **Organization you are affiliated with**

Green Forest Civic Club

#### **Email**

#### **City**

Houston

#### **State**

Texas

#### **Your Comments or Concerns**

I agree with all that is written on the attached document. We all know the hazards to our health and environment that Cement Batch Plants create. We all know that we are slowly killing our planet. TCEQ must and should help those of us that are trying to protect our planet. Our younger generation--those that realize what's going on--are beginning to think they should not have children. They do not want to bring children, their heirs, into what they perceive will be horrible living conditions. Those that are helping destroy our planet--those that have one kid after another--are what will be left to inhabit our planet. Their offspring are not being taught how they must protect our planet. Earth will surely die. TCEQ must help us protect our planet.

### **Your Proposed Solution**

Heavier fines that will hurt companies where it hurts them the most--in their pocket!

Stricter guidelines for approving applications.

No more "expedited" applications; they cut down the time in which an affected person can request a contested hearing.

Keep batch plants away from heavily populated areas such as neighborhoods, schools, churches, PARKS! etc.

Reviews of TCEQ every couple of years instead of every 12 years. That's ridiculous!

### **Attachment**

[TCEQ Sunset talking points 2022.pdf](#) (75.57 KB)

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

Yes

## Talking Points

### #ForOurCommunities: Sunset Review of TCEQ

Sunset Advisory Commission report: [PDF](#)

Comments on the report by #ForOurCommunities coalition members: [google sheet](#).

The Texas Commission on Environmental Quality (TCEQ) is undergoing Sunset review. This process is one that most state agencies go through every 12 years and provides the public and advocates the opportunity to call for changes. The Sunset process is our opportunity to make the TCEQ work for us and in the best interests of our communities.

#### General

- The TCEQ is our state environmental agency. It should put public and environmental health first. The economic interests of polluters should always come second to people and communities.
- Texans understand what the TCEQ is and what its role should be. Many of us have experienced pollution firsthand and know the TCEQ must do a better job of protecting the public's health.
- There is mistrust of the agency because the people regularly see TCEQ favoring polluters over the health of communities.
- Texans are suffering from too much pollution
  - According to a 2021 report from Harvard University,<sup>1</sup> 17,600 Texans die every year just from air pollution from burning fossil fuels.
  - 28% of our rivers and creeks and 38% of our lakes aren't safe for basic uses like swimming or fishing because they have high levels of pollution.<sup>2</sup>
- Right now TCEQ prioritizes issuing permits for industrial facilities. The people want the agency to prioritize public health and the environment instead.
- Low-income communities of color, which we know as "environmental justice communities," are often the most impacted by pollution.

#### What we want from the TCEQ

- The TCEQ should say "enough is enough" to dumping pollution in Black and brown communities.
- More violations of pollution laws should result in fines and corrective action.
- Fines should be big enough to cause corporations to change their behavior. Raising fines from the current \$25,000 per day cap to at least \$50,000, recovering the economic benefit of non-compliance, and allowing separate fines for separate pollutants would be a huge incentive for companies to comply with the law.
- TCEQ commissioners should be given the authority to deny permits based on fairness. Even a permit that is otherwise complete should be eligible for denial based on considerations of equity and justice.

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<sup>1</sup> [https://environmenttexas.org/sites/environment/files/resources/Vohra\\_supplemental\\_19Jan2021.pdf](https://environmenttexas.org/sites/environment/files/resources/Vohra_supplemental_19Jan2021.pdf)

<sup>2</sup> <https://environmentalintegrity.org/wp-content/uploads/2022/03/CWA-report-3.23.22-FINAL.pdf>

- The TCEQ should improve its monitoring and inspections of industrial facilities so that the burden of alerting the public of pollution incidents doesn't fall to members of the community.
- The TCEQ should recognize the diversity of our state and expand its efforts to reach vulnerable and impacted communities in a variety of languages
- The TCEQ should follow science – not politics – and not spend resources opposing EPA science simply for political gain.

### **The Sunset Advisory Commission's own report says the agency could do better**

- Even Sunset staff say that TCEQ's commissioners have in some ways become reluctant regulators, encouraging corporations to self-police instead.<sup>3</sup>
- For example, industrial facilities violate their Clean Air Act permits thousands of times every year. But TCEQ fines polluters only about 3 percent of the time.
- More transparency is always good. The Sunset Advisory Commission's recommendation for more TCEQ public meetings and more guidance documents is a positive step.

### **What we support in the TCEQ Sunset report**

- Holding the first public meeting *before* a draft permit is issued.
  - We recommend the final permit include a response to comments.
- Posting all permits and permit applications online.
- The water usage data study and the cancellation of water rights that have been unused for 10 years.
- Taking formal action on recommendations by the Office of Public Interest Council.
- Recordkeeping violations are reclassified based on potential risk and severity.

### **What could have gone further in the TCEQ Sunset Report**

- The TCEQ is the only state environmental agency that has “economic development” in its mission. We recommend this mission be changed. This approach to regulation – ensuring a business-friendly climate first – is a source of many of the TCEQ's problems.
- Compliance history changes are only a small step forward. Major changes to enforcement are needed, including more and larger fines for the biggest polluters. Significant changes to the TCEQ enforcement program should include raising the maximum level of fines to \$50,000 plus an adjustment for inflation, or more for violations that have led to injuries or deaths, and full recovery of the economic benefit of non-compliance.
- TCEQ's current narrow interpretation of “affected person” in contested permits effectively guts public participation by limiting who can even be admitted in an administrative procedure. It is essential that Texas align its standing requirements with federal standing requirements and drops arbitrary limits like a one-mile requirement for air permits
- TCEQ should have a policy that applicants should only be given two opportunities to fix deficient applications, after which the application would be declared null and void and

the applicant would be required to begin the permit application process anew – with required payment of a new application fee.