

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
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From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Monday, June 27, 2022 4:43 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 - 15:26

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

John

Last Name

Young

Title

Mr

Organization you are affiliated with

Save RGV

Email

City

San Benito

State

Texas

Your Comments or Concerns

TCEQ makes it too hard for members of the general public to have any impact on the air quality permits TCEQ issues to projects while bending over backwards to accommodate the applicants for

such permits.

Your Proposed Solution

Ballance the scale to better protect public health and quality of life.

Attachment

[Comment of John Young on TCEQ Sunset Review.pdf](#) (45.54 KB)

My Comments Will Be Made Public

Yes

So far, I've fought and lost objections to TCEQ issuing air quality permits to the Rio Grande LNG, Annova LNG, Texas LNG, and the JupiterMLP Heavy Condensate Upgrader Facility projects targetin my local Port of Brownsville TX.

How can TCEQ take apart and dismiss the concerns of whole communities while accepting such absurd claims as that made by Rio Grande LNG in its 01-25-2019 response to the 01-11-2019 SAVE RGV from LNG et al motion for rehearing that it's facility will have "no impact beyond its fence line on human health or the environment"?

In addition, Rio Grande LNG says it considers TCEQ's past determinations that persons living less than a mile from the fence line questionable.

Quote:

The overwhelming evidence found in the Application, the Applicant's Response to Requests, the ED's Brief, and the Permits themselves conclusively demonstrate that the emissions from the proposed facility will no impact human health or the environment beyond the fence line of the proposed facility. Accordingly, any finding that someone outside the fence line might be an "affected person" would necessarily be a conservative approach. The TCEQ has a long standing policy to be conservative in its analysis of whether person is an "affected person," and has in the past found persons who live less than one mile of a proposed facility to be an "affected person."

This is not the "arbitrary application of a distance requirement, as suggested by the Movants. Rather, it is recognition of who might possibly, under a very conservative approach be able to potentially show a reasonable relationship between the interest claimed and the regulated activity and/or an impact on the health and safety of a person or his use of property or natural resource.

[https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.viewdocument&doc_name=Applicant%27s%20Reply%20to%20Motion%20for%20Rehearing%2Epdf&doc_id=644506012019025&format_cd=PDF]

Compare this quibbling over impacts beyond versus within one mile over the facility fence line with, say, a more scientific study such as "Fine-scale damage estimates of particulate matter air pollution reveal opportunities for location-specific mitigation of emissions," Andrew L Goodkind et al, 04-08-2019, PNAS, <https://www.pnas.org/content/early/2019/04/02/1816102116>.

According to which, quote:

We find that 33% of [the human health] damages occur within 8 km of emission sources [5 miles], but 25% occur more than 256 km away [150 miles], emphasizing the importance of tracking both local and long-range impacts. Our paper highlights the importance of a fine-scale approach as marginal damages can vary by over an order of magnitude within a single county."

My experience with TCEQ is that it focuses on disqualifying those opposing its proposed air quality permits.

The TCEQ Executive Director sometimes acknowledged that a public comment concern seemed worthy, but would then rule the concern as not relevant because the person making the comment didn't meet TCEQ's "Affected Person" criteria.

One criteria was that the person needed to live or regularly engage in activities close enough to project in question to be adversely affected by the air emissions in question. TCEQ would never specify how near to the air emission point sources, but had a consistent pattern of requiring a 1 to 2 mile proximity.

The other primary criteria was that the person had to have a rare condition or circumstance making them uniquely affected by the air emissions in question.

So that if they had, say, a preexisting medical increasing their risk of harm from exposure to the emissions, they would meet that qualification.

But if a significant percentage of the general population could suffer harm from the emissions, their concerns would not be relevant to the TCEQ permit as written.

In contrast, TCEQ seemed to bend over backwards to approve permits along the lines of the proposed location and design of the project.

For example, it habitually bent its Best Available Control Technology requirements to match the applicant's project engineering design, chosen location, and budget constraints.

If an applicant claimed the Best Available Control Technology was too expensive relative to its reduction of problematic emissions, then TCEQ would accept a less expensive BACT as adequate.

If the applicant claimed the BACT was not compatible with its overall project engineering design or site footprint, then TCEQ would one more compatible with the overall design.

If the BACT required connections and/or resources not readily available at the chosen project site, TCEQ would accept a BACT more suitable for the location (in terms of energy source, water availability, etc).

In considering the overall project, TCEQ also relied on squishy criteria including its prior experience in permitting such projects and whether or not the emissions in question were in line with (no significantly above) projects it had permitted in the past (when relevant standards and requirements were different?) and in line with other "similar" projects approved elsewhere by other air permitting agencies.

Thank you for your consideration of my comment.

John Young, MS (Psychology), MSW (Social Work), Retired
San Benito TX

Active member of Save RGV from LNG (now simply Save RGV) since May 2014
<https://www.savergv.org/>, www.facebook.com/saveRGVfromLNG