

Cecelia Hartley

From: Sunset
Sent: Wednesday, December 22, 2010 5:12 PM
To: Cecelia Hartley
Subject: FW: Staff Report Feedback

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From: Sunset
Sent: Wednesday, December 22, 2010 4:56 PM
To: Sunset
Subject: Staff Report Feedback

Agency name: Environmental Quality, Texas Commission on

Response to staff report: TCEQ Public Comment on Sunset Review ♦ Dec 2010

My name is Muriel Tipps, my husband Roy and I are in the bait & retail shrimp business in Sargent offering facilities to the resort business along Caney Creek & East Matagorda Bay, we are also 2nd generation commercial fisherman and I sell resort real estate in the our coastal counties. I have been active in business & water issues for nearly 30 years in our area. We are the oldest surviving business in our little town. I have set on many committees through the years & presently still serve on the Texas Shrimp Marketing board. LCRA Water Quality Steering Committee & am the Matagorda County Seafood Rep. along with other various boards.

Thanks for this opportunity to comment on a very difficult, complex job before you. First of all, TCEQ is a vital agency to our state. If my memory serves me correctly, Almost a decade ago consolidation of the air control board, TWC & environmental program from Tx. Dept of Health were added to this agency to streamline regulations. This decision may have not been the best one for our state in the long run. In today's world this is a MASSIVE JOB.

Who would think the issues at hand would have mushroomed in less than a decade concerning population explosion, emissions, water quality, air quality, waste management. Their plate is full with little additional funding to handle such an immense task.

We must strengthen the public interest council with clear responsibility for representing public interest in TCEQ & the ability to appeal ♦ in other words a better balance of stakeholders. Many of the appointed positions on these boards are the actual gov. agencies protecting their turf & agendas & budgets. If they are actively pursuing permits they should not serve on this committee at all

State environmental regs are old and lack the benefit or comprehensive research needed on the long term impacts of all types of pollution in a regional type basis.

Current monitoring & risk assessments are insufficient to draw long term impacts of pollutants on human health & environment.

Many other states have developed comprehensive research programs to support Reg efforts

We must disallow TCEQ employees from quitting & working for applicants for a substantial period if a permit is actively being applied for.

Representation of the public interest in environmental matters sorely lacks adequate resources to compete with industrial & utility companies ♦ in other words, lobbyists. Sometimes public interest is at a disadvantage on advisory groups & informal stakeholder groups. Most public reps are volunteers up there on their own ♦dime♦. Many times the Stakeholder representatives are more or less lobbyists for their cause, not the environment or future generations.

I doubt TCEQ♦s funding structure adequately support the agencies many activities ♦ equitable fee structure for time spent on applicants must be updated.

With little fiscal change TCEQ♦s funding structure could, once again, be expanded to innovative services using common sense that would benefit the regulated community.

Provide equity in fee costs among all payers. Simplify the existing fee structure would reduce Administrative costs. Standard definition of compliance history of permit holders should affect future permitting.

TCEQ must work on development of a strategic vision of environmental issues, including regional assessment of existing permit holders, water users, emissions & other users. If this does not happen it could result in over permitting putting undue stress on the environment & people in that particular region. They have to live in the area and suffer the consequences of ♦too much in a small area♦.

The existing regulatory process does not include much common sense in regional overload. The command and control approach does not result in R&D incentives & rewards. The existing approach relies heavily on inspections that are infrequent, planned for & are impossible to enforce in a timely manner due to the process the permit holder can ask for ♦ in other words by the time their due process is allowed the damage is done Case at hand, White Stallion Coal Plant right next to the STP ♦ both huge water users with uncertain future needs with no incentives for state of the art technology.

Industry must be rewarded with futuristic vision and performance & must be held accountable if they are persistent violators that result in degradation of public health, environmental damage, etc. . . . Chronic poor performance should be held accountable and permit renewals denied.

Other main issues that won♦t work much longer:

- ♦ We only address pollutants one pollutant at a time ♦ this must be changed quickly to collective analysis as a whole.
- ♦ Coordinate TCEQ♦s regulatory structure & clearly define their role of coordination with other programs.
- ♦ Lack of coordination creates a lot of state agency overlap and costs way to much
- ♦ TPWD, TCEQ, Soil Conservation, TWDB all have GOOD DATA this is not shared or compiled together for the BIG PICTURE.
- ♦ If regulated entities are in compliance and we are still having problems that persist in water & air & waste quality ♦ then the regulatory approach must be changed. Exploring other states that are succeeding in this arena must be investigated.

FOREMOST on the water forefront ♦ TMDL in our watersheds must be put on the front burner. How can you gauge the future when you don't know exactly what you have or what the environment can handle? This must be a state of the art sophisticated program that must have modeling that includes plug-ins from TPWD, Soil Conservation, TPWD, TCEQ, River and Navigation authorities. Some of our River authorities have astounding data that is not used at all outside their realm.

♦Environmental Management Systems♦ should be INCENTIVE based ♦ most industry will not do this voluntarily unless there is a reward of some kind and will not be eager to participate unless there is.

TCEQ could better assess a regional picture rather than a statewide picture. Include each major permit holder involved in this process with performance incentives & poor performance penalties.

The federal government should also offer future incentives to Texas for innovative regulatory structure.

How can we have a common definition of compliance issues with inadequate monitoring stations throughout out state? Especially in heavily permitted industrial areas. Both air & water and waste compliance cannot be assessed properly without better performance data. This would allow compliance issues to be reviewed collectively and acted on.

How can we assess permit holders in our state when we can't assess performance? I am not a proponent of costly inspections. Inspections can be prepared for ♦ consistent hard monitoring has no loyalty, no favors, no human error or emotional involvement. To the general public this is a no-brainer♦♦Private industry should pay for a portion of these costly monitoring stations with some entity compiling and coordinating all the data. This should be part of the permit cost of doing business. Set parameters and fees accordingly

The legislature may have to look at separating some of the immense water, soil, air & emission responsibilities from this ONE agency.

Coordination of data from different user groups in to sophisticated regional modeling alleviates the struggle from these agencies that don't want to give up anything in their budgets which results in many state agencies NOT working together.

Texas is a big state; it cannot be assessed or compared to a small state like New Hampshire or such. Breaking down management into regional responsibility is the key to the future with TMDL♦s set in our water sheds, accurate monitoring of our water & air, rewarding new technology & research, and getting rid of repeat violators that choose just to pay the fine and move on♦.Let♦s set the example instead of being the example!