

June 22, 2022

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Mr. Robert Romig  
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P.O. Box 13066  
Austin, Texas 78711

Chairman Charles Schwertner  
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Via email to [lola.fender@senate.texas.gov](mailto:lola.fender@senate.texas.gov), [jennifer.jones@sunset.texas.gov](mailto:jennifer.jones@sunset.texas.gov), and [robert.romig@sunset.texas.gov](mailto:robert.romig@sunset.texas.gov).

CC: Lola Fender, Drew Graham  
Sen. Nathan Johnson, Lani Lappinga  
Sen. Angela Paxton, Laura Stowe  
Sen. Charles Perry, Katherine Thigpen  
Sen. Drew Springer, Jr., Jonathan Mathers  
Vice Chair Justin Holland, Robert Paulsen, III  
Rep. Terry Canales, Curtis Smith  
Rep. Keith Bell, Georgeanne Palmer  
Rep. Craig Goldman, Amanda Robertson  
Rep. Travis Clardy, Sloan Byerly

**Re: Public Comments from the People's Hearings on TCEQ Sunset**

Dear Chairman Schwertner, Commission members, and Staff:

Throughout 2022 a working group led by Public Citizen held a series of “People’s Hearings” on the Sunset of the Texas Commission on Environmental Quality (TCEQ). People from across Texas joined these hearings virtually or in person to voice their concerns about Texas’ environmental agency.

This document includes transcripts of four hearings:

- San Antonio, March 21, 2022, featuring sixteen witnesses.
- Dallas, March 29, 2022, featuring thirty witnesses.
- Houston, April 30, 2022, featuring twenty witnesses.
- Virtual via Zoom, June 8, 2022, featuring twenty-six witnesses.

Across our total of ninety-two witnesses, many themes emerged. The following subjects were covered by our speakers:

# Speakers	Topic
33	Environmental Justice
28	Aggregate Production Operations
28	Community health, personal health
26	Permits (16 speakers specifically mentioned TCEQ “rubber stamping” permits)
25	Air pollution
24	Enforcement
20	Public information access and public communications
17	Public participation (including public meetings and contested case hearings)
16	Water pollution
15	Agency Mission statement
15	Pollution on land, including Superfund
10	Oil & gas, including fracking and methane emissions
10	Climate change
10	Compliance history
9	Cumulative impacts
7	Affected party status
6	Bad science
5	Permit denial authority
3	Hurricane Harvey recovery
3	Radioactive waste
4	Language justice
15	Other miscellaneous subjects

Complete transcripts of these hearings are below. The people who participated in these hearings agreed to have their comments submitted into the Sunset Commission record for the TCEQ. We included their names and contact information where possible. We appreciate this opportunity to provide these comments. If you wish to discuss our comments further, I can be reached at [ashelley@citizen.org](mailto:ashelley@citizen.org), 713-702-8063.

Respectfully,

Adrian Shelley  
Texas Director  
Public Citizen

# People's Hearing: San Antonio

## March 21, 2022

Transcript by otter.ai with edits by Brendan Gibbons.

1:31:00

00:00

**[Moderator, Randy Beamer]:** Welcome to the Woodlawn Pointe Community Center on the West Side of San Antonio, and we are here. We want to thank the people who have shown up for a hearing before the Texas -- [audience chatter] -- You can't hear it. Hello, hello? Alright, how's that? All right. We want to thank everybody on Facebook and here in the audience for joining us. This is a hearing before the Texas Sunset Commission on the Texas Commission on Environmental Quality. Every 12 years or so there is such a hearing. We would like to introduce first of all, some people from the Sunset Commission staff right here that will be hearing your testimony. Erick Fajardo, Robert Romig, Chris Keslar, and Katherina Wierschke. Yes, right there. So these are the people you'll be talking to. We'd like to direct your attention to the sign-up sheet there in the back and on Facebook as well, Facebook Live, you can ask your comments there, direct your questions, maybe, but at least have what you would like to say. Each individual will have about five minutes, and groups, people representing groups, will have 10 minutes and Glenda Wolin here who is with the [League of Women Voters of the San Antonio Area]. She has been recruited to be the official timekeeper. And at the end, when you speak, she'll give you a warning — one minute, then 30 seconds, and then stop. So if you could go ahead and keep to that and we'll move right along. We also have a Spanish interpreter here. Who will tell you about the some of the same rules and also how Spanish speakers or those who don't speak well in English, can become involved and that is Luisa Santibanez. Luisa?

02:04

**[Translator, Luissana Santibanez]:** [Introductory remarks in Spanish].

03:18

**[Beamer]:** And please if you could identify yourselves, and if you're with a group, that group, because we don't have the signup sheet here. So when you begin speaking, go ahead and do that. And we'll have those comments beginning right after Robert Romig of the Sunset Commission staff. Robert?

03:44

**[Robert Romig, Sunset Commission]:** Thank you very much. Thank you all for coming out, especially with the dodgy weather that we've all been warned about, appreciate your attendance. I just wanted to start by explaining a few things about the Sunset process. But before I do want to thank the Greater Edwards Aquifer [Alliance] for hosting this public input meeting. Throughout the Sunset process, it really does rely on input from the public, from

stakeholders, from community groups like yourselves. And so we're very pleased to come and attend and receive this input into the Sunset process. This is not your only opportunity to provide input. And so for those who are attending, or watching on Facebook Live, and don't want to speak tonight, you're always very welcome to reach out to us directly to provide input. I would encourage you to go to our website [www.sunset.texas.gov](http://www.sunset.texas.gov) where you can get information about our review schedule and how to contact us with information. That being said, just to give you a little brief Sunset 101, for those of you who may be sitting in the audience thinking why are you even here at asking us about TCEQ. We are, as we said earlier, Sunset staff. Our commission, the people we report to, is a commission set up by the Legislature to look at state government periodically. It's made up of House of Representatives members and senators and a few public members. Every 12 years, give or take, a state agency goes through the Sunset process. And it is an opportunity for the Legislature to do a top-to-bottom review of how the agency is functioning, to eliminate functions that are no longer necessary, to add functions that are necessary, or to amend the operations in some way to find better efficiencies, effectiveness, to increase transparency and fairness. What we do as staff is we take the agencies that we've been asked to review and go through a five-to-seven month review process. Our team is in the middle of that process for the TCEQ, and we look at all of the agency operations and programs and seek input from the public, from licensed industry groups, from community groups, about how the agency's operations are going and ways to improve those operations. And so the, -- we are happy to receive any input you want to give us. But the most fruitful kinds of comments are ways in which you feel like the processes the agencies use, their operations, can be improved. To give you a little forward looking at what -- how - this then impacts things, we will take all of these comments and format a staff report where we as the Sunset staff are making recommendations to our commission of things that need to change either in the agency's operations or in state law. That will be published at the end of May, is our goal, to publish our staff report with our recommendations. Then, about a month later, right now, tentatively set for June 22, or 23, there will be a public hearing where, in Austin at the Capitol, our commission meets and receives our staff report with us testifying about what our recommendations are, and then opens up the floor to anyone in the public who wishes to come and make other recommendations to the commission. At that public meeting, everyone is welcome to attend, either to listen or to present their ideas for ways you think the agency could be improved. And then, about a month later, sometime in late July, although I believe in our case it is scheduled later in the summer, that information is on our website, I don't quite recall offhand when that meeting is, there will be a second meeting where our commission will then vote on those recommendations. And the recommendations they adopt, whether they were our recommendations or your recommendations, those will then be directives to the agency to implement, or they will be put into legislation filed before the Legislature during the next session, which will start in January 2023. And that bill will be heard before the Legislature, hopefully passed at the end of the day, and carry forward recommendations to improve the agency. So just wanted to give you that sort of broad look. We are always happy to answer questions after the meeting or please, again, go to our website and get in touch with us. But other than that, we're going to turn the floor back over to y'all. And thank you again for coming.

**[Beamer]:** Thanks, Robert Romig. One more thing I mentioned earlier that there's a five-minute limit for individuals and a 10-minute limit for representatives of groups. We'd like to get to as many speakers as possible. So if you say what you have to say in less than that don't feel like you need to stretch to five minutes to get Glenda to work. Go ahead and finish up so we can hear more speakers more quickly. So if the first speaker would like to come up, we'll just turn it over to the crowd. Oh, if you'd like to line up on either side, here at the podiums, those who have lined up, signed up to speak. Everyone is shy. Nobody wants to go first. And again, introduce yourself and who you're with, if you're with a group. And it's, it's whoever would like to go first. Very polite.

09:46

**[Alan Montemayor, Alamo Sierra Club]:** Good evening. Thank you for the opportunity to speak today. My name is Alan Montemayor. I'm chairman of the Alamo group of the Sierra Club here in San Antonio. TCEQ, where to begin? Oh my god. I have so little faith in the Texas Council of Environmental Quality that I don't actually refer to them as the Texas Council on Environmental Quality. I refer to them as the Texas Council on Economic Quantity. Their, their mission, as it's written, is to protect the state's public health and natural resources, consistent with sustainable economic development. The problem with that mission statement is the "sustainable economic development." They have taken that to heart and have adopted a laissez faire attitude toward business in Texas that is nothing short of shocking for the citizens that are requiring their protection. So much so that when the EPA comes in to intervene in Texas, I welcome them and say, "Please come in and help us because TCEQ will not protect our environmental quality." It is that bad. There are so many instances when TCEQ has rubber-stamped applications for projects that should not be moving forward in environmentally sensitive areas that are affect the water quality of the people that have to live in that area and downstream of that area. In particular, here in San Antonio, we depend on the Edwards Aquifer for our water quality, and the TCEQ routinely rubber-stamps projects that are going to dump effluent, sewage effluent, into our streams in the contributing zone. And we cannot let this continue, this has to stop. So I would like to say that removing the economic development portion from the TCEQ's mission is critical to making, to protecting the citizens of Texas. Their stance on air quality is ludicrous, to say the least. Okay. They say that on ozone, "Oh, if it weren't for pollution from Mexico, you know, we wouldn't have an ozone problem." Well, that's BS, we need to address the issues of air pollution in Texas on a daily basis on a continuing basis and move forward with reasonable processes and laws and regulations that will protect our citizens. We don't want EPA to come in and have to mandate all these changes. But that's going to happen because TCEQ really is not moving forward in protecting us. I'm not going to take the full 10 minutes here because Annalisa Peace has already done a very good job of summarizing what needs to happen in a January 28 letter to Mr. Romig. I think you already have that. I would like to say that Sierra Club is a signatory on that letter and we very much backup all the things that she has said in here. Additionally, there was a letter to you on December 20, from the Alliance for Clean Texas, that we also sign up for all of the points in there. I really can't say enough about how distasteful it is having to, to hear time after time after time that TCEQ has just rubber-stamped these applications or taken a policy on air quality that is is laissez faire. You know, it's not fair to the citizens of Texas, that we have to continue to endure the degrading

quality of our air and our water and other things that TCEQ has a hand in, that it has to be sacrificed on the altar of economic viability. It's just insane. So I very, very much hope that you guys have the power to institute change and work for the citizens of Texas, not just for the businesses that are depending upon TCEQ to rubber-stamp their horrendous projects. Thank you so much, and I do appreciate the the opportunity to speak here. I've traveled a lot around the world, and I know that there are places in the world where you cannot speak like this without fear of retribution. So it's so valuable that you guys are here doing the work that you're doing. And please work hard to make sure that and stand up for the citizens of Texas. Thank you.

14:15

[Beamer]: Before we move on, I just wanted to mention not only are you speaking to the staff, I failed to mention that there are a couple of staff members of state representatives here as well, wanted to recognize them. Dominic Carrasco of [Rep.] Ray Lopez's office, district 125, is here, you can just raise your hand as well as Anna Alicia Romero of state Sen. Jose Menendez's office as well. So they'll be here listening to your comments.

14:41

**[Paul DiFiore, PODER/SOS Alliance]:** Good evening. Can everyone hear me? Great. My name is Paul DeFiore. I'm here partly as an individual, partly on behalf of an organization called PODER there which is in East Austin-based environmental justice organization. I also work part-time for Save Our Springs Alliance, also based out of Austin working to protect the Edwards Aquifer. But let me preface my comments first as an individual. I think, you know, I drove down from Austin like y'all probably did. I appreciate you guys coming down in this crazy weather, it was really windy on the highway. As I was driving down, I listened to a podcast interview with Toby Baker, just from maybe last year, I want to say, and it just emphasizes the point that the gentleman from the Sierra Club made about the backwardness of the mission of the TCEQ. Toby Baker responded to one of the interviewer's questions, asking what do you see as your mission as the executive director of the agency, and he responded immediately, "Well, I think my mission is the same as the agency's mission, which is to one, protect the economy and two, protect the environment." So, as I see it, that's backwards, completely out of balance. I mean, you can call it what you want. I'm sure my colleagues from TRAM this evening will talk a lot about how lopsided that's become. But I just wanted to emphasize that that's the leadership of the organization that we're talking about. That's the way that he speaks about the mission of the organization. Now, just to some specific comments, I spoke earlier with the executive director of PODER, Susana Almanza, some of you may know, she's on the White House Environmental Justice Advisory Council. She's a legendary East Austin organizer that has been working, fighting against environmental injustice in East Austin for decades. And one of her comments was that the TCEQ seems intentionally set up to not be accessible to the community and not engaged with the public. And I can personally attest to that as well. Last year, I tried to go through the process of actually going to the TCEQ's headquarters in Austin and seeking some documents, because I read in the paper, you know, I got lucky and I actually found on the paper, the day it was published, a notice that an air permit was going to be issued to an industrial operation. And it said that the entire permit and all the related documents could be found at the TCEQ's offices. So I drove up there, and I showed up at the door, and I kid you not



they acted like they had never seen another human from the public in their lives. It was the strangest experience; it took me a very long time to speak with anyone. And eventually I actually did manage to get the documents with a lot of hemming and hawing. But that's a process error, you know, there's something wrong there, they're clearly not set up to receive the public in any meaningful way. And they don't expect it, they probably don't want it. And then, secondarily, I spoke with Susana and we discussed how the TCEQ seems to take a very narrow view of environmental impact, you know, on these projects that, as the gentleman mentioned, get rubber-stamped. Every week, it seems, they wanted to define a project area extremely narrowly, so that nothing outside of it could possibly be impacted when the reality is we know that's not true. And there's also the question of cumulative impacts, cumulative environmental impacts and social impacts which seem to be disregarded. One example is in our neck of the woods in the Colorado River Corridor, there's, you know, in a couple of miles stretch at least 10 or so, aggregate production operations that have been going on for decades that are continuing to get approved. Those have a serious negative environmental impact. And yet they continue to get approved with no regard for the cumulative impact on that river corridor or the communities who live there. So that's something I wanted to point out. And I will, I'll leave it there. But thank you again for your time. And thanks for listening.

18:42

**[Mark Friesenhahn, Comal Educational Environmental Coalition, Texans For Responsible Aggregate Mining]:** Good evening. My name is Mark Friesenhahn, and I represent the Comal Educational Environmental Coalition, as the director of group in south Comal County. I'm also part of the TRAM organization has been mentioned, via the hat and the shirt here. And also I am part of an eight-person technical team whose job has been to understand the APO industry and Texas and its impacts on the citizenry and landowners adjacent to their operations. I'll start out by thanking Robert and the Sunset Advisory Commission investigative staff for all the work you're doing to look into this issue, including spending almost three hours with us this afternoon to tour the highly concentrated collection of APOs of all types on the Balcones Escarpment around the area of south Comal County. So thank you all for that. Second. No, the TCEQ is not taking care of Texans. No. Simple. That's my answer. The TCEQ is broken, and they're not serving the citizens of Texas and they need to be fixed. Plain and simple. You guys bear with me, you're going to hear some of the things I said earlier this afternoon, but I think they're important and worth repeating. [Background chatter]. Yeah, whatever. It's, the message is important here, the vehicles for communication, I bow to you. I'm gonna cover just a few points here from these notes. They're permitting agency operating with a deficient set of rules to manage the APO industry effectively. Others have said they're ignoring their responsibility to protect our state's public health and natural resources. They have an industry that's expanding massively to keep up with our growth. And although we recognize the need for the products that the APO industry put out, there is a massive deficiency in the regulation of that industry to coexist with the growing population. All of our investigations, likely yours, any number of them that I know about are showing the same thing. Major changes to the TCEQ are needed. Now, we chose to break them into several categories in our report from TRAM which I signed as the lead technical person within TRAM and delivered to Robert Romig and the team on January 31. We chose to break our recommendation down into several categories. And instead, we did not

and did not focus necessarily on administrative and process things that are within your control. And those things that might take best practice rule changes, petitions, or legislative initiatives to fully change the things we see broken with a TCEQ. Having said that, we see three, really, three things: major administrative, structural, and cultural changes are needed. Full stop, as the Brits say. Instruct the TCEQ to more completely within the scope of its current authorization of in the areas of air quality, water quality, and land preservation, do their job to protect the citizens of Texas and our resources. And then the third one is more broad-brush dealing with rule changes, resources required to beef the TCEQ up, and legislation to charge them with changes. We're kind of at a point here where the industry is growing, the population is growing, and there is a conflict brewing that's only going to get larger until we all decide to grab it by the horns and tackle it together. We're at a crossroads here of deciding that it's time to fix the TCEQ. No, they're not helping Texans. Now, I'm not going to go through all the recommendations. We submitted a formal report, I think it was pretty thorough and it covered recommendations in those three areas that I mentioned. I'm just going to cover, mentioned two or three of them. Number one: direct to TCEQ to effectively carry out its responsibility to protect our state's public health and natural resources. We talked a lot about stating that they remove economic development from their mission. But we chose to back off and approach that at its perimeter. Include economic development, but move it to third behind health of the public and natural resources. I love being deep in the heart of Texas and I want this place to look like it used to for our grandkids, visitors, and our associates in the future. We can help that. Another one that I think is probably more controversial than y'all may want to tackle but I think it's important. Revise the process for the TCEQ commissioners' selection to popular vote. Right now, I'm absolutely convinced the TCEQ commissioners do just what the governor says. I like the governor, I support him, but he's forgotten about the Texans who've been there our whole lives like I have, 71 years. I chose to come back to Texas, Central Texas and try to enjoy the living deep in the heart of Texas. It tears my eyes to even make that statement. We need your help to make that an objective we can accomplish for everybody moving here at this rapid pace. Add public citizens to the commission. Most of the other agencies have a larger commission. I think public citizens added in whatever format makes sense would increase the strength, the posturing and the effectiveness of the commissioners to represent the people. Complete an in-depth rule, a review of the major rules defining the TCEQ's organization. I don't know about you guys, I don't have enough fingers to open all the pages. I'll keep all the pages open to define their rules and their legal responsibilities under Texas Administrative Code and so on. That needs to be cleaned up. I've been at this for three or four years now, and I'm pretty sure I don't even have a clue about half of their rules and responsibilities, but they're scattered all over the place. And a process change to clean that up is worth the effort, I think. Why aren't they carrying out the responsibilities that depending on how you read it already, clearly within their scope of responsibility? That hard question needs to be asked. That is a low resource input solution. Do your job. Go read the rules. Don't cherry-pick the rules, do your job. I've got others. I'll refer you back to our detailed report. And as always, I stand ready to answer questions anytime day or night. Our TRAM organization and our technical team, likewise, you call us we'll be there in a minute's notice to help because this is important. We want Texas to continue the beauty and the allure that it has in all parts of the state. Thank you.



26:24

**[Peter Bella]:** Good evening. My name is Peter Bella. I'm speaking on behalf of myself. We owe Ukrainian president Volodymyr Zelensky a debt we cannot repay. Ukraine's resistance to Russia has given the west the opportunity to rethink, to recalibrate the grip on Western Europe, which Russian dictator Putin holds because of hydrocarbons. While climate change may not have motivated a quick transition in Europe, away from fossil fuels, Putin's aggressive invasion of Ukraine has caused the European Union to launch a 10-point plan which will wean them off of Russian gas by a third in just one year and 100% by 2030. We need leadership in Texas, able to resist the siren call of big money that props up individuals in state government to the detriment of the state of Texas. Because right now, we are fighting oil and natural gas development in Texas and other industries by the way, and its grip on our government just as surely as the people of Ukraine. The TCEQ has long provided supportive ignorance for the state of Texas with their checkboxes for permitting and their willing blind eye uncaring of environmental impacts on underserved communities, and most of all their support of the toxic oil and gas industry. I request of the sunset commission that they seek to entirely remold the Texas Commission on Environmental Quality to protect Texans. Protecting Texans from climate change means seizing the opportunity not just for renewable energy generation, but for an honest assessment of the cumulative — we've heard that word tonight before — environmental damage being done by industrial build-out up and down the Texas coast, by quarries destroying our Hill Country, by the environmental hazards due to sand mining in Texas, and also positively by providing protections for our water and our wildlife habitat and protecting what is sacred to indigenous tribes. It also means, as it does for Western Europe, moving aggressively to stop our crippling dependence on fossil fuels. TCEQ now must become, as the state of Texas must become, a champion of environmental causes. Climate change, our habits of overconsumption, and overpopulation are now in the process of pushing the planetary system off the rails. If we commit ourselves to work to change, we can give ourselves a fighting chance. Time has grown perilously short. The changes must happen now. Thank you.

29:18

**[Michael Spano, Coalition For Responsible Aggregate Mining, Texans For Responsible Aggregate Mining]:** Good evening. Somebody woke up. My name is Michael Spano, and I live in Georgetown, Texas, north of Austin in Williamson County and I drove down here to attend this meeting. I co-founded the Coalition for Responsible environmental aggregate mining, or CREAM, and I'm a member of TRAM along with my fellow TRAM members here today. And if you don't know who TRAM is, we hope that you will. It's a 21-member organization group representing 39 counties across the state. And I'm part of this group because in this group, there's physicians, lawyers, oil and gas experts, hydrologist, a lot of expertise who have contributed to the 2021 interim committee report on APOs, speaking before state legislative committees, county commissioners, courts, water boards and other local government meetings. I participate in that, I have worked with these gentlemen and ladies here in our group to speak in many of these organizations. And always when we meet the one common topic is, can you guess who that is? It's TCEQ. We always talk about TCEQ. Now, I understand that you've toured Comal County today. And if I asked you to tour Williamson County, you will see the same thing as what you saw in Comal County. You wouldn't see anything differently. The issues you

see there, you will see here. I also appreciate the accessibility of the Sunset commission. But I'm going to tell you one thing that disturbs me is that I hope that the representatives on this commission are as accessible as you are. I spoke to one TRAM member in Gunter, Texas, and she said that she cannot get her representative to speak with her or to hold a public meeting in her district. That is sad and I hope that can be addressed. I also to have a challenge o my own State Senator Charles Schwertner who's the interim committee chair of this, and I've asked him to, you know, if I hold the meeting, would he speak? I didn't really get a commitment from him. I hope that when we do put a meeting like this together in Georgetown, that he will attend. Now, when we have our meetings locally, here are the three things that I'm hoping that TCEQ or that Sunset Commission will address. Here are some questions. Why is compliance history not considered when there's an application for a permit? So, as I mentioned, there was a concrete batch plant that was going in, and the owner had two locations with identifiable violations for 10 out of the 13 quarters. Would anybody in their right mind do business with any company who had a history of non-compliance? Certainly, I wouldn't. If I asked a plumber to come over and he had 13 violations or negative responses, I certainly wouldn't hire him. Would a government agency purchase from a company any product or service where they cannot meet their level of service? I would think not, yet TCEQ continues to approve new facility locations for companies with violations at other locations. I don't understand that. I don't comprehend that. And what's interesting at this concrete batch plant, the environmental compliance officer was a former truck driver of the company's truck. I mean, is there any rules or any standards for an environmental compliance officer in a company? That's a question I hope that this commission can address. Next question, what is the purpose of TCEQ's public hearings? We talk to any TRAM member or anyone else who has attended TCEQ's and a perception is that they will approve the permit regardless. You know, I get a document and email and it states that after all the evaluation of all the relevant findings, to commission denied all requests for hearings and consideration, period. There's no reason given why they was why our requests were denied. Even if a bank turns you down for loan, you will get a reason why. We get no reasons. It's just that your hearings or requests are denied, we move on. Another question: who is TCEQ accountable to? A least with the Texas Railroad Commission, we can vote out the commissioners if we disagree with their policies, but how do I vote out TCEQ commissioners making approval after approval with no regard or concerns for our citizens? Okay. Some would ask, have you tried rulemaking? Well, we did that. On one rulemaking decision we asked TCEQ to expand their requirements for comments from 30 to 90 days. The reason being is that we want to time to study the rule and provide intelligent feedback. TRAM even obtained, TRAM members, 24 state representative signatures who asked TCEQ to give us 90 days. TCEQ denied our request and pass their rule anyway. So who was going to stop them or get their way? Again, who is TCEQ accountable to? So our hope, the people's hope tonight is that the Sunset Committee will do what is necessary to make the changes for TCEQ to be an impartial state agency serving as citizens and not just the interests of the APO industry. Thank you very much for your time.

35:35

**[Margo Denke Griffin, Friends of Hondo Canyon]:** My name is Margo Denke Griffin from Tarpley and I'm here representing Friends of Hondo Canyon, which is a grassroots community in our little canyon 65 miles northwest of San Antonio. I want to thank GEAA and the Sunset

review staff for hearing my concerns. I would like to comment on how the TCEQ process is designed to dismiss valid concerns of the public, and I would like to propose a possible solution. Regarding permitting, the TCEQ meets with the applicant to aid in achieving a viable permit application and then issues a draft permit. The TCEQ requires that any changes in a draft permit must be made by the applicant, that the public has no input in that process. The public only has input to enter public comments during the public comment period. And when this window is closed, the TCEQ executive director dismisses the public's concerns in their extensive response to comments. Why? Why are we dismissed? Because the TCEQ's experts are the experts on pollution and the concerns that the public has have already been addressed in the TCEQ scientific review. This process only gives lip service to the public. Essentially, TCEQ permits pollution and our communities are told to accept it. Our elected officials can comment, but they have a political agenda and that often overrides their own constituents' concerns. We the public need someone else to help us represent our concerns to TCEQ. Regarding enforcement, TCEQ overrides local authorities when a permit violation occurs. And I would like to cite a specific example that happened to me. An upstream landowner released 30 acre-feet of water and sludge from their impoundments to improve their in-channel manmade lakes. The Bandera County River Authority and Groundwater District came within three days with three staff members and walked the entire three miles of creek with me, took 75 photographs and samples of silt. I walked them up to where the dumpage was made, and then I had them do their investigation and walked back and they joined me at my house. What happened then, is my ask of TCEQ to investigate this. They came out more than 30 days later. And they did nothing. They told the local river authority to stand down and that they were taking over the investigation. And they ignored all the dead frogs that were in the creek, which I took pictures of. Nothing was done. No violations were issued against this illegal dumping. And all of us have been praying since 2019 for a flash flood to wash out the silt that I still have present in our creek. In both areas of permitting and enforcement the TCEQ process fails to invite the expert opinions of local authorities, such as the local groundwater district or a river basin authority, who knows the rivers and streams in their area like the back of their hand. This input could have many different avenues. The county could be asked to provide an assessment of an impact of a proposed permit and exerting some local control and, in that way, provide the public who are going to bear the consequences of this pollution to have some voice. The local authorities could be engaged by helping evaluate and enforce permit violations. It is only through a more collaborative effort that the TCEQ can be improved. Local authorities are experts who have nuances of local issues. TCEQ knows statewide edicts but not how these edicts may affect the local public. Why hasn't this changed? Because TCEQ does not want to give up its power and because the local agencies are supposed to be aligned with state mandates. So we the public are left with a broken system. Permitting pollution is what TCEQ does best and we the public are given no choice but to fund TCEQ with our taxpayer money and accept the consequences. I want to just mention to finish that when I started, I was faced, my community was faced, with two permits — a wastewater discharge permit and a water rights permit. And we had to learn everything by ourselves how this whole process did. And I was still practicing medicine in Bandera, Texas. And a man came in one day and said, "Can I please speak with you?" And he warned me about TCEQ. And he warned me that we had to work the hardest we could ever work, and we have. He said once that permit is issued TCEQ will never

give that permittee a violation, and he told me about his experience. So I just am hoping tonight that you are listening to me, that you can involve the local authorities to help us with all of the permitting in TCEQ, so that I don't have to be the next person that's going to go into someone else's office and tell them how disappointing this process is. Thank you.

42:04

**[Nathan Glavy, Greater Edwards Aquifer Alliance]:** My name is Nathan Glavy, and I'm a technical director for the Greater Edwards Aquifer Alliance, GEAA, here in San Antonio, Texas. GEAA is a 501c3 nonprofit organization with a mission to promote effective, broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs and watersheds, and the Texas Hill Country that sustains it. GEAA has the privilege of working with a 56-member group that works together to make GEAA's mission happen, having a multi-county reach from Del Rio, Texas to Austin, Texas. With advocating for the protection and preservation of the Edwards Aquifer area, GEAA and its member groups often submit comments to TCEQ on a variety of different permits and application, including those associated with the Texas Pollutant Discharge Elimination System. To make comments, GEAA and its member groups rely on accessing permit application and paperwork to better understand details and to make our cases hard. However, the difficulty of obtaining this paperwork has proven to be a surprising hurdle to overcome. To obtain permit paperwork, one must go to a physical location, such as a public library, City Hall, or even a TCEQ office to view and make copies. This may not seem like a big deal, but with the growing capacity to access information online, especially since the COVID-19 pandemic, I would encourage TCEQ to adopt a practice to make permits applications readily available online for viewing and downloading. Recently, GEAA submitted comments on three different Texas Pollution Discharge Elimination System permits that were in three different locations across the Texas Hill Country. Each permit application could be viewed and copied. However, each permit application had a separate physical location, one we must go to and travel to to obtain the paperwork. GEAA was fortunate to partner with different member groups to obtain set paperwork. However, not everyone has that same luxury as we do. To conclude, TCEQ does offer the opportunity for the Texas public to view application notices, such as notices of intent and public meeting notices readily available online through the TCEQ commissioners integrated database and central registry. I would urge TCEQ to adopt a similar practice and make necessary paperwork for permit applications including the [Texas Pollution Discharge Elimination System] permits available to all. Thank you for listening.

45:12

**[Santibanez]:** Good evening. My name is Luissa Santibanez. In addition to translating, on my off time, I'm also a member of the American Indians in Texas at the Spanish Colonial Missions. They're an organization here in San Antonio, that is, worked to serve the, the mission of the Tap Pilam Coahuiltecan Nation, one of many indigenous bands here in San Antonio. And I'm here to offer comments in support of Brackenridge Park, which has been listed as National Register of Historic Places and designation as a state antiquities landmark. There's a lot of confusion as to what permits are needed in order to expand on the Sunken Garden Theater Project that the City of San Antonio wants to do and, and city staff members saying that they had gotten a permit from the U.S. Environmental Corps Agency, and a lot of back and forth. It seems that now the

Texas Historical Commission is saying that they didn't say that all these trees had to be chopped down in order for this project to expand. So I'm just here on behalf of that community that stand so strong to defend the trees and then the river around that area that are actually landmark heritage trees, where, you know, the community is concerned that this project would just not just ruin the nature and even just the peace that the migratory birds have in that in that area, but then also that we would be supporting, like the, like the gentleman was saying, like profit over nature and the well-being of the rivers there. You know, here in San Antonio, they stand proudly of the river and the expansion of the San Pedro Creek and and just even the revitalization of all the creeks throughout San Antonio. So, you know, my request is for me, it seems that comments are pretty grim of TCEQ, but hopefully that there's some oversight of local city operations and, and other agencies to give permits in these projects, right where our nature could be devastated by, you know, ambitious spending projects like the Sunken Garden Theater. So hopefully, with all the genius and talent that folks have, maybe we could have both the Sunken Garden Theater project without having to cut down the trees, right, without like that something could be made in a way where the trees were preserved. And, and there was about 150 at stake, which is pretty large, in my opinion. And one of the smaller green areas in the inner city of San Antonio, that for years, San Antonio residents have enjoyed barbecuing and also stands next to the San Antonio Zoo. Right. I know that the zoo said that they weren't against it, the project, but it just doesn't seem right that we would have like this huge concert area right next to — like give the why would the birds be such a problem if like, and not like the loud noise from the concerts and to the all the animals at the zoo. It just didn't make sense. But I know that there's a lot of money to be made. So just wanted to ask attention for that issue, since I was here already, that I make a comment. Thank you.

49:46

**[Annalisa Peace, GEAA]:** Yeah, my name is Annalisa Peace. I'm the executive director of the Greater Edwards Aquifer Alliance. And we sent you pretty extensive comments, but I just wanted to draw your specific attention to a few things. You know, we have been working within our service area, which includes 22 counties in Central Texas, since 2004. And we have been, frankly, so you know, so dissatisfied with TCEQ, that we last year joined with several other groups to petition the EPA to stop delegating enforcement of the Clean Water Act to TCEQ, because we did not feel that they were actually fulfilling that function. So you know, I'll give you an example, and I'm not going to go over all our comments, I just want to highlight a few things. Every year TCEQ, they have in September, a hearing on the Edwards rules. The first hearing that I was involved in in 2004, we put together really extensive comments, and we submitted those. We got a ton of people down there and year after year, we would get people down there. This is an annual event that they have in San Antonio. And, you know, I go over. Every year, I get the notice that they're having the public comment on the Edwards rules. I don't even go anymore, because we've been submitting the same comments since 2005. And no action has been taken. And as new science come at us out, those comments keep getting longer and longer, but there's been very, very few things that we've eliminated from those comments, because TCEQ has addressed them. And it's really frustrating, because, you know, we also go to the Legislature and ask them for legislation that would remedy some of these projects. And then there we've been told that, you know, a lot of things we're asking for could be achieved

administratively by the TCEQ. But then, as recently, we go with some rule changes to TCEQ, and we're, you know, told that the chair of that commission is recommending no, because he didn't have specific direction from the Legislature. So it's this catch-22 that we have been caught in for the past 16 years where nothing gets done. And it's very frustrating. And I guess you're hearing from a lot of people who are frustrated. I also wanted to touch on the contested case regulations because it's very frustrating. Many of these people here have engaged in contesting permits. And I think it's scandalous, frankly, because we see so many permits that are actually approved by TCEQ where they're based on faulty modeling. I mean, they're you know, there's a number of reasons, and a lot of them are just that, frankly, it will pollute our natural resources. But then these folks, you know, we have engaged in contesting, I guess, about 40 permits since we've been around. And books have raised, individuals have raised, we estimate, it's over half a million dollars to contest these permits, to hire the lawyers and everything. And I don't think that's right, we have an agency that's supposed to be there to do that. We have a really good track record of negotiating settlements with the folks who are applying for the permits to mitigate a lot of the negative impacts. Now, why could not TCEQ be doing that rather than making people spend money on lawyers to do that? So we recommend also that TCEQ staff when identifying affected parties, they need to grant standing to the owners of private wells that may be affected by the issuance of TPDES permits, the direct discharge permits, no matter whether they live within that mile downstream area of notification that TCEQ notifies. Because they only notify the contiguous landowners or people who are within a mile downstream of these direct discharge permits. That's not enough because there are people whose wells could be affected. The same thing with the air quality. And you know, TCEQ doesn't even have enough monitoring stations, I don't think, to make a basis. So when they're doing air quality, I think they should just admit everybody who shows up as an affected party, because these folks don't go out there because it's fun. I think they also when they're dealing with TPDES permits, they really need to consult contour maps to determine whether parties outside of the adjacent land owner and the rule of thumb of one mile distance for wastewater permits might be affected, because we have seen some really egregious examples where they would not recognize this affected parties, people who clearly would be affected by downstream and stormwater and direct discharge permits. So this, the whole contested case thing is very difficult. Like I said, we've been able to address a lot of issues and negotiate settlements, but I don't think that we should have to hire lawyers to do that. And then you have the rest of our comments here. And I think several of the folks who are going to come here tonight, were scared off because the weatherman said there's going to be golf-ball-sized hail falling so that they will be submitting their comments to you in writing. So thank you again for being here.

56:24

**[Joshua Sarkardehi, Eyes of the San Marcos River]:** Hello, my name is Joshua Sarkardehi, and I am a member and volunteer event organizer for the nonprofit the Eyes of the San Marcos River. We're a group that primarily focuses on the removal of trash from the San Marcos River and the surrounding watershed. I wanted to first thank the Sunset committee for coming today and listening to public comments. And I wanted to start with the fact that Central Texas has been one of the highest-growing areas in the country consistently for almost a decade now. And we are seeing a growth that our natural areas cannot sustain currently, and TCEQ is doing



nothing to help curb that. We see commercial outfitters and land developments for future housing projects taking advantage of ag exemptions to allow for bulldozing bank-to-bank on the San Marcos River, which is causing significant damage. And we're losing a lot of bank and losing water quality as well. Not only that, but we struggle with these developments implementing unmanned treatment centers for wastewater. And those are the ones where you get the most issues. And the problem with that is that it's very easy for a lot of these developments to join in on the San Marcus regional Mann station. And so dealing with that means that a lot of our creekways that are very rain-dependent are getting filled with wastewater that is not being treated at a high enough level, which TCEQ is in charge of setting. The other thing is the ag exemptions are being bought and paid for and then abused, in my opinion. There's no long-term idea for use of these exemptions, they're just using it to get away with as many — with taking advantage of the lack of laws around ag exemption to bulldoze these properties, knock down old growth that is very needed for bank stabilization. Not only that, but the lack of response that we see from TCEQ for complaints, having to call them out four or five times and not getting a response or getting a “we looked at it on Google Maps and didn't see any issues” and not even sending people out has been very troubling. At this point, I think TCEQ is too far damaged, too far underfunded and understaffed, and that we're going to need to see the federal government come in and reinstate a lot of these water quality acts. And take that ability from the state or put it to a new organization. I look forward to talking with you all after the meeting in more detail about this thank you

59:21

**[Milann Guckian, Preserve Our Hill Country Environment]:** Hi, nice to see you guys again. First off, I want to thank you very much for spending time in this area and touring Comal County and seeing what we're up against. I'm here My name is Milann Guckian. And I'm here representing not only myself but my family, my friends, my organization, which is Preserve Our Hill Country Environment, and our alliance with TRAM. Preserve Our Hill Country Environment is a nonprofit organization that formed to preserve, protect, and restore the land, water, air and wildlife in the Hill Country from the insufficiently regulated aggregate industry. Specifically, our grassroots volunteer- driven organization Stop 3009 Vulcan Cory is fighting Vulcan Construction Materials LLC out of Alabama. They're not even a Texas company. To put it bluntly, y'all, TCEQ is in bed with the aggregate industry. They take their marching orders from TCEQ. The TCEQ takes their marching orders from the aggregate industry. They're looking at economics, sustainable, you know, growth and not at environmental stewardship. I want to tell you our story, PHCE's story, which is my story and people all across the state's story. In 1996, we bought five acres of land in Comal County, because this is where we wanted to retire. We worked hard, we saved our money, we scrimped and put everything we had, and in 2017, we built our dream home and we came to Comal County. Hadn't been here two weeks, and there was a letter in my mailbox that said that Vulcan Construction Materials was getting ready to put a quarry up across the road from me, 350 feet from our front porch. So what did we do? We banded together. In 2017 — this is going to be a quick run through of what we've been through for the last five years — in 2017 Vulcan applied for an air quality permit with TCEQ. Area residents banded together to create the all-volunteer organization grassroots organizations to contest the scientific and factual validity of this permit and the modeling data that was supplied by the applicant.



February 2018, TCEQ did hold a public meeting at the new Brownsville Civic Center here in Comal County. Over 500 residents showed up, including the media, local and state leadership, and all these residents and they voiced their concerns and submitted public comments for the record. December 2018, TCEQ did grant our request for a contested case hearing. This is where the money comes in. Anyway, with the State Office of Administrative Hearings, and so this happened to December 2018. So we're looking to year, almost two years, year and a half, two years later. March 2019, SOAH gave us our preliminary hearing, there was standing room only again, in the Comal County courthouse. These are residents saying, "We do not want this, we need somebody to listen to us, we need people to understand that there's dangerous impacts for this environment, to our environment, our quality of health, and nobody's paying attention." The law judge did one good thing for us at that hearing, where originally TCEQ only granted us eight entities as affected parties. Because that was the only people that were a half mile from the one piece of equipment that they were going to permit, disregarding haul roads, the blasting, the other equipment that you use to run a quarry, to run an operation of this magnitude. She agreed with us that it's called a portable rock crushing equipment and that it would probably move along the 1,500-acre boundary of this property, and so she extended the affected party status to 75 more people saying that, yeah, extended it out five miles instead of a half of a mile. And so that that allowed more people to be involved in the affected party status in the contested case hearing. Well, we did get our contested case hearing in June of that year. And it was a two-day hearing in Austin. Following the hearing, and because of the way the hearing is set up, we could not introduce our expert witnesses at that hearing. The only reason they heard from our expert witnesses anyway was during deposition to that contested case hearing, but we could not call our expert witnesses to the hearing. Only Vulcan or TCEQ could. So, if they did not call them, we were not allowed to bring them to the stand. So there is something structurally wrong with this, that we can't even allow our expert witnesses to tell them why we don't think — to give them the impacts of this quarry and why it shouldn't be permitted. Anyway, you know, keeping the plan, the ALJ recommended that TCEQ grant the permit and TCEQ did just that. We showed up at the public meeting in Austin, whole band of people there to try to make comments to to say, you know, hey, we don't want to do this. Our state representative he came in and he spoke against this happening, against granting the air permit. They thanked him for his comments and ignored him. So TCEQ granted the permit. We asked for a rehearing, you know, telling them that we didn't think that they would listen. We filed a motion for a rehearing on the permit, citing the judge's lack of consideration of the negative impact that the quarry would have on air pollution, and we also opposed the fact that Vulcan imposed trade secret on the judge and the judge agreed with her. I mean, y'all, it's rock. What's trade secret about rock? But the judge allowed it so that actually worked in our favor, because it gave us something to take to court on. So the trade secret was allowed by the ALJ, and it was related to the composite core sample that they use to determine their air modeling. So since we couldn't get what their air modeling was so that we could fight against their numbers, we did our own air model. We did our own core sample, and that was what our experts were going to present and we did not have the opportunity to present. Anyway, February 2020, after they did not allow us a rehearing, we sued the TCEQ. We sued them in district court asking the state to reevaluate the permit, noting the agency ignored important environmental data and made legal errors when granting the air permit. We had a victory. The state judge, the state district court

judge agreed with us and remanded the permit back to TCEQ. What's really sad in this is that at the defense table's desk, at their desk, Vulcan sat right next to them. So Vulcan and TCEQ work hand-in-hand to fight this, the citizens of Texas. And after we won that case, the first thing that unfortunately happened was that TCEQ with Vulcan right on in with them, turned around and appealed to the Third Court of Appeals. So right now, that's where we're at, we're in the Third Court of Appeals. Long story short, we followed the arcane, set-to-fail process set forth by TCEQ, and now the property's future is in the hands of Texas courts. TCEQ sided with industry over citizens and issued the permit without adequately considering the impacts on the environment, our natural resources, and the health of the community, as required by state law. Importantly, TCEQ's attention to industry interests and failure to consider the resulting damage to neighbors and the state as a whole demands a significant change in TCEQ's, organization, duties, and focus. The time and cost to citizens to protect their quality of life is more than they should have to shoulder have to bear. To date, our affected parties, the people in our community have spent over \$200,000 on the suit against TCEQ, trying to fight for our rights, for the rights of our environmental rights, for our natural resources, and things of that nature. I've sent you all what my issues are and what my recommendations are, but I wanted y'all to hear our story and what it's taken us to fight. Thank you for your time. Appreciate it.

1:08:34

**[Jack Olivier, Preserve Our Hill Country Environment]:** I think I should follow Milan. Hi, my name is —can you hear me? Jack Olivier. I'm a retired geologist from central Comal County and I'm here representing Preserve Our Hill Country Environment. In 2018, I was shocked when TCEQ issued a draft air permit for a new 1,500-acre limestone quarry in the middle of the Edwards Aquifer, a state-recognized environmentally sensitive area. That is when I joined PHCE and started my investigation of TCEQ's policies and procedures for issuing air and water permits in the recharge zone, specifically. As you probably all well know, the recharge zone is the roof and plumbing for a massive natural rain collection system that provides drinking water to over 2 million people in this area. I believe it is in the process of being significantly damaged by high-density development and quarrying. To begin, I personally have not seen enough new scientific study being done by the TCEQ. The best management practices, or BMPs, being used or outdated and very poorly enforced, in my opinion. The geologic assessment is the primary tool used by TCEQ for rating the environmental sensitivity of surface features in the recharge zone. Only features given a combined rating of 40 or above, and I know this is a little bit technical, require protection. In most cases, these features are obvious cave openings. Because of the rating system, only requiring an estimate of water infiltration, as opposed to any direct measurement, sinkholes, the closed depressions that often occur above caves and dense fracture systems, are often underrated and go unprotected. The geologic assessments are done by firms working for the permit applicants. So it's no big surprise that a high number of features are rated 35 to 39, believe it or not. A more glaring problem to me are the BMPs for quarry operations in the recharge zone. They contain a big loophole because they allow for the removal of caves entirely. So where are the scientific studies that prove quarry explosives are not polluting the Edwards Aquifer? That type of explosive generally used is called ANFO. That stands for ammonium nitrate, or fertilizer, and fuel oil. These are obviously not things we want to have in our drinking water. Why is the Edwards Aquifer authority, the EAA, which is, to its credit,

is a science-based organization, not more involved with the TCEQ Edwards Aquifer Protection Program's permitting approval process? The EAA's general manager stated in a radio interview in 2019 that Edwards water quality is now a concern. Groundwater is highly dependent on the conditions of the surface of the recharge zone, and that is being regulated by the TCEQ. Switching to air permitting for a moment, TCEQ's computer air model it uses to grant air permits for quarry operators indicates that there's no dust crossing the fence lines. That is obviously ridiculous to anyone spending time around the courts here. It is one of the reasons a judge, as Milan mentioned, in March of 2021 forced the TCEQ to vacate the air permit issued to Vulcan Materials in 2019. TCEQ and Vulcan are currently in the Third Court of Appeals in Austin trying to get that ruling reversed. I hope the Sunset staff will pay particular attention to what the employees of the TCEQ itself are saying. Many of them have candidly told me that the TCEQ is first and foremost a permitting agency that applies the rules and regulations provided by the state legislature. So who is the TCEQ listening to? TACA, the Texas Aggregates and Concrete Association, is a large lobbying group that represents 80% of the aggregates produced in Texas today. TACA's website in 2019 listed its top 10 reasons for APO members to join. Number four was, and I quote, "TACA has strong relationships with the state and federal regulatory authorities such as TCEQ, the state comptroller's office, TxDOT, DPS, EPA, etc. to insulate our members from adverse rulings in the case of an audit or inspection." And I brought a copy of that just prove that's what it said. So maybe this explains some of the TCEQ's lax enforcement. Today, largely because of citizen attention, reason four has been greatly revised. This is my first experience with the Sunset Commission's review process. Action is clearly needed to get the TCEQ to focus more on protecting environmental quality. I hope this review is part of the solution and not a continuation of the problem. Thank you for the opportunity to speak to you today and thanks to the Greater Edwards Aquifer Alliance for hosting this event. Thank you

1:14:33

**[Brendan Gibbons, GEAA]:** My name is Brendan Gibbons, I'm also with Greater Edwards Aquifer Alliance, but I'm going to read a couple letters submitted from people who couldn't be here today ahead of the event. This one is from Morris Cowley, [ ] Poteet, Texas 78065. Mr. Crowley writes, "I attended a meeting where several representatives of TCEQ were present. The meeting was about the sand pits and minds over the Carrizo Wilcox Aquifer Recharge Zone in southern Bexar in northern Atascosa County. It was brought up about how close to the water table can the pits be dug without contaminating the aquifer and contaminating the streams from the runoff from the containment pit. Also the silica dust they create and etc. What I got from the meeting is they, the TCEQ, only care about surface water and nothing about underground water, runoff water, contamination of underground water and contamination of streams, and very little about the dust. Last time I checked, this is all part of the environment. All they said is what they cannot do and very little of what they actually can do. TCEQ's goal is clean air, clean water and the safe management of waste. They are not meeting their goal. What I got from this meeting is that the TCEQ is basically useless." Now I have one more here. This one is from Larry Bartek, [ ] Poteet, Texas 78065. "My overall experience with the TCEQ has been disappointing at best. No doubt they represent a serious and necessary protection of our natural resources and environment and daunting and challenging as well. But oversight, both general and industry-specific, is lacking. The industry I refer to is the sand mining industry. The

resources I refer to are air and water, both surface and underground. My specific experiences are best expressed in these investigations by TCEQ as a result of complaints filed either by myself or my neighbors: Investigation #1171832, Incident #198279, conducted 05/21/2014 – 06/10/2014, Regulated Entity #RN102429230, Martin Marietta Materials Southwest LTD. Investigation # 1530852, Incident # 297843, conducted 10/30/2018 – 12/28/2018, Regulated Entity # RN109808352, Preferred Sands of Atascosa.

Both cases involve unlawful discharge of stormwater or treated water with unspecified pollutants into waterways with deposits noted as far downstream as approximately three miles, per the investigator. Interestingly, the one investigation turned up several other deficiencies, including failure to report, failure to maintain records, failure to maintain facility and its systems, and operating outside the authority of its permit, to name a few. There were several violations cited, but, to my knowledge, there were no penalties imposed, nor any follow up by TCEQ on either investigation. A very concerning issue exposed by these investigations is the TCEQ did no follow-through after issuing the permit, as they would have noted some of the deficiencies before the accidents. These are just two incidents of endangerment this industry has had to our environment. There have been many unreported cases of unsightly, if not unhealthy, discharges in our waterways, and many reports of fine dust silica sand blowing from the sand plants. A casual drive down Highway 16 or Highway 281 on the Bexar-Atascosa county lines will reveal evidence of this release of fine dust from vehicles exiting these plants and wind blowing across these sites. The absence of monitoring devices is another indication of a lack of responsibility on the part of the TCEQ to protect the quality of our air. I'll be submitting this information more related directly to the Sunset Advisory Commission in regards to the review of the TCEQ. Thank you.

1:18:47

**[Chris Hopmann]:** I'm Chris Hopmann, I represent myself. I live about well my property is about 65 feet from a proposed Vulcan quarry that you've had mentioned several times. OK? Mark Friesenhahn,'s comment in reference to TCEQ is broken; I don't think it was ever complete enough to work to begin with, OK? I have sent Sunset Commission two letters, I've sent Region 6 EPA a summary of that and an additional letter to them as well. Mr. Romig, may I ask you how many TCEQ public meetings you've attended? In reference to permitting? OK. I hope it's a lot. OK. Everybody, a lot of the people in here have been to a lot of them. They are embarrassing to the state. They're insulting to the people. They're ineffective to the science. And I would bet you know the old expression, fifth-graders, are you smart as a fifth grade? Really, what's coming out of TCEQ would not pass that test. The simplicity of the comments being made in many of them made tonight, ver smart ones. OK. Part of being a good manager and a person like yourself, Mr. Romig, listen, OK? You've heard people from all over this area. Talk about the same issues, OK? The lack of logic, the lack of science, the lack of listening to the residents, the abuse of government, basically dictating to these residents, OK? What was government designed to do? Represent we the people, not the businesses. The comment came out several years ago in reference to bought-and-paid-for politics. Bingo. OK. I heard in the session before last, that TACA had spent over \$2 million in that session at that point in time. What do you think it's being spent on? What do you think they expect for that money? This gentleman told you, basically, protections from TCEQ, TxDOT, etc. and to eliminate fines, OK? If you go and look at TCE Q's

list of violations of APOs, and that's basically what most of the people here are talking about today, is APOs, OK, not petrochemical plants or anything else. Very, very little of it makes any common sense. It doesn't pass logic, professional view. It is not inclusive of what should be being evaluated before a permit. And the percentage of granted permits for APOs is what 99.6%, something like that? It's awful high. In other words, I think you have to quit filling out the paperwork, you know, in order to not get your permit. I brought in gave to Mr. Romig and the staff, just a copy of health simplistic, and how idiotic, in my opinion, TCEQ is. Number one, the government, our illustrious government's, going to protect the people. Number one, screwed up big time when it gave shell corporations the authority to go by plan under previous consequences, or projections. Okay. That's number one, because they lied to this guy in reference to buying the product. Anyway. This is kind of self-explanatory, as far as the signage. You don't really expect a sign to tell anybody anything if it's down in the ground behind the weeds, do you? White and black sign, this tall, in weeds that tall, how effective is that? By design is the how that has come to be. But I hope Mr. Romig, you listen to the people today, because I did not hear one comment, yes ma'am, that was not factually based, sincere. And we the people are paying the taxes for these people to, in essence, lie and abuse the people, the natural resources of Texas, abused the aquifers, air quality and everything else. So you've got a big job in front of you. I hope you'll reach out and ask for help. OK, I don't know if you're supposed to do that or not, but it's there. Appreciate your time and appreciate everybody's comments today. Thank you.

1:24:28

**[Cliff Kaplan, Hill Country Alliance]:** Hi, good evening. I'm Cliff Kaplan, the program director for the Hill Country Alliance. We submitted extensive comments. We're also a member of TRAM, who submitted extensive comments, and I've visited with you a couple of times on different issues. So I'll just kind of summarize or share I guess two points that I hope really focus on sort of the process sweet spot of what you can talk about in your recommendations to the commission. The first, on aggregates, would be that the sort of de facto approach now of dealing with aggregates particularly with aggregate mines, so quarries, and gravel and sand mines, is piecemeal or patchwork. So, we've just last year the TCEQ did a rules change for sand mining in the San Jacinto basin. Several sessions ago, I mean, maybe a dozen, maybe eight sessions ago, the Legislature created a special portion of the Brazos River named for John Graves that would have its own special regulations for quarrying along that portion of river. So what we're seeing developed is different regulations in different river basins coming online at different times. And it seems to me that it would be much more efficient for the TCEQ and for the industry, and a relief to Texans at large, if the state or the agency, in this case, would go ahead and seek to adopt or create a single set of regulations that would apply statewide. They may need to be tailored, and in particular cases, but at least create that statewide framework, that seems like a big efficiency gain. The other item I wanted to mention, also kind of seeking for efficiencies in the system, is with regards to wastewater discharge permits. Right now there's activity or a rules change petition process, actually, to hopefully, create regulations that would protect, quote, pristine streams. And I know that you all have received comments on those as well. And we're just talking about very low-nutrient creeks and rivers. And again, it seems to me that it would create a lot more efficiency in the system if the state would go ahead and preserve

those pristine streams by prohibiting any amount of discharge into them beyond what permits are already out there. We've seen that work in the context of the Highland Lakes and the Edwards Aquifer, Edwards Aquifer recharge zone. And so rather than endure the costs of dealing with permit fights, every time a discharge permit comes up for one of these places, there could be a lot of efficiency gained by just clearly defining what the rules will be moving forward, prohibiting discharge into those streams. And then I just want to thank you all for making the time and also you folks for making the time to make this event happen and to GEAA as well, and Public Citizen, for helping make this event happen. So thanks very much.

1:28:00

**[Beamer]:** Anyone else signed up to speak would like to speak? Just want to mention a couple of things aside from the first of all, a big thank you to everybody who came here tonight to express your opinions. It's important. Also, for those of you who watched on Facebook and want to recognize both Brendan and Annalisa of GEAA as a stakeholder here for setting this up, putting this together tonight and for putting it on there. Give them a hand. It's on their Facebook page right now. I'm watching. And with the phone down, I want to thank them. You can also comment there. We also want to thank Luissana Santibanez and Glenda Wolin for their work here tonight, as well as the staff here again, they are staff of the Texas Sunset Advisory Commission, but they have come down here from Austin in bad weather to hear from you. And they're going to be able to, I guess, to talk with some of the people afterwards. And so I want to recognize them again and give them your names or their names so you can approach them. I also wanted to mention that on Facebook, there are more representatives, staff of state lawmakers, and some of their contact information is there as well on the Facebook page of GEAA. And want to make sure I get the the names right here again, Erick Fajardo, Robert Romig, Chris Keslar, and Katherina Wierschke, will be here afterwards. And is that it?

1:29:37

**[Bella]:** And thank you, Mr. Beamer for your time. Thank you.

1:29:39

**[Beamer]:** Oh, thank you very much. I'm Randy Beamer of KLRN now, and we'll have a story on about the involving water and just north of downtown where there's going to be the Spirit Reach that is the next part of the River Walk. So hope you watch that, I'm sorry for the plug, but thank you very much, and Robert Romig is going to wrap things up here. Thanks. Thank you all.

1:30:06

**[Romig]:** Thank you all for coming out tonight. And just wanted to remind you that again, this is we are expecting to put out our report at the end of May. So this is not the last time to provide input. If you'd like to give us more input after tonight, please go to [sunset.texas.gov](http://sunset.texas.gov) and find us. Please reach out to us. And again, that staff report with our recommendation should come out at the end of May. The public hearing on that report around June 22-23. And then the decision meeting where the commissione will vote on those materials is actually going to be in October, October 12. So you can find all that on our website. Again, thanks for coming.



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# People's Hearing: Dallas

## March 29, 2022

Transcript by otter.ai with edits by Orion Rhoades.

2:02:32

00:06 Adrian Shelley

Just confirm with Stephanie we- I have got the English language recording going and Stephanie you've got the Spanish language recording going.

00:16 Stephanie Thomas

Yes when the interpretation starts I will begin to record in the Spanish language room thank you.

00:28

We still have a few people coming in so we'll get going in just a moment, thanks everybody for joining us this evening.

00:39

[SPANISH INSTRUCTIONS]

01:00

Special Good evening to Representative Anchía.

01:10

[SPANISH INSTRUCTIONS]

01:17

All right, I think we'll still have a few people trickling in but Rita why don't we- why don't we get started?

01:24 Rita Beving

Okay, we will. Good evening everyone. Welcome. Bienvenidos. My name is Rita Beving, and I work with Public Citizen. Thank you for attending tonight's DFW's people's hearing regarding the sunset of the TCEQ. Tonight we're joined by two of my colleagues, Adrian Shelley, the Director of Public Citizen, and my other colleague, Stephanie Thomas, who will be assisting in tonight's program. But before we go any further, we would like our Spanish interpreters to go ahead for our Spanish speaking audience to orient them so they can have simultaneous translation. Erwin, go ahead.

02:50

I'm not sure if we have both feeds at this point or-

02:54 Erwin

I'm sorry, I forgot to unmute. Hi everyone. My name is Erwin and along with my co interpreter Jane I will be interpreting tonight's session in both English and Spanish. This session will be broadcasted simultaneously. And first of all, we would like to thank the organizers of this event for their commitment to language justice and to creating multilingual spaces. Language justice includes being able to speak, understand, and be understood in the language in which we feel most comfortable. Creating multilingual spaces is not only the responsibility of the interpreters, but of everyone here. And that's like we'll be sharing some guidelines with you to help us out. For those presenting today. You can help by speaking at a moderate, loud and clear pace. If we need you to speak more slowly or loudly we'll let you know through the chat. For all participants please don't suffer in silence. If the interpretation is not working or you're having other technical difficulties please let us know in the chat so we can help you. Zoom interpretation has been enabled and you should now see a globe on the bottom part of your screen. With a message about language interpretation. Click on the globe select on the language in which you would like to participate and listen during the session. If you're joining through a smartphone you click on the three little dots on the bottom of the right hand corner of your screen select the language interpretation and then choose the language you would like to participate in make sure you click done and you'll be set. If you are fully bilingual you do not need the interpretation but if you only speak English and a Spanish speaker speaks please select the English channel so that you will hear that interpretation. We'll now broadcast in Spanish -er, this message in Spanish.

04:40

[SPANISH INSTRUCTIONS]

06:07

Rita, we're good to proceed.

06:09 Rita Beving

Okay, thank you so much. So again, welcome, everyone. And we are so grateful to have for sunset staff here tonight from the Capitol. Joining us to listen and take notes of your comments this evening. They include Erick Fajardo, the Sunset Review director, Robert Romig, who is the Senior Policy Analyst with sunset, and also Chris Keslar and Katherina Wierschke who are also sunset policy analysts. I also want to recognize a few of our sponsors this evening. They include the League of Women Voters, Sierra Club, and also Susybelle Gosslee. I also want to thank the many groups that are on this call tonight who helped spread the word and are also participating in this call. I also want to recognize the legislative offices that are represented here tonight. They will also be listening to your comments. We will have Lani Lappinga of Senator Nathan Johnson's office, Senator Johnson was just appointed to the sunset commission last week to replace Senator Lucio. Nicole Hawkins of Representative Chris Turner's office. We also have Tannya Oliva of Representative Anchía's office. And we have Patricia Zavala of Representative Erin Zwiener's office from Central Texas. So we are very grateful for all these officials to be on the phone tonight. And with that, I'm going to let our local representative Rafael Anchía, say a

few words. And then I'm going to turn it over to my colleague, Adrian, Shelley. Representative Anchía, you have the floor.

08:23 Rep. Rafael Anchía

Thank you, Rita. And it's good to see all of the sponsors and longtime friends on the call, including opinion leaders from community in West Dallas, it's good to see all of you. My name is Rafael Anchía. I'm serving in my ninth term in the Texas legislature. I have represented portions of West Dallas throughout my years in the legislature. I also served on Sunset and see Erick Fajardo and many others who are doing really great work at the state level, I want to contextualize it for you so that people understand what sunset is right? Sunset is the way the legislative branch, the both the House and the Senate, review the executive branch and the agencies within the executive branch to determine whether or not they are satisfying their mission. It could be procedural, it could be a program that they're running, et cetera. But we do an in-depth review of each of these agencies and the Texas Commission on Environmental Quality is going through sunset this cycle. So we will be receiving citizen input that will then go to the members of the sunset commission staff who work for the legislative branch. They don't work for TCEQ they are the staff of the legislative branch who are reviewing the mission of the TCEQ so that they can determine whether or not the TCEQ is fulfilling its mandate, right. And so an important piece of that is receiving community input. And that's why I'm so grateful that you're participating today. Rita do I need to repeat that in Spanish or it's happening simultaneously, as I'm talking?

10:11

I believe it's happening simultaneously, as you're talking.

10:14 Rep. Rafael Anchía

Perfect. Porque aquí dominamos dos idiomas y podemos hablar, también para nuestros participantes de habla española. And so I just wanted to again, welcome everyone say thank you, Tanya of our team is going to continue on this call, recording your feedback. But it's really important because as we know, West Dallas is experiencing this fantastic energy and Renaissance. And we want to make sure that the communities of West Dallas are protected from environmental hazards, environmental racism, as we have experienced for decades and decades and decades in these communities. So we want to- I think we want sunset staff to understand that history, and understand what kind of community we all want to live in going forward. And a big part of that is oversight by the TCEQ. So Rita, back to you. And les quiero agradecer la participación. Thank you for your participation. And we'll see you soon.

11:14

Thank you, Representative. And before we go any further, I'd like Robert Romig, our Senior Policy Analyst for sunset, to maybe add on to some of the remarks representative Anchía has said and maybe go into a little more depth and maybe give us some upcoming dates regarding sunset that are coming up, Robert.

11:39 Robert Romig

Absolutely. Thank you, Rita. And thank you Representative Anchía, I couldn't describe the better. We are in that phase of our review right now at TCEQ. The team you see here, this is the team that is looking at TCEQ's operations. And this is a chance tonight, we thank Public Citizen for hosting this meeting, an opportunity for you all to provide us input as the staff to look at what issues need to be addressed at TCEQ. I wanted to give you some general guidance on the type of input that will be most helpful, as well as giving you a few upcoming dates so you know what to be looking for and how to participate in the process. At sunset staff, what we are looking for is how to improve the operations of the agency. And so we take all input, we're excited to hear your stories and your experiences. To the extent you have advice or recommendations to us about what you would like to see different at the agency, how TCEQ runs its business, that is particularly helpful information for you to give us. In addition to providing input tonight, you each are very welcome to go on to our website [www.sunset.texas.gov](http://www.sunset.texas.gov). and contact me or other members of the team or send us feedback via email. This is not your only chance. You may give us feedback anytime that you'd like it. If the meeting ends and you think oh gosh, there was something I forgot to say, there is always an opportunity. We will be taking feedback and working on our recommendations until we publish our staff report at the end of May. May 26 is our intended publication date. That report will come out and it will be our staff recommendations to the legislative commission members of what should change at TCEQ. After that report, there will still be opportunities for public input and public participation. About a month after the report is out on June 22. There will be a public hearing before the sunset Commission. The senators and representatives who have been appointed to the commission. Again June 22. That is an open meeting. It will be at the Capitol and anyone and everyone is welcome to come and attend not only to hear our presentation about the recommendations, but to testify in front of the commission and make your own recommendations as well. It is an open public meeting probably like many of you have participated in before at the Capitol. Even after that, the Commission will be considering all of that input and deciding how it wants to move forward. And at a meeting in October, October 12, they will meet again to vote on the recommendations and they can vote to adopt our recommendations or modify them and they can vote to adopt your recommendations. Everything is on the table. So that is all the sort of Sunset process for participating. Once that vote happens in October, the recommendations made to the legislature will be drafted into a bill. And the bill will be filed with the legislature next to the next legislative session starting in January 2023. And that bill will go through the legislative process, like every bill that is fired. And so I hope those those dates are helpful, you will find all of that information on our website again. Again, thank you all for appearing tonight. We look forward to hearing your input. And thank you again, Rita, and Adrian and Stephanie, for hosting this meeting.

15:38

Thank you, Robert. And with that, I'm going to turn the meeting over to Adrian Shelley, and Adrian's also going to explain some of the rules of the road, so to speak, or regarding the format tonight. So with that, I'm going to turn it over to Adrian.

16:03 Adrian Shelley

Thank you, Rita. And thanks, everybody for being here today. I'm Adrian Shelley with Public Citizen. Just gonna go over a couple of logistics items. And then we will get started with our

speakers. We are going to call on folks in the order that they registered for the Zoom event, I will call on an individual and then I will indicate who is up next after them. We have approximately 50 speakers that we will give three minutes each. So we estimate that this will take around three hours, you're welcome to stay and listen the entire time, we will not cut off the event until everybody has had a chance. But we will ask you to keep your remarks to three minutes. When time is called if you would please wrap up your comments. Please make sure that your name on the Zoom reflects the name that you've registered under. I am checking people in as we go here. And most folks I see are registered and have you checked in. But please, it would help us out if you could make sure that your name is accurate there. We are recording this event it will be transcribed in text, and it will be submitted for the official record. So while it is true that there are no officials from the Texas Commission on Environmental Quality in the room today, your comments will become a matter of public record in the future. We also may, you know quote your comments in our materials in the future. If you did not wish to have your comments be quoted, then please let us know. Similarly, just as you would in a legislative hearing, give your full name and address when you are submitting comments, we would ask you in the chat if you could please enter your address or at least your zip code. You could do that privately to myself or Rita, we will not make your address or zip code a matter of public record. But we would submit it to the sunset commissioners so that they can know who is delivering them comments. So again, if you could put your address or at least your zip code in the chat just to one of us privately, we would appreciate that. If I call on you and you do not wish to speak just say pass. After we have gone through all the speakers who have registered and I was able to check in, I will ask if there are any other speakers. That would be the time for other folks to jump in. There. This is not an official hearing. As Robert said, the official hearing in Austin is tentatively scheduled for June 22. But again, we are submitting their comments into the official record via the video recording and a transcript that will be produced. We also have another people's hearing opportunity in the future. It will be on June 8, beginning at 5pm. And I will send a link in the chat out to that shortly would be an opportunity for you to share with other friends and colleagues who were not able to make it today. So I'll just pause and ask if there are any questions at this point.

19:39

Adrian, Can I just jump piggyback on your findings? If there is anyone in the audience who is concerned or nervous or would not like their comments public, please do feel free to reach out separate from this event reach out to us directly. And those emails and comments to us offline can be confidential. So, just wanted to offer that in case anyone is nervous for whatever reason.

20:10

Yes, thank you for that clarification. I think we highly value the confidential nature of this process. Our friends from the sunset Commission have graciously agreed to do this, you know, knowing that we do these things in in the eye of the public and on the record, that is our decision in the interest of transparency. But there are obviously very good reasons to make confidential comments to the commission. So tonight is not that opportunity. But there are obviously opportunities to make confidential communications to them in future. So thank you.



Any other questions? Okay, well, let's go ahead with our speakers. We will have three minutes each, and we will begin with Kathryn Bazan, followed by Victoria Howard.

#### 21:05 Kathryn Bazan

Good evening, I'm Kathryn Bazan 75218. I am chair of the city of Dallas environmental commission. I'd like to start by thanking our capitol staff, as well as our organizer Rita Beving with Public Citizen for this opportunity to provide public input on our experiences with the agency. My first comment is about just that public input. By the time a permit is deemed administratively and technically complete, the agency fully intends to issue that authorization and it's already been decided before the public is even given notice. So it's disingenuous and misleading not to clearly articulate that at the beginning of every public meeting. We need to be transparent about the nature of those meetings and what they are not they are not a meaningful engagement opportunity within the permitting process. Because the agency doesn't believe it has the authority to consider any information other than whether the applicant meets the permit conditions that would cause the agency to deny a permit, we need for the agency to be more than a rubber stamp for industry. I recently received a response to comments that countered a speaker's environmental justice concerns with the statement that the TCEQ cares about all people so that it doesn't really need to consider that. It's concerning to me how the agency can believe that to be true when its current method of permitting is what has led to the disproportionate number of facilities that our black and brown communities have been living next to for decades. We cannot turn a blind eye to this issue in 2022 and say we are supporting the agency's mission to protect our state's public health. We need the TCEQ commissioners to have the authority to deny a permit based on equity and justice considerations, and we need our communities to be given meaningful opportunities to be heard. We also know that these facilities do not operate in a vacuum the TCEQ has to stop permitting them as though they were and allow the consideration of cumulative emissions and decision in permitting decisions. We also need to expand the state's ambient air quality monitoring communities are stepping up where the state sorely lacks and monitoring their own air quality. They know that the agency has left them surrounded by polluters with no way to be heard. So let the agency expand monitoring and see for themselves the harmful air quality impacts of their processes, and lack of enforcement. And lastly, I know that the TCEQ has recently been made to essentially under threat of the loss of federal funding take steps to be inclusive of our millions of native Spanish speakers. But we have to make them do more. TCEQ must translate its website into languages that reflect our most impacted communities, and at the very minimum, provide us reporting websites and other forms in all languages. So thank you again for this work that you're doing to help our state agencies serve us, the residents of this state, who are counting on the TCEQ to protect both our health and the environment. Thank you.

#### 24:07

Thank you. Our next speaker is Victoria Howard, followed by Molly Rooke.

#### 24:14 Victoria Howard

Hi, my name is Victoria Howard, and I am Chair of Conservation and Eco Action for the Dallas Sierra Club. And before I start listing the areas that I think the TCEQ could improve upon, I'd

actually like to compliment you on an area that I think you're doing well on. So over the last nine months, I have actually attended 10+ public hearings from the TCEQ on a myriad of issues from concrete batch plants, to concrete recycling facilities, to air quality, the whole shebang. And every meeting that I have attended, Brad Peterson and his staff has done a wonderful job being professional being kind and keeping everyone on track. So I want to commend you on the staff that you have actively participating. And I would tell them to keep up the good work. Where I think the TCEQ can improve upon is in these 10+ public hearings that I've attended across the Metroplex for a myriad of reasons, even if the applicant that the TCEQ is considering has multiple citations against them, multiple city and state staff opposing the permit, and multiple comments from residents, the TCEQ seems to rubber stamp a go forward for every permit that I've attended a hearing for, it doesn't matter, for example if TXI, has multiple citations against them from the TCEQ, they got a rubber stamp to go ahead with the project. It doesn't matter that on the GAF hearing that I attended, that city staff showed up, city residents showed up, multiple citations from the TCEQ, doesn't matter it was approved. So my request and suggestion would be something for the TCEQ to work on overall is that if you're going to have public hearings, and you want citizen and city input, that you put some weight in what those people say to you when they say it. At this point, we almost feel like it's an exercise in exasperation to show up and to rally residents and supporters only to have every project rubber stamped as if we weren't there in the first place. So that would be suggestion one. Suggestion two would be that if you're going to send out TCEQ inspectors when people make complaints, that you give them the teeth to actually enter these properties of these potentially polluting industrial businesses and inspect them immediately. We have had several situations over the last year where we have residents make complaints, only to have the TCEQ come out two or three days later, when it's over and done with. So I appreciate the time, I appreciate the forum to express this to you. And I would also like to thank our hosts, Rita Beving and Adrian, I appreciate all the work that you've put into this and I thank you continuously for your advocacy at large. Thank you.

27:32

Thank you. And just a reminder, if you are able to, just you know, tell us your address, or zip code when you speak will be very helpful to know where you're from. Our next speaker is Molly Rooke, followed by Jeffrey Howard.

27:49 Molly Rooke

Hi, I'm Molly Rooke of Dallas, Texas 75206. I appreciate the opportunity to give you some comments regarding possible reforms to the TCEQ, I'll focus on inspections and enforcement. In recent years, situations in the Dallas area have led to real concerns about TCEQ inspections, and how often they're performed, especially on the smaller and medium sized entities. For example, a Superfund site has been established at Lane plating. This is a family operation that went bankrupt in 2015 but has been operating since 1937. Its last five acre site established in 1950 is now a Superfund site where 188,000 pounds of toxic waste have been removed, including deadly toxins like arsenic, lead, hexavalent chromium and more. And records at TCEQ have shown that this site had not been inspected for decades and decades. So for facilities that handle high volumes of toxic and hazardous chemicals, there should be a requirement that high

risk facilities have a mandatory inspection every certain number of years with no exceptions. Because those who live, work, or go to school in these areas have their health put at risk. For all this time, the inspections are not happening. And in the end, the taxpayers are picking up the tab to spend millions of dollars to clean sites like these. Regarding enforcement and fines, the range of the fines are now to love to be an adequate deterrent. Apparently industry often just looks at these low fines like a traffic ticket, just the cost of doing business in the state of Texas. And so they just keep on violating the law. So raising these EPA daily binds should range from no lower than \$50,000 to over \$90,000 with adequate adjustments, fully accounting for inflation, plus additional fines for violations leading to serious injuries or deaths. Also, the TCEQ needs to require full recovery of any and all economic benefits of non-compliance. Thank you for your time and attention.

30:34

Thank you. Our next speaker is Jeffrey Howard followed by Don Phillips.

30:41 Jeffrey Howard

Thank you. My name is Jeff Howard I live reside at [ ] 75212. I'm a 20 year resident of West Dallas, I like to say I live work play and pray in West Dallas. And I like a lot of the speakers for they're probably signed up are here to just voice our displeasure on some of the things that are going on. So we feel like the TCEQ has in the past and continues currently to disregard land uses in the long term proposed uses land uses by the city. Additionally, the TCEQ as the too much burden on the citizens to do what we consider their job, when they are the ones that should have to be out there proving that these industries are detrimental to our communities. Instead, you know, the community bears that burden. You know, that forces our communities to come together and having to hire attorneys, find environmental experts, purchase and look for quality air monitors and incurring fees that you know, we just don't have? Why are we not considering the cumulative impacts that these chronic polluters are having on the community? In other words, the TCEQ seems to only want to focus on one specific company when they're looking at these permits. Doesn't it make sense not to look at all the surrounding industries as a whole that are all spewing this toxic waste into our communities and looking at the overall detriment they have and to us, that they're having on our communities instead of just, you know, looking at one and as one person said rubber stamping. I would also like to encourage the TCEQ to expand their scope of the reviews beyond just the fence line or one mile boundary like they currently have. Because we all know that those effects of the pollution go well beyond that, you know, as we noticed, these fires that are going on all throughout Texas are affecting us. So we know that the pollution that these industries have are doing the same thing. The times have changed our communities have changed. It's time for the TCEQ to also change and let's put away that rubber stamp. Thank you.

33:13

Our next speaker is Don Phillips followed by Mark Hickman.

33:20 Don Phillips

Yes, good evening this is Don Phillips, I'm with Cleanup Garland as well as [inaudible] we as concerned citizens. I live in Garland, Texas [ ] zip code 75041. I became a citizen advocate approximately four years ago. And what we've noticed I began trying to contact the TCEQ to get some information and there was almost an impregnable wall to get through TCEQ to find out any.

34:07

We may have lost Mr. Phillips

34:11

Hello.

34:12

Yes, sir. You're back.

34:13

Hello?

34:14

Yes, sir. Thank you.

34:18 Don Phillips

Every time I contacted TCEQ, I was met with inept ineffectual people that that literally could not lead me to anything. I was even told on a FOIA request that I would need to come to Fort Worth and go to their basement and pour through their archives. And that was the way we were treated for the first year or so. It appears to me that frequently, at least in the front line, most of the people who TCEQ don't know how to treat the citizens that pay them. And then I think at the very least there should be a retraining of TCEQ employees. And as they began to deal with the public because ultimately we're the ones that suffer from the pollution when TCEQ fails at his job. And moving forward, I found out after poring over multiple documents that the TCEQ has forfeited their inspections to the municipalities. I've found that and then I was told that us being an MS4 community that TCEQ would never do an inspection that they anytime there was a report they would just move it down the road to the city of Garland, the city of Garland would do the inspection. And so the lag time between all of that was sometimes four to five days. We have a batch plant that normally dumps their wastewater into the storm sewers. I was told by one of the inspectors from TCEQ that she has 18 counties that she inspects on a regular basis with she and one other colleague and there was no way on earth to take and get to those counties. She said at the very best you'll- it'll be 30 days before I can get out there. We have had wastewater dumped into creeks because we follow the creek site daily we have people watching the creeks we have two and a half miles of creek that is highly contaminated and lead and arsenic and it's time to TCEQ either takes back a job of inspecting and takes back the grants from the municipalities to fund the inspect.

36:41

Think we may have lost Mr. Phillips again.

36:45

Okay, one last one last thing and I'll get off here because I know I've hit a couple of snags the TCEQ when we found lead at such high amounts in our creeks adjacent to two school properties TCEQ knew for a four year that there was extremely high levels of lead up to 61,000 parts per million there were high levels of arsenic and they did not notify the neighbors or anyone for a full year after they had knowledge of it. There is now as we have discovered lead similar in another area than TCEQ has full knowledge of that or the city park the kids play in and part of the TCEQ's mission is to protect us and when you know that somewhere that you have an area that is that is critically dangerous, the TCEQ should put out public notices to notify the public that you know.

37:46

That's three minutes if you just wrap up your comments. Thank you. All right. Thank you Mr. Phillips. Our next speaker is Mark Hickman followed by Abhijit Basu.

38:04 Mark Hickman

Thanks, Adrian. I'm Mark Hickman, lived in Garland for 60 years, currently residing in Garland in the 75043 zip code. I'm also with the organization that Don mentioned, Cleanup Garland, which is a grassroots group of around 1500 citizens that are concerned about environmental hazards in Garland. Don originally formed that group and I've been working with him since. In 2018, Cleanup Garland posted an online health survey and solicited feedback from our group. We received over 300 responses in the following 10 months primarily from the Meadowlark neighborhood, who had sets to the east across from the industrial site that lines Shiloh Road in Garland. Based on those responses that created a Google Maps and I'll post that in the chat here on how to get to it showing the location of residents that have experienced life threatening illnesses. The map also shows locations of the EPA designated polluters and Superfund sites or surplus sites in that area. The interactive map can be found online at [cleanupgarland.org](http://cleanupgarland.org) just click on the map and on the homepage to view it. While the Health Survey has provided us insights into illnesses within the community, which seem significant, we believe that it represents only a fraction of the number of actual illnesses in the community. The visual of the map when you look at it is quite shocking to see how many residents have had either serious illnesses or life-threatening illnesses, including death. As shown on the map, there are many households that have had several family members with life-threatening illnesses. One in particular, my wife's family that lived across the street from globe unit in their own silo for many years, five of eight of her family members have had various forms of cancer, three with breast cancer one with non Hodgkins lymphoma, and one with prostate and kidney failure. Her mother died in her 30s when she was five years old, growing up in that area, and as a child I routinely played in a creek that ran through the industrial area along Shiloh Road, and then over into the neighborhood that I live in behind the local elementary Park Crest Elementary school there. I knew that when the creek ran milky white and smelt like paint, that I should stay away from it. Over the years, the city would send great old excavators to pull dirt from the creek and the bank and spread it out just along the bank. So I believe they were aware of environmental hazards for

years and did nothing to stop the polluters from dumping waste in the surrounding neighborhoods. I feel that TCEQ and the city of Garland failed to respond reasonably to protect the citizens of Garland from environmental hazards. TCEQ needs to improve their communications with the public provide them with assurances that industrial sites have been thoroughly inspected on a routine basis, provide details of any issues that they were remediated, and that the neighborhood is an environmentally safe place to live. Better communications can be accomplished by partnering with the city of Garland to include environmental information. For example, in the Garland city press. It's a city press by monthly publication. They mail it out in hardcopy to all Garland citizens, and the Garland social media sites like their Facebook page.

41:38

If you could conclude your comments, that's time.

41:40

And that's it. Thank you for your time tonight.

41:44

Our next speaker is Abhijit Basu followed by Deirdre Diamond.

41:50 Abhijit Basu

Hello everybody, this is Abhijit Basu, thank you for your time. I'm from zip code 75002 I have enthusiasm pollution, air, water, soil, you name it, I've worked on it and working across three continents. I helped write AB 617 for California equality board and also with central pollution control board in Delhi, India's committee. Now I'm also working with NCTCOG in Dallas DFW area on air quality impact on health. So that'd be good. I'm gonna tell you two stories. One, when I was growing up back in 80s, in Delhi, there'll be terrorists who basically drive in and quite a few shots, kill people and be gone. By the time police showed up. The story is over. Recently, what happened is around my community, a big powerful builder, Huffines, development started burning 200 plus acres of land race. And so I called up the county and counties fire marshal, just post office and he said I cannot help you. I call the TCEQ they said, unless they makes them burn, I cannot do anything, which is basically six months were graded. And in the meantime, I could not have any fire marshal come or any kind of help. So given a good understanding of regulation, I started looking at TCEQ when I came to conclusion one, the regulation itself is very loosey goosey. It doesn't give any teeth to TCEQ operations to go and act. So they are basically hand tied, depending on the counties and the cities and their officials, or the developers to do the right thing or in some cases by industry. The second part of it is that the laws need to be written really tightly given I have written regulations, the way TCEQ itself is written as a regulation is written, it gives a lot of leeway to kind of industries and other players like the counties and the cities to do whatever they want. And I have captured an article with KERA news which I have shared with Stephanie, she will share with you, we have tried to dissect the problem. Basically, nobody actually owns whether the city or the county or TCEQ owns a problem. And the industry actually is able to take advantage of that. So if you really want to solve this problem, there has to be titled definitions, rules, and there should not be any



ambiguity for whether county or industry or TCEQ. And then finally, the enforcement has to be very pre-emptive. Right now the enforcement reactive. As I mentioned, if this is what comes after the fact, by the time everything is gone, all the evidence is gone, then we have to wait for the next day. And by the time the residents actually tell them about the incidents. Again, by the time they show up, it's all over. But main problem that I see is TCEQ doesn't have the legal authority to do things. And that will be coming from straight on the regulation, which the regulation doesn't give the power to TCEQ do anything. And rest of it is politics. So with that, I'll thank you for your time. And please read the article that I've shared.

45:01

Our next speaker is Deirdre Diamond, is Deirdre with us?

45:07

Yes. Yes, I'm here.

45:10

Thank you, go ahead and followed by Raul Reyes.

45:15 Deirdre Diamond

My name is Deirdre Diamond I'm the primary organizer for Gunter Clean Air, a community based advocacy group located north of Dallas zip code 75058. Our community has 11 concrete batch plants located within one mile of each other. For two years, our group has tried to protect our community from deteriorating air and water quality from poorly regulated APOs. I'm addressing you today to bring awareness and ask for specific changes to TCEQ so that our community can be safe and our children can grow up with healthy futures. First, permitting within the TCEQ organization is just a rubber stamp and pay the fee type organization. TCEQ did not even realize that five plants sit at the same site in our community with the same address producing concrete at rates that lead to pollution that exceed NAAQS standards. Furthermore, the site across the street that houses six more concrete batch plans is also operating unidentified technology to [inaudible] concrete under a PBR that only authorizes emissions to run a boiler. My suggestion to the Sunset Committee is to reorganize the air permits division that empowers this division to truly evaluate what they are permitting and where they are permitting it. TCEQ also needs to evaluate for cumulative impacts so that communities are not subjected to production rates well above NAAQS standards. Second enforcement through regional offices is severely lacking. TCEQ sends water that runs off from local plants for commercial pollutants that far exceed allowable limits. No resolution of this investigation was ever made and threats to our water supply continued for three years- for two years. We recently filed yet another complaint because the runoff continues but the real question is how long will our water supply be threatened before meaningful action by TCEQ occurs? Enforcement of air violation and permits also lacks follow through. Threats to our air quality include failure to contain operations, poorly maintained roads, emission events and over permitting at one site. What has stood out mostly to me is that TCEQ will repeatedly ask for documents and corrective action, but the plaintiffs simply don't comply. TCEQ takes months or even years to complete investigations, often leading to no corrective action. Most recently, one of the plants simply



stated they would install permit required bunkers around aggregate piles and TCEQ accepted verbal commitment as corrective action. My suggestion to commission is to increase staffing for enforcement and require visualization of corrective action by TCEQ staff. TCEQ often needs to issue violations the first time they request permit required documentation and do not receive it. Community Health is dependent on TCEQ enforcing permits. Third, our senator Drew Springer is a member of the Senate committee. Our committee has requested a meeting to share with him what it's like living among 11 concrete batch plants that are poorly permitted and inadequately investigated for compliance by TCEQ. Our requests for meaning continue to be ignored, and our fear is that if our own Senator does not take our pleas for change seriously, why would a government agency empowered by his actions do the same? Gunter is a prime example of TCEQ's deficiency in permitting enforcement that can now scientifically prove communities are negatively burdened by the negligent practices within TCEQ. Our air dispersion modeling predicts that 3500 trucks run past our school today due to over permitting, our air quality monitoring consistently shows high pm level and community members are reporting pollution related disease symptoms. I pray for your strength to recommend the changes listed above to the TCEQ's current negligent practices that are posing a risk to my community and Texas all across the state. Thank you.

48:22

Our next speaker is Raul Reyes, followed by Terry McIntire.

48:31 Raul Reyes

Good evening. My name is Raul Reyes, I reside at [ ] 75212. I am a lifelong resident of West Dallas, and I'm currently the president of West Dallas One, which is a coalition of neighborhood associations in West Dallas. And we currently have an environmental committee that is dealing with many of the issues that our community has historically been plagued with environmental justice, West Dallas is a Superfund site. It was known as a Superfund site back in 95 to the RSR lead plant, and we continue to deal with the effects of that, many of our families continue to deal with the effects of that. Compounding that with the fact that we are also a location that has historically been designated as an IR or industrial zoning by the city so we have as many- we have had as many as 10 to 12, cement and batch plants in the neighborhood. Also, we also are the site of the fourth largest polluter GAF, the shingle making company, and we're currently dealing with them. And this is where my first experience with TCEQ came about. And the frustration that I share with my neighbors is that we felt that the TCEQ was not there to look out for the best interests of its residents, of its constituency. I felt that at that, at that process where they hear me that we had the burden laid on us to prove that the- that GAF was- wasn't compliant. And there we've since then found out that there's certain things that they're not in compliance on. So when we know that that's something that we have to deal with the city and, and so on. At this point, I just feel that the TCEQ and its purpose, if it's not going to do its job, which is to look out for the welfare and the benefit of its citizens, especially when it comes to its land and air and water, then what's its purpose of being there? You know, the fact that I'm having to, you know, basically have these kinds of meetings every other night, to talk sometimes twice, after five o'clock when I get home to organize my neighbors to see how is it that we're going to deal with these polluters? It's, it's starting to become overwhelming. So I just wonder,

as a taxpayer, what they're what's the purpose of me paying taxes, right. And I get it, you know, that's a state agency, but still yet at the end of the day, what's the purpose of us sending even legislators down to Austin, if they don't give that organization, the power that it needs in order to enforce its mandate? So another thing is that was frustrating was-

52:03

It's time, if you could conclude your comments? Thank you.

52:05

I will. Right. The last thing that was really frustrating was the notification process. It seems always that we find out at the last minute, and that's because they don't put the notification on the newspaper record, and that needs to be enforced. Thank you for the opportunity.

52:22

Thank you. Our next speaker is Terry McIntire, is Terry present? Another call for Terry McIntyre. Okay, our next speaker is Linda Hunter is Linda present.

52:46

I'm here.

52:47

Thank you, and Linda will be followed by Jimmy Hosch.

52:52 Linda Hunter

My name is Linda Hunter. I reside [ ] in Denton, Texas 75058. My family farm has been sitting here almost 100 years, TCEQ has permitted five batch plants within four tenths of a mile on one side of my house and six batch plants within a half a mile on the other side. I'm standing here looking at my dining room window and I've noticed that they have put up some more permit number signs. So the four on my south side will now be five and there are plans to put several more. I want to thank everybody that is speaking today. Everybody I have listened to so far has been absolutely correct. We are carrying the burden of TCEQ's decisions and I don't really think they're decisions. I think there's I think they're just rubber stamping every everybody that requests an air permit or a water permit. Batch plants to the south of me are flooding my property and have been for three years. I had a TCEQ inspector out this past week and it's not the first time they looked at the flooded area. They take their notes they rod report nothing happens. The last such water investigation I had was about two years ago. Nothing came of that when either. If we're not going to make TCEQ able to carry out their job legally and do something about the people who dumped concrete on our city streets, pollute our air, and flood communities. Wow, why are we are why don't we- Why don't they just disband TCEQ and do away with it all together, bring EPA back? This is a burdensome thing to deal with, it's financially expensive to live next to a batch plant. It is expensive to sue them to get them to do what's right. The citizens are doing what we're told to do. We're following the rules. We're getting together with our neighbors. And we're trying to get answers out of TCEQ. The cavalry never comes. The

help never shows up. And things are never or never right. And all you get is a piece of paper in the mail saying it was a moderate infraction, and it'll continue.

56:01

Thank you if you could conclude your comments please.

56:04

Thank you.

56:07

Thank you. Our next speaker is Jimmy Hosch followed by Ranjana Bhandari.

56:15 Jimmy Hosch

My name is Jimmy Hosch, PhD analytical chemist, retired, [ ] 75248. The TCEQ must reverse its bias toward improving the business climate while increasing the health risk to Texans. Let me give you some examples of what I'm talking about. The agency wasted \$2.6 million on consultants in a failed attempt to undermine the 2015 review of the allowable ozone concentrations in the National Ambient Air Quality Standard. In desperation that TCEQ chief toxicologist famously stated in a US Congress congressional hearing that ozone pollution is not really a concern because most people spend 90% of their life indoors. I can only conclude that 10% of Texans are expendable. The TCEQ systematically allows businesses to pollute more, not less. The Center for Public Integrity found that TCEQ raised? Raised the allowable pollution levels for two thirds of the 45 chemicals it reviewed between the years 2007 and 2014. This means that two times out of three, the public had less protection from toxic chemicals after TCEQ's work. Unlike Texan politicians, the TCEQ does not deny that climate change is real. It simply ignores the fact. It told WFA news quote, the agency does not use climate change projections to evaluate future impact on air quality end quote. The same approach was used just last summer when the TCEQ ignored a recent well documented Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health Studies showing airborne crystalline silica is a serious health hazard leading to silicosis as among other diseases. The TCEQ used outdated air modeling and a little- very little data and justifying its exemption of this pollutant for the constant the concrete batch plants in Mansfield. So they could continue to operate and spew crystalline silica into the air. The unacceptable performance of the TCEQ is steadily eroding many of the clean air, land and water advances of the past century in a headlong rush to make America polluted again. Thank you.

58:59

Thank you. Our next speaker is Ranjana Bhandari followed by Meg Latham.

59:08 Ranjana Bhandari

Good evening. My name is Ranjana Bhandari and I reside at [ ] zip 76012. I am the director of the grassroots environmental group Livable Arlington. Our advocacy work is primarily focused on children's exposure to pollution and children's health and on fracking impacts on neighborhoods here with where most residents are people of color. Arlington has 400,000

residents in 99 Square Miles. More than 400 frack gas wells have been developed here in 52 drill sites and we are currently going through a new drilling boom, there is drilling infrastructure gas gathering lines, massive compressor stations all over Arlington as well. More than 30,000 in Arlington children go to public school within half a mile of wells and up to 8,000 infants and young children attend private daycares within that radius. 85% of the public school students are children of color and more than two thirds live in poverty. In our county of Tarrant, close to a million people live within a half a mile of active gas wells. TCEQ permitting monitoring of fracking and regulatory decisions seem to severely impact the lives of about a million people here and often disproportionately impact residents of color. Tarrant County has the highest rate of childhood asthma nationally and the highest rate of birth defects of any similar county in Texas. Most drill sites here are issued air emissions permits via permit by rule by the TCEQ. These drill sites are often 300 feet from protected uses like home schools and daycares, which means drilling and fracking happen in backyards and next door to playgrounds. Many of these sites have produced horrific emissions odors, health impacts, residents' inability to enjoy their property. Three of the scores of compressor stations that move frack gas out of here rank in the top 10 amateurs in Tarrant County. We at livable Arlington recommend that the TCEQ take the following steps. Look at how many people in children live work go to school around these sites and consider neighborhood impacts before issuing permits. By their own admission, the TCEQ has issued permits by rule without even verifying if a polluter meets the standards for such a permit. This must stop. Two, they must inform the neighborhood about what will be emitted and how to file complaints. It should be required that the TCEQ complaint number be posted at each drill site and that that number be mailed along with other relevant information to all residents within a half a mile of a frack site. The TCEQ must provide 24/7 air monitoring at the fence line of each drill site for hazardous air pollutants. The complaint driven system-

1:02:22

Conclude your comments please.

1:02:24

The complaint driven system of investigating after a problem is occurred subjects neighbors to unhealthy air. I have two more points. They should improve and amend the permitting and regulatory processes to base them on the best available science. They should improve the inspections regime, in 2020 of the approximately 6500 gas bills in Tarrant County they inspected a mere 134- I'll stop here. Thank you for this opportunity.

1:02:54

Thank you. Our next speaker is Meg Latham followed by Temeckia Derrough.

1:03:02 Meg Latham

Hi, I'm Meg Latham. Zip code is 75069. So that's Fairview and McKinney together. I'm fairly new in the involvement with the TCEQ. I became involved when keeping an eye on some proposed- a few proposed- a concrete recycling plant and a concrete batch plant. Not too far from where I live, but also not too far from a nature preserve in McKinney. And so, I was told by someone that oh, the TCEQ will, you know, keep an eye they will monitor if you know, have a complaint

they'll look into it. And also I was a part of the you know, just registering my concerns about these new- their concrete recycling plant and the batch plants or batch plant. And again, it didn't really seem like my voice mattered. It seemed like the decision was already made to go ahead and give these two companies their permits to go ahead with their construction of the batch plant and recycling plant, so I went back and just did research. One of them is TXI Operations LP, and they have a batch plant on in McKinney on Highway five, and the one that they are wanting to build. And I think they're intending on moving this one and building it to, you know, moving it to another site is really not that far, probably just a couple of miles as the crow flies. But anyway, I looked up how many complaints that that TCEQ had received from them. And I went back to 2018. There was one in 2017. So I went back to 2017. And I counted 54 complaints against the TXI operations to the TCEQ. And so I came up with 54 complaints as I said, Maybe I said that 54 complaints and I'm sure I missed counted, I'm sure I missed some that that number should be higher. So-

1:06:20

It's time, if you could please conclude your comments.

1:06:22

My question or concern is if there's that many complaints, why would the TCEQ go ahead and grant a permit to the TXI operations. Thank you so much for your time.

1:06:43

Thank you. Our next speaker is Temeckia Derrough followed by Erica Solis. Okay. Second call for Temeckia Derrough?

1:07:07

I think her name was Tuh-MEE-kuh Derrough.

1:07:10

Thank you, sir. Temeckia, are you with us? All right, we'll try to come back to folks that we aren't able to reach. Our next speaker is Erica Solis followed by Allen McGill.

1:07:28 Dr. Erica Solis

Hi, good evening, my name is Dr. Erica Solis. I'm a pediatrician and a fourth generation West Dallas resident, zip code is 75212. As a pediatrician, I'm an advocate for health, the health of children and their wellness. The past year I've spoken at two TCEQ public hearings against a lot of raw materials concrete batch plant permit, and against the GAF shingle manufacturer and Title Five renewal. The conclusion of my experience is that the TCEQ is failing its mandate of protecting human health. Concrete batch plants are not just a nuisance but also have a negative impact on health. The harmful consequences of air pollution on the respiratory system has been recognized for decades in the medical community. Children and infants have higher breathing rates than adults making them especially at risk because they receive higher doses of air pollution when their small bodies are rapidly growing. Children with chronic diseases such as asthma are susceptible to air pollution, leading to asthma exacerbations with symptoms of

wheezing, decreased lung function, visits to see me in clinic, and if severe going to the ER being hospitalized. Dallas County leads North Texas for childhood asthma related hospitalizations, and respiratory issues are the leading cause of absenteeism among Dallas ISD students, the TCEQ granted the permit for the Lattimore materials concrete batch plant with a location less than 370 yards, or about three football fields, from Eladio Martinez Elementary School, where 97% of students are either Hispanic or black and 99% come from low income households. This is another example of how West Dallas continues to endure environmental racism, with the allowance of heavy industry like concrete batch plants to be located in our neighborhood. The TCEQ should not approve permits just because they are administratively complete, but to consider other entities around the applicant, the cumulative effects as others have mentioned tonight already. Also the TCEQ commissioners need the authority to deny permits with the consideration of justice and equity. Finally, the TCEQ needs to remove economic development from its mission statement because the agency should be focused on protecting public health and natural resources. The health and wellness of Texans should not be compromised by profits or economic growth. Thanks so much for your time and the opportunity to provide comments.

1:09:51

Thank you. Our next speaker is Allen McGill, followed by Debbie Solis.

1:10:00 Allen McGill

Good evening everyone. My name is Allen McGill I live at [ ] 75241. I am the chair of Lane Plating community advisory group. It was created in 2019. My comments will reflect interactions with TCEQ as part of the working group for the CAG. My comments will basically center around three concerns one, inspections and enforcement, two, interagency cooperation, and three, community engagement and outreach. The first, inspections and enforcement. TCEQ has not conducted enough on site inspections of high risk industries, such as Lane Plating. Lane Plating apparently had not been inspected for decades. This has resulted in adverse health exposure for residents and a very costly cleanup. On site inspections should be mandated for high risk industries. Second, interagency cooperation. there is insufficient interagency cooperation between TCEQ and other agencies. TCEQ should be adequately looped in with other agencies such as EPA, Texas Department of Health, and other collaborating on cleanups. The lane plating working group is an example of this type of cooperation. The lane plating working group is made up of 15 representatives from federal, state and local agencies and residents. Third, and my last comment, concerns community engagement and outreach. TCEQ needs to inform and be more responsive to residents, TCEQ failed to inform the Lane Plating CAG or the working group cooperative agreements with partner agencies and had not engaged the community adequately. Notice should be sent out to residents, businesses, churches, et cetera, alerting them that a business that will be using high risk materials has applied for permit. Information about the applicant's permit should be easily accessible through TCEQ's website. TCEQ's office of public interest should take a proactive role and community engagement and outreach to residents live in near high risk industries. Thank you for your time. And I would like to also thank Rita and Public Citizen for conducting this meeting. Thank you.



1:13:17

Thank you. Our next speaker is Debbie Solis followed by Kevin Richardson.

1:13:23 Debbie Solis

Good evening, my name is Debbie Orozco Solis. I live in zip code 75212 which is West Dallas. My grandfather moved to West Dallas in 1946. I have lived in the West Dallas my whole life and I have worked at a nonprofit in West Dallas for 22 years, where we have a summer program with about 180 children. The TCEQ has not been protecting our public health in West Dallas. My community has been the dumping place for industries that are not allowed in the wealthy neighborhoods of Dallas. from 1934 and until 1985 We had a lead smelter operated in West Dallas, the city and state ignored decades of violations by the lead smelter. I have vivid memories of the smell and smoke of that facility. Finally in 1995, it was declared a Superfund site and limited residential cleanup was initiated, which is still ongoing. We have heavy industry next to residential homes because people of color and low income communities do not matter to people with power. We have policies that care for industries more than for the human health. TCEQ needs to make change, the permit should include environmental justice considerations. Distance to affected persons on permits are too restrictive, especially regarding air pollution. I spoke in a public meeting to the TCEQ against the Lattimore concrete batch plant requested about two miles from my work. Just to request a public meeting with TCEQ we had to work through state representative Jasmine Crockett only to be ignored by the TCEQ when the permit was approved. My city council district has more than 20 concrete batch plants. I know firsthand that concrete batch plants are terrible neighbors from the dust clouds they create that linger in the air to the dirty pools of water that collect on site and in the street. Even when on paper they seemingly comply with regulations, in practice I know that the monitoring and reporting is insufficient to address the nuisance conditions we experienced. West Dallas has suffered with unfair zoning for generations. This historical pattern of racial discrimination must stop. Since the TCEQ is ignoring the community's concerns we are working with the city of Dallas to identify solutions. A zoning amendment was recently approved, that was- that will eventually move to the full city council for a vote. The amendment will require both temporary and permanent, permanent concrete batch plants to obtain specific use permit. This is an attempt to stop applicants from bypassing the public hearing process. We deserve the right to have a voice about what businesses come to our neighborhood. I know Dallas is growing and batch plants are needed to support that growth, but not at the expense of the health of its citizens. It's a shame that the dirty businesses are concentrated on the southern sector of Dallas. TCEQ, reforms are needed to give marginalized communities a voice and a healthier environment. Thank you for your time.

1:16:26

Thank you. Our next speaker is Kevin Richardson, followed by John McFarlane.

1:16:34 Kevin Richardson

Thank you, Adrian. Thank you, Adrian, Rita and Stephanie and for everyone else who organized this, we're grateful for your advocacy. My name is Kevin Richardson. My zip code is 76205 and



I'm with the group Livable Arlington. My colleague Ranjana Bhandari already talked a lot about the issues surrounding gas wells in North Texas and their health impacts and set the context for why it's so important for TCEQ to take action on it. So I want to focus my testimony on some things that TCEQ can do to help improve its engaging with the community and protect the community from health harms. Now science tells us that the farther you live, work and play from gas wells, the safer you are. Unfortunately in Tarrant County, especially in communities like Fort Worth and Arlington, that's not an option for most people. Which leaves it up to the TCEQ to protect- to monitor emissions and protect the people from pollution, from gas wells in these communities. Unfortunately, the TCEQ continues to fail to monitor gas well pollution. Moreover, most residents in these areas do not know how to contact the TCEQ for complaints or for redress when pollution events impact them. Residents regularly reach out to us at Livable Arlington or other groups in the area asking how to make complaints and have difficulty navigating the website to find them. Residents who have made complaints to TCEQ often complain that they feel like the rules are not enforced, that the inspectors who come out do not take them seriously or that they come out too late, which has been echoed by many folks who have testified tonight. So if residents do not know how to contact TCEQ, or do not believe that the TCEQ will enforce the rules, then there's a serious problem. So how can we address this problem? Several folks have already talked about ways that TCEQ can increase enforcement. And we have some suggestions around gas wells and gas infrastructure including compressor stations. One of the biggest things that needs to change with the TCEQ is to have routine inspections of gas wells, compressor stations and other infrastructure. The TCEQ leaves it up to companies like TotalEnergies and other gas companies in the area to do inspections or to do monitoring of air pollution. When you ask those communities who does their monitoring, sorry, when you ask those companies who does the air monitoring, they say the TCEQ. When you ask the cities who does the air monitoring, they say the TCEQ. The TCEQ When asked says they do not do air monitoring, we need regular air monitoring, regular inspections of these gas wells and other highly polluting facilities. In addition, we need greater engagement with residents. That includes better indication how to complain to the TCEQ sending out regular notifications to residents living near gas wells and other infrastructure about how to make complaints and informing them about the emissions that nearby gas wells compressor stations and other infrastructure are permitted to emit near them. That also includes creating or holding community meetings to support impacted residents living near gas well pollution. The TCEQ should also allow community groups and watchdog groups to make complaints on behalf of residents who have difficulty navigating the system for complaints. This is something that would be I think a major help to connecting residents with the TCEQ who often have to go through other groups. And in general, greater transparency. The TCEQ website is difficult to navigate it's almost impossible to find permit and pollution information, much less make complaints and that sorely needs to be improved. I'd say that all the things that go for air monitoring for gas wells, I think we really need to emphasize two compressor stations, which are major sources of VOC emissions, benzenes, and other types of pollution oftentimes go overlooked- get overlooked when it comes to fracking and gas wells, and those really need to be addressed as well. I will echo the calls for taking into factor cumulative pollution when issuing new permits or taking the effects of, of emissions from existing gas walls and existing industrial pollution sources. I think it's key.

1:20:28

That's time if you could conclude your comments.

1:20:30

Okay. Yeah, thank you. And the last thing I will say is that pollution from fracking and gas wells is major contribute to contribute to ozone pollution and DFW has been non-attainment for ozone pollution for a long time. And we asked the TCEQ to take this more seriously and take steps to limit the the emissions from the gas wells that lead ozone pollution, especially methane emissions. Thank you for your time.

1:20:51

Thank you. Our next speaker is John McFarlane and I like to circle back to Ms. Temeckia Derrough.

1:21:01 John McFarlane

Okay, Hi, I'm John McFarlane. I'm the chair of the Greater Fort Worth Sierra Club representing Tarrant County. So we're gonna keep it Tarrant County, at least for now, 76110 in Fort Worth. Thank you to the legislative staff for attending this meeting and listening to recommendations on how to improve the TCEQ. We'll keep it short and sweet. I've got a couple several comments but number one, the TCEQ must make more frequent inspections of permitted sites and facilities to ensure our air water and land are properly protected. Two, the website is cumbersome and difficult to navigate. It should be updated to make it simpler for the general public to make complaints and find information polluters and permits. Three, fines and penalties should be raised and adjusted to reflect inflation. It's less expensive for large companies to pay the fine than actually regulate its emissions and abide by their permit. And four, responses to gas extraction emissions events reported by citizens should be quick and immediate. That means that inspectors need to be located around the state, especially in high volume gas well areas like Fort Worth and Arlington to facilitate quick responses statewide. Missions can't be detected if the inspector arrives the next day after- after an event. For instance, in late February a gas well inside of East Fort Worth located in a primarily environmental justice community, released emissions that were black in color and lasted several hours. Residents became ill and went to the hospital. The TCEQ was called, but it's my understanding that by the time the inspector arrived, more likely the next day the event was over and emissions were undetectable. So again, asking for more frequent and- more frequent inspections of gas wells sites and permitted sites, especially in Fort Worth Arlington where guests is still being extracted in the Barnett Shale. Thank you.

1:23:12

Thank you. Another call for Ms. Temeckia Derrough and followed by Ronnie Mestas. Ms. Derrough? All right, well, we are about halfway through. So I'll make a call at the end for anybody who wasn't able to speak. Our next speaker is Ronnie Mestas. Followed by Robert Vann.

1:23:37 Ronnie Mestas

Good evening, everybody. Thank you for your time. My name is Ronnie Mestas. 3215 Rutz Street, little South- West Dallas, Texas. I'm a retired Navy veteran, I think I would start off a little story as to like where I feel safer working on aircraft carrier and around hazardous materials in the Navy than I do when I came back home, I find that most of the people that I know have died from different cancers and illnesses. And it's just it's unsettling. It's you know, it's, it's just sad. So, I got three points. My personal opinion is just that the TCEQ itself needs to be restructured, I'm gonna put it lightly because you already know the technical parts of it. You've heard the technical parts and the human part of it. I guess the administrative part is missing. The enforcement, you know, inspections and things like that. But my concern is the TCEQ which should be named renamed something else because in our in our community in West Dallas, we had environmental racism for over 100 years, I would say because, you know, it's going on a century and we're barely catching up to you know, maybe 50 years ago what's really been wrong. So, I would start off with separating the TCEQ into an environmental quality of life from the development or the developers, an office, a separate office, and it's gonna be like a racial justice office because the TCEQ definitely doesn't care about human life. We've got people to pay bills, still paying bills and the children or with different illnesses and stuff. So that would be a permanent office, and in the way that the notifications go out, and this is statewide issues, because we've been to several meetings, especially at the capitol where mayors and other people from Houston and, and I worked in Houston, I don't know, if you've been to Deer Park, that's a mess. The notifications are not in Spanish, you know, you're having decisions made where people, you know, you don't speak Spanish, or they're not interpreting Spanish. And then that language, you also have people that don't read English, you know, so there's a big, big disconnect there. We just had a school, and I think we're going through a castle redistricting, where I went to meet it and nothing was in Spanish, you know, and that's a high impact on our community. I believe the notifications radius should be extended. Because we know that this is not just within your front yard, you know, this goes downhill, especially when the wind is blowing a particular direction. In our, in our case, it always blows from the south, going northward. And we're in our housing areas, and most of our community is on the north side of most of these polluters. So I would extend the radius that that would be a definite and then notification. And I just heard a young lady say something about the language. I forget what the term she used. But yeah, the language, whether it's reading or speaking, and I appreciate what you did tonight with interpretation. I think that was great. You know, so I'll give you an attaboy on that one or pat on the back. Because that was, you know, I didn't expect that. But those are some of the problems that we're having, you know, with trying to get, you know, some of these meetings where we actually think we're being heard, because most people are saying that these TCEQ meetings are rubber stamp as part of the development as part of what's going on.

1:27:13

Thank you. If you could conclude your comments, please.

1:27:18

Thank you. Yes. Hopefully, you'll- you'll listen to us. Thank you.

1:27:24

Thank you, this would be a good time to point out we have Spanish Language Interpretation available until 8:30pm. So we have another hour. If you are joining the meeting and need to deliver your comments in Spanish. If you would, please let us know we will make sure that you are able to speak within the next hour because we have an additional hour for our Spanish language translators. So please just let us know in the chat or just unmute and speak up, we want to make sure that your comments are delivered. Our next speaker is Robert Vann, followed by David Griggs.

1:28:07

Okay, we are Robert Vann and Linda Hanratty. together and we reside in Fort Worth Texas at 76109. We've studied the suggestions for more effective and publicly oriented Texas Commission on Environmental Quality proffered August 30 2021 by John Beard Jr. and others, and December 20 2021. By David Baker and others, many were very similar. We heartily support their well-researched and thoughtful recommendations. A lot of those have also been brought up during for by previous speakers. We would especially like to emphasize what we feel is the most important of the recommendations. TCEQ's mission statement currently reads, the Texas Commission on Environmental Quality strives to protect our state's public health and Natural Resources consistent with sustainable economic development. In our years in Texas observing how this consistently plays out, it has become unarguably clear that the economic development aspect of TCEQ's mission inevitably trumps protection of public health and natural resources. Like the oil and water ADM these two goals appear irreconcilable. There are other organizations in Texas government that promote economic development, TCEQ if it is ever to be effective, must focus all its resources and efforts on protecting the health of Texans and guarding our natural resources. We would also note that the federal Environmental Protection Agency sets national air quality standards to promote the health of American people. It's been argued that those standards for allowable ground level ozone and particularly matter are not strict enough. Nonetheless, the Fort Worth Dallas area frequently exceeds those standards to a serious degree. It's long past time for TCEQ to focus is permitting and enforcement efforts on measures to begin bringing the air we all have to breathe to within those standards. Yet we have sat through numerous TCEQ hearings, where medical experts and mothers and elderly Texans have passionately argued of the dangers posed by this pollution, putting out the large percentage of children and others suffering from asthma and other respiratory problems. In some areas of the metroplex, nearly a quarter of the children have asthma, yet our guardians of the public health at TCEQ have taken no action to protect us from the coal fired power plants, cement kilns, gas wells and other industries where the blame for our poor air quality is consistently placed. And why not? Again, look no further than that mission statement about sustainable economic development. And I'd like to also mention quickly that we were part of an earlier board, we're talking about the Railroad Commission. And one of the basic things that was asked there was, hey, can you change the name of the Railroad Commission to something that really says what it does? Well, it's still a Railroad Commission. Until we elect the right kind of people, I suppose maybe there's nothing we can do about it.

1:31:18

Thank you. Our next speaker is David Griggs. After that, we are looking for a few folks that we haven't been able to check in. So we'll be looking for Raihan Chowdhury, Melissa Massey, and Chris Massey. Our next speaker is David Griggs.

#### 1:31:37 David Griggs

Thank you, Mr. Shelley, and thank you all for the opportunity to share some thoughts with you tonight on how we can improve the TCEQ. My name is David Griggs and I'm an attorney, a practicing attorney here in Dallas and a former civil prosecutor with the federal government, my zip code is 75234. What I'd like to talk about tonight is the about- it's about ending the affirmative defense for air pollution upsets. You know, TCEQ facilities release millions of pounds of pollution in violation of their permits through upsets and emission events. These unauthorized air pollution events emit known toxins such as butadiene, benzene, particulate matter and hydrogen sulfide. And they also and they often do so in close proximity to residential neighborhoods, schools and other populated areas, putting Texans at risk of harmful impacts. And TCEQ's own executive director Toby Baker admitted last year that enforcement in Texas has been lagging. He described the rash of high-profile chemical disasters in 2019 is incompatible with TCEQ's mission. Well, according to the Texas Administrative Code in title 30, part one chapter 101, which is the general air quality rules, upset events that are determined not to be excessive admission events are subjected to an affirmative defense to all claims and enforcement actions brought for these events other than claims for administrative technical orders and actions for injunctive relief. And some of you know maybe you don't that an affirmative defense is basically where you admit to the violation, but you offer some sort of explanation or justification for the incident, and it's somehow forgiven. Well, the 11 criteria for affirmative defenses are just simply too lenient and are often taken advantage of by industry. According to TCEQ's own data. companies claim the affirmative defense serves as a survey claiming that- serves as a barrier to effective oversight of polluting industries. And then a memorandum from the EPA, EPA directed Texas as well as 35 other states to eliminate the affirmative defense provisions from air quality enforcement plans. And while most states including our next-door neighbor Louisiana did so, TCEQ ignored the EPA directive and retained the affirmative defense criteria. EPA has recently reiterated that this criterion should be eliminated. And so we would ask that when TCEQ is looked at, again, through the sunset that E- that's E- that this EPA directive to eliminate the use of the affirmative defense, which has been so widely abused should be this- the burden of defense should be eliminated. Thank you.

#### 1:34:37

Thank you. Next, we have a few folks that we weren't able to confirm. So if Raihan Chowdhury, Melissa Massey, or Chris Massey are present, can you let us know? Okay, we'll give folks time at the end again to speak if we did not call on you. Our next speaker is Christine Galdi, followed by Lon Burnam.

#### 1:35:16 Christine Galdi

I've been listening to one speaker after another mention concerns that I had about TCEQ. Taken all together, it appears that TCEQ as it currently operates is aiding in an assault on children and other residents of Texas, an assault on their health. It is inflicting the cruel and

unusual punishment of asthma and early death on people who have not been tried or sentenced with anything. The Commission needs to be drastically revamped to stop it's- the way in which it assists industry to do harm. Thank you.

1:36:52

Thank you. Our next speaker is Lon Burnam followed by Ann Drumm.

1:37:02 Lon Burnam

Good evening, everybody. Erick, first of all, I want to compliment you and the Sunset staff. I really enjoyed having the opportunity to spend the afternoon with you during the bus tour. I think I learned a lot and I've been working on these issues for a long time. Here in North Texas, I really appreciate the kind of above and beyond the call of duty. I think on site visits are important. I think these kinds of hearings are important. I'm going to back up and say I agree with virtually everything that's been said, it's critical. The agency and just remind everybody the most obvious evidence is for over a quarter of a century, we have not been in compliance with basic health standards established by the National Clean Air Act, and it's the TCEQ's job to get us in compliance, and they haven't. So there are multiple issues that contribute to that. Some that the staff can address in their report, some that we can't address until we have somebody else appointing different commissioners, until we have somebody else sitting on the committees in the legislature that impact this legislation. But I just want to say, you know, it's been said multiple times, essentially, you've got an agency that rubber stamps polluter requests, essentially have an agency that wrote a joke of a self-evaluation. They don't- they're not even up into the 21st century when it comes to, you know, recognizing the role of a potential office for environmental justice, which we've heard many people speak to tonight. The public comment periods are too limited. They they're too restrictive on who's an affected party, such that they almost systematically exclude people that are just outside of a specific range, which is arbitrary, capricious, and not related to all- specifically to air pollution issues. You know, for years I thought of the TCEQ as public health enemy number one, now that we've had a pandemic and may have World War III, there may other- be other outside people that are, you know, qualified as public enemy number one. But I recognize the limitations of what you guys can do in this report, but you've heard a litany of specific ideas that could be incorporated into legislation in case people don't know me, not only did I serve in the legislature for 18 years, I served on the relevant committee that is supposed to have legislative oversight over this agency. And I understand the problems of that committee as well. Thank you for the time tonight, I really appreciate you guys listening.

1:39:40

Thank you. Just want to ask, is Tina Caliga present? Tina Caliga? Okay, our next speaker is Ann Drumm followed by Laura Hunt.

1:39:58 Ann Drumm

All right, thank you very much. My name is Ann Drumm and I live in Dallas in 75204. And I appreciate this opportunity to comment on the TCEQ Sunset Review. I am a volunteer with a nonpartisan group Citizens Climate Lobby and climate change is at the top of my list of

concerns for our state, our country and the world. The TCEQ's mission reflects the common perception that solutions to so called environmental problems must be balanced against economic growth. And in Texas that usually translates into deference to the wishes of the oil and gas sector. But this is an outmoded and dangerous approach at a time of accelerating climate change. TCEQ should be leading Texas's efforts to strengthen our state's resilience to extreme weather events and identify solutions that reduce the three primary risks of climate change. Climate change is an economic risk for Texas look no further than the billions of dollars of damage done by Winter Storm Uri in February 2021. Now we're seeing wildfires destroying property in areas not too far from DFW. Our neighbors in Boulder, Colorado lost over 1000 homes in the recent Marshall Fire and had to evacuate residents again just last weekend. Climate change is a threat to Texans physical health. Again, look at the hundreds of Texans who died in Winter Storm Uri. Many Texans die and are sickened by the impacts of our outdated car reliant transportation system. And climate change is a national security risk. Climate refugees are straining the ability of nations to absorb them. The US Armed Forces have long understood climate change to be a threat multiplier. We must get our state ready for the impacts that one centigrade of warming is already delivering: extreme heat and cold events, floods, droughts, and storms. TCEQ should establish an office that supports long range planning to reduce greenhouse gas emissions and develop and implement resilience plans for our communities. Dallas's comprehensive environmental and climate action planning process can be a model for this, Texas should embrace the challenge of responding to climate change and take advantage of the opportunities that the transition to a low carbon economy offers. We can create economic prosperity in a low carbon future and improve the health and security of Texans while we're creating jobs. By helping Texas do this TCEQ can get closer to achieving its mission as it is currently defined. Thank you.

1:43:10

Thank you. Our next speaker is Laura Hunt, followed by Sharon Richey.

1:43:22 Dr. Laura Hunt

Hi, my name is, oh, let me start my video. Hi, my name is Dr. Laura Hunt. I'm in 76065 which is the cement capital of Texas, highest density of cement kilns of any place in the United States. I want to thank the Sunset staffers for this meeting this evening, as well as coming out to meet with us in Midlothian a few weeks ago. I'm going to reiterate some of the comments I've made previously and also introduced some tweaks that we've made based on these past conversations, which have been helpful. I first want to echo what's been said many times of this imbalance that we see within the current mission of TCEQ which is quote to protect our state's public health and Natural Resources consistent with sustainable economic development. Per the current mission, it's supposed to be a balance. TCEQ is at the fulcrum. Right now, TCEQ- I mean citizens are left at the bottom and really neglected and so I'm speaking on behalf of Midlothian Breathe and suggesting the following actions to bring much needed balance for the agency and citizens of Texas. Number one, we need to introduce environmental justice considerations and improve attention to public health. We feel this will require that at least one of the three commissioners be required to have a background in public health and experience in Environmental Medicine and Toxicology. Number two TCEQ must be given the authority to deny



permits for reasons other than failure to meet applicable rules and regulations. In order to make this happen, we recommend establishing an Office of Environmental Justice to create fair and consistent guidelines by which permits can be reviewed and acted upon to make sure that no community is faced with an unjust burden of public health and or environmental risks as a result of TCEQ's permitting decisions. Number two, we ask that TCEQ increase the public's ability to participate in the permitting process in a meaningful way. And I want to emphasize meaningful because currently, there is opportunity for participation but it's just lip service. If TCEQ really wanted public input, they would ask for our comments and actually respond to them and engage with citizens prior to approving permit requests rather than afterwards. When citizens have technical questions or critiques for the applicant, they should be reviewed alongside of TCEQ's own formal review process. Now, the whole invitation for input seems like it's just a more of an annoyance to TCEQ going through the motions and this isn't right. Another way that public participation could be improved would be by expanding the authority of the Office of Public Interest, OPIC, so that its judgment, could be given the same weight with commissioners as that of the Office of the Executive Director.

1:46:47

Thank you if you could conclude your comments, please.

1:47:50

Okay. Last two things are improved air monitoring so that we can actually know what residents are being subjected to and then make that air quality data accessible in a user-friendly manner similar to what is done in- by commercially available products such as purple air that have websites geared toward residents such as ourselves. In summary, our key asks are environmental justice and permitting meaningful public participation, protective monitoring and transparent communication. Thank you.

1:47:28

Thank you. Our next speaker is Sharon Richey followed by Logan Herbert.

1:47:35 Sharon Richey

I'm Sharon Richey from Fort Worth zip code 76133. I support changing the agency's mission so that economic development is preempted by issues of healthy air, water and soil for Texans. Texans need to be able to count on TCEQ to hold the line on radioactive waste storage. Despite legislation last year to that effect, the Nuclear Regulatory Commission issued a license in September for consolidated interim storage for high level radioactive waste at the Andrews County site. The governor opposes this and TCEQ needs to stand strong in opposition. I support strengthening training for disaster emergency management and their chains of command. And such expenditures as the agency has made in the millions of dollars objecting to other agencies whose scientific studies have come up with results with which TCEQ disagreed, those expenditures need to be stopped. Those are paid for. Those are funds needed for Texans and paid for by Texans. Agency monitoring needs to be located in more areas, such as closer to the coast for quicker access at times of disaster responses. Penalty fees need to be raised at least as high as inflation and costs for maintenance, monitoring and cleanup need to be borne

by the businesses who profit. I support a much-needed environmental justice arm of the agency such as his being proposed by Sierra Club and other groups. Thank you.

1:49:15

Thank you. Our next speaker is Logan Herbert, followed by Sammons Lattie.

1:49:25 Logan Herbert

Hello, my name is Logan Herbert I live in Fort Worth at 76177. Thank you for giving me this opportunity to comment on the Sunset Review. I'm an engineer and a volunteer with a nonpartisan group Citizens Climate Lobby. I'm here to ask TCEQ to do more to limit the practice of natural gas flaring and venting. Texas allows way too much methane to be emitted as a bright byproduct of oil and gas production. Methane is much more potent than carbon dioxide at trapping heat in the atmosphere. And this practice contributes unnecessarily to climate change. Methane is also a potent precursor to ozone, contributing to the air quality problem in our urban areas. Both for climate and health reasons, we need to do all that we can to reduce methane leakage from our gas wells, storage tanks and compressor stations. Two bills were introduced to the legislator legislature last year to curb natural gas flaring and venting. But TCEQ should limit these harmful practices without legislation forcing them to do so. We need rigorous standards to limit flaring and venting, and those standards need to be enforced. It does no good to create standards if frequent exemptions to those standards are granted to the industry. It's hard to understand how a state that prides itself on energy and resources would allow so much of its natural gas to be wasted, especially with as much talk as there is about how Texas can help reduce Europe's dependence on Russian gas. Why should we continue to allow so much waste of resource to be there when it harms the health of Texans and deprives others of fuel that they need in the short term while they implement long term solutions? This problem is brought to light in Dallas Morning News editorial February 27, who is keeping an eye on gas emissions in the Permian Basin. It cited a study in the journal Science that estimates as much as 12% of global methane emissions is caused by a small number of ultra-emitting events. The editorial said a sizable portion of these emissions come from Texas; we should stop that. According to this editorial, the news tried to learn about two specific two-month long methane emission event in Texas from mid-July to mid-September of 2020. The TCEQ did not have information about this event. The Editorial Board concluded that if neither the Railroad Commission nor TCEQ knew about the event, not approved it, then we have to ask who's really keeping an eye on emissions? How could the agencies charged with regulating this industry and protecting air quality not know about one site dumping thousands of tons of greenhouse gases. The editors offered two solutions available to the TCEQ data transparency and requiring the use of technology available to reduce emissions. We can't afford not to preserve this resource and use it wisely and effectively. I call on the TCEQ to end this harmful waste as fast as possible. Thank you.

1:52:15

Thank you. We have a few registrants who we haven't been able to confirm. [ ] All right, our next speaker is Doreen Geiger, followed by Lauren Juarez.

1:52:58 Doreen Geiger

I'm Doreen Geiger, Fort Worth Texas 76116. On September 13, 2021, the Nuclear Regulatory Commission granted a permit for interim storage partners to store high level nuclear waste at Waste control specialists in West Texas, in Andrews County, that is on the Texas and New Mexico border. The plans are for East Coast nuclear power plants to ship their waste through Texas. The statewide group that is tracking the situation believes the rails most likely to be used to transport the high-level waste or the Union Pacific lines that go east or west through the Dallas Fort Worth metroplex. The population of the DFW Metroplex is about 8 million people. Governor Abbott has filed a lawsuit against the NRC to try to stop the waste from being brought into Texas, transported across Texas, and stored in Texas. Transporting high level nuclear waste by railroad is dangerous. There are approximately 3000 train accidents and derailments each year in our country, I have seen a deadly derailment. NRC has already issued their permit. But please, I'm asking you to do everything you can to prevent dangerous nuclear waste from coming to Texas. Thank you.

1:54:36

Thank you. Our next speaker is Lauren Juarez, followed by Robin Lederer.

1:54:45 Lauren Juarez

Thank you. Good evening. My name is Lauren Juarez and I live in southwest Fort Worth 76116. I'm a marketing specialist for Catholic Charities Fort Worth as well as a volunteer with Citizens Climate Lobby DFW. I echo the comments by my fellow volunteers here tonight from CCL DFW and would like to provide a further push for the TCEQ to focus on climate change. I'm here to ask the TCEQ to truly prioritize the reduction of greenhouse gas emissions which are creating harmful amounts of pollution our communities and contributing to climate change. I believe it is incumbent upon TCEQ to use its power to mitigate climate impacts in order to fulfill its mission of protecting public health and the environment. The impacts of climate change are already upon communities across Texas and there are severe social and economic implications, which I've seen through the agency at which I work. Catholic Charities has a history of responding to a variety of environmental and economic crises, including Hurricane Harvey, the COVID 19 pandemic, and Winter Storm Uri. The kinds of crises that are induced by climate change and only going to increase in the future. With that I have two main points. First, the financial cost and burden on organizations like Catholic Charities to respond to these crises. Though such a service is part of our mission and of the missions of other organizations, imagine if we were able to direct those private and public resources toward the already pressing social and economic needs we are trying to address in our community. Nonprofit organizations and local municipalities alike face this cost. It has been widely documented that preparing for climate change is more cost efficient than responding to it. We need to use our resources to get ahead of climate change as much as possible and invest in emissions reduction and climate resilience planning to reduce the cost, the cost of climate crises. Secondly, and most importantly, the human impact. We saw during COVID-19 how many families are one crisis away from falling into poverty, we had many people calling Catholic Charities for help who never needed our services before. We saw thousands of lives thrown off kilter, people who were on track to pursue their goals and maintain stability otherwise. Crises like these can completely disrupt

someone's progress out of poverty, and they can force families into poverty for the first time as well. There's also a compounding impact of climate related crises when they overlap each other, such as COVID-19 and the winter storm, which uprooted many families for months. But these are avoidable costs to human life and the fabric of our community. Therefore, we can and must take swift and effective action to mitigate the severity of future crises through vigorous emissions reduction. And actions the TCEQ can take in support of this include regulating air emissions from the oil and gas sector, establishing an office focused on long range planning and curbing greenhouse gas emissions and better enforcing existing laws that are aimed at curbing emissions. Organizations like Catholic Charities will continue to rise to the occasion every time its services are needed in a crisis, but we can take action as a state to reduce and remove that necessity. Thank you.

[ ]

1:59:36 Adrian Shelley

Sure. Thanks for joining and listening. I think we are at the end of our registered speakers. Is there anybody else who was not able to speak who would like to speak now? All right, I'll just make another call for any other final speakers. Okay, I guess we'll make a last call. Anybody else wants to speak tonight? Okay, well, I think that will conclude our remarks. If any of our friends from the TCEQ wants to offer any concluding remarks or anything, now would be the time.

2:00:42 Robert Romig

Sure, yeah. Sunset, Sunset, not TCEQ.

2:00:47

Sorry. Thank you very much.

2:00:49 Robert Romig

Just being clear. Yeah, thank you all for participating tonight. Again, thanks for Public Citizen for holding the meeting. Again, just wanted to put the plug in that if you think of other comments that you'd like to share with us, if you'd like to reach out, please feel free to do so you can find our contact information on the sunset website, and all about, you can sign up for our reports to get those in the email, you can learn about our hearing dates. So I encourage you to go to [www.sunset.texas.gov](http://www.sunset.texas.gov). And again, thank you all for giving us your evening.

2:01:33 Adrian Shelley

Thank you. And I will just say that Public Citizen and a bunch of our friends in the advocacy world host a bi-weekly sunset working group meeting is on Friday mornings at 9am. The next meeting is this Friday, and anybody is welcome to join that. We're working on the TCEQ right now. We will add in the Public Utility Commission soon, I will put my email address in the chat for anybody that would like more information about that meeting. And also we will hold a final statewide virtual people's hearing on June 8, and I will share a registration link for that. I'll keep the line open for just a few minutes here for anybody who has any final questions or wants to

grab anything from the chat. But I'm gonna go ahead and stop the recording and thank you all for being here tonight.

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# People's Hearing: Houston

## April 30, 2022

Transcript by otter.ai with edits by Orion Rhoades.

2:19:05.

00:12 Adrian Shelley

Alright. Wherever you are, get yourself some food, a drink, come find your seat, we're just about to get going. I want to thank everybody, all of our sponsors, Air Alliance Houston, CEER, Clean Water Action, the Coalition of Community Organizations, Public Citizen, and our friends at the Carl Walker Multiservice Center for having us today. Just about to get started. Ten-minute warning. Thank you. So sorry.

09:15 Teresa Davis

Good morning, good morning, good morning everyone! Welcome and Happy Saturday! Today we're going to take- yeah, I know, right? We're gonna give folks a few more seconds to find their seats, get comfortable, and join us for today's TCEQ people scary here in Houston Texas. How about a round of applause for Houston, Texas?

10:33

I'll give you a- back and set the table to grab your items to welcome you all into this space today. This would not be happening without community participating, lifting your voices, sharing your story, you know we're happy you participated today on this Saturday, April 30, 2022. Can you believe it's almost May?

11:17

All right, everyone is going to start making our way from the back table or find a comfortable seat.

11:30

I want to make sure that everyone is included in this space.

11:46

Oh again, greetings. Good morning from the Coalition for Environment, Equity and Resilience also known as CEER. My name is Teresa Davis and I have the absolute pleasure of serving as CEER's internal coalition director. Again, for those who might not know we are a Houston based coalition made up of 28 member organizations. Today, we aren't here specifically to address the TCEQ. This is our people's hearing. How about that? Our people's hearing. Texas is currently in its sunset review process that what that means is that the 132 state agencies are under review, more like performance evaluation. And today we are making sure that they hear from our community. We are addressing the TCEQ right here in this place. And we are offering- raising the red flags and letting them know we want to make sure we have a seat at the table when it comes to decision making. We want to offer up ideas and strategies about what's happening in

our communities. We want to speak back to the pollutants and toxins that are invading our community and impacting on public health. So again, today is the day for you to live your plan and raise your voice and again I, Teresa Davis with CEER welcome you all into this space at the TCEQ people's hearing this April 30 2022.

13:42 Andy Escobar

Morning, folks, my name is Andy Escobar, my pronouns are they and he or elle y el. I have the honor of serving as a community organizer with CEER. And I really wanted us to begin today by acknowledging that we are on stolen lands from the original inhabitants. And I wanted to name some of those tribes. So we are on the land of the Karankawa, Sana, Esto'kna, Carrizo/Comecrudo [inaudible]. Again, these are the original inhabitants of the land that we're currently occupying, and it's just always really important to remember the history of where we come from. Thank you.

14:58 Larry Warren

Morning, everyone. I want to welcome you to the Carl Walker Jr. multipurpose Center. My name is Larry Warren. I am the President of the Board of Directors of Faith Revitalization Center, the organization that manages the Carl Walker center. We got involved in the community through kind of a process where our pastor set this building up to be a help to the community, a place where community events can take place, community organizations can have their voice heard. So that's what we do here and we thank you for coming to this event. We welcome you and we hope that our involvement helps get the word out to your organization.

15:57 Teresa Davis

And now, I am delighted to offer up an amazing song by Zelma.

16:18

Good morning.

16:48

[Rise Up by Andra Day]

21:30 Teresa Davis

Hope that song was inspiring for all of you, especially the foot soldiers who are out there in the community serving, who are advocating, who are mobilizing and activating other folks, that was a song of choice and Miss Zelma, you have done us well. Thank you so much. Thank you. I just want to take a few moments here and do what is most important for me in my efforts surrounding this work, what is most significant to me in joining in this work, and that's prayer. That's making sure that I have acknowledged the Lord of Lords and the King of Kings because without him I will not be engaged in this work, and let me be even more clear, I could not do this work.

So Father God, because of who you are, and because of who I am in you, I honor you in this space today. I honor you with my voice, with my hands and my feet, I become a living sacrifice on this work that you have called me to and that has chosen me. It is not by accident that we are gathered here in this space today. For the very air we breathe comes from you. The very strength we have, it all comes from you. And though we get tired, bored, and we get weary, and we often want to throw our hands up - I do - but I remember I did not choose myself. I did not call myself to this work. So it is you that I entrust everything to. To continue the race. To continue on the journey. To stand when I feel like lying down. To continue to speak and advocate on behalf of those who feel like they have no voice when I feel like being silent. When

I get in this space on this day, because I know that you are my king. That you are Lord. And that you are everywhere we go we allow you room and space, where we invite your presence, so I invite you to be a part of everything we do today. Speak to our hearts and continue to give us what we need to do the work you've called us to do. And it is by no accident for me in Jesus name that I pray Amen.

24:51 Angelica Santibanez

So hello everybody. Bienvenidos a todos. I hope you're having a great day. My name is Angelica Santibanez, I am a CEER volunteer, and I will be going over the agenda so we have an overview of the schedule. [SAME IN SPANISH]

So we'll be starting today with our guest community speaker for our five counties. We'll be starting with Liberty County, continue with Jefferson County, Harris County, Brazoria County, and Fort Bend County. [SAME IN SPANISH] We will then introduce the open mic for comments from attendees to get any answers if they have questions answered. [SAME IN SPANISH] Once questions have been answered, we will keep the microphone open with attendees to share comments and to pass on it. [SAME IN SPANISH] There will also be laptops available at the open mic in which attendees may also have opportunities to make comments as well as on the post-it notes on the county maps. [SAME IN SPANISH] So after the open mic we will transition the floor to the member tables here to the right. Where you can visit the tables and you can submit your name, submit comments and concerns, and also grab a bite to eat. [SAME IN SPANISH] Before we get started with Liberty County speakers, we will introduce what the TCEQ and what the sunset review process is to start off on a refreshed page. [SAME IN SPANISH] Thank you. Gracias.

27:50

*Question and answer, [inaudible].*

28:19 Adrian Shelley

Oh, hello, everyone. Thank you for being here today. Adrian Shelley with Public Citizen. Appreciate all of you for taking this time out of your Saturday to join us and appreciate the opportunity to address you today. So we are here today because the Texas Commission on Environmental Quality is undergoing sunset review in the state legislature. What does that mean? What does that mean to us, right? Let's start with the Texas Commission on Environmental Quality. The TCEQ. This is Texas' environmental agency. It is the agency that issues permits and it's the agency that issues fines for polluters in Texas. Mostly permits. Occasionally fine. If you have a polluting facility in your neighborhood, you have a concrete batch plant in your neighborhood. It's the TCEQ that issued that permit, right? if you have called a number to complain about pollution, about something you saw in the creek, something in the air, about a line of heavy trucks coming through your neighborhood putting out diesel. It's the TCEQ who received that and it's the TCEQ - the Texas Commission on Environmental Quality who should have addressed that complaint, right?

So even if you don't know who the TCEQ was or what they do before today, it probably won't surprise you to hear me say that this is an agency that serves polluters first. Industry first and us second. Right, our needs in Texas, in Houston, in our communities, our needs come second to the needs of polluters, of industry, of corporations. That is because, again, of the Texas Commission on Environmental Quality, and its priorities in this state.

So who determines those priorities? Ultimately, it's us, right? The agency is accountable to us. The legislators, who enact the laws that tell the TCEQ what to do, answer to us. But they also

answer to the Sunset Advisory Commission when they undergo sunset review. Sunset review is a process that happens for each state agency in Texas every 12 years. So the last sunset review of the TCEQ was in 2011, and the next sunset review is happening right now. So we can think of it like, like a performance review, like an audit. Right, we have an outside agency that is evaluating whether the Texas Commission on Environmental Quality is doing its job. That outside agency is based in Austin. It's having one public hearing on the TCEQ in Austin, on June 22. I would like y'all to come to that hearing in Austin, I'd like you to join us there, I will be there. I see a lot of folks out here who will be there. But a lot of us can't come to Austin in the middle of the week to talk about an environmental agency, right? So that is why this hearing has been organized today. You are here today to tell the TCEQ, tell the sunset review Advisory Commission, and ultimately the legislature, politicians who work for us, to tell them what your experience of the TCEQ has been. Right?

So let's get back to the why we should know about the TCEQ at all. Because there are heavy trucks driving through your community putting out pollution. Because there is a concrete batch plant next to your church, right? Because there's a water treatment plant that's discharging into the creek that's near where kids play, right? Because our air, our water, our land is not as clean, healthy, or safe as it should be, right? So don't think that you need to be an expert to be here today. Don't think that you need to know what the TCEQ was before today, or that you need to know anything about how a sunset review happens. Why you are here today is to tell us what your experience has been in your community, your air, your land, your water, your health, your family's health, your children's health. Tell us in plain language, what your experience has been. When it has worked for you, when it hasn't worked for you. There is nothing wrong to say today. There's nothing too simple or too insignificant to say today, any experience you have had is valid and is important and is part of the process. And so after you deliver your comments here today, we are going to take them up to Austin, to the TCEQ, to the Sunset Advisory Commission, and ultimately to those politicians who represent us, right. And we're going to make sure that your comments become part of that official record that is developed up in Austin. So thank you for being here. Tell us about your experience. Say it in your own language. Tell us about what it means to you and your family or community. And we will make sure that it gets to the right people and ultimately that it makes a difference in our communities and in our lives and for our health and our children's health. And if you can join us in Austin in June, great! I'll see you there, right? But you don't have to because we have created this opportunity for you to be here today. So thank you all, appreciate it, and let's get this done.

Thank you. So then the question was, what is my name and what county am I representing? I'm Adrian Shelley. I'm the director of the Texas Office of Public Citizen. I'm based in Austin, but my heart is here in Harris County, my hometown of Houston. I will always work for Houstonians and for their benefits. Ah, so that's who I am. I'm Adrian, I'm with Public Citizen, if you want to come up to Austin and see me please do. That's who I am and I'm a Harris- I'm a Harris County resident today. So, thank you all.

35:24 Teresa Davis

And now, for the most important part of today's people's hearing to hear from the people. So without further delay, we will invite up our first TCEQ community speaker, Miss Bridgette Murray from Harris County, let's give her hand, here she comes.

36:13 Bridgette Murray

Hello, everyone. I am a resident of Harris County. And for some of you feeling very close to Fifth Ward because I'm a graduate of Phillis Wheatly High School. I live in the Pleasantville community, just a little bit down the road, very close to the Houston Ship Channel, just 2.2 miles

from The Houston Ship Channel. And I just wanted to share a few experiences with you as it relates to what we're seeing in our community and how we believe that the TCEQ can change its behavior to better support the people. And throughout this day let's always remember—first and foremost—it's about the people.

So today, we believe that we elevate our voices because policies do matter. A lot of times we may be caught up with the emotional, but if we really understand what's happening to our communities, the policies that have been developed over the years that basically bring us to the place that we are today. It's policy that allowed Jim Crow laws and regulations to sustain redlining and no zoning for all of these years. It was policy that allowed annexation of our black and brown communities for the purpose of placing dirty businesses near where we live. Landfills, concrete batch plants, metal recyclers, chemical storage and blending. And yes, truck yards.

Today we say TCEQ: change is required.

Permitting decisions must begin to include cumulative impacts. So a lot of times when TCEQ is looking at a permit, they're looking at that permit in isolation, they're not looking at how many are actually in your neighborhood, or how close is the last one that they permitted in your neighborhood. They need to set limits on the number of businesses within a 1-3 mile radius of each other. The research is already there about cumulative impacts. Change is required.

There are brownfield projects - and if you're not familiar with that, it basically is describing an area or plot of land that has been contaminated from its former use. So for example, near our community, Exxon Mobil had property near us where they used storage tanks in the ground for their oil based products. And so the chemical seeped out of those containers and contaminate the groundwater near our community. In Houston, we see too many brownfield sites being approved as remediated under the TCEQ municipal setting designation program. But communities near and adjacent to the property are not provided a fair opportunity to evaluate this information at both the state and city government level. Change is required.

And lastly, equitable recovery after climate disasters. We know that in our communities, that we can become vulnerable to the contaminants that have been near us because once the floodwaters come in, they bring that into our homes, our property. Change is required. Our communities carry too much of the burden of climate disasters: housing stock, property losses, health issues related to mold, or the contaminated floodwaters in our home. Change is required.

So I'm the founder and executive director of an organization, Achieving Community Tests Successfully. We are a community-based organization. And we work with several organizations that are actually here this perfect day. And we just want to say that we have to stay engaged, we have to continue to address these issues, and we have to use our voices to say, not only to TCEQ, but also to the elected officials that represent us, we have to request accountability from them. We can't just start with TCEQ, we have to also include those individuals that seek to represent us in political office. So please use your voices today to say, "Change is required."

41:39 Andy Escobar

One more thank you to Ms. Bridgette. Next, I'm really excited to introduce to y'all one of our community leaders that has been doing an amazing job of mobilizing her community to be here and to be involved. And that's Ms. Gayla Young.

42:09 Gayla Young

Hello, everyone. Glad to be here. My name is Gayla Young, and I am many things. I'm a mother. I'm a friend. I'm a community member. I'm a daughter. I am above all things a child of God that loves His creation. And I am here today as a community member advocating and speaking for what we need in our communities. As you know, or you may not know, I'm from Jefferson County, I live in Beaumont, Texas.

But anyway, I'm here because I've learned a lot from CEER and the work that CEER has done in the community, right, my community. And we have problems in Beaumont. We are by ExxonMobil. We're by the Port of Beaumont. We're by a Goodyear plant. We're by so many things that pollute our community. And the sad thing about it is people of color communities are being impacted in ways that- it's just ungodly. That's all it is. And the sad thing is that we, as community members, we don't even realize how much this stuff is impacting us. We think our kidney failure, our heart attacks, our high blood pressure, our mental illness, our fogginess in the mind and all of these things that we face. We think, oh, this is just normal, you know, this is generational. My mom had it my dad my grandma had it. And the truth is they may have had it because they lived with all of those communities all of those years. And so now we're here, we're experiencing it, but this is very powerful to understand that this is not normal for us. It's not okay that our children and we bathe in brown water and we drink brown water. Some families can't even afford water. So they can't drink their tap water because it's brown.

So what do we do? How do we respond to this? We respond by one, educating anybody you talk to in your community. Let them know, "Hey girl, what you talking about? That's not how that's supposed to look. That's not how that's supposed to be." And then two, inform them on what they can do. Like Adrian Shelley said, be a part of this process. Call our representatives that's always in our communities begging for our votes. Call our local government and let them know, "Hey, I know you're having that meeting on Tuesday. But are you bringing up the fact that we live in Beaumont and we're exposed to the most pollution in Southeast Texas? And we only have two monitors, like Nederland have seven and Lumberton have five?"

This is basic stuff that we shouldn't even have to tell local people that are representing us to speak of. This is supposed to be common sense things that they advocate and speak for just because they represent us. So pick up the phone, call these people and say, "Hey, I need you to respond. [INAUDIBLE] I need somebody that's going to get something done." Let's start there. I just got up here to—I sound like I feel like I'm talking like Dr. Martin Luther King now—but I just got up here to express that and speak on that and say that what we're facing in our people of color communities, this is not normal. I know it feels like this is normal, because we've been the bottom of the totem pole. But we are important. We are valued. We have value. and we deserve to be treated as such. So please, if not for you - because I'm 42 years old, I sleep with a CPAP because I live in Beaumont, Texas. I never had these issues until I moved to Texas. Beaumont, that is. And as a result of that, that does something to you.

I have three- two kids, my friend's baby is here she's my baby too - I have three kids here. Teach the next generation their responsibility to speak up. Teach them that, hey, this ain't no [inaudible] that we're living in these communities. What, it's nothing more powerful than a child going up to some adult and telling them, "You missing the mark, and you need to do something about how you treat us." So thank you for having us here. Thank you CEER, thank you Adrian Shelley, thank you everybody who's here that have put on this event for us to vocalize and speak about what we're doing. And please, if we don't love ourselves enough that we don't care enough about our communities, please care enough for our children. Thank you.



48:09 Andy Escobar

Hey y'all. Thank you so much Miss Gayla. So our next speaker is actually from here in Harris County. And she is one of our climate ambassadors and her name is Myrtala Tristan. Myrtala is a Spanish speaker so she's going to come up here and share and we're going to have somebody come up here and translate for her as well. Gracias.

49:00 Myrtala Tristan (English Translation)

Hello, my name is Myrtala Tristan and I'm a climate ambassador for CEER. So, I'm here. I'm nervous. I don't have education. I don't have a diploma. But I'm here with the heart, with experience that I have been through. I am a citizen from Lakewood and my harrowing experience with Harvey - my community, my neighbors, we were so worried, we were terrified of what was going on. I will share with you that my story is very long but they are willing to do it in a shortcut.

I am angry. I am very disappointed. Because when the disaster came I called 311. Nobody paid attention to us because we're Hispanic. Us, as Hispanic, we're lost. Nobody hears us. I'm very disappointed.

This horrible experience with my husband and my [inaudible]. We walk, we run, through Mesa Rd. street, the water raised up to our waist. And we were so desperate for help. And there was help, there was a big, there was rescue people. And it was so sad for me, very disappointing, that they told us to keep on walking to the next Mesa Rd. street. We were left behind.

I'm here with you because of what we went through all Sunday. It was very sad for us. We were waiting wet. Totally wet, all day, asking for help. Traveling from different places, place to place. Nobody listened to us, and when we finally got to a place where we were safe, FEMA was there. We applied for help, but what they see our identification, they think you are in a wait process. I am very disappointed, that Hispanic, we don't get nothing, no help. I'm mad. I'm disappointed. Because us Hispanics, we do have a voice, and that's what I'm hoping here, with all of you. So you can listen to my story. For what I went through. There is no help for Hispanics. There was no help for me. And I went through the same disaster.

I wanted to thank you, but also I wanted to think Teresa. Because of our prayers, she gave me peace and calm. Because every time I speak, my heart gets crushed. In my mind it comes back again, the hurt, the pain that I went through. All the pain that I - and conflict is the consequence of the mind. Or the COVID, the freezing cold, the Harvey. And I'm here with y'all because every time I wanted to speak, my story comes back to me. My pain comes back to me. And I can speak. But today because of the prayers, God gives me that wisdom to talk to you, to explain to you the pain that I'm going through. It's hard for me to explain but today I feel that I can express myself and I want you to hear what, as a Hispanic, I feel. And I feel strongly today. Thank you.

57:15 Andy Escobar

Gracias Myrtala. So our next speaker, I'm really excited. We're gonna have Zoe Montanado who is a youth community member from Jefferson County.

57:39 Zoe Maldonado

Hello, my name is Zoe Maldonado and I'm fifteen, and I'm a freshman in high school, and I'm here to tell my story. So growing up I was born and raised in Corpus Christi, Texas, which is very, very polluted, the water, the air, lots of plants. And growing up I had asthma and very, very frequent nosebleeds. So I couldn't really do a lot outside without coughing up my lungs or just getting up blood. So I stayed inside a lot, and I never really got to have as much of an outdoor



childhood as I wanted to. I had those nosebleeds, I still have those nosebleeds. I've had about five this week, two yesterday, it's a lot. It was a lot to deal with. I didn't even know how to stop them for a while, I would just bleed.

I moved to Beaumont in 2018, my sixth-grade year. And I really can't say that I got any better because there's plants here too. I don't know if we got worse, but it's still just a lot of the same things. I grew out of my asthma after a while. But I still can't really go outside like that. My baby sister even learned to bring tissues in her bag every time we went somewhere.

1:00:04 Andy Escobar

Thank you so much Zoe. Next, I'm super excited to introduce another leader that we have the privilege of working with. She is someone based in Liberty County, who is super-duper involved and invested in her community. And that's as Barbara McIntyre.

1:00:34 Barbara McIntyre

Good morning. I'm Barbara McIntyre from Liberty County. I was and I still am from the fabulous City of Cleveland, Texas, which is one of the 13 cities in Liberty County. And I am part of CEER, and been working with them for quite a while. One of my main jobs in my community is a resource person and I work with disaster recovery. So I've had the opportunity to try to work with FEMA, GLO and other organizations that come in after a disaster. We have had several, we have a population of 6,000+ undocumented immigrants in our community, we have one of the largest colonias in our community. And so we know that when we have that larger population that no one cares, that people take advantage of people who are coming for a decent piece of the American Pie. And so we are trying to prepare homes that the community have tried to put together just so that they can live.

One of the things that we have concerns with our water, and we've talked to everybody and everybody and whomever, you know, we seem to have this the same old same old thing happening because we keep doing what we're gonna keep doing and we're gonna get what we get. And from our city water, we get on our mail on our water bill, it says, not drinkable for senior citizens and babies. For your water, on our water bill. And so our water and our garbage is on the same bill. So we got a \$35 bill to pick up the dirt with waste management. And then our city's revenue comes from water and the utilities that they own. And so small-town community, our demographics that they tell us from the last census which was about 75%. What that tells us is our seniors can't drink the water, they need to drink bottled water, and also for babies not to drink the water. Okay, and that's been going on forever and a day and it has not been changed now there have been some changes and there's been some plants that shut down but I don't see any new water towers coming up. So therefore they use it for chemicals.

And so it's a pleasure to be here today. I'm a little nervous, I'm looking around and I see people. I believe that when much is given, much is required. We have a long fight ahead of us and until we start to unite and have a place like this where we can comment and have a discussion to talk about where do we go from here because we have a lot of people in our community who know there's issues, they're just afraid to say it. We try and talk to individuals to get them to come here today and it's like okay, you go fight for us. Oh, you go do it for us. Oh, we trust you. And you know after a while we get tired. And so I am just happy to see that there are people that are still fighting the fight. Thank you.

1:04:19 Andy Escobar

Thank you so much, Miss McIntyre. Next, I'm super excited to introduce another climate ambassador with CEER. I'm going to have Miss Sandra Edwards come on up.

1:04:50 Sandra Edwards

Good morning everybody. I'm just glad to be here, right? Hey, I'm not gonna keep y'all long but everybody know my fight about the creosote contamination and I'm sick and I'm tired of it and I'm just like: y'all we've been going through this time and time again. And when does it stop? It stops with [inaudible]. And y'all know me, I am a hellraiser. I am not going to continue to keep dancing and jumping around the gasoline drama. It's just not gonna happen. We have to do- I mean, hey it is what it is, I'm speaking from my heart I don't have a script. But it's like, just like everybody got up hear and said, we have to keep doing for us and looking out for us because we put those people that we've coming out in our neighborhood and community, when it's election time if they say vote for me but then after the election you don't see them no more? Bam, get rid of them. Because they're not looking out for us and our lives. We need to look after us and our community And we don't start and do nothing, nothing's gonna get done. So we got to start looking out for ourselves.

I'm always here just to say - I'm just here to tell you how I feel about all that's going on, nothing about all that bull crap, because they do not care. They have showed us time and time again, so now we have TCEQ that's supposed to be stopping all this contamination. They're the ones who signed the bill for the contamination. So do they care? No they do not. So what we need to do to make sure that we go after the TCEQ let them know how we feel with their "No, we don't know what you're saying," "No, we're not going to sign nothing." "No you're not going to come for my community." Keep on dumping on us, we are sick and tired of it. We are sick and tired of being sick and tired. I know I am. I'm sick and tired of living in a house that's full of water when it rains. Last week it rained on my house and the floor got wet. I haven't gotten that fixed yet. So I am just tired of being tired. So as of this point, with the TCEQ you know, if this is the attitude they're gonna have when I speak because I'll be speaking there Tuesday. And I hope a whole lot of y'all feel like I do: enough is enough. If you come in my community and you dump, I want you to go to your community and dump in your front yard. Me and mine I don't. I'm out.

My bad, my - I know, I'm sorry. Okay, May third at the Deluxe Theater down on Lyons Avenue, that's where we're having the meeting. Okay, now let me just say this: Deluxe Theater is in our community. Can Fifth Ward citizens use it? No, because it's out of our reach. But it's in our community. But it's not for us. Bye.

1:07:37 Andy Escobar

Thank you, Miss Sandra. Last but not least, we're going to have one more climate ambassador who's also from Harris County, Araceli Ramos.

1:08:00 Araceli Ramos

Good evening everybody. My name is Araceli Ramos. I'm a mother of five children. I'm a student about to graduate with honors in stocks advising. I'm a Harvey victim and I have three children with asthma. My house is still apart right now. Every single income tax that we get for our five children, we are spending in rebuilding our home. I'm a volunteer. I'm a community leader. I'm a CEER ambassador. I'm a mother. I'm a friend. And I'm going to tell you a sad story when Harvey happened. I had a friend, she told me, she's white, and she said come to [inaudible], we're going to get the help right here. And I told my friend Catherine. So we were three: white, Hispanic, black. We were there to get the same help. Ask me if I had any help from Blue Shield Blue Cross- from the Blue Cross. Ask me if I had any help from other communities. Too late. As my friend Karen, she can't help. But I can assure you right now that my friends that live in Kingwood got all the help. Her house is brand new.

This is 2022. I pray in tears, and I'm proud of saying that I'm graduating when honors because well, they're always looking out for us. It took me 22 years of my life to go back to school to get educated. But I'm gonna tell you what. Because I'm getting educated, I want to educate everybody else that I can find. And just like Mytala said, I'm Hispanic, and I'm not afraid to use my voice. I learned how to translate. I have a certification. I'm road warrior. Because I mean, I see the need, like Mytala right now, the people that wanted to, I want a translator that can translate her feelings, her anger. I don't want to translate saying, [meekly] "oh, I suffer." No, feel the same way she's feeling. But because I felt that way, I know how she feels. But we don't have to go through the process that you can understand me. So we have to be like a person like people with cancer so we can feel how they feel? No, it's enough by seeing how much they suffering. How much is- how much is it going to take for TCEQ to realize what we're going through. Maybe I need to go by the house of a state representative. And pull a cement, a bag of cement. I'm housewife, I can flip it all day long. With all the pollution.

They have a project on James Park at the subdivision. Our children, our subdivision, they have many places. They don't have the money to pay to go to beautiful parks, or to pay all of the gases to go to that downtown park. Our children, some of our children aren't growing, they don't need a museum. You want to tell them of my story. I went to a Natural Science Museum just a couple of months ago, because they took me on a field trip as a student, and I was "Wow." I didn't know how to appreciate art. Because no one told me what was the value of that picture. Every time I see a picture, I was like, what is that? Now I know the value.

We're not ignorant. We just didn't have the education or the chance. But I'm breaking that cycle. Because I'm not going to leave it to my children, or to the next generation. Or to all of these communities in need. Because I'm tired of people seeing only color. I walk blind every time I help someone because I don't want to see their color. And I want you to do the same thing. If you're going to sell help someone, close your eyes. Don't see their color, see their heart. See their necessity. See what's in them, see their pain. And I'm glad y'all are having this, but if us - what we have in here - we are suffering. Because when every time we call 311. "Hi, Hispano. Ta-ta. Whatever. It's a whatever. It's Hispanic, basically Spanish. We'll work it out later, you know." Our stacks is down.

We have to make a difference. Tenemos que hacer un cambio, we have to make that change, and you know what, that change is our voices, is our person. I want to say I wanted to clean the air for my next generation. No, I want to clean it now. Because I want to live longer here and now. It's affected me, as a human being, I have the right to breathe that clean air. And I have the right same as everybody else. We have to change those mindsets. Other people don't care because they never suffer anything like that. I invite you to come to our neighborhood. I invite you. Do you know, you want me to tell you how that I learned all of that? Because I'm always volunteering. And it just breaks my heart. All the good stuff that has been getting to the white communities because I'm one of the persons handling all those stuff. And when I go to my community, what did I get? Left over stuff or nothing. What's wrong with us? What's wrong with our society? We're not going to make any changes or improvements. We have to make it ourselves. The changes start with ourselves. Change yourself. Change the way you think. Change the way you see. That's how we're going to make the change.

And by doing that, I want to challenge that I encounter more Hispanics to come and get up, and, even if they're shaking, even if they scared, to speak what they feel. I want each of us to see as a human being, not colors. Human being. Everybody of us, we deserve the same rights. And to those representatives, close your eyes. And if you have children like I do, how will you feel if one of your children say, I can't breathe. Take off your mask. And I will pour a bag of cement

and snap it on with all that dust. And see if in the future you don't get that cancer. I want to see how you feel. Think about it. Be human. Thank you.

1:16:37 Adrian Shelley

Can we get one more round of applause for all our speakers? We've heard from some amazing speakers, some really impassioned community activists, and we've heard some really excellent and personal stories. But we are all here to tell our stories today. This is the people's hearing, the rest of our time today is going to be for you all to share your stories. So let's talk about how that's going to work. Let's remember why we're here and what we're here to do. We are building a record here for our state lawmakers, so that they can make our environmental agency better for us, right? So remember, we are recording your comments. They're going to be rendered into writing, and they're going to be submitted into the official record for the TCEQ sunset review. So they will be read by state lawmakers, and they will go into the decision making to change the agency, right. So keep that in mind. You don't have to be an expert. You don't have to be as good a speaker as those people who just came, right? Make it specific, Make it personal, alright? And if you can get past the problem and think about the solution, what do you want the environmental agency to do? What should the TCEQ be doing for us, right? What's your vision for making Texas work better for all of us, right? So that's what we're doing. We're going to ask people just to come up as they're able, you know, once you're ready, maybe we can form a little line over here, right? You're going to come up, you're going to have two minutes to speak. We got a full room. We've got about an hour here. So we are going to keep it to two minutes. I'm going to sit right over there. And when we get to two minutes, you're going to see me waving frantically, you're going to wrap up your thoughts, alright? And that's how we're going to do it. So again, you don't have to be an expert. There's no problem with too small. There's nothing too personal, right? Just make it specific. Make it real. Share your vision. What do you want to see what's wrong that can be made right? Okay. That's what we're gonna do. So we're here for y'all. This is y'all's time. So, who's ready?

1:19:00

I'm ready.

1:19:01 Adrian Shelley

All right, we got somebody who's ready, we're going to come up here on this side. If you are ready maybe if you like we put a couple of chairs over there so people could sit maybe if they're ready. Alright, I'm gonna be right over there. I'm going to be keeping time if you see me waving, that means it's two minutes, time to wrap your talks up. And, let's do it. Oh, when you start, give us your name, where you're from, as specific as you can be. Maybe give us your zip code, your neighborhood. Be personal. Be specific. All right? Go! Thank you.

1:19:34 Walter Mallet.

Good morning! My name is Walter Mallet. I live here in Kashmere Gardens community, zip code 77016. First, before I start, I'd like to thank God, plus all his children here today. I'd also like to acknowledge COCO, CEER [inaudible] and the super neighborhood. Okay, I'm going to start off old school. This is all about fighting the power. We're in between two major conglomerates and two big concepts: that's the chemical company, and that's the TCEQ. Why are we here fighting for what we're supposed to have in the first place? And I want to talk about the storm. we continue to be riding out a storm. Either the one that we have endured, and the one that's coming, we're stuck in. Here in our communities, we have been impacted on all levels and we continue to be impacted. Our voices have not been heard. Our tax dollars are not being spent in our neighborhood. Our tax money's all been spent overseas. Okay, we just thought, you know, people in our neighborhood that need our help right now need the help of a political arena to

come and do the job that they should be doing. It made me cry. But nobody seems like they want to hit. Now, we shouldn't be crying in the first place. We are here because we lead Texas. And how are we going to get change? We have to speak a bit together. Talk between talk and talk. There are several things in my neighborhood that I-

1:21:32

Excuse me Walter. Sorry to interrupt. Could you speak up a little bit louder? She was saying she couldn't hear you.

1:21:42

She can't hear me? Sorry about that. You're good? Okay, thank you. But even in my community, they have started infrastructure. Specifically, in my neighborhood, there's a park that's been encouraged to grow. The stupidest thing I've ever seen as far as the city structure is concerned. There's a ditch, a five foot ditch about 50 yards along the park that the people have to cross over or go around in order to go to the park. This is supposed to be for the people that want to enjoy the opening of the park. There's not adequate parking there, how are we supposed to do what's supposed to be for us if you don't understand what you're supposed to be doing in the first place? Okay, we are here because we are tired of these community outside. Okay, he's given me the signal, two minutes. Thank you guys for having me.

1:22:57 *Unidentified Speaker*

Good afternoon. I was not going to say anything, I was invited by Dr. Ruda, I heard my-Bridgette Murray speak, we grew up together. Really, I want to speak from a different perspective. And I like the passion that the lady had that spoke no English, but I wanted to tell you that I feel that passion and power. I once heard that ignorance on fire outperforms knowledge on lights. Okay, and let me- I'm only speaking from one perspective, I have nothing, and I hope you don't play this out there. Let me tell you, this is about elected officials. We keep waiting for them to change, and you need to change your elected officials. 20 years, 30 years, that is too long, and I am American, I am capitalist, and I believe in the capitalist society. So what does that mean?

What is key? So you know, they're still getting paid. They enjoy the benefits that you don't. Some of you all have cancer, don't have good enough healthcare, but they do. While you're waiting to change them start changing mouth and things will change with you. See change comes before policy, change comes before all the things that you expect. I'm telling you about a elected official, you elect them. I'm gonna tell you one story and then I'm going to leave because I'm going to try not to be up here at least an hour. There was this man coming down this country road, and then come upon a man sitting on the porch, in a rocking chair, and back in the courtroom, as a dog was just moaning and groaning. And the man has abandoned the rocking chair and said, "Wow, that dog moaned and groaned." He said, "Well, he's laying on the bed. Why wouldn't he get up?" He said, "It don't hurt bad enough." We've got a lot of people moaning and groaning in your community but it don't hurt bad enough, you got to change their mind. Thank you.

1:25:09 *Alejandra Camarillo*

Okay, can everyone hear me? Okay, hello, everyone. My name is Alejandra Camarillo. I am originally from Bogota, Columbia, but I'm here today. I also wasn't gonna talk but I feel very inspired today. I feel like there's change in the works. I want to share with you that I am a teacher, I teach at a Title 1 school that- it is called Baker Ripley Gulfton in Southwest Houston. And when hearing Zoe I very much relate with what she's saying and some of the concerns she feels around like, just pollution and the health issues that come with that. My school has been in

the works to push for environmental justice and better initiatives around just community clean, like clean communities, and just making sure everyone is part of that conversation when it comes to what you want to see real and true in your community.

So I want to share with you the vision that our school has set this past couple years, and I think every school district or school should push for this because my three years in education as a sixth grade teacher, now I'm a second grade bilingual teacher, I think we are a vessel and a push to make sure we're building a pipeline of young people that care about this. And not just the people it's everyone, right. But I think there's a push to build a pipeline of people who care about this and are willing to use their voices to do something about it. So here's our vision that our school set out. Our vision is to maximize our impact on climate justice by bringing awareness igniting civic leadership in prioritizing a healthy and sustainable school community for all children and families we serve in Gulfton.

To give you some context that you've never been in Gulfton. It is a high refugee community, I've had the chance to work with a lot of Afghan students, we also have a high population of Hispanic students, and also Black students. And I think when I started hearing my students and some of their concerns around like, "Hey, we actually don't have a clean park to go play." I have some students currently that suffer from asthma and parents are very concerned that they tell me "hey, like, if you're gonna take them out for recess, make sure it's like, not for an extended period of time." So after listening and being and working in a place where potentially you know, we're breathing in polluted air, like there has to be something we can do. So for a long time, I feel like I felt I was by myself because in Gulfton, maybe I haven't- I hadn't met people that were caring about the states.

But to be true. I've been in contact with Air Alliance Houston, and I see some representatives here with them today, I became their community ambassador because I loved their vision to bringing resources and awareness to the Gulfton community to do something about the pollution that we're dealing with in that area. I've also been in contact with Latinos for Education, their organization that you know, gives the Hispanic community those leadership tools they need to speak up. And I'm also been in close contact with Teach for America, who is an organization that helped me become a teacher and do this work. So if I can leave with something, right, like, what is my vision, what is something that I want the TCEQ to do is I want them to invest on a curriculum that is teaching our students about the importance of environmental justice, and American environmental awareness. I know we all know this, but New Jersey is the only state in the US that has climate change and environmental justice embedded in the curriculum. And I think Texas can do that. But there's a lot more work to be done. And I think the people in this room are the right people to do that, so thank you.

1:29:13 Erandi Trevino

Hi, good afternoon. My name is Erandi Treviño. I am the Texas state organizer for Moms Clean Air Force. Moms Clean Air Force is a national organization that works to advocate for justice in every breath, especially for our children. Because children are the ones who are most vulnerable, right, children and elderly. And you have their lungs, little kids, their lungs are developing, their brains are developing, so they're really vulnerable to all of these fine particles and other chemicals seeping out of facilities. So, I am a resident of Harris County. I live here in Houston, Texas - in southeast Houston, Texas.

I live about 10 miles away from the Houston Ship Channel, which is one of the biggest sources of pollution in city. My house is also surrounded by on all three - on three sides by heavy duty trucks. On one side I have a freight company, on another, 18-Wheeler - a large 18-Wheeler



parking lot, where they often idle, and on another you have, like, a demolition company that's constantly working throughout the day. So this morning, I come out, I have a greenhouse, I love plants. So I have my little oasis in the middle of this chaos. And I have pressure on my chest. I have difficulty breathing. I feel- I have clammy hands right now because I have high blood pressure, fibromyalgia, tightness in my chest. And today is one of the days when I am having a clearer.

So it just makes me really emotional, because so I'm an immigrant. I was born in Mexico, grew up in southeast Houston, about two miles from the ship channel, in Magnolia Park. And I struggled with my health my entire life. I am now 30 years old, I don't have kids yet but I've worked really hard. I'm a homeowner, a business owner. I just graduated law school. But I still struggle with my health. Every week, sometimes every day, it's just, that's the biggest challenge of my life. And so, you know, to feel proud of what I've accomplished. I do. But I see it's not just me. My two nieces that live with me, a four year old, an eight year old, they both have chronic health issues, breathing issues, eczema. And my mother who's over sixty years old now, she has fibromyalgia as well. She had- she and I have a lot of the same health issues. So you have a multi-generational household that is just struggling to get by. And our communities, this is not- I am not a unique case, right? We see this time and time again.

And that's why we need TCEQ to do their job. Their mission, and I'll wrap it up soon, I promise. Their mission on their website includes sustainable economic development, I think I'm quoting it correctly. And that's with the idea that, "oh, these industries are going to create jobs, they're going to promote the economy." But guess what pollution is expensive. Pollution is costing us money. It's costing us health care costs, it's costing our society, right? If people are less productive, that means our future- our future workforce is not going to be as strong. So TCEQ needs to reevaluate its priorities.

During this sunset review process. We need them to implement these changes legally saying that the way they will administer state permits is not going to be just handing them out like candy, they need to actually evaluate, put standards in place that needs to be met. And that's the same thing we need to see when it comes to fine. Only three percent of any facilities that exceed legal limits is ever find. Three percent. That means that even though us at Moms Clean Air Force are fighting for changes at the federal level, the state isn't doing its job. It isn't implementing the rules, and that's what we need TCEQ to do. Thank you.

#### 1:34:19 Bridgette Murray

So again, my name is Bridgette Murray. I live here in Harris County. My zip code is 77029. And one thing that I'd like to add for the record, for the solution. I brought up earlier something about air permitting decision. Because right now, if you've ever gone to a TCEQ hearing when they're reviewing an air permit, they are not including cumulative impact as part of their evaluation criteria. And so, in this process, they can basically look at a new air permit and a community can have anywhere from five to seven, maybe even more of dirty businesses, if you will, that generate air pollution in the area. Some of you may not even know that TCEQ installed an air, I mean, installed an air monitor in a community. And right now they're very concerned because the numbers are very high. And so basically, they have to meet standards for the EPA, or they will be looking at non-attainment in our community, in our city. And that is the issue that we're saying about cumulative impacts, that we need more air monitors in our communities that will demonstrate that when you have excessive numbers of polluting companies in these communities, that there is a direct impact to the residents of that area. So my solution in this situation is that TCEQ should look at adding air permitting- I mean air monitors to our



communities where they have approved a number of polluting facilities. So that is the solution I'd like to suggest to TCEQ if you're going to give us a polluting business, give us an air monitor.

1:36:42 Doris Brown

Afternoon, my name is Doris Brown. My zip code is 77016 and I live in Scenic Woods. I've seen and witnessed drastic changes in our neighborhood. I remember seeing the sky light up at night with stars and constellations that I could name. Air there was fresh and breathable air, birds singing in trees. All that changed. My nightly sleep is more about the methane gas that is emitted from the nightly burns at the landfill. The sky is filled with smog and the sky has pollutants that will take your breath. 18-Wheelers and cement trucks race down our streets spewing black diesel smoke. Our children wade through staggering fields of toxins, toxin-filled waters just to catch a school bus. How many of these atrocities will it take to happen? On certain days, I'm a prisoner in my own home. Ozone watch, refinery fires, streets flooded from heavy rains. I've suffered with COPD and asthma but now the air has really affected my once-active lifestyle.

Why? Why does these events, problems, disastrous catastrophe continue? Where are the air monitoring systems? Why are they allowing these concrete batches to populate our neighborhoods. To add more pollutions to our already saturated communities? Why are ours, the communities of color, lives not respected, being cut short by up to ten years? Why aren't the laws that are supposed to protect us enforced. Why are we not worthy of clean air, a fairly decent quality of life and a safe environment? Where is the effort for justice for us all? Are our neighborhoods expendable? Our children who are suffering from asthma coming up in this neighborhood? Why is the TCEQ not doing its job? Why is it not enforcing the law? Why do we have concrete batch plants permitted? Five concrete batch plants permitted in my neighborhood in the last 5 to 10 years?

We need a change, we need air monitors in all black and brown neighborhoods. We're sick and tired of, just like Sandra said, we're sick and tired of being sick and tired. Why do we not have this? Are we not worthy of this? I think TCEQ should put air monitors in all black and brown neighborhoods. I think that sounds permissive there, when they put profit over peoples, they should come up and check before they grant these permits. I think all of this needs to be change and hopefully the Sunset review ill do this. Doris out.

1:40:17 Betty Gregory

I'm Betty Gregory. I live in Kashmere Gardens. I grew up in Fifth Ward. I want to cry. But I just can't reach it. We had a video from here and I think we had somebody from here, from Clinton waterfront. I'm 71 years old. I came up in Fifth Ward. When I was coming up people were dying of cancer and other things around the waterfront, around Clinton, around Fidelity. In Pleasantville. I was a child. Now I'm 71. Those things are still going on. And I look and it's young people here today. It's not because we don't have enough participation. It's because there's so much going on. We got so many funerals. We've got so much coping. We got so much war. Oh yeah, we got the big war in Ukraine, but we got wars right here in our communities. It's not hard to believe that this thing got people dying from cancer because of climate issues. Does anybody remember that Al Gore tried to prepare us for this? Does anybody? Come on, people, we have more. We need- we don't have. There's many people at the polls, either. We got to get them to go to the polls to vote. Thank you.

1:44:00 Joetta Stevenson

Hello, my name is Joetta Stevenson. And I was born and raised in this community. As a matter of fact, I was born maybe about seven blocks to the south in St. Elizabeth Hospital. And I'm a senior citizen now. But when I was born in St. Elizabeth, I was born with bronchitis. And I had bronchitis, I remember all the way up through elementary school. And I recall very vividly how people used to say "Joetta, Joetta!" because I would be breathing so hard and so loud. I would drown out the TV set. I would drown out whatever was going on in the room. I had no idea. As a little girl, I didn't know. All I knew is that I had a problem. And eventually, over the years, I outgrew it.

So let's- let's come up to in the 2000s I am currently the president of the greater Fifth Ward superneighborhood. And I can stand here and say, without fail, that there's an organization that came up into our community that didn't try to pimp us. And that organization is called CEER. That organization had members of even the super neighborhood residents in this community that they trained, and they educated, and then taught us things we didn't know. Because we didn't understand. Remember, I said, I didn't know about my bronchitis. I don't know where that came from.

But as you- you've run across all these groups that want to come into your community, they come in, pimp us, get a great big grant, and they're gone. You run with those organizations, and they're of no use because you realize, once they're gone, they just leave us where we are. You see, CEER has stepped up for my community, they stepped up for the super neighborhood. And for that, I'm very grateful. Because you see, we are in a never-ending fight. I can wake up every morning, think about what I got to fight about today. And the main thing we fight about is clean air. clean soil, clean water, because we don't have that in the greater Fifth Ward. In a historic community. In a community that had some of the greatest Americans come out of it. That everybody in Washington always want to throw their names out. Oh yeah, I knew Barbara Jordan. Oh yeah, I knew Mickey Leland. Oh yeah. Oh yeah. George Foreman, he was a weight champion.

Well, guess what? You are suffocating the very community they grew up in. You are not stepping up and TCEQ has a mark on everything that has hurt the Fifth Ward environmentally and climate wise. They got a mark, they got a finger or toe in that- in that problem. You see, in my west side of Fifth Ward, we have documented some of the worst air quality in the entire city of Houston. And for the very first time I learned, maybe a week or two ago, I think Bridgette can confirm whatever that date was, that we're finally gonna get the most powerful air monitor in- that exists from TCEQ, which is a regulatory monitor. Finally, we're getting that. Oh, I mean until I have to cut this out. But, I'm telling you, as a president of a super neighborhood, Fifth Ward would no longer be the path of least resistance. We will fight for better air, and we will fight for- somebody out of Liberty County said that they had to bottle water after the hurricane. Yes, what did you mean bottle out? Out of chemicals that were still in the water. So I'm gonna leave you with that. If you want to talk to me, fine, because I will not stop talking and I will not stop fighting.

1:48:40 Delores McGruder

Hey. Hello, my name is Delores McGruder and I am climate ambassador for CEER, been a climate ambassador for CEER for going on two years. I am also a Fifth Ward super neighborhood member. I am a resident of the Fifth Ward area. I'm 73 years old, I've been here all my entire life. And I was homeless when I was eight years old. Eight years old I was homeless. But then it wasn't called a community, it was called a village.

But before I experienced the village, I was a homeless little girl going into the fields picking up berries eating the crawfish out of the creek. Shooting birds out of the sky. I didn't know no

better. I didn't even know that a bird had justice. So I just ate it. You know, was that thing for feathers? The same thing with crawfish, I just saw the crawfish at the table. So I didn't know any better, but at that particular time, I was killing myself. Because the creek was poisoned. The land was poisoned. The berries, and the very air.

I moved up into a community as I got older and I was blessed to get into a public complex called Clinton Manor apartments and right now I am talking about the day that they build at Clinton Manor apartments right along with me. Over fifty-something people died of cancer. In one apartment complex. Where the water was yellow and green. Where the sewers stunk all the time. And where the air didn't have nothing but bad smell to it. And with my fellow brother and sister, but I'm speaking up for the 50 some people I know died. And that apartment complex don't know the reason why they all caught cancer. But we do.

The creosote caused that. Yes, the creosote caused it because it was it a track running right behind our very apartments. We could just step over and you'd be right there with the train. Union Pacific. Now you know, many people, don't realize that. But how many knew that Delores McGruder was running around picking up berries and looking for food? How many knew that Delores McGruder was infecting herself. Right now I have about 20 different illnesses that is affecting me. I had 13 surgeries, getting ready to have six more, that's because I was unfortunate enough not to have a mom and dad, not to have food, not to have water, and not to be on clean soil. So this must stop we have to protect our children and our house. And so I'm gonna let you know, when they are really going to have pity on us. So I say that you have pity on them. Thank you.

1:52:28 Sheila Bennimie

Hello. My name is Sheila Bennimie and this is my husband Feast. We live in the Fifth Ward super neighborhood, and I would just like to say I lost my daughter and mother and father. The same month. So I'm hurt. I'm fierce, but I'm hurt. I lost my baby. You know, my baby and my best friend, my momma. So when you lose like that, you've got to be strong. I don't know- I don't know what to do, I'm just hurt. Losing my daughter, it's just hard. Thank you, God bless.

1:53:17 Feast Bennimie

Good afternoon, everyone. My name is Feast Bennimie, I'm from New Orleans and I came here in '73. And we have a lot of family members that have died. Right now, my wife was saying [inaudible]. One thing I want to say that I've been dying to get off my chest for a long, long time. I talked to one of the people at the railroad and I asked them why their boxcar was leaking. Come one step after another step, of the apartment complex to the gate that blocks the street right there. And the boxcar was leaking. I don't know what kind of chemical it was but it was strong. And it was between the building and the apartment complex. It was Cleme Manor. Anyone from Cleme Manor here?

1:54:31

Yeah. Sorry.

1:54:37

This fellow went to the railroad, and I told people. And they were talking like I was deaf. So I called police and police came, said "go back to wherever." [Inaudible] They ain't gonna do it a second time. So that's another thing, there's so many people have died from right there at that complex. Again, died in one year, in that little area, after taking this fifty feet, square foot. Every apartment complex, mostly in Cleme Manor apartments. Thank you.

1:55:45

Miss Gigi Collins, she's staying back there with her babies. And she says that she wants me to speak for her. Ms. Gigi Collins sits back there. She has her four little grandbabies. Right now, her mother is dying from stage four cancer. Right now, she felt that this was so important that she left her mother so that she could speak on behalf because her mother used to live in Cleme Manor apartments just like we did. And she is so distraught now because her mother just came home from LBJ with no hope to survive. She thought enough of this hearing for her to come in person, but when it came time to up- to get up and speak, she said she couldn't do it because she wouldn't be doing nothing but shedding tears. But she wanted me to speak for her. And her husband just died from cancer as well. And he was very in- he died in December and they buried him in January. So here we are all together. So make sure that, you know, the TCEQ and the sunset review know there's people like us that exist. The poor and the common people, and you can never get rid of us. But you're gonna have to do something for us, because we are not standing this unequal treatment that you do and been doing it to our community. So thank you.

1:57:31 Christopher Jones

Good afternoon, everybody. My name is Christopher Jones. I come from Beaumont, Texas. I am president of the oldest neighborhood association in Beaumont. A lot of y'all probably know the Charlton Pollard neighborhood. I'm actually excited to be here. My condolences and heartfelt prayers go out to the affected communities, like mine. Like I said, I am from Beaumont. I am the oldest oil producing city, town or whatever else that Texas has to offer. Again, I say I'm the oldest so there are atrocities that I'm hearing in these communities of Houston that what we thought we were fighting in Beaumont, we see that they moved elsewhere. So, I just want to bring that just our story or our partnership to these communities, but also to the CEER community. And also as well as raise awareness to TCEQ that we know, we pay attention, we listen.

And we are also enduring these discriminatory atrocities that you are imposing, are allowed to be imposed, on communities of color. And not just from our industries, but also from our municipalities as well. We have in the city of Beaumont, where TCEQ turns a blind eye to contamination of soil from the city of Beaumont, as well as contamination of our waterways and streets as well. And this contamination comes whenever there is a rain. And the sewer, you know, you normally see water spouting out in the middle of the street. Well, that's not just rainwater in the middle of the street. That's sewage contamination mixing with rainwater coming out of its containment in the sewer of the street. And after that dries up and runs into the side, we then breathe those particulate matters. And that too causes health effects, cancer and other illnesses that are unexplainable, like many of us are affected with today.

So, I will say, as far as our expectations, especially with TCEQ, again, turning a blind eye to municipalities or our metro areas: we see you, we have a greater expectation for what it is that you represent for us as citizens in the state of Texas. And if you cannot uphold the law, federal law that is already on the books, then for us there is no need for a TCEQ when there is definitely a need for us collectively. Thank you.

2:01:21

Hello, my name is Ted Weisgal. I'm 77 years old, and I come from Los Angeles, California. In 1987, my father died at the age of 75. And he died from lung cancer. And it was created- contributed to by virtue of smog of Los Angeles, my dad being a chain smoker, and being a union organizer that went into dry cleaning plants throughout the Los Angeles area. My father probably should have lived to be 93, like my mother did. But staring at us right in our faces was those three environmental things that we were ignorant.

I want to point out something to y'all. And I do not want to blame anybody for their ignorance. But how many of you have looked at the labels on these T shirts that we've been given today? No one, as expected. It says on this label, USA Proud, Made in Guatemala. Do you have any idea what the working conditions are of the people who've made these shirts? It's not an environmental issue. But it's an issue that we should be aware of. But we are oblivious to it. Just like my neighbors in Westbury, far south-southwest Houston. My neighborhood is not affected by the environmental issues, so we don't worry about it. Some people had flooding a few blocks from me, I didn't. Did I worry about it? Not really. We need to be concerned about the condition of the people around us, not just ourselves.

One way we can make everybody aware is through a radio station that I'm on the board of. How many of you have heard KPFT 90.1 FM? I'd say maybe 25, 35% of you. I want to encourage you to listen to KPFT 90.1 FM. I want you to attend virtually their board meeting that will happen on the second Wednesday of the month. You can find out more information on the KPFT website. I want you to think about running for that board. And I want you to think about talking to the management of that radio station about the TCEQ hearings so that everybody will be made well aware that they are right now. Please do that. Listen to KPFT and try to influence them and the direction in which they are going. Thank you very much.

2:04:49 Karisa Norfleet

Hello, everyone. My name is Karisa, I currently live in the Beaumont-Port Arthur area. More? I'm sorry. Okay. So, I did too grow up in Corpus Christi like the other young lady. So yeah, it's a lot of pollution there as well. So, moving to Port Arthur-Beaumont actually worsened it more than Corpus, so I grew up with asthma as well. So, I do want to speak for Port Arthur and Beaumont because the panic down there is a real difference there. I love to be outside, but there has to be change. I feel in my health and my breathing to, you know, be in that area, that environment, is so bad that some of those kids that are in high school believe that clouds approach to refineries, not from, you know, actual being there. So, I do want to, you know, say that like we do need to come together as communities here and there, and part of it together just to get the air clean, the water, everything. It was horrible for Harvey, and it's still horrible now, in some of the conditions, but I did want to point that out to let TCEQ know that as well. So, I'm here with y'all, fighting with you. So, thank you everybody.

2:06:17 Gayla Young

No, I just wanted to speak from my personal experience right quick. I grew up in Bayview-Hunters Point in San Francisco. Candlestick Park area. And growing up there, there have been issues as well. But personally, I know for a fact that since I moved to Beaumont, my health has changed. There have been major changes in my breathing. I'm 42 years old. I'm 42 years old and I sleep with a CPAP machine. And that is an issue. After the explosion happened in Port Arthur, Nederland, what was- Port Neches- What's the name of that plant- TPC. Immediately after that, I started losing my voice when I speak. When I wake up in- when I would wake up in the morning, and this was awful, my voice would be completely gone. I started feeling irregular things happening in my throat. I sought care, but they say it's sleep apnea and whatever else, and you know, whatever. But I say that to say this. We do as a whole, like, as, like, if we, all of us here. And you know what, let's all go face to face, as people. And not like, singular, do that too but come together. I think we can have an impact. I just wanted it to be noted on the record that I, Gayla Rochelle Young, have been personally impacted from the pollution, and I do want to see a change. I don't want my children, at 42, going through this. People in Beaumont, Texas, the elders used to live up into their 80s and 90s. That's out the window. They barely



make it to 70. Okay, so that means that there has been a shift, there has been a change, and we have to address it, and thanks for listening.

2:08:43 Andy Escobar

Hey, y'all, it's me again, I just wanted to take a quick moment to give a shout out to all the folks joining us online all the way over there. Hey zoom friends. Thank you all for streaming and for sitting tight and you know, hearing all the things we have to say we just wanted to give y'all a shout out. And don't worry, you can share your comments online.

So, I also wanted to give a story. Again, my name is Andy Escobar, I grew up with a zip code 77065 which is northwest Houston. And I actually found out in my adult life that I grew up on a Superfund site. And what that means, I found out, is that the water in my neighborhood was contaminated by dry cleaners that was dumping chemicals for 13 years, and it contaminated the groundwater of my neighborhood, and my parents were forced to get their own, like, well-made water filtration system and all this to say is that both of my parents are now cancer survivors. My dad is a little over 50 and my mom is on her way to 50, and that is not okay. And it's not a coincidence. So, it is not okay that these polluters, these industries, these corporations are being allowed to put something that we made up, money, ahead of our livelihood? Absolutely not. Because we're real, our needs are real. And it's time to do better. Thank you.

2:10:27 Teresa Davis

Wow, wow wow wow. I'm sure many of you have some of the same thoughts and emotions that I had listening to these stories. Hearing the pain, like this is real. This is as authentic as you can possibly get. We've started something, you all. It doesn't end here. We've started something. So my call to action to all of you, those who have spoken, and those who have listened, and those of you who are sitting on a powerful merit waiting for another opportunity to speak: believe me, that opportunity will come. So with that being said, I want to pause and just celebrate all of you one more time for your bravery, for your courage, for speaking, for standing up, for demonstrating to the TCEQ that we are not going anywhere.

We are being empowered, we are being educated. We are being informed, and we are coming to Austin. We're coming to Austin, right? That's right, we're coming to Austin. Absolutely, absolutely. For the sake of time, we have more information, more education. And we also want to create a space and give you all an additional opportunity to submit your comments on the TCEQ portal. So we're going to open up that space which is adjacent to you all, as well as the back space, for the food, that mix and cakes.

I want to certainly acknowledge them and thank them for being here today. So with your tickets- Yes, absolutely. We're pouring back into the community. Pouring back into the community. So, you have your ticket, make sure you get your meal, make sure you get your drink, and please visit this side of the space, and you'll get more information about the TCEQ, and we will close at approximately 2pm. We'll have our last minutes on the mic, so if there's any last thoughts it will be the time to share them. But at this particular point of the agenda, run of show, we're now opening up the entire space for you to eat and to learn more about the work that's happening Thank you all.

2:15:16

Hello, hello. Okay, all right, I just remembered something very important. TSU is in the house, that side, TSU is in the house. They are over here by the partitions, they have maps. We'd like for you all to visit that area. They'll talk more with you about where you're located and point out some of those areas where flooding has occurred, the socially vulnerable populations where

there's cancer clusters, again there is powerful visual information. Please make sure you also visit TSU's table and their maps. Thank you.

2:17:47

Hi everyone. Thanks for joining. So we will be ending the zoom session of today's meeting. Please feel free to go to the link that I'm about to put in the chat to add your own comments. And of course, please feel free to reach out to Andy or Teresa with any other concerns.

#### Speaker List

Bridgette Murray  
Founder and Executive Director, Achieving Community Tests Successfully  
Pleasantville, Houston, TX 77029

Gayla Young  
Beaumont, TX

Myrtala Tristan  
CEER Climate Ambassador  
Lakewood, TX

Zoe Montanado  
Beaumont, TX

Barbara McIntyre  
CEER Climate Ambassador  
Cleveland, TX

Sandra Edwards  
CEER Climate Ambassador  
Harris County, TX

Araceli Ramos  
CEER Climate Ambassador  
Harris County, TX

Walter Mallet  
Kashmere Gardens, Houston, TX 77016

#### *Unidentified Speaker*

Alejandra Camarillo  
Gulfton, Houston, TX

Erandi Treviño  
Texas State Organizer for Moms Clean Air Force  
Houston, TX

Doris Brown  
Scenic Woods, Houston, TX 77016



Betty Gregory  
Kashmere Gardens, Houston, TX 77016

Joetta Stevenson  
Houston, TX 77020

Delores McGruder  
CEER Climate Ambassador  
Fifth Ward, Houston, TX

Sheila Bennimie  
Fifth Ward, Houston, TX

Feast Bennimie  
Fifth Ward, Houston, TX

Christopher Jones  
Beaumont, TX

Ted Weisgal  
Westbury, Houston, TX

Karisa Norfleet  
Beaumont-Port Arthur area, TX

# People's Hearing: Statewide Virtual

## June 8, 2022

Transcript by otter.ai with edits by Daniel Bernstein.

2:11:46

00:07 Adrian Shelley

All right, we are ready to go. We'll start out with a quick how-to on our Spanish language interpretation for the evening.

00:18 Irwing

Thank you, Adrian. Hi, everyone my name is Irwing and I'll be one of your Spanish interpreters today. Just want to let you know that this message will be broadcasted in English and then in Spanish [Repeated in Spanish]. So, hi everyone. My name is Irwing and along with Abraham we'll be interpreting in English and Spanish during today's session. First of all, we'd like to thank the organizers for this event, for their commitment to language justice and creating multilingual spaces. Language justice includes being able to speak, understand and be understood in the language in which we feel most comfortable in. Creating multilingual spaces is not only the responsibility of our interpreters, but of everyone here and that's why we're going to share some guidelines with you. For those presenting today, you can help us by speaking at a moderately loud and clear pace. And if we need you to speak more slowly or loudly, we will let you know through the chat. For all participants, please don't suffer in silence. If the interpretation is not working, or you're having other technical difficulties, please let us know in the chat so we can help you. In a moment, the Zoom interpretation feature will be turned on, you will see a globe in the lower part of your screen with a message about interpretation. Click on the globe and select the language in which you would like to participate and listen during the session. If you are fully bilingual, you do not need to click a language channel. If you're joining us through your smartphone or tablet, you can click on the three little dots in the bottom right hand corner of your screen. Select Language interpretation and then choose your language. Make sure to click on done and you'll be ready to go. If you're joining us through a phone, regular phone call or a Chromebook, zoom interpretation does not work on those devices. You will need to log in via the app so you have access to interpretation [Repeated in Spanish]. Adrian, thank you. We're ready to begin. Don't forget to turn on the interpretation.

04:27 Adrian Shelley

All right, we're gonna launch the interpretation now. And if all of our attendees will go ahead and select their appropriate language, we can keep moving.

04:36 Adrian Shelley

Okay, so thank you again, everybody for being here. My name again is Adrian Shelly with Public Citizen and we are here tonight. We need — Sorry, Jose says he needs permission to record. Let me make you a co-host. We're trying to record our Spanish

language version as well. Let me know if that works, Jose, thanks. There we go. Okay, we got our recording going in Spanish. Okay, so we are here this evening, on the subject of the sunset review of the Texas Commission on Environmental Quality. Most of the folks who are here probably know a little bit about this process already. The TCEQ is our state environmental agency, it's undergoing sunset review right now. There will be a piece of legislation passed during the next legislative session in 2023. What we are doing now is holding our own hearing on the TCEQ sunset process, so that we can get input from you all and turn it over to the sunset commission as part of their official process. The one single official hearing on TCEQ sunset will be held two weeks from today, in Austin, on June 22nd. I'll share the information for that here in a little bit. I encourage folks to come to that as well and deliver testimony in person or in writing. But do understand that everything that is said here today will be submitted by us into the official record for the sunset commission. So, we are recording, we will transcribe tonight's comments, and we will turn over that written transcription to the sunset commission. So, I'm going to share just a couple of links here after I wrap up, we have a website, [forourcommunities.org](https://forourcommunities.org), which shares a little bit more information about the TCEQ, about the sunset process, we have a document, or rather, I'm sorry, we have a link to the final sunset commission report for the TCEQ which I will share. And we have the hearing announcement for the official June 22 hearing. So, look for those links from me in the chat in just a few minutes here. And with that I am going to stop and recede into the background and allow my colleague Cyrus Reed to take over from here.

#### 07:21 Cyrus Reed

Yeah, thank you so much, Adrian. Again, I'm Cyrus Reed. I use he/him pronouns. I work with the Sierra Club, the Lone Star chapter. And I get to be the mean person tonight. And when I say the mean person, I mean, I'm going to share a couple of logistics, so we can get started with our speakers. And what we're going to do is call on people who registered through zoom in the order that they're registered as long as they're here. And so we had about 80 folks register for this event. Thus far, we've got about 40 people. And we're going to give everyone about three minutes. And I'm going to use the timer on my phone. And I'm not going to cut you off in mid sentence. But we do want to make sure everybody has a chance to speak. And that we're able to, you know, have two or three hours tonight to get this done. And we will stay until everyone's had a chance to, you know, make their comments. And the other thing I'm going to say logistically, is please do say your name when you when it's your turn to speak. And if you could, also your zip code, just so we can give an idea to the Commission where you're from in the state. I think it's important to show that we have lots of people from around the state that are interested in TCEQ, as Adrian said, while there are no officials here tonight, you know, sunset commissioners or members of the TCEQ. This is really an official record because we are recording it, we are transcribing it, we are submitting it. So what you say here does matter. And actually if you could give your name and your address and ZIP code if you like and that that way, we'll make sure that they get that information. Again, as Adrian said, there is another hearing coming up in Austin, live at the Capitol. There's more information on the website. But just do know that if you plan to go to Austin, you actually need to register. It begins at nine but you have to register by 11:30 in order to have a chance to have your two or three minutes of fame there before the

senators and representatives and members of the sunset commission. Before I start announcing the speakers, just Are there any Questions. I guess people could put in the chat if you have any questions, if not I'll announce the first two speakers.

10:12 Adrian Shelley

I'll just add more thing, if you don't want to speak, let me know in the chat. And I'll just take you off the list. You can also just say pass.

10:25 Cyrus Reed

Okay, well, I'm not seeing any questions. And so the first two speakers – oh, “I would like a brief description of the task of the sunset commission.” Okay, I'm happy to say that. So the purpose of the sunset commission is to review the efficiency and effectiveness of agencies, seek public input, and then come up with recommendations for whether that agency should continue or end. And if they're going to continue, what changes are being recommended. That's the sunset commission staff. And then the sunset commissioners are 12 members, five elected senators, five elected representatives, this would be Texas House and Texas State Senators and two members of the public. They listen to the public testimony and the recommendations of the sunset commission, and they are the actual decision makers in terms of recommendations for changes to the agencies and whether to continue the agency for another 12 years. Once that process ends, and we expect there are decisions to be made in October — So the public hearing is in two weeks, but then there's a another hearing where they'll actually make decisions — that will then turn into legislation in 2023, and there'll be more opportunity for the public to help shape that legislation. So I hope that more or less answered your question. And if not, you can always email Adrian Shelly or myself, Cyrus Reed, for more information or go to the website has got a lot of detailed information there. So unless there are other questions? I don't see any. The first two speakers are going to be Jennifer from Air Alliance Houston. And following her will be Michael Lewis, from Environment Texas. So, Jennifer, if you're ready, the floor is yours. Tell us who you are. And you got three minutes.

12:40 Jennifer Hadayia

Hi, Cyrus, it wasn't my intent to speak. I was registering to listen, so I'm going to pass to the next speaker. Apologies.

12:49 Cyrus Reed

No, no problem. Michael Lewis, did you want to go ahead and speak?

12:54 Michael Lewis

Actually, I had the same intention as Jennifer. I apologize for that. So, I'll pass.

12:59 Cyrus Reed

Okay, so in that case, the next two speakers would be — and forgive me if I if I mispronounce names, I think it's Cleophus Sharp and he would be followed by Jose Orta. Cleophus, are you available?

13:32 Adrian Shelley

I see he's here, I just asked him to unmute.

13:44 Cyrus Reed

Cleophus if you're here, go ahead and unmute and tell us what you'd like to say about the TCEQ.

13:59 Cyrus Reed

Okay, well we'll come back to him if he does want to speak later, Jose Orta Are you available?

14:12 Jose Orta

I'm a pass as well. I'm here to listen to try to figure out how I can help.

14:19 Delores McGruder

Hello, I'm sorry to interrupt. Andy. You need to put that on the whatsapp app. It's coming from my texts, we have to text each individual person. Hello Andy? Is Andy here?

14:43 Andy Escobar

Yeah, I am sharing the link. Thank you, Ms. Delores.

14:49 Delores McGruder

Okay, thank you.

14:55 Cyrus Reed

No problem. So, I'm gonna keep going down the list and hopefully somebody wants to speak. Donna Kraidy. Are you available?

15:13 Donna Kraidy

Hi, yes, this is Donna Kraidy, I'm just here to listen and learn as well. And I'm in 78413.

15:21 Cyrus Reed

Okay, thanks Donna.

15:37 Cyrus Reed

Craig Nazor, I know you want to speak.

15:43 Craig Nazor

Yes. So my name is Craig Nazor in Austin, Texas 78758. And I have had interactions, through the Sierra Club mostly, with the TCEQ over the past 10 or more years. And what I've noticed, I was always told, I was raised by a family of lawyers, they always told me there is the letter of the law, and there is the spirit of the law. And, both are important. So that the letter of the law is you know exactly what the words say. And as we all know, words can mean different things. The spirit of the law is what the law is trying to say, is what the law is trying to do. And I find that way too many times TCEQ follows the letter of the law, sometimes in maybe very contorted ways, and what it does

is, is it violates the spirit of the law. So if our laws are supposed to protect the citizens of Texas from pollution, when they wanted to build a big ethane cracker plant in Corpus Christi, the TCEQ looked at them and said, "You can't, you can't pollute that much to the air, you really can't, we can't let you do that. That's not in the letter of the law. But if you make two plants side by side, then you can each pollute half that amount." And you should be sunsetted for that. That's going to kill people potentially. Okay, and another thing that happened was — it was the same plan — I was at a hearing, a public hearing, and people come in, And you know, there's all these people live around the plant say, look, the plant is going to produce benzene. Benzene is a carcinogen. The same company up in another state in the northeast, is required to put benzene monitors around their plant to make sure that if people are gonna get poisoned, at least tell them, "Hey, get out of your house, you're gonna get poisoned". Well, what happens is the company says to the to the TCEQ, "Well, you don't make any other companies do that." And so, the TCEQ says, "Okay, well, then you don't have to do it either." This is not acceptable. And I just want, I think the sunset commission should know that this kind of stuff is happening, and it's not acceptable. Thank you.

18:21 Cyrus Reed

Thanks, Craig. Those were excellent comments. And I'm sure I could add to them but we're trying to hear from other folks too, so. And I apologize that didn't say who is next. I forgot, but I'll say the next two names that I have are Michael Spano and Samuel Berman. Michael, are you available?

18:45 Michael Spano

I'll pass, Cyrus, thanks.

18:47 Cyrus Reed

Okay. What about Samuel? Samuel, were you planning to speak tonight? Okay, we can come back to you. Jim Trimble and Gloria Thomas. Jim Trimble, are you available?

19:29 Sandra Edwards Richardson

Hello, everybody. Sorry I'm late.

19:34 Adrian Shelley

Oh, Jim says that he's talking but I don't think we can hear him right now.

19:42 Sandra Edwards Richardson

Okay, hello. Can they hear me?

19:46 Cyrus Reed

Yeah, hey, Sandra. We can hear you a few. We're calling on individual people to speak so we'll get to you eventually. But, Jim, are you not able to ... were you able to unmute yourself?

20:03 Adrian Shelley

He asked, Jim asked in the chat how to unmute. Jim, Alt A, hit Alt A to unmute. Or there is an icon there at the bottom left hand side of the screen, looks like a small microphone. On your smartphone, I believe it's star six. Anybody know how to unmute on a smartphone from zoom?

20:29 Sandra Edwards Richardson

Star six, I think it is. Hi, everybody. How's everybody doing today? Sorry, I'm late.

20:33 Adrian Shelley

Oh, that's all right. We appreciate you. We are just trying to help Mr. Trimble get unmuted on his phone.

19:40 Jim Trimble

Hello?

19:41 Adrian Shelley

Yes, sir. They you are, sir. We hear you. Thank you. Please go ahead.

20:46 Jim Trimble

Jesus, I don't even know how to start. It's like I've been in solitary confinement for God knows how many years trying to talk to someone. You know, I'm just an average citizen. I've never been in trouble. I've never gotten a dime out of the government. I've been self-employed for 40 years. And Mr. Craig Nazor was talking about large corporation injustice. I'm talking about the little guy injustice. The crushing of [indecipherable]. I've got nothing. Nothing, in those categories. I spent all my money to the Montgomery County, Texas district attorney that everyone knows for 12 years was district attorney. And he got me nothing. And then I didn't have any more money to do anything. Now, I've got a lot to say. I just want the names and the addresses, the email addresses that is, of the you said five representatives, five senators, because I'm not unintelligent. I know how to research. I know how to find things. I may not be perfect at everything I do. But um, I've always tried. And I would like to be able to have a written correspondence with some real people like you guys or anybody really, because I've never been able to contact anyone.

22:43 Unidentified

Looks like you got the right people then, because they about that business, on Him.

22:50 Cyrus Reed

That's right. Jim, can you talk? Did you have a specific experience with TCEQ?

23:00 Jim Trimble

They'll know my name. But I don't want to get into the detail. But what I am getting into is the like Mr. Nazor said, about the spirit and the letter, but more specifically, the letter of the law. Because I mean, I just needed to be able to write it down to some people who will listen to me. I've contacted my local representatives, and no one cares. They're a crushing institute is what they are. Sure, for the large corporation concerns that Craig



Nazor and I'm sorry if I keep saying it wrong, sir. Okay. I said it right? Okay. So, you know, those are one Spirit there. I have no idea about any of that stuff. I'm just trying to put bread on my family's table.

23:54 Cyrus Reed

And, Jim, you said you're from Montgomery County?

23:58 Jim Trimble

Yes.

24:00 Cyrus Reed

Okay, that that's it's important to have your voice because, you know, they hear a lot from us here in Austin, but it's important that they hear from folks out there. So, thank you for participating. I'm gonna move on. Gloria Thomas, are you available to speak? And after her, Carroll Dejean or di—? I'm not sure how to pronounce it.

24:26 Gloria Thomas

Oh, yes. Um, I can speak. Okay, so hi, my name is Gloria. My zip code is 78552, So Harlingen, Texas, Cameron County. Um, so I don't have like a specific interaction with the TCEQ. But I feel like in general, like there's no room for like the last like Jim was saying there's no room like to contact. There's no room for public input. And it feels like whenever there's like a major development like first stadium or whatever, it seems like the developers and the city have their own conversation. And they make plans before it even reaches public, the public eye, and by that time, it feels like the TCEQ and other like environmental agencies already decide what, like if they're going to support the project or not. And also, even so, a little background — so I have some background Environmental Science and Policy, like, but I haven't, like worked anywhere. That was one of my career paths that I wanted to do. And like, as I was like, researching jobs, I, it felt like the TCEQ was kind of getting in the way of like, actually, actually punishing polluters, but also like, like other construction companies and other developers, they end up having to hire another consulting company, like a third party, to just figure out what the rules of the TCEQ are. So if, like an actual professional company needs to hire someone, then how can people know what the rules are? You know, and I've seen some attempts by the TCEQ to try and make things accessible, but it just, it just seems like, it adds more red tape and adds more bureaucracy and makes things more confusing. And I feel like, the average person already is kind of like, you know, they don't, they just kind of already assume that they have no power. You know, and, also, considering, you know, most people work nine to five, right? So even if you do have events or whatever, you have to make them accessible to people's working hours and also like, not everyone has internet access and like, you know, there's all these things. So that's all I have. That's all I can think of for now.

27:30 Cyrus Reed

Those are actually really good. Points. Gloria. Thanks for your input. is Carol Dejean available? Did you want to speak Carol?

27:43 Carol Dejean

Can you hear me now? Can you hear me now? Can you hear me? Can everybody hear me?

27:49 Cyrus Reed

Yeah, you're good, you're good.

27:52 Carol Dejean

Okay, I'm sorry. Yes, just to give you a background. I represent the Dyer Forest Heights City Club in northeast Houston. And we have a long-standing relationship with TCEQ. It started back in 2018. And we were notified by the mayor — not the mayor — the commissioner of Harris County, that Cherrys, I don't know if I'm allowed to mention the names of the concrete batch plants. But anyway, with us being a minority neighborhood, and we were not able to hire private counsel. So it's about 12 of us, neighbors, we was able to go to Austin, TCEQ did grant us our hearing. And with me being the legal representative, it was a challenge. And of course, they go through the motion of allowing you to go to the hearings, but yet it is already set. They're gonna deny you. So in 2018, we were denied and cherry concrete plant was able to set up in our neighborhood, but long and behold 2000.... 2 years ago, we found out Rhino concrete batch plant wanted to put in a permit with TCEQ to open up another batch plant right across the street from Cherry. So, with the help of Houston and Harris county, we were, they notified us about this application they put in. And just to let you all know sometimes when Legal Aid, Lonestar legal aid in Houston, they were able to take our case. And last month, April the fourth, Rhino, well, we started two years ago, it took us two years to get to the point. But to make a long story short, we won our case, and legal counsel from Lonestar Aid, and they voided rhinos application. So we got the news about a month ago. And only by the grace of God, because we had a lot less participation from residents in the neighborhood. But that didn't deter us from going ahead with the process. And by God's grace, we won our case. And Mr. Rhino cannot open up his concrete batch plant in our neighborhood. But now, I'm not gonna stop there, because we're still trying. Mr. Cherry has two concrete plants since 2018. So they're going to take after we finish with TC Rhino, they're going to continue with our case to shut down the Cherry concrete batch plant. But I just found out that Senator Borris Miles — I don't know if y'all are familiar with the south side of Houston, they are plagued with these concrete batch plants in the neighborhoods. And I just got the email that he is organizing bus loads to go to Austin for June 22. And it's free. It's free for everybody. You just go in and I don't have the website, but your contact Senator Borris Miles' office and they give you information how to sign up for the bus, it's free to the public. So I'm going to be joining it and some of my other residents. We're gonna be on that busload headed to Austin. And I know tha tby the grace of God, we shall prevail and have victory on TCEQ.

31:43 Cyrus Reed

Thanks, Carol. That was wonderful. Yeah. Boris Miles' office actually contacted me yesterday to let me know so that we can help coordinate that. And we're going to try to make sure we've got breakfast and food when you guys come to Austin. So put in the

chat what kind of food you all want for breakfast because I'm supposed to provide breakfast. So just put that in the chat.

32:09 Unidentified

Okay, chicken and waffles! [Laughter]

32:14 Unidentified

I'm sorry to interrupt Carol, what was the name of your organization?

32:17 Carol Dejean

Oh, we're with the Dyer Forest Heights City Club Northeast Houston. And the Lonestar legal aid was our representative because we qualified as a city club. Usually they go as representation, they go by the people's income, but we found out that they can also represent a civic club. And the team, Miss Crow, Miss Dems, they were a fabulous team. And she found so many inconsistencies in Rhino's application that TCEQ was overlooking. And with that, he never, after we had our first our hearing, public hearing with him in January, 2019. He spoke then and his lawyers went through the whole process and we never heard from him again. So when we were in front of the commissioners, the commissioners of the TCEQ, they were so baffled trying to, you know, say whether how many of the residents were affected people, but then the 440 yards, and since there was divided about how many people's affected they refer to the — what is, the H hearing judge? In April, neither him nor his counsel appeared in front of the judge. Of course that made the judge upset. And we were there with our counsel. So him not appearing she referred it back to TCEQ, because of his not appearing before her for the hearing. So within two weeks, we all got a letter saying that they had voided Mr. Rhino's application. So that was a victory for us.

34:04 Cyrus Reed

Thanks, Carol. We're gonna need to move on to other speakers. But I think what you said is very important that it was only by the grace of God and some big mistakes that the applicant made that you were able to win that case. It wasn't really because of the TCEQ, they were almost forced to have to act. So, that's important. That's important context. I'm going to go up to two up to more the front of the list again because we've had some people join us. Did Rocio want to speak? And also Jose Orta. I didn't hear whether he wanted to speak. Rocio did you want to speak?

34:47 Rocio Witte

Yes. However, I joined 15 minutes late, so I just want to make sure: we're just kind of just making our statement right of what we would say?

34:56 Cyrus Reed

Correct, say your name, where you're from, maybe your zip code, and tell us what you want to say about TCEQ. What your opinion is, and what needs to change over there at the agency.

35:09 Rocio Witte

Okay, sure, I am using some of the talking points that that were provided, too. So my name is Rocio Witte and I'm speaking as a private citizen. I live in Humble but I work in East Aldine zip code 77039. The statement I wanted to make is that I'm tired of cement plants coming into this community. There are eight cement plants within a five mile radius, one that we recently just tried to petition against. And despite all of our efforts, it looks like that cement plant will be built next to James Stryver Park, which is a park for disabled youth and adults so it's next to that park, to schools, and next to people's homes. So despite all our efforts, it seems like TCEQ is still going to approve that cement plant. The TCEQ is our state environmental agency, so it should put public and environmental health first. The economic interests of polluters should always come second to people and communities. And the TCEQ should say enough is enough to dumping pollution in black and brown communities. The Sunset Advisory Commission's own report says that the agency could do better, so, for example, industrial facilities violate their Clean Air Act permits thousands of times every year, but TCEQ fines polluters only about 3% of the time. What we support in the TCEQ Sunset report is taking formal action on recommendations by the Office of Public Interest Council. And what could have gone further in the TCEQ Sunset report is compliance history changes. They're 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 violations that have led to injuries or deaths and full recovery of the economic benefit of non compliance. That's the end of my statement.

37:21 Cyrus Reed

Thank you so much. Those are great, great comments. Did Jose Orta want to speak? I can't remember if we called you before.

37:28 Jose Orta

You did call me, and I said I'm just I'm here to listen.

37:33 Cyrus Reed

Okay. And then I can't remember if we would call Donna Kraidy. Did you speak before?

37:45 Donna Kraidy

I just am here to listen and learn.

37:48 Cyrus Reed

Okay, in that case, what about Taylor Thornton?

37:57 Taylor Thorton

Good evening, I'm here to listen as well. Thank you.

38:03 Cyrus Reed

Okay, I do encourage people who have got a story to tell, you know, if you feel up to it, tell your story. No pressure but it's great to hear all these community stories — not just

stories, lived experiences. Amanda Massino did you want to speak for a few minutes? Amanda? If not, let's move to Crystal Beasley.

38:52 Chrystal Beasley

Good afternoon, or good evening. Chrystal Beasley. I live in Harris County, Houston, Texas 77004. But I do work in support for citizens within the Brazoria County region along with Jefferson County, through Earthworks, who is a nonprofit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions. In reference to TCEQ's performance and how they have managed to overlook industry in reference to the permitting process, the permitting applications, audits and inspections along with enforcement. Although resources may be limited, it is a dire need that funding be put into TCEQ to actively work under their mission which ultimately is to protect public health and the natural resources. And right now in Texas, all of those things are being compromised for the sake of industry. For the sake of industry, I have watched communities such as the Fifth Ward community, be plagued with creosote contamination for decades, where their groundwater has been contaminated along with their soil being contaminated by the Union Pacific entity, and opposed to TCEQ striving to work to ensure that their mission is implemented, they're right now considering issuing a new record permit to that entity who has polluted an entire community. And we have a public health concern due to a plume that is continuing to grow. It is not ethical and of the public's benefit for TCEQ to know the industry is violating current permits and polluting and they have this data because they're releasing this data to the Environmental Protection Agency who is publishing this through their echo website. It's completely unethical to know that industry is in violation of permits quarter after quarter after quarter and then the TCEQ is actually considering renewing the permit. TCEQ needs to use their authority. Along with it, they need assistance from EPA or whoever it may be, to work on ways to shut down bad polluters. If the entities continue constantly to violate their permits and pollute and cause catastrophic issues like we saw today and Freeport LNG where there was an explosion there. We cannot continue to increase capacity, renew and re-issue permits for bad polluters. Violations are not enough. Violations do not protect my health. They do not protect the individuals on this sunset review board. Violations are not protecting your health. People are dying at astronomical rates of cancer within the Houston Rosaria and Galveston region. This has to be controlled. We have just completely allowed industry to take over and TCEQ is not enforcing anything. It is my request that TCEQ be taken over by the US EPA, because as of right now, they do not have the capacity to enforce industry. They do not have capacity to monitor and audit and inspect, and they definitely don't have the capacity to implement the regulations that have been on the Texas books for decades. So we need immediate action, immediate assistance or we will watch the communities within the state of Texas continue to suffer for industry.

43:48 Cyrus Reed

Thanks, Chrystal that was very well said. Up next. Did Mishka Banuri want to speak?

43:59 Mishka Banuri

Hi, I'm just here to listen.

44:00

Okay, thanks Mishka. Next step then would be Carrie Schweitzer, If I've got that right.

44:11 Carrie Schweitzer

Hi. Good evening. My name is Carrie Schweitzer and I live in Dallas, Texas 75214. I appreciate this opportunity to provide comments. I've read the executive summary in the report, and I heartily agree with the findings on issue one: TCEQ's policies and processes lack full transparency and opportunities for meaningful public input, generating distrust and confusion among members of the public. Yes, transparency requires meetings that are open and accessible to citizens wanting to participate meaningfully in the permitting process, the opportunity to give input before and again after the final draft permit, but more must be done to improve transparency in TCEQ practices that can promote public trusts. The Advisory Commission touches on this in its language improvements to TCEQ's public engagement practices, including its rulemaking process website, use of advisory committees would increase the effectiveness of public engagement in its regulatory processes, and help bolster the relationships between TCEQ and the general public. Right. But it needs to go further still, and public communication must be in multiple languages, and meet ADA standards for accessibility. Translation must be available at public meetings and online meetings and meetings where the public phones in to have their say. Copies of permitting paperwork must be posted online, and it should also be available in public sites, in communities, in those languages. These ideas are just a few of the many ways to engage the public and win some trust. However, the bottom line and the only true way to win public trust and combat public cynicism is for the TCEQ to prioritize its work to protect the health of all Texans and to protect and defend our natural resources for Texans today and for generations to come. Thank you.

46:39 Cyrus Reed

Thanks, Carrie, that was well said. Is Raudel Macias available?

46:50 Raudel Macias

Yes, sir. Good afternoon. My name is Raudel Macias. Here from Harris County, Houston, Texas zip code 77093. We had issues here in our neighborhood here in Harris County where we had a concrete batch plant that was set up maybe about a block from my home. And one of the issues that we're having was that when that initial applicant had applied, nobody contested it because I believe it was a small job that they were going to be doing it was going to be I think just two trucks that were going to be doing their own work. The neighbors that lived around the original owner, were family to him, so nobody really contested it. That stayed like that for maybe six to seven years. The owner moved to a different neighborhood and sold the plant to a different company, which they ramped up the amount of work that they were doing, now they have different I guess trucks coming in that were like subcontract. And these trucks are tearing up the roadways, they're spilling concrete on the sides of the road, they're doing quite a bit of damage. They were laying off quite a bit of dust from the batch plant. We fought it quite



a bit we put in complaints with TCEQ, with the Harris County Health, they came out and did some inspections. The last time that we had them come out they actually had a truck that spilled about two yards of concrete out in front of the plant. And what the plant did is they had a guy go out there with the water hose and just washed it into the ditch, which there's open ditches here in our neighborhood. Harris County came out and they gave him a fine and they paid their fine and went up on their business like as usual. The next issue that we had was they were working 24/7 And the neighbors that live right next to them were having issues with their walls vibrating with the trucks that were revved up. Six to eight trucks lined up at two, three o'clock in the morning with their engines revved up for the back of the trucks to be spinning. They weren't able to get no sleep, they continued to complain about it and basically TCEQ said they have a 24/7 permit they're allowed to work even if they live right next door right across the street from a residential area. There's nothing that we're able to do about it. So issues like this that I feel the TCEQ, they turn their eye the other way. They don't care about who it's affecting what it's affecting, as long as there's revenue coming in from the batch plant. I'm guessing that's what sustains TCEQ smile. Just recently we had another applicant think like Rocio was saying earlier, that had applied for another batch plant. This is probably within a five mile radius from the batch plant that I'm talking about right now. Right next to a public park that's made for inclusive kids with disabilities, parents with disabilities and it's right next door to it. We went out in full force, the committee was really, really involved. We had hundreds of people out there stating their issues saying what they had the problems as far as the noise, the traffic that we're going to have, the spillage that we didn't want, the potholes that we're going to be hard to deal with. And to be honest with you, the board that we saw from TCEQ kind of had a bit of a smirk like, it was a waste of time to them. I just felt like they didn't really care about the concerns from the community. And basically, when we got a letter, a package, that comes from TCEQ, it basically just described to us and telling us that the issues that were arising weren't under the authority of TCEQ as far as the noise pollution, the traffic the potholes, those were things that TCEQ didn't worry about. So I asked myself, What is the purpose of TCEQ? What is the point of having this board meeting or public protest where everybody can go out there and, and state their issues and problems, when they're basically going to just tell you it's out of their control, It's out of their hands? I think it's just a formality that they do to basically say, "Well, we did the formality," but there's not much that they're going to do about these things. It's sad to travel around my neighborhood and again, just seeing some of the dirt and spillage that's on the side of the roads. This is a heavily populated community with a lot of children that are school-aged. Unfortunately, it is more of a poverty area. So, we do have a lot of kids standing on the side of the road waiting for school buses, and as traffic and trucks and vehicles drive by you see this dust just flaring up and these kids are just standing on the side of the road not knowing what they're in taking and breathing in and it's very sad that TCEQ is just turning their ideas away and not caring about the people in this community.

51:58 Cyrus Reed

I'm gonna start to cut you off. I let you go wild because you're really You did a great job. But um, we did have some other folks.



52:08 Raudel macias

Yessir, I'm done.

52:14 Cyrus Reed

Okay. Apologies that I wanted to be like TCEQ ignore the community. Thanks so much. Next step, did Hank Mulvihill want to speak?

52:30 Hank Mulvihill

Hey, thank you for the opportunity. Wonderful presentation from the previous speaker, and spot on, the notification to neighbors is almost nonexistent. That's my main complaint. By the way, I happen to live in Richardson, Texas, in Dallas County, and affected by a piece of property that my wife's family owns in a rural section of Williamson County. So that's why I'm here. And it's shocking that there is almost no regulation in the rural communities at all. Virtually any kind of an industrial facility can buy a piece of land and put it right in the middle of an agricultural and residential community. And it is really tragic. What's happened in the long term, city communities. But now, the operators have realized they can escape city regulation and go out in the country and do it. And there's almost no notice required at all. I'm very familiar with all the regulations of TCEQ. Here's one that may shock everybody. Maybe it won't. You don't have to tell the neighbors, you put up some signs for a few days. That's it. You publish it in a newspaper of record that nobody looks at. That's it. The permit can sail through with almost no opposition. And so, I'm here to speak that issue one in the staff report needs to be strengthened. The comments need to be strengthened to point out that a notice should be sent out to all surrounding property owners, by certified mail, in at least a two mile radius and proof of delivery. Thank you very much.

54:14 Cyrus Reed

Thanks, Hank, that's well well done. And I'd love to have you come to Austin, especially since you have property in Williamson County, which is I believe where the chair of Charles Schwertner is from, that would be useful to have them hear you speak. But that's if you can. David Leffler, did you want to say a few? Say something for a few minutes?

54:40 David Leffler

Sure, thanks Cyrus. Hi, my name is David Leffler. I'm a journalist with Public Health Watch. Just wanted to first stop say thank you, everyone for coming here today and taking time out of it is really important and you know, there's probably a lot of people would like to be on this call, but were unavailable to reach it. But I just want to say I've spent the past year reporting on industrial pollution in Harris County and really trying to work in ways to humanize these issues, while also going into a lot of the nitty gritty components of the TCEQ policies, especially as many of y'all are pointing out in terms of permitting, and all the kinds of, you know, kind of complex processes that the TCEQ kind of is able to skip by on. So I just wanted to say that I appreciate we all are doing here and that I will be at the meeting on 22nd. I would love to catch up with any of you. And then also I'll be on here if you want to send me a direct message, I can share my

contact information with you in case you want to share your story with us. But thank you.

#### 55:46 Cyrus Reed

Thank you, David. Thank you for what you do the obviously the press and journalists are really important to this work. Oftentimes the best way to make a politician do something is to see it in the press and know that he'll be called into question held accountable if nothing's done, so appreciate your work. Next up is, I have Jim Morris then Sarah Gonzalez-Clay. Jim, are you available? Jim Morris, did you want to speak? If not, Sarah Gonzalez, I know you work for the Texas Senate. Were you wanting to speak tonight? Sorry, neither is responding, so I'm just going to move on. Last call for Jim Morris? Alright, I'll go on to Kristin Lucas. Did you want to speak?

#### 57:14 Kristin Lucas

Yes, I would like to just say a few words. Thank you very much. First of all, thank you for the opportunity to say something. I don't have any specific interaction with TCEQ. But I just want to say as a longtime Harris County Citizen, I live in Houston, 77008, that I feel that the citizens of Harris County have been paying with their health for the rest of the United States to have cheap petroleum products. And we need an organization, an agency to protect us and be our voice against pollution. What we have is apparently not working all that great. And maybe if we directed our fines toward giving back to the communities or maybe even, I don't know, money talks, maybe the fines of the TCEQ levies could be used in such a way that people have more incentive to have it be effective. And then also, maybe there should be some sort of a limit, a total limit, on pollution in any given area. And just automatically if that limit has been reached, nobody else gets to build more plants or do whatever. Also, I would like to say that I would like to have the Sierra Club be my agency and my voice. I trust the Sierra Club to be able to present my feelings. And so, whatever the Sierra Club says they want to do. I'm behind it. That's all I have to say. Thank you.

#### 59:02 Cyrus Reed

Kristen, I'll do my best but I'm not sure that I can do you justice. So, you know, if you're able to come to Austin or at least do written comments, in addition to what you've done tonight, the more voices the better as far as I'm concerned. But thank you for the nice plug. Bernadine Williams Are you available to speak?

#### 59:25 Bernadine Williams

Oh, thank you. I just learned about this event. I wasn't planning to speak. I have attended these different meetings. I'm in Houston. Harris County. I've gone to TCEQ meetings for concrete processing plants. The whole cancer cluster from creosote. They never listened to the public. They go through this pretense of listening to public comments, but never take into account any of our concerns. They never cancel permits. Honestly, they just, it needs to go away. It needs to be dissolved. It cannot act in the public interest. There needs to be some body, a body set up in Texas that is strictly for the purpose of protecting, protecting the public and the public good. It's always disappointing. You go you speak, you get other people to turn out. And it doesn't make

a difference. And it gets harder and harder to get the public to turn out for these things. Because basically everyone is heartbroken. That's really all I have to say. But we need another body other than TCEQ. It needs to be dissolved. We need to have an organization that can protect the public good that the public can get behind. Thank you.

1:00:59 Cyrus Reed

Thanks, Bernadine. Good comments. And, of course forgive me when I mispronounce people's names. Leah Mulkey did you want to speak?

1:01:18 Leah Mulkey

I'm in Montgomery county 77357. And we don't see TCEQ out here hardly at all. It's quite a lot of trash around. And subdivisions being built literally on swamps which is not good for the environment or the flooding in our area.

1:01:51 Cyrus Reed

Thanks, Leah. Teresa? Did you want to speak? Teresa Klein from Corpus?

1:01:57 Teresa Klein

Sure, just a second here. Okay. I'm Teresa Klein, my zip code is 78411. I'm from Corpus Christi. I'm a member of the clean economy coalition, and also a member of the Coastal Bend group of the Lone Star chapter. I agree with some of the things that have been said tonight. TCEQ is a toothless organization that does not defend the rights of people and the health and safety of people. I propose that it'd be renamed the industrial permitting board, which is really what it is. Some of the things, my interactions with the TCEQ have been going on for a number of years. Over 10 years ago, we fought the Las Brisas Energy Center and the SOA judges kept on rejecting their permits, and the TCEQ would continue to approve the permits. I don't see that that has changed. We see a lack of oversight for areas, for regions. Everything, what Craig — I think Craig had said this earlier, but when you have a single entity that applies for so much emissions, and then another one right next door to it that applies for same amount, another one and it just, it balloons. They look at individuals and not at the region. And so, we end up having benzene all over the place. We end up having all kinds of other toxins that are being inhaled and ingested by those in this area. When Exxon SABIC, or, I'm sorry, they call it Gulf Coast Growth Ventures, permitted its ethylene cracking plant in San Patricio County, we see that it is within a mile of a high school. This can cause epigenetic effects. If any of the high school students are pregnant, this is a danger. We can see 10 miles away, we can see the ground flares from there. We need to beef up the Office of the Public Interest Council and that needs to have some power. I know that the laws have changed, that individuals who have no means have to prove that the big corporations are polluting not the other way around. That's not something that TCEQ can address, but it should. We need to see more air monitoring. I'm not seeing anything on the maps for San Patricio County, which is heavily industrialized, for any air monitors in that area. If they are there, they are not on their map and that's a problem. So I could go on and on. But again, if we were just honest about this and were to rename it, I'd be happy. Okay, that's all.

1:05:04 Cyrus Reed

Teresa, always for honesty. I'm hoping to rename it the Texas Commission for Environmental Quality, because I'm still hopeful, but we've got a chance, we've got a chance. So, next, Sylvia Searfoss, did you want to speak?

1:05:23 Sylvia Searfoss

I'm not prepared to speak. And I did get my question answered just a while ago. If I say something now, I can submit a written comment also, right?

1:05:34 Cyrus Reed

You can say something now, you can submit a written comment, and you can come do an oral comment on the 22nd. So you can do all three.

1:05:42 Sylvia Searfoss

Okay, great. Okay, well, yes, I just want to I guess, vent my frustrations. Because number one, I live here in El Paso. It's zip code is 79912. And we here in El Paso are very frustrated with the TCEQ. Because like other people have said, you go there, you comment. And all they do is rubber stamp whatever. Our refinery, it's basically our refinery. In fact, we had a hearing a couple of weeks ago, I wasn't able to go but I did submit a public comment through email. And we did have our — the one thing that's really hopeful is that we did have our state senator and a rep who were really advertising this, you know, getting the word out. And that tells me too, that there's a lot of issues there. I don't live in the area. But I have been in the area — you have to be in the area at some time or another because it's close to our airport. But they are able to, to pollute as they want, you know, they submit for increased emissions, and they were given increased emissions. That was the last public meeting that I went to, and it was just so frustrating. There were so many guests, we have the Sunrise group here, very active, and they were there. Sierra Club was there. A neighborhood group, the two neighborhood groups, one that lives right there in the area, and another one that's you know, in another area in south central El Paso that also was affected, and by other industries also. So, it's just really frustrating. And I don't think they're doing their job. And that's what I have told them. They're not doing their job. And they need to do that. Otherwise, yeah, let's get rid of them. They're useless. Thank you. For my venting.

1:07:39 Cyrus Reed

Venting is always welcome, Sylvia. Thanks. And let's turn let's turn it into action. That's what we're doing here tonight. Gary Murphy, did you want to speak? Okay, I'm not hearing from Gary. So, I'm gonna ask if Alice Burkhart would like to address the group.

1:08:10 Alice Burkhart

I really came to listen. But thank you, I am in Fort Worth. And my zip is 76134. I did have TCEQ out here to check on some gas wells. Probably about 10 years ago, they showed up. They planted monitors. Now, they didn't find a whole lot, of course, but that's my sole experience with them. So, thank you.

1:08:35 Cyrus Reed

Thanks, Alice. Savanna Strott. Did you want to address the group?

1:08:43 Savanna Strott

Hi, I'm Savanna. I'm just here with Public Health Watch. So, I won't make a comment on anything. But thank you guys for showing up and sharing. And like David said, we'd be glad to talk to you guys and continue this conversation later since this is obviously important to you guys, and covering this is important to us. So thanks for showing up and thank you guys for also holding this.

1:09:05 Cyrus Reed

Thanks Savanna, Cecily Montgomery. Did you want to address the group?

1:09:17 Cecily Montgomery

Hey, there. Yes, I'm right here with some other co-speakers. Hi, my name is Cecily. I'm here representing the Sunrise Movement. I live in Austin. The zip code is 78705. This is my colleague, Annie also from Sunrise. Um, and we're just here asking that this TCEQ take action on the Fit power project on Lagrange. Um, well, you know, we believe that all sources of coal power are environmentally unsustainable and have a high carbon footprint and pollute the environments they're around, this power project is especially dirty. They've been behind multiple EPA violations. They've been sued by environmental groups before. They are behind over half of Austin energy's emissions and about a quarter of Austin total emissions. Um, you know, they've been linked to a wave of dying vegetation in hill country. Pecan farmers, for example, lost entire crops some years as a result of acid rain that came from sulfur emission from the plant. And water near the plant also has been found to contain unsafe levels of various levels of you know, toxins like arsenic, cobalt, magnesium, nickel sulfate, you name it. So we're here to ask for action on this plant. And Annie, would you like to add anything?

1:10:53 Annie

Yeah, one of the things that we have heard, especially from the community, the actual community that works at the plant, a list by the area, is that it's not their preferred type of job, but it's the only one they have, and they would love if renewable energy was there, and that would be the option. Everyone is down to best transition to that. No one has said otherwise, it's just a matter of actually giving opportunity to folks in the area.

1:11:19 Cecily Montgomery

Yeah. So yeah, we're asking TCEQ to take action. Work towards transitioning away from this power plant, offering good green jobs, good green infrastructure for the residents of communities near the plants. So, thank you so much.

1:11:36 Cyrus Reed

Thank you, appreciate it. It'd be good to do an investigation whether TCEQ has done anything about the plant. So maybe before the 22nd, we can figure that out?

1:11:48 Cecily Montgomery

I think that would be a violation of their permits.

1:11:52 Cyrus Reed

Exactly. Next, I'm going to call on Sandra Edwards Richardson if she wanted to address the group. And then if not, the next would be, again, apologies for high pronounce names. Gayla Johnson, or Gallia Johnson. Sandra, did you want to speak?

1:12:20 Betty Gregory

That's Gayla Johnson. And this is Betty Gregory. I'd like to speak give if they're not speaking.

1:12:31 Cyrus Reed

Betty, why don't you go ahead as long as we've got you on the line, and then we'll come back to them if they want to speak.

1:12:37 Betty Gregory

Okay. I, like the other few I just signed up to listen. But I'm really enjoying listening to the other people. And I'm looking forward to seeing many of you in Austin. And hopefully, we will all be prepared to avoid these situations that are so prevalent in our community, in and around various areas of the country, things that are causing so many health problems, things that are ruining our community, things that are negatively affecting our kids. And it's not just TCEQ, it's actually many of the things that we are voting people into positions where they just got a good seat to do nothing. We see nothing is being done by environment. Nothing is being done by guns. Nothing is being done by baby's formulas. We've got to do better. We've got to look them in the face on the 22nd and make them see that we're serious. We want our communities clean, healthy, home. We don't want to leave this mess to our children and grandchildren and great grandchildren. Thank you guys for everyone who spoke this evening. And the ones that are preparing to speak when we go to Austin. Thank you for allowing me to speak. Thank you.

1:14:59 Cyrus Reed

Thank you, Betty, appreciate your words. Did Sandra Edwards Richardson want to speak? And if not, Gayla Johnson? Okay, I'm not hearing from them so I'm going to move on to Daniela Flanagan.

1:15:42 Cyrus Reed

Okay, looks like both Gayla and Sandra aren't on the call anymore. Thanks, Andy. Is Daniela Flanagan here? Did you want to speak?

1:15:57 Cyrus Reed

If not, let's move to Delores McGruder. I know Dolores, I know you're here. Least you were earlier.

1:16:05 Delores McGruder

I'm gonna always be here, because I'm concerned. Thank you.



1:16:09 Cyrus Reed

Go for it, Delores, Tell us. Tell us what you want to say.

1:16:13 Delores McGruder

Yes, I want to say about the TCEQ. I mean, we might as well lock up the Texas environmental commission quality, we might as well lock it up and keep it away from the communities of the state of Texas, because they need to be in Huntsville, somewhere doing time. So many people have died, including about 50 of my residents that have lived in my area that died in a short period of time. And that don't make any sense to me at all. And believe it or not, sir, I just started to realize what TCEQ meant and what it is. It is something that people that are uneducated, don't know anything about and that is the real irony of that. That we are being led to our graves without us having any knowledge about what is going on, that surrounds us on a daily basis and killing us one by one. And, you know, it's a true given fact that I heard on this call, sir, that I see other communities. They have just one little bitty problem, you know, like a factory or you know, something going on that's causing them to have a little bitty problem. But in my community, everything is a problem from the air we breathe, for the water that we drink, from the land that we have to walk on. Every little bitty thing in my community, which I'm proud to call Fifth Ward. I've been here 73 years, and I have seen many people die from cancer. I have been here with the Union Pacific that just overbearing — it's a bully! It's truly a bully to my community. And we want it to stop. Do your job. That's what I guess they make, you know, commission on Sunset Review, do your job. Don't look at the color of my skin. Because I'm a black woman I'm really proud of it and I'm not trying to be racist at all. But do your job. And I mean, not some places but all places because I'm a Texan too. Born, raised, and been living here all my life. And believe it or not. It may seem like I'm a little upset, but I'm really, really angry. Because many of my friends, many of my family members, somebody I cared deeply about. And they all gone. Not realizing what was really the problem. We can do this together. But we got to pull together and stop pulling apart. Cause we all gone live on this planet? Nobody going nowhere. So thank you for listening to me. I hope when we go down now we can talk to people straight in the eye. And if you don't do your job, we're getting ready to move you out of your position. You won't be representing us anymore. We're gonna make that claim. We'll have million people walk to our state capitol. That's what we're gonna do. Thank you, sir. Bye.

1:20:06 Cyrus Reed

Thanks Delores. And Delores just to confirm you live in Houston in the Fifth Ward. Is that correct?

1:20:12 Delores McGruder

Yes, sir.

1:20:14 Cyrus Reed

Great. I've got Irma Marshall? Did Irma, did you want to speak? Okay, moving on, we'll come back to you Irma. Brandt? Brandt Buchanan from West Texas? Did you want to, do you want to speak for a few words?



1:20:43 Brandt Buchanan

Yeah, I probably have more of a question than a statement, I guess the statement would be, I've been trying to wrack my brain on what good TCEQ does do and the only thing that comes to mind is an issue we had with our wastewater plant, which my mother was actually in charge of operating years ago. They gave us, they give the city of Alpine a \$50,000 fine, because they hadn't invested in equipment that would cost them about \$100,000. And, and I think they gave them a limited time to complete that. And, and then they would not fine us. But other than that, you're kind of the expert. So I'm wondering, What good does TCEQ service now? Is there anything that, you know, we can commend them on to stroke their ego before we tell them that they need to basically rebuild themselves as a real agency?

1:21:44 Cyrus Reed

I'm having a hard time Brandt, I would say, I do think they do a good job in the areas... So, in the areas where they're supposed to regulate, they don't do enough. But they do have some programs that are voluntary programs, you know, where they help people come into compliance, or the Texas Emission Reduction Plan where they give out grants, you know, to help clean up engines and trucks and stuff like that. But those are kind of non-regulatory functions. It's hard for me to say something good about TCEQ, in terms of actually implementing the law or doing the job that they're supposed to, doesn't mean there aren't good people there.

1:22:31 Brandt Buchanan

But I had to review their mission statement just so I could get an understanding of what they were at least suggesting they were trying to do and they say they strive to protect our state's public health and natural resources, long as it doesn't cost any economic development. And strive is a pretty weak word for an agency tasked with protecting our environment and natural resources have. Yeah, it's hard to have any faith on them, and I wonder what 2600 employees are doing. If it's kind of nothing, except for administrative task and kind of serving your agency

1:23:18 Cyrus Reed

They're issuing permits is what they're doing.

1:23:15 Brandt Buchanan

So basically, my view of them and correct me if I'm wrong is, you know, when a legislature or when a legislator wants to pass a bill to look like he's doing something and they need some agency to, you know, take care of that chore. This is the agency created to make that piece of legislature just look like it's doing something. But they're also kind of like, prevented from doing anything. It's kind of like just like a smoke and mirrors type thing. Right?

1:23:52 Cyrus Reed

Yeah, that's, I'll let you make that statement. And if you want to come down to the Austin and the 22nd, from Alpine, you're welcome. I don't, I can't, is Senator Perry your — who's your senator?

1:24:10 Brandt Buchanan

State senator, it would be Roland. Yeah.

1:24:13 Cyrus Reed

Roland. Yeah, he's not on. He's not on the commission. But I would encourage you to reach out to him as well. He'll have something to say in the end.

1:24:20 Brandt Buchanan

Yeah, maybe a fun opportunity to organize a carpool or something like that. Yeah.

1:24:24 Cyrus Reed

Sounds good. Thanks, Brandt from Alpine. I know that we've got a phone here and I believe it's Camille Boyd, is on the iPhone. Camille, did you want to speak?

1:24:47 Cyrus Reed

7132642706, is that you Camille? Okay, well, we'll move on. I also have another phone there, 7859774? Well, folks, how about we do this? If there's somebody who hasn't spoken, who would like to speak, come ahead and come off mute and say your name and where you're from and speak. Or even raise your hand or say in the chat. Whoever just waved can come off and come on and speak. Tell us who you are.

1:26:05 Delores McGruder

Excuse me Mr. Cyrus, I'm sorry to interrupt. But for some reason, a lot of people were sent the wrong link. So I just talked to miss Coleman. And she asked me for the link so that she could be on the meeting. So I don't know what happened. Because I had invited about 30-something people and about 30-something people were calling me to ask for the right link. It was just appalling, because I had been calling since 8:30 this morning, and for some reason that link was the wrong one to get on the meeting.

1:26:44 Cyrus Reed

Well, sorry about that. Hopefully, that gets worked out in the meantime. Whoever was just trying to speak, if you want to go ahead. I'm not sure who it is.

1:26:54 Patricia Williams

I can't, can you hear me?

1:26:56 Cyrus Reed

I can. I can hear you. Go ahead.

1:26:58 Patricia Williams

My name is Patricia Williams. I'm just listening. I'm from Brazoria county. I went to a couple of rallies. I thank you for last. So I'm just listening today and hoping to be down to 22nd.

1:27:14 Cyrus Reed

That'd be great. What's your zip code?

1:27:15 Patricia Williams

Yes sir. Oh, 77486, I'm in Brazoria County.

1:27:25 Cyrus Reed

Brazoria County. Yeah. We'd love to have you on the 22nd. Tell me what you want for breakfast because I'm supposed to buy it.

1:27:31 Patricia Williams

Whatever. Mama always said don't be choice to put someone off. But yes, sir. I'll be down 22nd. My pleasure.

1:27:46 Rita Robles

Hi, my name is Rita Robles. And I live in Houston, Harris County 77020. I have been off and on working or dealing with the TCEQ. The first time I got a message where somebody had tagged me on Facebook, and then contacted me in regards to the creosote cancer clusters. And at that time, they were being very astute and saying, Well, we're doing all these testings, but all it basically is saying is that yeah, there's cancer. Well, thanks a lot, Captain Obvious. We all kind of knew that. And so since then, it's grown from, we don't believe it. We're going to throw all this data and information at you and confuse you. Because we don't speak in layman's terms for the regular person. Now there's three cancer clusters, which involve children mainly. And then also another company in the area in the Fifth Ward area, which is our sister because our sister neighborhood Denver Harbor is right next to Fifth Ward. And we have like a very small triangular party, one of the cancer clusters, but now they have another one where the owners are trying to go through loopholes till they don't have to be on the hook for doing the cleaning. And since these things have been happening, and all this information is coming through and I'm trying to process it in my head, is that don't need TCEQ. They need to be just fired, dissolved, and you need to have a residential or a community board. That's what needs to be done. Get people, some regular layman's other people who this is their profession, and they actually explain it to it. We're tired of the meetings. We're tired of these public comments where we have to go out and take time out of our day or night, our life, sit there for several hours. They mute us, and then say, Okay, we're gonna let you speak. But all these people, elected officials need to speak first because they have other things to do. But we're not going to mention — Wink, wink — they all got campaign contributions. So we're tired of speaking and waiting for results. We're tired, sick and tired, and we're sick and tired of being sick and tired. We want results. People are dying. Whole generations have been taken out. And, you know, these loopholes and everything. It has to stop. If you're a polluter, and you're spewing all this pollution into the air and it's harming people. These slaps on the

wrist need to stop, they need to be fined, indicted and incarcerated and their businesses needs to be closed down, filed for bankruptcy, whatever, and just get rid of all the assets and give it to all the victims. Thank you.

1:31:23 Cyrus Reed

Thanks so much. I'm seeing a new person who just joined. Daniel Bernstein. Daniel, were you wanting to speak tonight?

1:31:34 Daniel Bernstein

No, thank you. I'm just listening. Okay.

1:31:38 Cyrus Reed

Are there other folks who would like to address the group and beyond the record on TCEQ sunset that have not had a chance to speak? Hey,

1:31:53 Andy Escobar

Hey y'all, my name is Andy. I'm based out of Houston. I work with CEER Coalition for Environment Equity and Resilience. Thanks again, to everyone, for being here. Just wanting to verbally invite folks to join us. We are going to have transportation for folks in the Houston area to Austin on Wednesday, June 22. So for folks who live in Brazoria, Fort Bend, Harris, Jefferson, or Liberty counties, if you're interested in joining us, please get in touch. We'd love to take you there.

1:32:37 Cyrus Reed

Gloria is asking if she can have a little more time, we've got time Gloria, if you if you can keep it short, if you'd like to say a few more words.

1:32:50 Gloria Thomas

Yeah. Um, so I didn't bring up this issue, because I didn't know how TCEQ was involved. But I'm sure like, you guys have heard about SpaceX in Boca Chica. And I know Sierra Club has, you know, has worked a lot to like, help, you know, petitions and, and support litigation and stuff. But, you know, SpaceX is violating the Constitution by restricting access to a public beach. Now, they've done that so quickly. And why, like, how, you know, how do they get away with that, you know, like SpaceX, and Elon Musk, they're public figures, and they're knowingly, you know, violating the law. And also, it seems like, the environmental impact study that they're doing, I don't even know if TCEQ is involved in that or anything, like, it seems like, you know, if they need to do an environmental impact study, like the TCEQ should be the one, should be the one seeing if, you know, their impact study is, you know, up to code or something. And even when they're failing with the corruption of the city and, you know, these other agencies, they address the failure, and then they wait for the public to calm down, and then resubmit another permit and skirt around the issue. And just, you know, keep doing that, you know, so, yeah, so I just wanted to put that out there. Um, yeah.

1:34:53 Cyrus Reed

Yeah, I think the TCEQ would be involved in individual permits related to SpaceX around wastewater discharge or air permits, they wouldn't actually be involved in the beach access issue, or the overall like FERC permit, which is the federal one, which requires environmental impact statement. I can't think of any TCEQ permits that really require a full environmental impact statement. Those are usually ones involving federal. So maybe we should have an environmental impact process for TCEQ permits. That's an interesting idea.

1:35:34 Unidentified

They're buying hydrogen, but anyway. Yeah.

1:35:40 Cyrus Reed

Got it. And someone asked the question, could Sierra Club take over the TCEQ's role? And I'm gonna say, no [laughter]. But the way our federal environmental laws work, it's got to either be the federal government that oversees and regulates these various federal laws and associated state laws, or it has to be a state agency that's given delegated that authority from EPA to do it. So really, it really should be the TCEQ and our job through this process is to get them to do a better job and be more responsive or or not continue. And that's why we're here tonight. Did we have any other folks that wanted to speak tonight, or should we pass it back to Adrian?

1:36:45 Adrian Shelley

I see Mr. Nator has his hand up again.

1:36:49 Cyrus Reed

All right, Craig, I'll let you speak once more.

1:36:52 Craig Nator

Yeah, I want to add one other thing because I was thinking about this. A number, not too many years ago, a bunch of people in Austin went out to a TCEQ hearing on Onion Creek out in Dripping Springs, because they're going to allow the city of Dripping Springs to dump up to 900,000 gallons of treated sewage water in our cleanest Creek in all of Austin. And it was really interesting, because they did this in a big, it was a rodeo place or something. So this huge room. There's like 300 people in there. One person spoke for allowing them to dump the liquid. One person out of over 300 people. And of course, they allowed them to do it. It's like, this is public input? No, this is a joke. And from what I'm hearing from other people that jogged my memory, it's this, you know, what this prevents is people from coming out and speaking, they just figure it doesn't matter. Which, that's bad. So anyway, that's my little comment.

1:38:13 Cyrus Reed

And then I see that, Jim, do you have your hand up? Jim Trimble? Yes. Yeah, go ahead.

1:38:23 Jim Trimble

Okay. Now you're talking turkey, septic. You guys have been going on and on and on and on. You know, the TCEQ's job is to regulate septic. Besides from all that other stuff. Now, this is the first person that I've seen. I think maybe Mrs. Gloria Thomas may have something to do with this. But the thing is, that this is such a huge part of what they do. And people don't have any idea, like this man's explaining. Same thing happened here, in Montgomery County. 900,000 gallons a day. Now check this out. Anybody that goes into Lake Conroe, that knows about Lake Conroe? Do not swim in Lake Conroe. Right. Now, that would be a new treatment plan. That would be a new treatment plan. So that would be more than likely. A high 90% efficiency ratio. — Hello?

1:39:23 Cyrus Reed

We hear you, Jim.

1:39:26 Jim Trimble

Oh, it's okay. I just lost it there, a second. I mean, there is nothing I don't know about septic. Okay. I know all the little things that they do. And people just don't know what's going on. Spirit and story. It's that heartbreaking for all the public. We are Americans that pay taxes to understand what is happening by our [indecipherable] — Around to believe things. 900,000 gallons a day the man is talking about. That's a big part of TCEQ: septic.

1:40:13 Cyrus Reed

Yep, TCEQ is in charge of all discharge permits. So, as long as they've got that delegated authority, they're in charge of it, and the water quality standards themselves. I had one person who I think dropped off and came back on. Myrtala Tristan? Myrtala? Did you? And forgive me if I mispronounce your name. Did you want to speak?

1:40:57 Cyrus Reed

Okay, not hearing her respond. So last call for any additional speakers.

1:41:11 Delores McGruder

Well, this is Miss Delores McGruder again. And the only thing I wanted to add, what the gentleman was saying that they swim in Lake Conroe. But the same water that they swim in, that's the same water day my community drinks.

1:41:31 Jim Trimble

Gotcha.

1:41:54 Betty Gregory

I wanted to ask if Ms. Carmen could speak.

1:42:00 Cyrus Reed

Oh, she certainly can. I know she was having trouble.

1:42:07 Betty Gregory

Well, it looks like she got in, so we haven't heard her voice in a while. So, I just wondered. Miss Carmen, can you say hi?

1:42:22 Carmen Cavezza

Yeah, miss Betty, you put me on the spot, I was having a hard time with the connection. [laughter]

1:42:29 Betty Gregory

Okay, good. Hello.

1:42:33 Carmen Cavezza

Yeah, hello, everybody. And thank you all the ambassadors for joining. We are trying to connect all the issues that the communities are facing, all the pollution, all the air quality, all the water quality under the climate justice umbrella, because we understand that climate change is just going to be a multiplier of all those issues. If we are facing a lot of pollution problems with water, every time we have a natural disaster or a hurricane, all those issues are gonna be multiplied. So, we are being very active educating the community about that, and right now with this TCEQ sunset review, we are connecting with other bases to let them know — and I apologize for my dogs barking — but we are really connecting with community, educating them about the importance of participating, and raising their voice, and sharing their stories. So thank you, Cyrus.

1:43:33 Cyrus Reed

Thank you, Carmen. For the record, can you just say your last name and your zip code?

1:43:39 Carmen

Yes, my name is Carmen Cavezza and I work in in the Northeast Houston is 77027. I live in Northeast Houston too, and my zip code is 77336

1:43:52 Cyrus Reed

Thanks, Carmen. Was there anyone else who wanted to speak this evening

1:44:00 Gloria Thomas

Oh, could I add another comment? I know I spoke a lot already.

1:44:07 Cyrus Reed

Let me, let me turn, there was one other person. Gayla Johnson? Ms. Johnson did you want to speak?

1:44:20 Betty Gregory

That's Gayla

1:44:22 Cyrus Reed

Gayla, sorry Gayla. I'm not good with names. Gayla. Did you want to speak? Okay, well Gloria, if you want to speak a third time make it short. I don't want to—



1:44:58 Gloria Thomas

Yeah, so I wanted to bring up: So, like, I remember one of the stories here talked about, when the TCEQ did enforce something, and it was just a fine. And then after the polluter paid the fine, there was no other enforcement, no other action, or no other like follow through. So even when the TCEQ does act, if it's just for paying a fine or even making it a bigger fine to deter the action, there still needs to be like an implementation plan, like something like, you know, a long-term plan to make up for the effects of the previous polluting events. So, like, to me just the fine, even increasing the fine is not enough, you know?

1:45:52 Cyrus Reed

Thanks, Gloria and enforcement is going to be a really important issue for a number of us. Adrian, if — Yeah, Adrian is saying we can keep the space open for a while if people have more to say.

1:46:12 Adrian Shelley

Yeah, appreciate everybody, everything that's been said so far. Definitely happy to hear, you know, anything else that folks want to say. But.

1:46:25 Jim Trimble

You said sunset so far?

1:46:31 Adrian Shelley

I'm sorry?

1:46:33 Jim Trimble

I didn't know who's speaking. Sunset so far? Why do they call it sunset? Why not? Nobody even knew about this thing? Right? I mean, I didn't. I've been looking, looking, looking. I tried to talk to everybody. Why don't they call it sunrise? You know, let's do something.

1:46:47 Adrian Shelley

Yeah, Jim. Yeah, the sunset law, I guess it's with the idea of ending agencies, right. So it's a sort of a small government approach to agencies, right, this idea that the agency doesn't live longer than 12 years unless you take steps to continue it. And that step involves, you know, basically auditing it for effectiveness, efficiency, whatever, with the idea of, you know, basically trimming it, right, if you want to look at it that way. So yeah, it happens. You know, it is kind of an arcane process. And for an agency, a single agency it only happens once every 12 years. So, you know, the opportunity we say, so far, we're in the process. The big opportunity is, is two weeks from now, in Austin, folks can comment to the Sunset Commission, up until then. I think even a couple of days beyond that, right, Cyrus?

1:47:49 Cyrus Reed

Yeah, usually they allows several days beyond that. And I would also say, that really isn't the end. Because the commissioners are not going to make decisions until October, which really means between June and October, you are well advised to continue to talk to those commissioners. And they are able to submit their own ideas. So if you can convince them to submit an idea, to be part of the decision making process, that's something that I'm certainly going to be taking advantage of. So there's going to be an opportunity even after the official sunset public hearing, to try to influence these folks. So I'm inspired by y'all. And we got to keep the pressure on and we can't let them just hear from us on June 22. We need they need to hear from us throughout — I don't mean the sunset staff, I really mean the decision makers who are ultimately the legislature.

1:48:57 Delores McGruder

One more question, this is Miss McGruder. I was wondering, is this possible you can go out into your community because a lot of people, you know, they don't like to speak publicly, but they also don't like to write that that much. You know, I was wondering if we could just bring petitions along with the comments that you are recording to let them know that we oppose. Not just, you know, I was just thinking about the people that you know, don't speak publicly, and they won't be there, and they may have a hard time writing. Could we include those people as well?

1:49:49 Cyrus Reed

Delores, to the extent that you guys have a petition with some basic points and you get neighbors to sign it, you can certainly submit that, you know, as a written testimony. They would probably want you to attach, like, something on the cover saying, explaining that you gathered these petitions, but we certainly do that through email where we gather emails, people's comments, and then submit them. So yeah, you can. That's another approach, certainly can do that.

1:50:24 Delores McGruder

Okay, thank you.

1:50:25 Betty Gregory

Well, just a little back up here. Miss McGruder. I have neuropathy. That's problems with my feet and problems with my hands. One of the ways I can back you up or back anybody that does the walking, and the knocking, you can most certainly have people call me. And I'll talk to them, and I'll write for them what they want to write.

1:51:07 Delores McGruder

Okay, Miss Betty.

1:51:09 Betty Gregory

I'll be more than happy to do that. And I'll be happy to write a cover letter for our petition.

1:51:24 Delores McGruder

Oh, yes, please do that for me. I would love that.

1:51:27 Betty Gregory

Okay. I think that's a great idea you have, and that would be some good support for us when we go to Austin.

1:51:39 Delores McGruder

Yes, I think so, too. I know so. Thank you.

1:51:52 Brandt Buchanan

Can I ask a question?

1:51:56 Betty Gregory

Absolutely.

1:51:58 Brandt Buchanan

What does this say "@Brandt, our coalition made a recommendation about the TCEQ's mission and our comments to the sunset staff last year." Who's writing that?

1:52:09 Adrian Shelley

Yeah, that's me, Adrian, just the comment above was about the mission of the agency, which, you know, we've criticized and it's been, you know, said here tonight, that the fact that the agency has economic development, or whatever it is, promotion of economic interest, or whatever, in the mission of the agency just gives it skewed priority. We recommended changing the mission of the agency. And so I was just pointing out that some comments that we had made earlier in this process were similar to that recommendation that that commenter made there.

1:52:49 Brandt Buchanan

So that I.A.? What is I.A. It says see I.A.?

1:52:54 Adrian Shelley

Oh, section one A, in the letter there that's linked.

1:52:59 Brandt Buchanan

Oh, One A. Got it.

1:53:03 Adrian Shelley

And there's a question. And Cyrus, you may want to field this one from Miss Dejean in the comments, are we allowed to bring posters, signs, whatever to the hearing. To a certain extent, you can. Like, if you have a visual aid, like a large photo or something, you know, or a graph or you know, like, something like that a poster like that, then you definitely can. But

1:53:28 Cyrus Reed

Yeah, for example, if you want to bring a poster that shows a map of all the concrete batch plants in your area, that's fine. They do not want you to bring, and they don't

allow, like signs in terms of a protest or anything like that into the rooms into the hearing rooms. You certainly can bring those to the Capitol, but not into the hearing room itself. And they won't stand for generally, you know, chanting or clapping or any of that. It's very much a, you get your two or three minutes, and I can't remember if it's three minutes or two minutes, they give you now. They give you a very short time to say your piece. Sometimes you do get a question from a member, and then you can speak longer. But yeah, they don't want you to bring signs into the actual hearing room. But you could bring an illustration.

1:54:29 Adrian Shelley

And as Andy said in the in the comments, that's definitely something you can do at the Capitol, you know, having signs, things to wave around, coming, showing up in colors. You know, that's all very much encouraged with the Capitol. Now, at the hearings, it's kind of an off time, right? It's just, you know, it's gonna be probably the only thing going on in Capitol around that time. So there won't be, there won't be a large audience outside of what's normally there, right, Cyrus?

1:54:58 Cyrus Reed

Yeah, there's one other here hearing going on. The state affairs committee has a hearing that day so, there will be a few people but not many. They're not in session. So yeah.

1:55:16 Cyrus Reed

And Jim, we can send out, to everyone who signed up, we can send reminders and links to the sunset report and the website that that Adrian mentioned.

1:55:30 Adrian Shelley

Also share a link here. This is public citizens page of sunsets. And then I will also share a link: this on the fourcommunities is specific to TCEQ, but has a calendar and news and that sort of thing.

1:56:13 Cyrus Reed

Okay, this is my last call for anyone else who hasn't had a chance to speak. Who wants to speak? Hey, Alan.

1:56:26 Allen McGruder

Yeah, this is, uh, about the pollution, right?

1:56:30 Cyrus Reed

Correct about the pollution and the Texas Commission on Environmental Quality. What did you have to say, Alan?

1:56:39 Allen McGruder

Well, would this be about like, the pollution and like, the railroads and stuff?

1:56:45 Cyrus Reed

Sure, if you've got something to say, go ahead and say it.

1:56:51 Allen McGruder

Yeah, well, we live like, you know, in an area that's, like, polluted by like, a bunch of factories, and, you know, like, we got, like the railroad tracks that's made out of that creosote stuff, you know, to keep the wood from riding under the tracks.

1:57:10 Cyrus Reed

Correct. So, you're in the, you're in the Houston area, or where are you?

1:57:16

Houston. In the Fifth Ward area.

1:57:19 Cyrus Reed

Correct.

1:57:22 Allen McGruder

Yeah and you know, the trains, they blocked the tracks, and they carry all kinds of like chemicals and stuff like that. You can smell it. Sometimes, like when the trains break down, you can smell that engine smoke and it's real real loud. You know, when they're repairing the trains, well not repairing, but like it's got like a burnt smell to it. And, you know, it'd be like all kinds of, stuff on the track, like garbage, like scrap metal, all kinds of stuffs. And, chemicals debris and stuff like that. So that's all I gotta say about that.

1:58:11 Cyrus Reed

Have you seen any Texas officials, the TCEQ, help clean any of that up or do anything about it?

1:58:23 Allen McGruder

No. No. Like, people gotta call in and report it to the City of Houston in order to get them to come out here. And it takes a long time to get them to come out here and stuff like that.

1:58:44 Cyrus Reed

Thanks for your input, Allen.

1:59:00 Adrian Shelley

I guess there's a couple of questions in the chat that I was just typing out an answer to, but it might be easier to just say them here. There are questions about who, you know, who's responding to comments that have been made. So, the way the process works, right, there's three steps. The first step is the agency, the TCEQ puts out its self-evaluation report that happened last September. Then the sunset agency staff reviewed the TCEQ and they put out a report and that report was released a couple of weeks ago, two weeks ago or so. And now the sunset commission takes over. The commission is the Senators and Representatives, it's a 12 member commission. Two of them are members of the public, but the rest of them are elected officials. So, the comments that

we made previously, we made to the sunset staff, hoping to get our issues addressed in the report that came out just a few weeks ago. And now we're making new comments to the commissioners that are elected officials. And that's a whole lot like participating in the legislative process, if you've ever done that, because the commission is made up of state lawmakers. So I hope that answers the questions in the chat. Oh and I guess, also just the question about past recommendations, we can actually go way back and Cyrus may want to take this up, but we can go back to the last sunset review of the TCEQ which happened in 2011. And there were significant changes made, including increasing the maximum daily fine from \$10,000 a day to \$25,000 a day, and some of our groups and Cyrus personally were part of that effort. So we have won Improvements to agencies in the past through the sunset process.

2:00:59 Cyrus Reed

Yeah, and a number of agencies, we've improved through the years through the sunset process. And I mean, it was relatively minor. And it certainly didn't improve the agency enough, but the railroad commission of Texas, which I think is a broken agency, and needs a lot more repair, they have improved in terms of putting information online, putting their inspections online, putting violations online, and all that occurred, you know, really through the sunset process, having a mapping function where you can actually look up where the oil and gas wells are, doing an annual report on enforcement and getting input. So those are things that happen because of sunset, and because of our advocacy. So it didn't go far enough. But at least there was some positive change. And the same happened with TCEQ 12 years ago or so. So we can make a difference. I know we can. And this is the first step.

2:02:18 Adrian Shelley

Yes, awesome.

2:02:26 Adrian Shelley

Jim, in the chat is asking about how do we stay in touch, like discord for example. We don't have a discord. We have been using a hashtag for our communities, which some of the groups that are a part of this are using. There's a working group that meets twice weekly, or every two weeks rather, on agency sunset here in Texas. It's working on TCEQ right now, later on, it'll be working on the Public Utility Commission, and ERCOT, the operators of the state's energy grid. So, Sierra Club, Public Citizen, other, CEER, the agents, groups that are represented here today are part of that working group. And in fact, the letter that I shared in the chat earlier, when the comments that I mentioned, that letter is signed by, like 40 organizations that are participants in the working group. So, Jim is asking about, like opening another avenue to chat. I mean, like, any way we can gather people together with a common interest in this stuff, I think is great, you know, so I mean, whatever ideas you have, you know, there's a, as Cyrus said, there's a lot of opportunity in the coming weeks and months, even through next year to get people you know, organized to speak up on this stuff. So, absolutely. If you've got an idea for, you know, a place for people to gather, I'm all for it.

2:04:15 Cyrus Reed

Yeah, and this really happens from now until May of 2023. When legislation will need to be finished, to be signed by the governor. They will need to have sunset legislation to either continue that agency, end it, or make changes, so that really has to happen. So it gives us an opportunity to influence.

2:04:53 Adrian Shelley

Any other comments?

2:04:55 Cyrus Reed

Last call. Besides bacon, what you want for breakfast

2:05:01 Adrian Shelley

Let me share just one more time the invitation the official hearing notice for June 22, again, there's a you know, buses coming up from Houston. I know of groups that are organizing to come up from Dallas. There's folks around Central Texas. So let me just share that one more time. I think that it'll be it.

2:05:31 Adrian Shelley

Somebody else said turkey bacon, various kinds of bacon for breakfast, Cyrus. Maybe some coffee.

2:05:39 Cyrus Reed

I say coffee and tacos. You can't go wrong with that.

2:05:42 Adrian Shelley

Cannot go wrong with coffee and tacos. And there's the notice for it. And for those who are familiar with the capital, we are in the Legislative Conference Center. We're down in e2, the same floor that the hearing will be held on, the legislative conference centers the large room off of the main kind of lobby of the basement extension. So we will be there starting at 7am. So we'll see you there on the 22nd.

2:06:21 Delores McGruder

It's Miss McGruder. We definitely will be there. Thanks. Thank you.

2:06:34 Adrian Shelley

Jim, I put my email and cell phone there in the chat. So beyond tonight, yeah, reach out and we can talk about it.

2:06:47 Betty Gregory

Oh, oh, Andy, you said something in your notes about the 27th of June, did you make a mistake? You said something about Final comments on the 27th. You said a seven, instead of, you said a seven instead of a two. I just want to know if that's what you meant.

2:07:24 Cyrus Reed

Betty, I'm not sure what Andy meant. But it as as Adrian said, —



2:07:31 Betty Gregory

Maybe that was Adrian. Somebody said 27. I thought they meant to put 22nd. So they can look at the notes and see. Yeah, because that could be wrong.

2:07:54 Adrian Shelley

Yeah, well, so yeah. So the 22nd is definitely the hearing date. And then there you do have a few days. You know, I guess we don't know exactly how long. But you can definitely comment beyond that.

2:08:06 Cyrus Reed

You know, they usually give to the Monday after the hearing. So they should give until the 27th for written, submitted.

2:08:16 Betty Gregory

Okay.

2:08:19 Adrian Shelley

I sorry, I see Miss Williams is quoting her final submission for comments on Monday, June 27. At close of business, where is that? I'm not, where are you reading that?

2:08:29 Betty Gregory

I read it when I was reading the line of comments. So somebody said 27. So I guess they're right. I guess they meant that.

2:08:41 Adrian Shelley

Yeah, well, there's some someone else in the chat to agree with you one wondering where that said in the sunset on the sunset page somewhere.

2:08:52 Betty Gregory

No, I'm talking about the in the chats for our zoom.

2:09:05 Bernadine Williams

It's in the chat. That's why I copied it from okay.

2:09:12 Delores McGruder

This is Miss McGruder. I'm sorry. This is Miss McGruder. I mean, I'm the final days. For submissions. As you know, testimony. Oh, where do you actually go to do that on the final dates?

2:09:29 Adrian Shelley

Oh, I do see Andy said that up above in the chat. I'm not exactly sure about that. But I can answer that last question, which is, you can make comments online. And I'll share that link again, here in just a moment. So there is the 22nd opportunity in person in Austin. But beyond that, there's just a, an online common submission form that the commission has. So I'll share that again here. Yeah and I see that Andy said that up

above, but I'm not sure about that. So there's the there's the link that is their comment submission form. And then there's the June 22nd opportunity and then I guess some couple of days after that, Cyrus said until probably the following Monday.

2:10:41 Betty Gregroy

I just want to be sure suring things up because we'll probably be helping some people.

2:10:48 Adrian Shelley

Sure. Yeah. Yeah. And the following Monday, that is the 27th. So, it does seem like that's a likely last date.

2:10:56 Betty Gregroy

Okay.

2:11:06 Adrian Shelley

Well, I really appreciate everybody for coming tonight. Everybody who arranged for the events, our friends who translated for us, Cyrus, for all his help. Yeah, appreciate it.

2:11:26 Betty Gregroy

Okay, well, you could just drop my check in the mail [laughter]. I didn't hear nobody laugh!

2:11:40 Adrian Shelley

I laughed! That's as good a place as any to end the recording.

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