



House Environmental Regulations Committee

March 16, 2023

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Today's Subjects – a high-level view

- TCEQ Sunset
- Texas Emissions Reduction Plan (TERP)
- Climate Change
- The Railroad Commission & TCEQ
- Concrete and Aggregates

TCEQ Sunset – Public Engagement

• People's Hearings

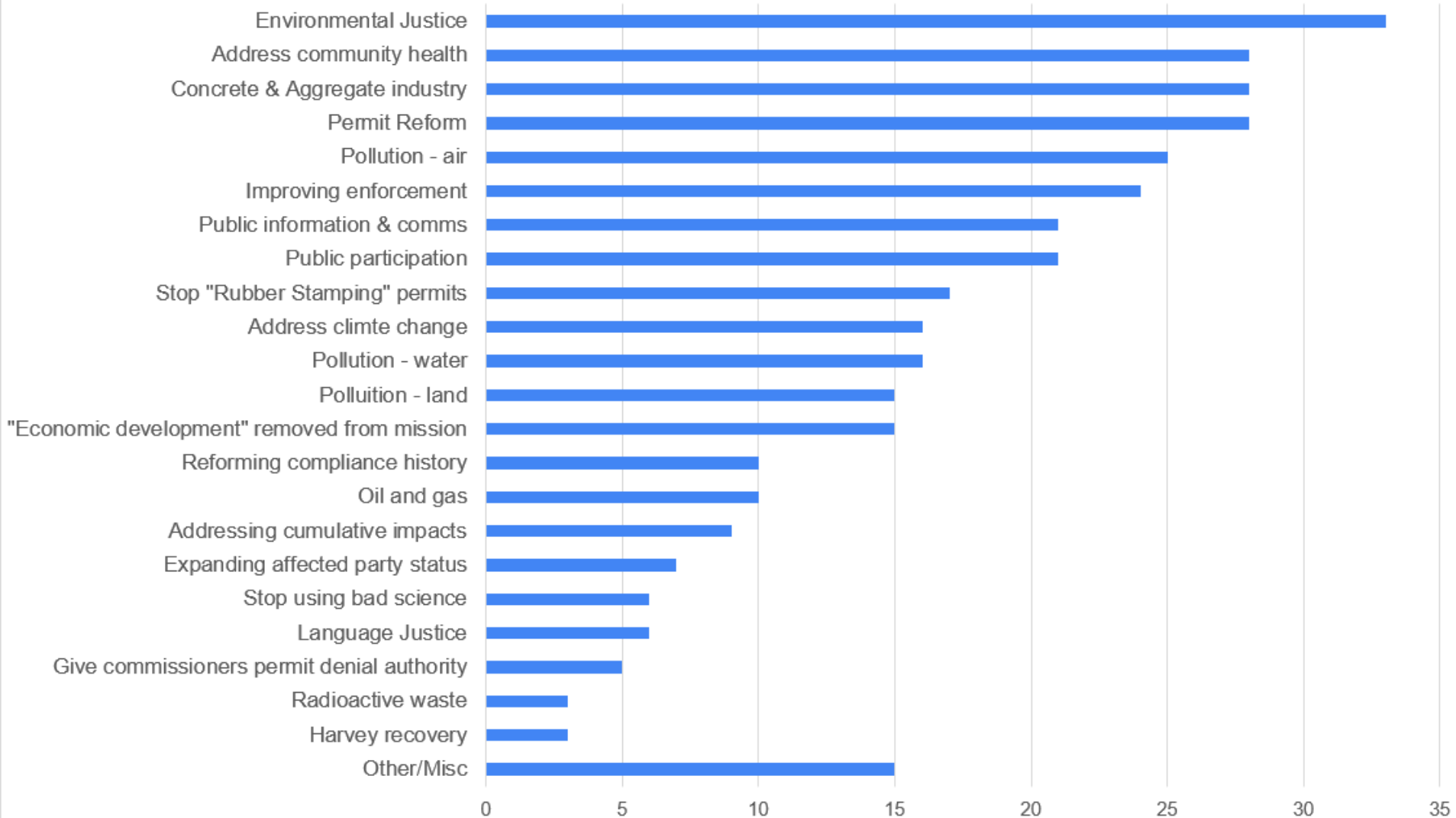
- June 8, 2022 – Statewide virtual
- April 30, 2022 – Houston
- March 29, 2022 – Dallas
- March 21, 2022 – San Antonio ([watch](#))
- Complete transcripts available ([link](#))

• Comments

- Nov. 2022 - Response to SAC decision ([link](#))
- June 2022 - Comments on SAC report ([link](#))
- Dec. 2021 - letter by 41 orgs ([link](#))
- Aug. 2021 - General comments ([link](#))

TCEQ Sunset Reform

Common themes among 92 comments



TCEQ Sunset

SECTION 5, P. 5, L. 16-20:

16 (k-2) Notwithstanding any other law, if the commission
17 holds a public meeting for a permit application under this
18 subchapter the commission shall hold open the public comment period
19 for the permit application for at least 36 hours after the end of
20 the meeting.

The time to comment on a permit is extended to 36 hours past the public meeting.

The contested case hearing request deadline should also be extended.

TCEQ Sunset

SECTION 13, P. 11, L. 3-14:

3 Sec. 5.583. VIRTUAL PUBLIC MEETING. (a) Notwithstanding
4 any other law, the commission may hold a public meeting virtually
5 through the Internet provided that members of the general public
6 are able to participate in the meeting.

7 (b) The commission shall consider and accommodate members
8 of the public who may need assistance participating in a virtually
9 held public meeting because of a lack of access to Internet
10 services, particularly when there is a heightened interest in or
11 response to public notice or comment.

12 (c) This section does not authorize the commission to hold a
13 public meeting virtually instead of an in-person public meeting if
14 an applicable federal law requires an in-person public meeting.

Should be made clear a virtual meeting does not
replace an in-person meeting.

TCEQ's Enforcement Division simply cannot keep up



Illegal Air Pollution in Texas, 2020

COVID Recession Leads to Drop in Reported Emissions

EMBARGOED FOR RELEASE
October 14, 2021

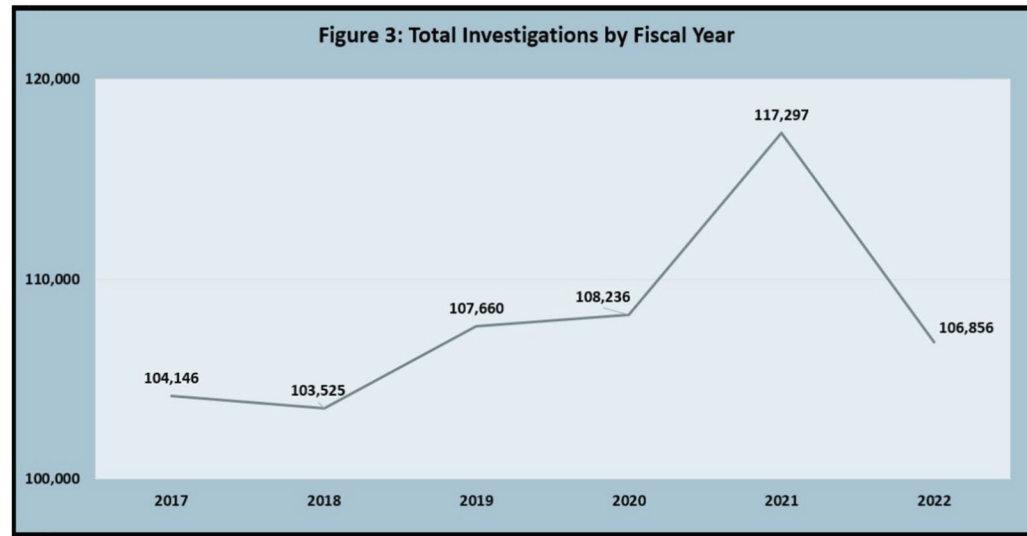


“Looking back over the last nine years, the total number of enforcement orders filed by TCEQ for air pollution events is *less than 3 percent* of the total number of unauthorized air pollution events recorded by the agency in that time.”

Note that this is the record for industry self-reported violations of the law.

<https://publicinterestnetwork.org/wp-content/uploads/2021/10/Illegal-Air-Pollution-in-Texas-2020-EMBARGOED-for-10-14-21.pdf>

Fewer than 5% of TCEQ investigations are complaint based



	Percentage of Investigations based on a complaint
2017	4.8%
2018	4.4%
2019	4.6%
2020	4.3%
2021	4.0%
2022	4.9%

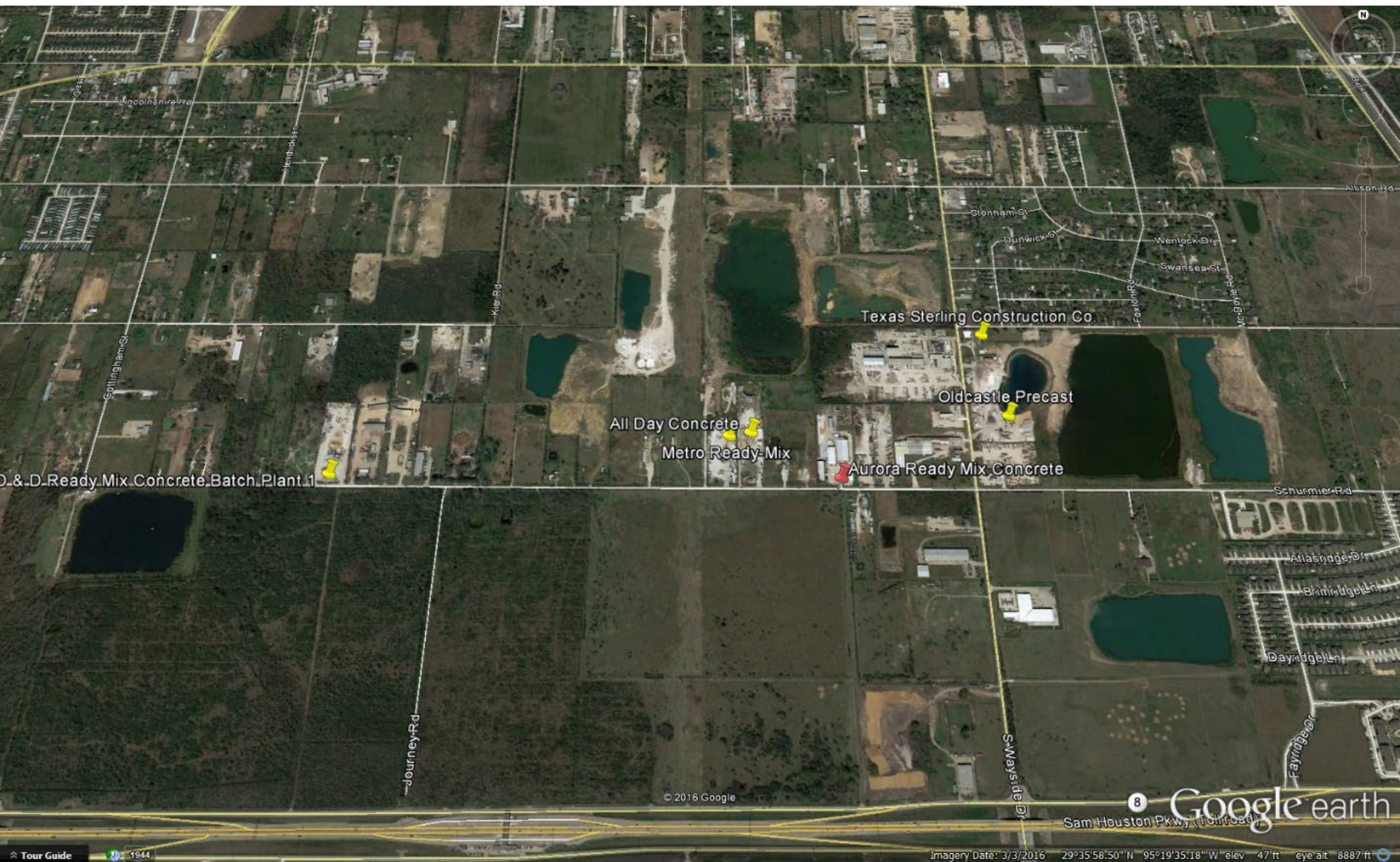
TCEQ Sunset – further reform

Cumulative Impacts – SB 179 by Sen. Miles would require the TCEQ to consider the cumulative effects on health and property of multiple air pollution permits.

Environmental Justice – HB 642 by Rep. Reynolds would establish the Texas Environmental Justice Advisory Council.

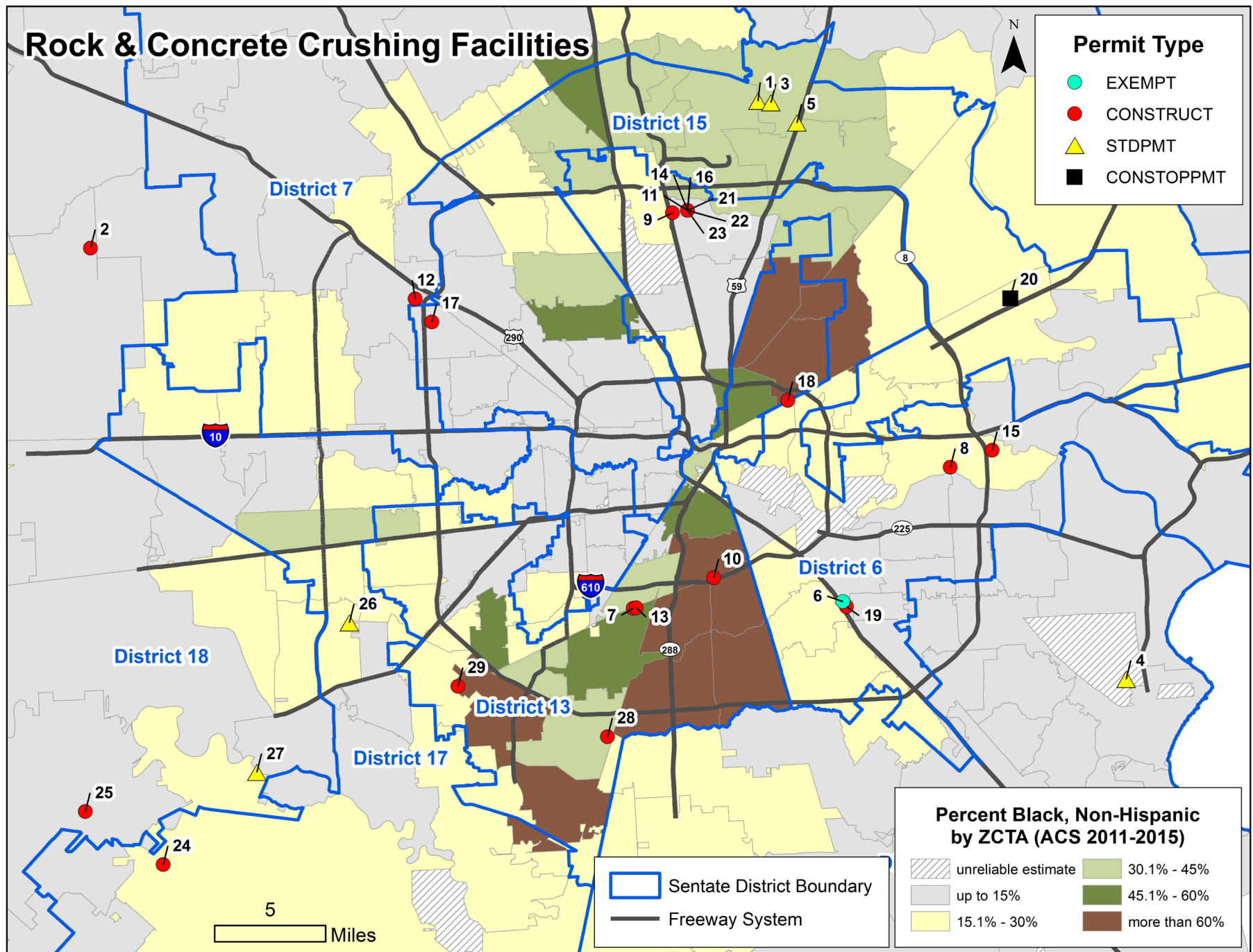
“Economic development” removed from the agency’s mission.

Cumulative Impacts – Aurora Ready Mix

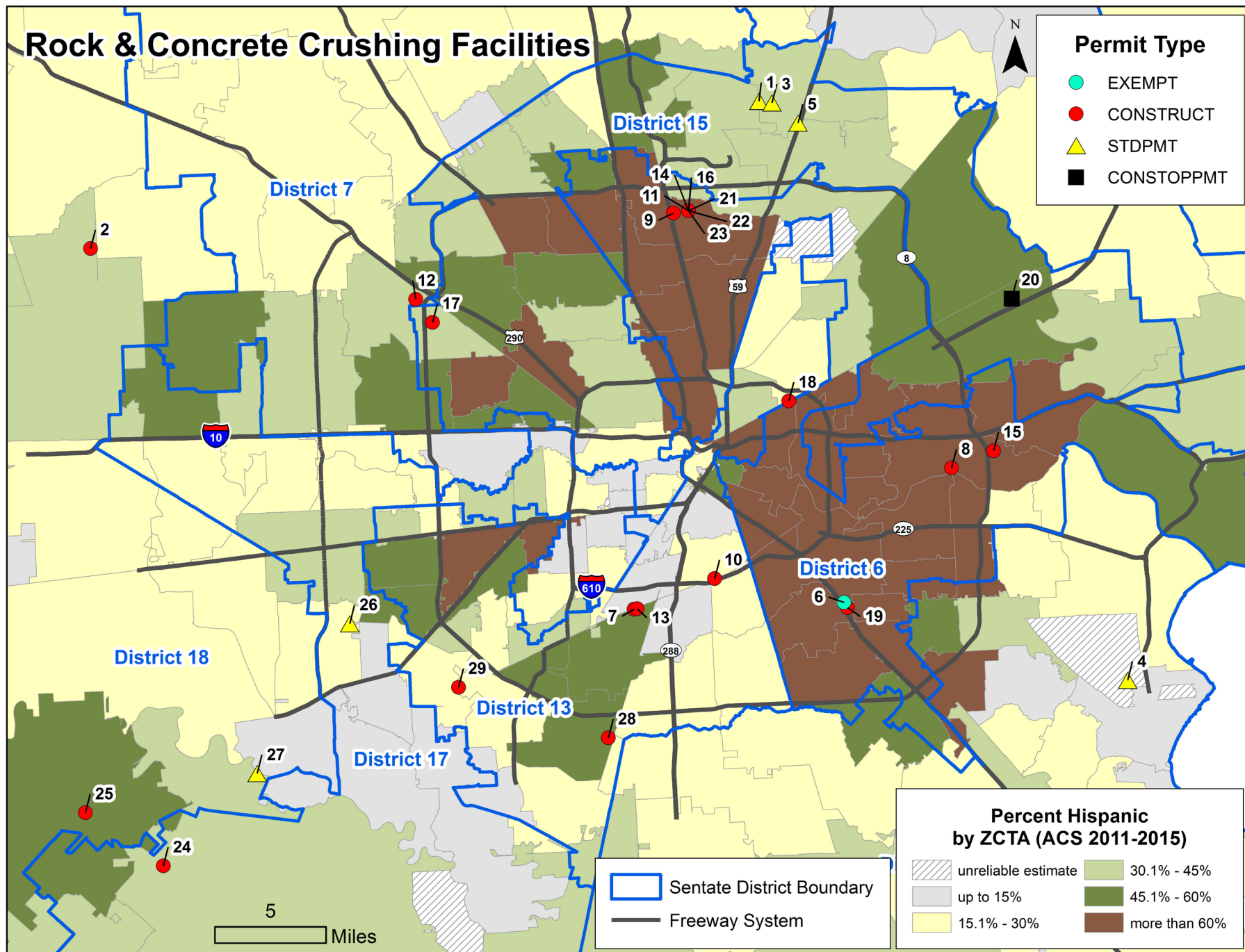


Aurora Ready Mix – search RN108966821 at <https://www15.tceq.texas.gov/crpub/>
https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.showSingleRN&re_id=837406672016019

Rock & Concrete Crushing Facilities



Rock & Concrete Crushing Facilities



Map by Senator Miles (2017)

Texas Emissions Reduction Plan (TERP)



- Ozone (and particulate matter) are the proper focus.
- The Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) is still an opportunity (HB 1351 by Hernandez).
- The Diesel Emissions Reduction Incentive (DERI) grant program is still the most cost effective.
- TxDOT's Congestion Mitigation Air Quality (CMAQ) program does not work.
- The Light Duty Purchase or Lease Incentive Program (LDPLIP) is not meeting Electric Vehicle demand.

Appendix 4. DERI Program Projects by Area

Texas Emissions Reduction Plan Diesel Emissions Reduction Incentive Program

Projects by Area 2001 through August 2022

Area	Total Number of Projects	Total Number of Activities	Total Grant Amount ^{1,2}	Total NO _x Reduction (Tons) ²	Average Cost Per Ton of NO _x Reduced ³	Total Tons Per Day of NO _x Reduced FY 2022	Total Tons Per Day of NO _x Reduced FY 2023	Total Tons Per Day of NO _x Reduced FY 2024	Total Tons Per Day of NO _x Reduced FY 2025
Austin	1,244	1,846	\$97,274,205	11,278	\$8,625	2.08	1.93	1.70	1.23
Beaumont/Port Arthur	284	557	\$49,456,242	9,052	\$5,464	0.92	0.83	0.80	0.70
Corpus Christi	100	288	\$12,616,904	1,790	\$7,048	0.37	0.33	0.38	0.34
Dallas/Fort Worth	4,846	7,803	\$406,794,350	67,093	\$6,063	6.06	5.11	6.00	5.07
El Paso	149	216	\$4,762,262	885	\$5,383	0.08	0.08	0.10	0.10
Houston/Galveston/Brazoria	4,558	7,574	\$486,563,405	81,317	\$5,984	7.09	6.14	5.79	4.46
San Antonio	1,202	1,729	\$96,637,493	11,977	\$8,068	1.79	1.59	1.54	1.31
Tyler/Longview	218	333	\$32,803,031	5,172	\$6,343	0.19	0.15	0.16	0.16
Victoria	93	104	\$5,526,853	587	\$9,412	0.27	0.25	0.21	0.14
Grand Total	12,694	20,450	\$1,192,434,745	189,151	\$6,304	18.85	16.41	16.68	13.50

Note: The number of projects and number of activities are based on the primary area of a project. The grant amount, total NO_x reduced, and cost per ton of NO_x reduced are apportioned to all areas of use associated with a project.

¹The total grant amount includes \$12,425,362 million in federal American Recovery and Reinvestment Act funding awarded in 2010; resulting in 1,322 tons of NO_x reduced.

²Totals have been rounded to the nearest whole number.

³The average cost per ton of NO_x reduced equals the total grant amount divided by the total NO_x reduced. The average cost per ton of NO_x reduced was calculated using raw numbers and then rounded to the nearest whole number.

CMAQ is not effective



Transportation Emission
Reduction Plan (TERP)
TxDOT Annual Report, House Bill
4472, 87th Legislature, Regular
Session (2021)

Transportation Planning and Programming Division
September 26, 2022

Table 1: Emission Reduction and Cost-Effectiveness Estimates for project funded by TERP (FY 2022)

Control Section Job	Project Description	TERP Funds	Analysis Description No Build/Build Scenarios	Project Limits	AADT (Vol/Day)	Emissions Reduced (tons/day)			Projects' Emission Reduction Cost- Effectiveness (dollar/ton)		
						NOx	VOC	PM10	NOx	VOC	PM10
0253-04-138	Expand to 6 lane expressway with frontage roads ~4 general purpose & 2 HOV lanes	\$81,260,747.07	The no-build scenario is a four-lane freeway, and the build scenario considers a six-lane freeway with two HOV lanes. Emission benefits calculated for HOV-lane (decrease in single occupancy vehicle trips) and speed improvements in general purpose (GP) lanes.	US 281 from Loop 1604 to Bexar/Comal County Line	90,245	0.0088	0.0108	0.0003	\$2,183,929	\$1,781,056	\$67,246,319

TxDOT received \$81 million in TERP funds for Congestion Mitigation Air Quality. CMAQ achieved a cost effectiveness of **\$2,183,929 per ton of NOx reduced**.

This makes CMAQ **248 times more expensive than DERI**, which achieved a cost effectiveness of \$8,787/ton NOx during FY 2020-2021.

Appendix 11. LDPLIP Projects by Fuel Type

Texas Emissions Reduction Plan Light Duty Purchase or Lease Incentive Program

Projects by Fuel Type 2014 through August 2022

Fuel	Total Rebates	Total Grant Amounts
Electricity	6,477	\$15,487,265
CNG	216	\$583,750
CNG/Gasoline	43	\$215,000
LPG	9	\$45,000
CNG/Diesel	6	\$30,000
Grand Total	6,751	\$16,361,015

Climate Action

HB 57 by Rep. Zwiener – climate change impact report, greenhouse gas inventory, and climate change action plan.

HB 585 by Rep. Raymond – plan to protect water treatment facilities from catastrophes

HB 846 by Rep. Reynolds – creating the Climate Change Impact Assessment Council.

HB 1797 by Rep. Hernandez - public school policy to prevent heat stress.

HB 3193 by Rep. Zwiener – updating rules on rainfall intensity, duration, and frequency.

HB 3326 by Rep. Goodwin – extreme weather adaptation plans for state agencies.

HB 3193 – rainfall intensity

HOUSTON★CHRONICLE

BUSINESS // ENERGY

Failures of floating-roof oil tanks during Harvey raise concerns

Jordan Blum

Oct. 11, 2017 | Updated: Oct. 11, 2017 5:30 p.m.

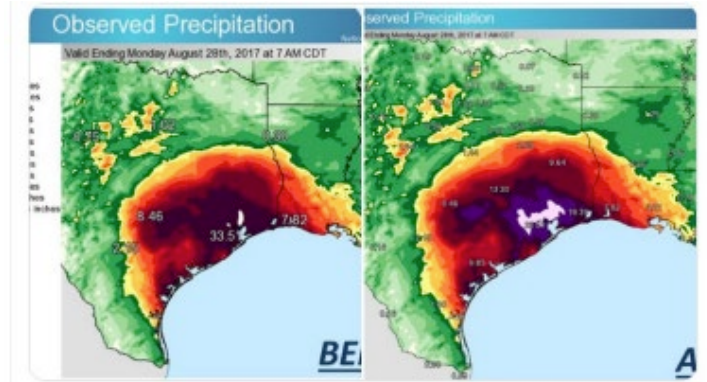


Table 1: Severe Storms in Harris County

Date	Storm	Rainfall	Frequency	Fatalities	Damage (est.)
Aug. 27, 2020	Hurricane Laura ⁶	10-15"	25 year	42	\$19 billion
Sept. 19, 2019	T. S. Imelda ⁷	24-36"	100 year	5	\$5.1 billion
Aug. 27-29, 2017	Hurricane Harvey ⁸	60.5" ⁹	100 year	89	\$125 billion
Apr. 18, 2016	Tax Day Flood ¹⁰	17"	100 year	8	\$2.9 billion

Oct. 31, 2015	Halloween Flood ¹¹	10-15"	25 year	2	\$30 million
May 25, 2015	Memorial Day Flood ¹²	10"	25 year	31	\$2.8 billion
July 14, 2012	n/a ¹³	10"	25 year	-	-
Apr. 28, 2009	n/a ¹⁴	10"	25 year	1	-
Sept. 13, 2008	Hurricane Ike ¹⁵	11"	25 year	112	\$36.9 billion
June 8, 2001	T. S. Allison ¹⁶	30-40"	100 year	43	\$12.7 billion

[https://www.houstonchronicle.com/business/energy/article/Failures-of-floating-roof-tanks-during-Harvey-12269513.php#photo-14156120;](https://www.houstonchronicle.com/business/energy/article/Failures-of-floating-roof-tanks-during-Harvey-12269513.php#photo-14156120)
<https://www.citizen.org/article/under-water-unaware/>

Methane and the Railroad Commission



Bills in Energy Resources:

HB 1276 by Rep. Hinojosa – reducing flaring on University lands.

HB 1385 by Rep. Gervin Hawkins – study on the accuracy of flaring reporting.

HB 1459 by Rep. Rosenthal – policy to eliminate routine flaring.

P-13 – oil and gas wells for freshwater production

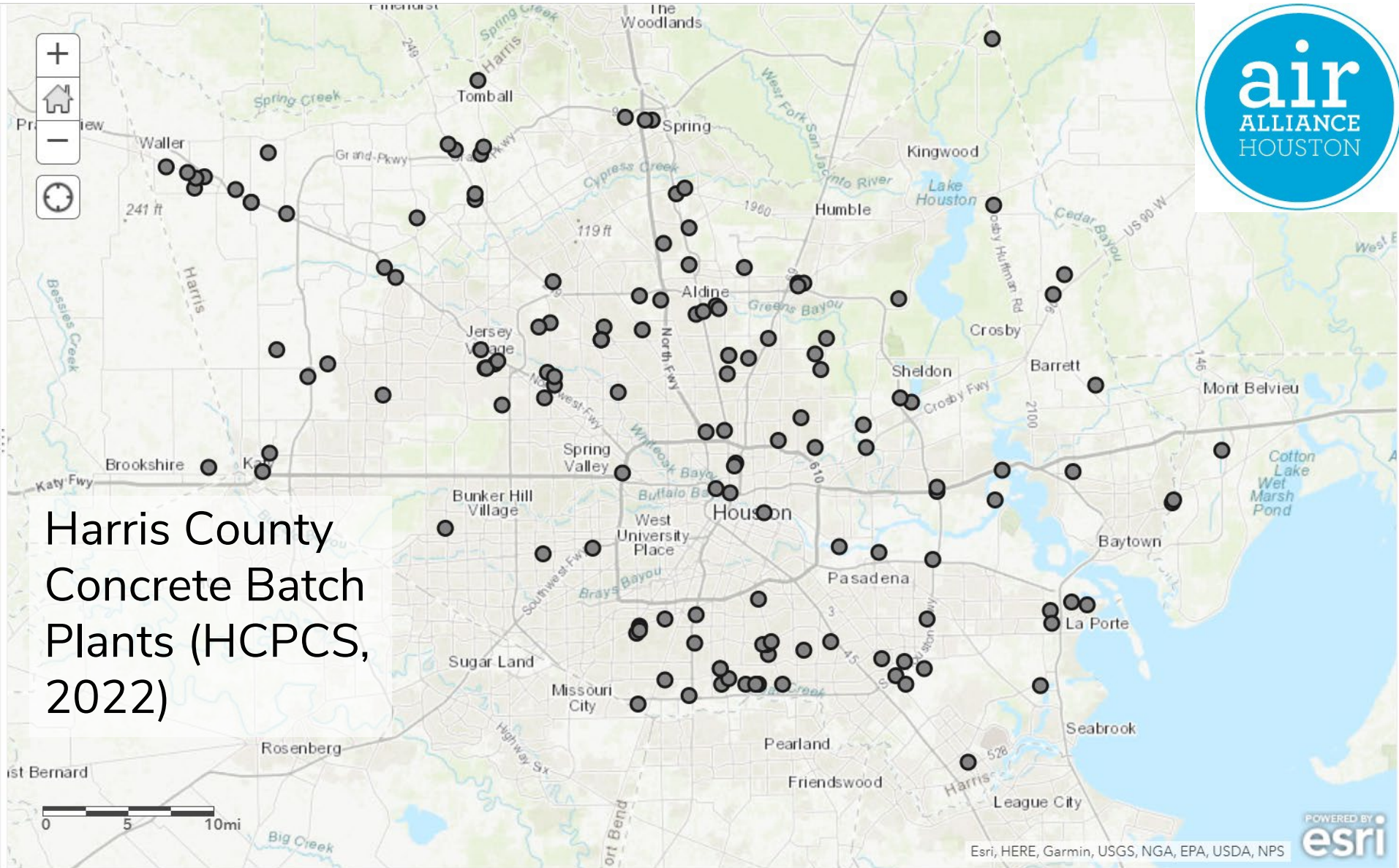
RAILROAD COMMISSION OF TEXAS OIL AND GAS DIVISION		APPLICATION OF LANDOWNER TO CONDITION AN ABANDONED WELL FOR FRESH WATER PRODUCTION		FORM P-13 EFF 10/04	
1. Field Name (as per RRC Records or Wildcat):			2. Field No.:	3. RRC District No.:	
4. Operator Name (as shown on P-5):			5. Operator P-5 No.:	6. County:	
7. Lease Name:		8. RRC Lease/Gas ID No.:	9. API No.:	10. Well No.:	
			42-		
11. Location (Section, Block, and Survey):					
12. If the Operator has changed within the last 60 days, provide the name, the P-5 No., and the address of the former Operator:					
13. If the well has been worked over, provide the former Field name (and reservoir name) and number:					
14. Is this an Abandoned Producer or a Dry Hole? <input type="checkbox"/> YES <input type="checkbox"/> NO If this is a Dry Hole, or if the Operator did not file current completion data, <u>ATTACH</u> casing and cement data for casings penetrating groundwater depths.					
15. Type of Electric or other Log run:			16. Completion date of the well:		
17. Proposed Plug-Back Depth of well for fresh water production (ft):		18. Base of Usable Quality Water (ft.):	19. Date of TCEQ letter:		
			TCEQ File No.: SC-		
20. FOR COMPLETION BY LANDOWNER: Information concerning groundwater conservation districts may be found at www.texasgroundwater.org .					
<input type="checkbox"/> I have permitted the well as a water well with the _____ Groundwater Conservation District.					
<input type="checkbox"/> I have registered the water well with the _____ Groundwater Conservation District.					
<input type="checkbox"/> The _____ Groundwater Conservation District does not require that the water well be permitted or registered.					
<input type="checkbox"/> There is no groundwater conservation district for the area in which the well is located.					

The Legislature should not delegate authority for the P-13 program to the TCEQ.

Concrete & Aggregates Industry



Harris County
Concrete Batch
Plants (HCPCS,
2022)



Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS



Concrete Batch Plant

Houston's Third Ward



Concrete Crusher

Houston's Second Ward



Aggregate Mining

Vulcan Quarry @ 1604 in San Antonio



Cumulative Impacts - Gunter West Group of CBPs – Pic 4



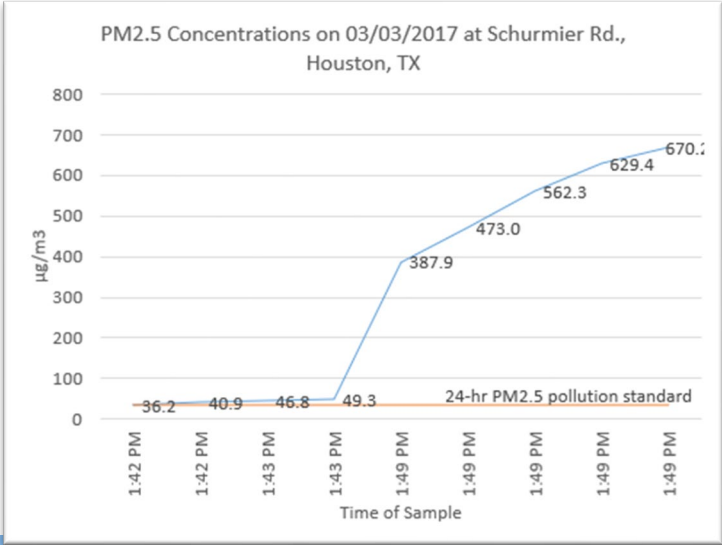
Facing southwest, Taken Jan 2021

Setbacks – Integrity Ready Mix



A.k.a. Yellow Jacket Ready Mix – search RN104920046 at <https://www.15.tceq.texas.gov/crpub/>
https://www.15.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.showSingleRN&re_id=861557332006095

Road entrainment - Schumier Rd, Houston TX



Dirt Roads



Paved Roads



Best Management Practices

- **Traffic**
 - Traffic optimization to limit residential exposure
 - Speed limits (10 mph paved/5mph unpaved)
- **Roads**
 - Paved Roads
 - Water dust suppression on roads
 - Vacuum sweep paved areas
 - Road sweepers
 - Hand sweeping and damping of road edges and pathways
- **Process Areas**
 - Paved process areas
 - Water mist dust suppression in working areas
 - Chlorides or other chemical dust controls on unpaved areas
- **Vehicles**
 - Cover vehicles carrying loose material
 - Wheel washing facilities
 - Designated vehicle location
 - Delivery and off-loading procedures
 - Truck loading bay roof and enclosure
 - Loading bay control equipment
- **Operational**
 - loading rate limits
 - Loading sequence controls
 - Immediate spill cleanup to minimize waterway contamination
 - Increase suppression activity during dry/windy periods
 - Suppression for dry/dusty deliveries
- **Equipment**
 - Covered conveyor belts
 - Drive-over hoppers
 - Enclosed or covered conveyors
 - Conveyor belt cleaners
 - Underground or covered transfer
- **Stockpiles**
 - Underground aggregate bunkers
 - Wet dust suppression
 - Bin storage, bin enclosure
 - Wind shields
 - hoardings and/or sheeting to reduce migration
- **Vegetative cover**

Best Management Practices

Covered conveyors



Dust suppression



Wide, paved roads



Fuel containment



Dry plant technology



Courtesy of Jill Shackelford, former owner/operator.

Concrete & Aggregate Reform

- **HB 94 by Rep. J. Johnson** – allows the executive director of the TCEQ to consider local impacts when approving a concrete batch plant permit.
- **HB 124 by Rep. J. Johnson** – concrete batch plants in municipalities without zoning must apply for the “enhanced controls” permit.
- **HB 344 by Rep. J. Johnson** – written notice to residents of concrete batch plant permit applications in large cities.
- **HB 372 by Rep. J. Johnson** – doubling the residential setback to 880 yards for rock crushers and certain concrete plants.
- **HB 406/407 by Rep. Collier, HB 926 by Rep. Dutton, HB 1387 by Rep. Walle** – allowing schools, places of worship, day-cares, hospitals, and medical facilities to request a contested case hearing for a concrete plant. HB 406/407 also allows people within 880 yards of a concrete plant to request a contested case hearing (increased from 440 yards).
- **HB 758 by Rep. Walle** – clarifying that a request for a contested case hearing may be made any time during a comment period that the TCEQ has extended.
- **HB 759 by Rep. Walle** – providing an administrative appeal of the TCEQ executive director’s decision to approve a concrete batch plant permit.
- **HB 2391 by Rep. S. Thompson** – municipalities may request contested case hearings on concrete batch plants.
- **HB 2392 by Rep. S. Thompson** – giving approval authority for concrete batch plant permits to certain large cities and counties without zoning (Houston and Harris County).
- **HB 137 by Rep. S. Thompson** – combines HB 2391 & HB 2392.
- **HB 2905 by Rep. Goodwin** – concrete batch plant permitting reform.
- **HB 3624 by Rep. Isaac** – reclamation plans for rock crushers.
- **HB 3658 by Rep. Isaac** – air monitoring at aggregate and concrete facilities.

Questions?

