

Date: May 4, 2023  
To: Chairman Landgraf and the Members of the House Committee on Environmental Regulation  
CC: Rep. R. D. "Bobby" Guerra, Rep. Keith Bell, Rep. Jay Dean, Rep. John Kuempel, Rep. Janie Lopez, Rep. Thresa "Terry" Meza, Rep. Penny Morales Shaw, Rep. Ron Reynolds  
*Via hand delivery and by email.*

**From: Adrian Shelley, Public Citizen, [ashelley@citizen.org](mailto:ashelley@citizen.org), 512-477-1155**

**Re: HB 766 – location of TCEQ permit meetings – Public Citizen testimony in support**

Dear Chairman Landgraf and Members of the Committee:

Public Citizen appreciates the opportunity to testify in support of HB 766 by Representative Dr. Alma Allen, relating to the location of certain public meetings for certain permits issued by the Texas Commission on Environmental Quality.

**Public meetings are a source of public frustration.**

In the Sunset Advisory Commission’s May 2022 report on the Texas Commission on Environmental Quality (TCEQ), public meetings were identified as a significant source of “distrust and confusion” among members of the public.<sup>1</sup> The report concluded that, “shortcomings in transparency and meaningful public participation contribute to public distrust of the agency.” The report further stated that, “the timing of public meetings further inhibits the public’s opportunity for meaningful input.”

Unfortunately, the shortcomings with public meetings have not been remedied in the TCEQ sunset legislation. The sunset bill will allow the TCEQ to hold public meetings virtually instead of in person. A virtual meeting is not a substitute for an in-person meeting. In my experience at public meetings on permit applications, the real value is in the relationship formed between an applicant and their future neighbors. This relationship is best formed in person, over a handshake. Forming a strong relationship between the permitted entity and the community relieves the administrative burden on TCEQ in the long term, as neighbors are more likely to settle disputes locally instead of filing complaints with the agency.

**Holding public meetings near the proposed facility will not be burdensome to TCEQ and will facilitate public participation.**

In FY 2021, the TCEQ held 24 public meetings on permits.<sup>2</sup> Current law allows these meetings to be held anywhere in the county in which the proposed facility is located.<sup>3</sup>

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<sup>1</sup> Sunset Advisory Commission Staff Report, Texas Commission on Environmental Quality (May 2022), at pdf p. 14-15 available at [https://www.sunset.texas.gov/public/uploads/2022-12/TCEQ%20Staff%20Report%20with%20Commission%20Decisions\\_11-22-22.pdf](https://www.sunset.texas.gov/public/uploads/2022-12/TCEQ%20Staff%20Report%20with%20Commission%20Decisions_11-22-22.pdf).

<sup>2</sup> *Id.* at pdf p. 28.

<sup>3</sup> Water Code Sec. 5.554(a).



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Polluting facilities are often located in low-income communities, this is the problem of “environmental justice.” It might be burdensome for members of environmental justice communities to travel across the county in order to participate in a public meeting.

TCEQ representatives are typically already traveling to attend public meetings. This fact, combined with the low number of permit meetings held each year, suggests that it will not be unduly burdensome for the agency to hold public meetings in the same House district as the proposed facility.

We hope that the TCEQ continues to hold in-person meetings on permits and does not abuse the coming option to hold virtual-only public meetings. HB 766 will ensure that those meetings happen relatively close to the community impacted by a proposed facility. Doing so will facilitate public participation and work to restore confidence in the agency among members of the public.