

Stephanie Anonymous

I urge the TCEQ to implement the most stringent possible plan to bring the Houston-Galveston-Brazoria area into attainment for ozone pollution, in accordance with the 2008 National Air Quality Standards as required by the Clean Air Act.

2023 was the hottest summer on record, with a record number of ozone action days. This has adversely affected me, as well as millions of other Texans. I was hesitant to exercise outside during summer and even September, for I knew that air pollution exposure was linked to increased chances of developing lung cancer. Not even wearing a protective mask could prevent ozone pollution from affecting me, as ozone can easily get through masks. If nothing is done, the pollution will only get worse due to increasing temperatures. We need tougher regulations ahead of time, and this is necessary to prevent death and disability.

To do this, it is essential to fix flaws and loopholes of TCEQ operation, as they allow exceptional amounts of pollution. For example, these flaws and loopholes allow excess nitrous oxide pollution in the WA Parish Plant in Fort Bend county, which is one of the worst-polluting coal plants in Texas. Regulatory loopholes include:

1. Fugitive emissions problems; as this may overlap with the new methane regulations unveiled in November 2023, it may be doubly legally required for the TCEQ to enforce stricter limits on fugitive emissions.
2. Mis-categorization of minor and major pollution sources. Many facilities, such as those in the Greater Houston area, classify major polluting sources as "minor sources", allowing them to evade appropriate regulations. Currently, when facilities mis-categorize pollution sources as "minor", the TCEQ does not step in to bring them into compliance.
3. The "1-mile rule", an "unwritten rule" or custom held as a rule, which is found nowhere in state law or in the TCEQ's rules. The "1-mile rule" prohibits citizens who live more than 1 mile away from a polluting facility from challenging its air quality permits, regardless of whether they are affected. Air pollution can affect people from a much greater distance than 1 mile. I urge you to create a framework for evaluating the distance from a polluting site under which people are meaningfully affected, make a ruling for it, and then enforce it.
4. Overly loose standards when the affirmative defense is acceptable, as the affirmative defense is frequently abused by polluting facilities to release excessive air pollution without being penalized for it.
Tighten the standards for when the
5. House Bill 1794, which makes it harder for private citizens to sue polluting companies, and therefore makes it harder for them to hold polluting companies accountable. I urge you to challenge this bill.

We need more than incremental changes to keep ozone within safe levels.

The current TCEQ plan fails to consider the effects of decisions that incentivize single-occupancy vehicles at scale. Expanding highways leads to induced demand, and in turn creates more congestion, creating more air pollution. I would like to see structural reforms to regional transportation planning.

Additionally, the public participation process has problems. It is too short, and the 2015 ozone SIP was released over the Thanksgiving holidays, when fewer members of the public would be able to notice and respond to them. It is necessary to provide more time for community engagement.