

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPTION OF AUDIO RECORDING
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
HOUSTON
JANUARY 4, 2024

1 JANUARY 4, 2024

2 MS. GHARIS: Good evening. It is 7
3 o'clock, but we do have several people signing in
4 downstairs. So we'll give them just a few
5 minutes before we start.

6 (Pause in conversation)

7 Good evening. Let's go ahead and get
8 started. But before we start, I would like to
9 invite the Spanish interpreter back up.

10 THE INTERPRETER: Good evening. If
11 anyone needs interpretation services through
12 Spanish, you can approach the group on your
13 right, and you will be advised that you will be
14 able to hear Spanish interpretation
15 simultaneously. Thank you.

16 MS. GHARIS: It is now 7:03. I would
17 like to welcome everyone to -- I would like to
18 welcome everyone to this public hearing being
19 conducted by the Texas Commission on
20 Environmental Quality. My name is Laurie Gharis.
21 I'm with the Chief Clerk's Office.

22 I would also like to introduce Shantha
23 Daniel, Robert Kirsten (phonetic), Jill Dickey-
24 Hull, Bob Gifford, Alison Stokes, and Vanessa De
25 Arman with the Air Quality Division. Terry Salem

1 is here with the Environmental Law Division, and
2 Georgia Carroll-Warren with the Chief Clerk's
3 Office.

4 If you have not signed in, please do so
5 now. We are here to receive comments on the
6 proposed Houston-Galveston-Brazoria, or HGB,
7 Severe Area Attainment Demonstration State
8 Implementation Plan, or S-I-P or SIP, Revision
9 and the Dallas-Forth Worth HGB Severe Area
10 Reasonable Further Progress SIP Revision, both
11 for the 2008 eight-hour ozone national ambient
12 air quality standard.

13 This hearing is also to receive comments
14 on proposed amendments to 30 Texas Administrative
15 Code, Chapter 115, Control of Air Pollution from
16 Volatile Organic Compounds, and 30 Texas
17 Administrative Code, Chapter 117, Control of Air
18 Pollution from Nitrogen Compounds.

19 This hearing is structured strictly for
20 the receipt of comments on these proposals. Open
21 discussion during the official hearing is not
22 allowed.

23 We would like to ask two favors of you.
24 First, please try to keep your comments as brief
25 as you can and no longer than three minutes. We

1 would like to be sure that everyone has an
2 opportunity to speak. Second, if someone who
3 spoke before you addressed your concerns, it is
4 not necessary to repeat the comment. You can
5 simply indicate your endorsement of those
6 comments, and in the adopted project
7 documentation, we will acknowledge that those
8 were your concerns as well.

9 Thank you for your courtesy in
10 recognizing the time limit. If necessary, a 10-
11 minute break will be taken after every 40 minutes
12 of testimony.

13 If you have not yet signed in at the
14 registration table, please sign in now. If you
15 intend to present oral comments, please indicate
16 that on the sign-in sheet. Printed copies of the
17 proposed SIP revision are available at the
18 registration table for your reference while here.
19 Several handouts were also provided for you on
20 the registration table, including the hearing
21 notice and plain language summary of the
22 proposals we are taking comment on today. These
23 handouts are provided in both English and
24 Spanish. The handouts contain relevant web
25 addresses and comment submittal information.

1 These documents are available on the TCEQ website
2 as well.

3 We will now begin receiving comments in
4 order in which you registered. We will be
5 recording your comments for transcription. So
6 please speak directly into the microphone so that
7 we can hear your comments. When I call your
8 name, please come up to the microphone, state
9 your name and who you represent, and begin your
10 comments. If I mispronounce your name, I
11 apologize.

12 First, we have Juan Parras.

13 MR. PARRAS: Hello. Good afternoon. My
14 name is Juan Parras, and I wasn't prepared to be
15 the first speaker. But it's okay. Can I -- okay.
16 Well, first of all, I'm the director of the Texas
17 Environmental Justice Advocacy Services, the
18 environmental justice organization started in 2006
19 here in the Greater Houston Area. And currently I
20 also serve on the White House Environmental
21 Justice Advisory Council, which is a newer
22 committee appointed by President Biden.

23 And it's good that this is happening,
24 you know, that communities are being invited to
25 participate at the national level on the issues

1 that we're talking about today.

2 But back to what we're going on. We've
3 been coming to meetings regarding the ozone levels
4 in the Greater Houston Area, and it seems like
5 it's a very slow pace to get to move the
6 standards. And from our perspective, we're
7 wondering how long is it going to take or what do
8 we, as citizens, can we do to actually help you
9 meet the goal of reducing the ozone levels in the
10 city of Houston and the area because I know we
11 also have contributed to the ozone levels to some
12 degree.

13 But it's also very frustrating for us to
14 work in communities -- environmental justice
15 communities and are overburdened with not only
16 ozone but also other air toxins, 12 of them,
17 cancer-causing chemicals. So it's very important
18 for us to address or it's very important for us to
19 at least come to your meetings and try to get an
20 idea of how much longer communities that are
21 really overburdened by not only ozone but air
22 toxins as well, how much longer will it take to
23 meet the goals set by the State and the
24 regulators, and what penalties are you really
25 imposing on those that are violating the law to

1 make them law abiding citizens?

2 We live in Houston, as you know, and
3 Houston also has the greatest medical center in
4 the world. People from all over the world come to
5 get healed here, and we feel that's because we
6 also have a lot of guinea pigs -- hate to say a
7 bad impression. And we also have a lot of people
8 that are experiencing all kinds of illnesses due
9 to our natural environment here.

10 So it's serious, and I hope that you can
11 start reducing levels of ozone and that we -- I
12 know you're taking it seriously. But I think it
13 needs to be -- it needs to be shown to us that you
14 are doing your job. And I'm not saying you're not
15 doing it because I know you're trying, but we
16 would appreciate seeing some significant
17 reductions in ozone to at least give us hope that,
18 yes, our leaders and our directors in charge of
19 reducing ozone, they're really working at it, and
20 they're making progress. Thank you.

21 MS. GHARIS: Thank you.

22 Next up, Ava Parras. And it's Ana. I
23 apologize.

24 MS. PARRAS: That's all right. I can't
25 see part of the time.

1 Good evening. My name is Ana Parras.
2 I'm the co-director of Texas Environmental Justice
3 Advocacy Services. And I apologize. It takes a
4 while to get my breath. We're an environmental
5 justice organization located in the East End of
6 Houston, the beginning of the petrochemical
7 corridor. We live and work in East End of
8 Houston.

9 For the public record, our organization
10 along with others requested a 30-day public
11 comment period extension with additional public
12 hearings. TCEQ denied the request. The State is
13 not doing its due diligence to allow for proper
14 public participation when making decisions for
15 three large metropolitan areas in Texas. Houston
16 is classified as severe nonattainment for ozone
17 and does not meet the federal clean air standards
18 for ozone. It never has.

19 Ozone has two important precursors, both
20 prevalent in Houston. Nitrous oxide, NOx, come
21 from emitters including factories, car exhaust,
22 and volatile organic compounds that are mixed and
23 are released by industrial plants, paints,
24 solvents, evaporating gasoline, and many natural
25 sources. Heat also plays a role in speeding up

1 ozone-forming reactions.

2 We have an issue. We have climate
3 change. Climate change needs to be taken into
4 account. The biggest concern in high ozone
5 concentration is the damage it causes to human
6 health. High concentrations of ozone may cause
7 shortness of breath, coughing or wheezing,
8 headaches, nausea, throat and lung irritation.

9 There are far too many children in the
10 East End of Houston who are suffering from these
11 effects today. All you need to do is go to the
12 pulmonary unit at LBJ Hospital. I'm talking about
13 the county hospital, not insured, because I was
14 not insured for some time.

15 I spent a large amount of time at this
16 hospital because I suffer from an autoimmune
17 disease that requires that I use oxygen. The
18 units -- I spent a lot of time in this pulmonary
19 unit for treatment.

20 This unit on any given day is full of
21 children on oxygen tanks, and yes, they have to
22 carry tanks because they can't afford those
23 expensive little units. These are all provided by
24 the State, by the way. The units are full of
25 children. They have little stickers on their

1 oxygen tanks, and I remember a particular sticker
2 that was on a little girl's oxygen tank that said
3 please help. This is tragic. These children will
4 never know what it's like to run and play and not
5 worry.

6 For me, it has become a daily routine --
7 a daily routine. I have to check the ozone
8 levels. The public health of citizens are all at
9 risk due to ozone nonattainment. This is
10 undeniable.

11 MS. GHARIS: Please finish up your
12 statement. Thank you.

13 Next, Mrs. Arellano.

14 MS. ARELLANO: Good evening. My name is
15 Deyadira Arellano, and I'm here as a concerned
16 parent and resident of Harris County to provide
17 public comment regarding proposed revisions to 30
18 Texas Administrative Code Chapters 115 and 117 and
19 the State Implementation Plan.

20 And I'm disappointed to learn that the
21 TCEQ's State Implementation Plan does not account
22 for climate change and yearly increases in
23 wildfires in our state. In 2023, the Texas A&M
24 Forest Service registered 6534 wildfires in 2023,
25 and that was more than half from 2022. If this

1 trend continues to grow until 2027, this plan does
2 nothing to reduce ozone triggers from wildfire
3 smoke.

4 In addition to growing concerns
5 regarding ozone, I was saddened to hear that
6 Harris County is listed as 12th most polluted
7 place to live according to the American Lung
8 Association's State of the Air report card.
9 Families in Texas deserve our regulatory agency to
10 do more. With federal environmental regulators
11 like the EPA and residents, we can't afford TCEQ
12 to silo itself from the rest of the nation as we
13 see progress made in other states as the Lone Star
14 State and its regulators leave our families
15 behind. Thank you.

16 MS. GHARIS: Next up, we have Jennifer
17 Hadayia.

18 MS. HADAYIA: Good evening. My name is
19 Jennifer Hadayia. I'm the executive director of
20 Airlines Houston. I'd like to offer five points
21 of impact on the revised Houston Area SIP.

22 First, this plan has direct implications
23 for permitting and compliance, and unfortunately,
24 there are still loopholes that are not addressed
25 by or ultimately undermine this plan. The first

1 is fugitive emissions. Rapid spikes in ozone are
2 often due to unauthorized and uncontrolled
3 industrial flaring. I would like to see strong
4 requirements in the SIP to disincentive industrial
5 flaring and to add more stringent pollution
6 control requirements on flare technology in
7 particular.

8 Also a concern for implementation is the
9 nonattainment NSR program. I would not assume, as
10 the SIP does, that approval of nonattainment NSR
11 regulations from 1995 are sufficient today. In
12 fact, a report from Inside Climate News showed
13 evidence that the major NSR permitting process is
14 routinely circumvented by large polluters, and I
15 would like to see this addressed in the SIP as
16 well.

17 My second point, the revised SIP does
18 not acknowledge the disproportionate impact of
19 ozone exposure on communities of color. We know
20 that people of color households in Houston NSA are
21 more likely to be exposed to ozone concentrations
22 higher than the federal standard and the least
23 likely to have seen improvements since the
24 standards were set. The SIP must address
25 disproportionate and cumulative impacts starting

1 with an enhanced focus on pollution sources
2 impacting communities of color the most.

3 Third, a three percent reduction is the
4 bare minimum. In fact, we already know what our
5 future attainment status will be since we were
6 already redesignated further from attainment in
7 comparison to the 2015 max. The Houston area
8 needs more than small incremental changes and
9 "business as usual" measures to bring down ozone
10 levels once and for all.

11 Fourth, this plan is myopic in its
12 treatment of mobile emissions. It gives no
13 consideration to single occupancy enabled use at
14 scale. Highway expansions create induced demand
15 and induced congestion, which both create more
16 ozone-causing pollution. The SIP should include a
17 climate-oriented approach to regional
18 transportation planning, which is already the
19 purview of H-GAC, the entity charged with ensuring
20 conformity.

21 Lastly, as one of the prior speakers
22 noted, I would also be remiss if I did not comment
23 on the public participation process. I was here
24 in June offering my comments on the 2015 ozone SIP
25 and at that time maybe one of three people in the

1 audience, and only one person gave comments. I
2 asked for an extension of the comment period and
3 was told no.

4 Several of my colleagues who are here
5 tonight and I asked for an extension of this
6 comment period since the SIPs were released over
7 Thanksgiving, and we were again told no. We take
8 these plans just as seriously as TCEQ does, and
9 that's why we ask you for more time for community
10 members to engage. And I truly wish they would
11 give them that opportunity. Thank you very much.

12 MS. GHARIS: Thank you.

13 Next, we have Nova Jones.

14 UNIDENTIFIED FEMALE: Sorry. Sorry.
15 We're tripping over each other.

16 MR. BUCKINGHAM: Just to clarify, my
17 name is Nova Buckingham.

18 MS. GHARIS: Thank you.

19 MR. BUCKINGHAM: And there are quite a
20 few people who publicly, you know, spoke to a lot
21 of the things that I've put in my testimony. So
22 it's going to be cut a little short.

23 I'll just introduce myself again. My
24 name is Nova, (indiscernible) pronouns. I'm here
25 to address, of course, the 2008 Ozone SIP

1 Revisions. I'm a field organizer with the Sierra
2 Club, and the reason why I want to testify in
3 front of TCEQ is I think you should consider
4 making significant changes to the revision plan or
5 to this revised plan in a way that would actually
6 impose more stringent regulations on industry and
7 on fossil fuels.

8 Of course, and people have already
9 pointed out, there is the great concern of climate
10 change. The summers are getting hotter, and it's
11 very apparent to Texans. And it's very apparent
12 in the way that ozone formulates. It's -- we're
13 having more days that are above the federal
14 standards for the parts per billion and more eight
15 hour -- more of those eight-hour-long periods,
16 especially for summer use the exposure is just --
17 it's too -- it's too great. It's too concerning
18 as far as a public health risk.

19 But I will also give my personal story.
20 So I'm a lifelong Texan. I grew up here in
21 Houston. I was born and raised in Third Ward. My
22 family moved to Pasadena, and we called that place
23 Pasadena for a reason. It's a huge industry
24 place, and we were always having, you know,
25 trouble breathing or just feeling like we were

1 suffocating.

2 We eventually moved out to the North
3 Houston area, so Spring and Cyprus, and it was a
4 little bit better there. But like it was still
5 very evident that the air quality was poor
6 compared to other places that I visited in the
7 country like North Carolina when I was younger.

8 And so just growing up in these
9 conditions and then seeing it and understanding it
10 and going to school, getting my degree in
11 political science, understanding how these systems
12 work, or trying to better understand how they
13 work, what it means to go through a regulatory
14 process to try to achieve what we want to achieve
15 in our communities, which is, you know, to end the
16 disparities, to kind of tell our stories, get our
17 narratives clear and across and make sure that our
18 voices are heard. And that's what I'm here to do.

19 So personally, I would like to say that
20 I'm fed up of having to prove and intellectualize
21 the impact that, you know, pollutants like the
22 ozone-forming pollutants actually have on
23 communities. Somebody already spoke to this
24 before, but the impact is disproportionate.

25 There is a report from the -- I believe

1 it is the Environmental Integrity Project. They
2 put together one in 2023 that specifically named
3 or -- and engaged data on the disproportionate
4 exposure that people of color and people of low
5 income in the Houston area are exposed to ozone
6 concentration.

7 But, you know, even beyond that,
8 professionally, I'm also tired. I've learned that
9 TCEQ sort of has a history of kicking the can down
10 the road when it comes to regulating ozone-forming
11 pollutants. The proposal here essentially does
12 the exact same thing. And so, yeah, I'm here to
13 firmly say to TCEQ I want to do something
14 different, be more urgent in addressing these
15 public health issues. And thank you for your
16 time.

17 MS. GHARIS: Thank you.

18 Mr. Sharp?

19 MR. SHARP: My name is Cleophus Sharp.
20 I grew up in the East End -- Northeast End
21 Pleasantville community, which is right at where
22 the Budweiser plant is, about a quarter mile from
23 there. And I'm here to express concerns about the
24 quality of air.

25 Having grown up there, I personally

1 experienced everything that you've heard already.
2 I had moved away from there because I couldn't
3 breathe. I was in the hospital for two weeks on
4 an oxygen tank (indiscernible).

5 I have -- my mother still lives there.
6 She's 95 years old, and my sister is there
7 helping. I have a lot of friends on that side of
8 town. I go over there all the time.

9 And I work with ACTS, Achieving
10 Community Tasks Successfully. That's one of the
11 issues that we're working on right now is air
12 quality. We even get monitors, and it shows that
13 pollution over there for NOx and VOCs is still
14 strengthening.

15 And so I come asking you -- I won't
16 repeat what was said, but East Harris County has
17 been identified in the 94th percentile of the most
18 polluted community -- that's Pleasantville -- but
19 the East End is in the 88th, you know. That's how
20 polluted it is on that end.

21 So rather than going through what has
22 been said already, I just challenge each of you,
23 before you leave here, don't take our word for
24 what we're saying. We could be saying whatever
25 just to influence you. Take a tour. Go there

1 yourself. You can go tonight. You can go
2 tomorrow. Before you leave, go down 225 through
3 Pasadena to Deer Park. You'll see the flares.
4 You'll breathe the same air we breathe.

5 Think about this. Would you want your
6 children to have to breathe that 24 hours a day,
7 play in it? Would you want to work in it? Would
8 you want your children to work in it? What about
9 your grandchildren? This is what we go through,
10 and this has been going on -- I'm 71 years old. I
11 almost died at four years old behind this. This
12 has not changed. This is not just starting. This
13 has been going on for some time.

14 So I appeal to your human side to just
15 voice our concerns because I know you all don't
16 have any authority to make any changes because
17 you've been appointed. So I appeal to you to
18 voice our concerns, the humanistic side, that
19 you're killing people by making --

20 And again, I know you all don't make the
21 policies. I'm asking you to pass it on because
22 the people in Austin don't have the effects that
23 we have. Children are dying, as has already been
24 stated, from cancer. Adults are dying. Elderly
25 are dying. It's hard to go outside and breathe

1 this every day. And I thank you for your time.

2 MS. GHARIS: Thank you.

3 Veronica Pina.

4 MS. PINA: Pina.

5 MS. GHARIS: Pina. Please come on up.

6 MS. PINA: Thank you.

7 Good evening. My name is Veronica Pina.
8 I'm with Fort Bend County, Ford Bend Houston City
9 Limits, and Fort Bend County Environmental
10 Organization. I'm the vice chair there, and our
11 main concern in Houston, Fort Bend is the WA
12 Parish plant. We have developed coalitions with
13 Sierra Clubs here at our alliance to help us
14 because the WA Parish plant coal-burning units are
15 violating regulations.

16 And they don't -- it seems that TCEQ is
17 -- they don't ask for -- to be allowed to burn off
18 extra pollution. The first cold snap that we had
19 this winter, they sent a letter to Department of
20 Energy, I believe it was, and I don't know if the
21 TCEQ was even notified that they were going to
22 violate.

23 And so this is concerning because that's
24 the number three in the nation violator of -- you
25 know, to affect our ozone and pollution. The

1 plumes are so long, and they will run across our
2 county, Ford Bend, into Houston, and into other
3 states.

4 WA Parish, we have a coalition now, and
5 all we're trying to do is educate the public.
6 We're not blaming, but we're -- all that we're
7 saying here is we want a quality of life where
8 TCEQ holds these companies, these violators,
9 accountable and defines whatever you have to do to
10 -- are nuts, pennies, compared to the lives of
11 these people that are -- that I've grown up with.
12 And generationally now we have COPD. We have
13 respiratory issues. So we have cancer. We have
14 too many people suffering and dying and having to
15 go to the doctors and pay for extra things as a
16 result of this pollution that's affected us.

17 We have data. TCEQ, State of Texas, has
18 data, and if the violators are telling the
19 agencies that they're just going to do it anyway,
20 then something is wrong. And the people are
21 suffering. So that's really all I have to say.
22 Thank you very much for the opportunity.

23 MS. GHARIS: Thank you.

24 Next, we have Omer Ahmed.

25 MR. AHMED: Hello. My name is Omer. I

1 want to thank you all so much for your time and
2 for listening to others here. So much has already
3 been said. So I wanted to just say I live in the
4 Medical District. Today, I've come to represent
5 both myself as well as Mutual Aid Houston and the
6 Houston Abolitionist Collective.

7 Today and over the next few weeks, we
8 are about to see the second largest influx of
9 COVID throughout -- from the very start of the
10 pandemic to now. I look around this room, and I
11 see very few people masked. And the reason that
12 I'm bringing this up is because with all the
13 energy facilities here and the coal and oil bands,
14 there are so many respiratory illnesses that are
15 caused because of this.

16 Whether it be lung cancer or asthma or
17 even conditions like sleep apnea, which I
18 personally suffer from, all of these conditions
19 are exacerbated by COVID. And so we have an
20 opportunity to mitigate these by just trying to at
21 the very least be less lenient and do what we can.

22 And so all I'm asking is that we work
23 towards holding (indiscernible) as accountable,
24 prioritizing people's health over commerce. And
25 so I just -- I feel that's asked over the last few

1 previous comments, and I ask for your compassion.
2 Thank you so much again.

3 MS. GHARIS: Thank you.

4 Is there anyone else who would like to
5 provide comments?

6 MR. CANTU: My name is Rodrigo Cantu.
7 I'm an attorney with Earth Justice. I wanted to
8 make sure I got -- I gave the community members
9 their opportunity to speak.

10 So I echo everything they said. I would
11 just like to bring focus to the fact that the TCEQ
12 could be doing more with regard to these SIPs. We
13 know that ozone decreases have stagnated for
14 several years now. The TCEQ even acknowledges
15 this across the several SIPs.

16 And so we would encourage you to take
17 more proactive measures to bring those down. That
18 could be accomplished by focusing more on the
19 industrial emitters, many of which -- but not all,
20 but many of which are along the ship channel here
21 in the Houston area. And that would go a long way
22 towards bringing those ozone precursors down, as
23 opposed to the small incremental changes that the
24 previous commenters mentioned, which TCEQ is --
25 puts forth is going to be brought by vehicle

1 emissions coming down.

2 Vehicle emissions coming down are
3 important, but so are the emissions that are
4 coming out of the industrial actors, again, many
5 of which are along the ship channel.

6 TCEQ also should be putting more
7 emphasis on the data that is reported to it by
8 these emitters. It's putting a lot of weight into
9 the modeling in order to justify that it's going
10 to be coming into compliance or, for example, the
11 reasonable further progress plan is going to be in
12 compliance with the law. But it also needs to be
13 putting more emphasis on the actual data, which
14 again, for several years, shows that these
15 precursors have sort of stagnated at certain
16 levels.

17 And again this -- none of these plans
18 call for more new controls on point sources and
19 area sources, and if more new controls were put on
20 these point and area sources, that would go --
21 that would further this and would go a long way
22 towards bringing more of those ozone precursors
23 down. Thank you for your time.

24 MS. GHARIS: Thank you.

25 Anyone else?

1 We are also accepting written comments
2 on the proposal today. The TCEQ will continue to
3 accept written comments on these proposals via the
4 TCEQ public comment system until 11:59 p.m. on
5 January 16, 2024. All comments should reference
6 the SIP project number that the comment pertains
7 to.

8 As a reminder, copies of the proposed
9 rule and SIP provisions, including appendices, can
10 be obtained from the Commission's website. The
11 handouts contain the relevant web addresses for
12 obtaining the electronic copies of the proposed
13 SIP provisions and access to the TCEQ public
14 comment system. We appreciate all comments.

15 And thank you for coming. If there are
16 no further comments, this hearing will be closed.

17 Okay. It's 7:36, and this hearing is
18 closed.

19 (END OF AUDIO RECORDING)

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF TRANSCRIPTIONIST

I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.

Julie Thompson, CET-1036