

Caroline Chow

Public Comment on TCEQ Section 185 Fee Program (Rule Project No. 2023-131-101-AI)
Submitted to: Texas Commission on Environmental Quality
Date: June 10, 2025

To Whom It May Concern,

I am writing to express my strong opposition to the proposed Section 185 Failure to Attain Fee Program as outlined in Rule Project No. 2023-131-101-AI. While the Clean Air Act mandates that states implement a penalty fee for major stationary sources of ozone-forming pollutants in nonattainment areas, the current proposal by TCEQ fails to meet the spirit and intent of this federal requirement.

The proposed rule appears to shift the financial burden of industrial pollution away from the actual polluters—major sources of nitrogen oxides (NO_x) and volatile organic compounds (VOCs)—and onto the public, including Texas motorists, through the use of publicly funded programs like the Texas Emissions Reduction Plan (TERP) 1. This undermines the core purpose of Section 185, which is to hold polluters accountable and incentivize emissions reductions.

Communities in the Dallas-Fort Worth areas continue to suffer from poor air quality, with disproportionate impacts on low-income and minority populations. Rather than protecting these communities, the proposed rule shields industrial polluters and delays meaningful progress toward meeting the 2008 eight-hour ozone National Ambient Air Quality Standards (NAAQS).

I urge the Commission to reject this proposal and instead adopt a Section 185 Fee Program that:

- Directly assesses and collects fees from major stationary sources of NO_x and VOCs;
- Aligns with EPA guidance and Clean Air Act requirements;
- Reinvests collected penalties into community-based air quality improvement projects;
- Ensures transparency and public accountability in fee assessments and expenditures.

Texas must take bold and lawful action to improve air quality and protect public health—not dilute federal mandates to benefit polluters at the public's expense.

Sincerely,
Caroline Chow