

Mary Branch

See attached PDF

1. Increasing Public Engagement by Affording Opportunities for Participation Within Broader Groups and Including Public Lands and Waters as Affected Areas as it Pertains to Environmental Justice:

A. TCEQ must expand their consideration of what constitutes affected areas. Permit applications for projects that occur in and around proximity (further than your current 1 mile limitation) to public lands and waters, whether indirectly or indirectly, should have NORIs, complete with the application link, disseminated State wide. Why? Many of these lands and waters are used for recreation, tourism, sustainability of ecosystems that humans depend on, quality of life, and personal aesthetic enjoyment. Many of these are host to a biodiversity of wildlife and habitat that many members of the public rely on for sustainability and enjoyment. If they are downwind or downstream or closer than the 1 mile rule, these lands and waters are indisputably affected, and users of these lands and waters must be notified. Notices should be sent to schools, businesses, chambers of commerce; county, state and city offices, including but not limited to parks and recreation departments, Texas Parks and Wildlife and USFWS Regional Departments with requests to please disseminate through their main venues, public events/meeting, and communication mediums. Notices should also be disseminated to non-profits, rotaries, and certain trade associations whose membership demographic involve any category of the above mentioned uses. E.G. Fishing, Kayaking, Birding, Swimming, Boating Trade Associations. It is imperative that TCEQ properly alert the public to projects that will affect public enjoyment of the

lands and waters that these businesses and associations rely on for trade. **Prime example: When three LNG terminals were seeking permits for the Port of Brownsville, the Shrimpers, Fishermen, Eco-Tour Boats, etc., were not notified. Other community and activist groups struggled to provide widespread communication and education on the impact of these projects in a timely fashion.** Encouraging public comment should not be the sole job a select few members of the public, but rather the regulating entity, which in this case is TCEQ.

- B.** Consideration of cumulative impacts of permits should be addressed once and for all. This will also address and take care of increasing the assessment radius from the limiting and arbitrary barrier of qualifying as an 'affected person' of 1 mile that TCEQ currently uses. Impacts from current permit applications, permits in force, permits up for renewal should be included in this cumulative review. This should be across all permits, not just one type of permit. Cumulative air and water quality impacts that affect our health, sustainability of natural resources, access to public lands, roads, bodies of water, which are used for recreation, food, work, and recreation. Many people rely on access to certain lands and waters for food through fishing and hunting. Sustainability of wildlife populations that will be affected by major industrial projects **MUST** be considered and it should be considered cumulatively throughout construction and operation of not just one permit approval, but all above mentioned permits and projects. Access to roads impacted by projects must be considered cumulatively as increased traffic congestion from construction and future operation of a project must be

considered. Safety and ease of access to work, school, recreation must be included in assessments. Not just 1 mile from project. The public has a right to have public health officials, scientists, EPA, and CDC, NMFS, FWS, TPWD, to name a few, weigh in on the cumulative effects of multiple projects seeking permits and that are already operating, in our community. Prevailing winds, climate, climate change all must be considered cumulatively both on a daily and annual basis to these communities. Air modeling, noise, light, and hydrology must be taken into account with multiple projects. Consideration of the demographic of seniors, impoverished, indigenous, and children under the age of 18, who are particularly at risk, must be assessed. This is currently NOT being done and is sorely lacking in the review process. TCEQ currently takes each permit totally out of context for review and permit issuance. This is not right anymore in the world we live in. Climate change, population growth, increased vehicles on our roads and waterways, increase in infrastructure throughout our communities and wild lands with pipelines, wind turbines, solar farms, agricultural deforestation, etc. The public has a right know the cumulative impacts of yet another project affecting their quality of life, health and accessibility. **For example, in Cameron County, we have two LNG terminals permitted, a 137 mile pipeline seeking permits, Elements Fuel (a crude oil hydrogen refinery) with a permit, SpaceX exploding rockets 5 miles away from our communities without any permits, except one storm water general permit, yet seeking multiple new permits now, and none of this has been cumulatively reviewed. There are 40,000 acres of land to be leased at our Port of Brownsville and**

Abbott has said he wants this location to be the energy hub of Texas. Well TCEQ, in spite of their appointments by Abbott, must keep the safety and health of the public foremost as well as the sustainability of the ecosystem by considering cumulative effects.

2. Increasing Public Engagement Through Greater Ease of Accessibility and Understanding:

A. ALL permit applications and ALL activities and/or supporting documents relating to the application must be made accessible online across a broad canvas of web based applications, digital applications, social media platforms, as well as traditional media outlets from mainstream to local. Flyers and bulletins should be made available to handout in communities, and hard copies of said Applications and NORIs be made available at public libraries, institutional libraries, educational libraries, TCEQ offices, TPWD offices, FWS offices and National Park Service offices. Most especially, these documents must be available on the TCEQ website when you search the CID for a particular permit number or applicant name. Currently, there are only a select few documents available for viewing. When we call TCEQ to ask where is the actual application, you say per TCEQ “rule,” TCEQ doesn’t have to make that available. That is unacceptable. This is a blatant lack of transparency and accessibility, and creates a huge barrier to public engagement and education. This must be changed.

B. SMS real time alerts and updates should be made available as well. This is easy to set up for people to subscribe and opt in. It is way past

time for TCEQ to come up to speed with communication that will increase and enhance communication and engagement.

C. The incorporation of simpler, plain layman's language used when issuing NORIs. This can include an appendix, index, or something to that effect which includes definitions, meanings of acronyms, and brief description (summary) of rules, codes, and statutes cited within the documents; or, merely a simpler description overall. This can be done as a supplement to the NORI and can even be termed "What this means to you."

2. Improvement of Transparency and Communication and Social Justice:

A. All applications for permits must be reviewed by coordinating and consulting regulatory and not regulatory agencies and entities BEFORE a draft permit is issued. These entities must approve the application before being made available for technical review by TCEQ and/or draft issuance. The public should be able to view and access these review by other agencies. Any errors, omissions, corrections by either TCEQ and/or these other entities, must force the application to be rejected or denied as is and sent back to applicant for resubmission. These 'activities' must be included on the TCEQ website for this permit number. The public has the right to know this has been reviewed by the proper agencies and have access to read any concerns or issues that were brought up in the process. A new NORI should be sent out when applicant resubmits application.

- B. TCEQ must set up a consolidated and facilitated approach within departments. Air and water must know what each one is doing with regards to a particular permit. Many times applicants submit multiple permits as air and water quality go hand in hand. Cross jurisdictional knowledge must be implemented and mandated within TCEQ throughout departments. Ideally this should be made available to the public through ONE department. If not, there should be one access point for departments within TCEQ to access all information and address questions, concerns, etc. from the public. This should include assistance with navigating the TCEQ website. The next step further is to include interagency communication that includes the GLO, TPWD, FWS, USACE, etc.
- C. Please make translation, legal and transportation services available to underserved, handicapped, and non-English speaking members of the public for virtual and in person meetings and hearings. Many times, affected community members can't find transportation or translation or representation services. Public meetings at an accessible (transportation provided) for these challenged members of the community to attend virtual meetings should be made available.
- C. With regards to contested cases. Expand the radius of what qualifies as an affected person, especially with regards to statewide public lands and waters. **To wit, SpaceX permit application to discharge treated wastewater into South Bay Coastal Preserve. South Bay is used and known nationally and affects many people who come to the area for fishing, kayaking, birding. This affects not only the immediate community, but tourism from across the country.**

D. Include access to complaints and violations for Applicants that have previously been filed by the public. Make the complaint process part of the public comment process. Many applicants apply for multiple permits, permit renewals, and new permits as the scope of their project change and/or evolve. If complaints have been filed or violations cited for this applicant, then the public needs to know. The public also needs to be able to file a complaint during the public comment process for any permit application. We live near these projects and experience directly their impacts and witness their violations. This public comment process should also be an opportunity to bring this to light. Filing a complaint with TCEQ IS not an easy task and most of the public has no idea they can even file a complaint, or are afraid to do so. This is just wrong. For example, many of us have filed complaints with TCEQ on SpaceX at Boca Chica. They have all been untraceable, ignored, or justified by TCEQ as not being a violation or worthy of a complaint. We cannot even find status of our complaints or any other persons when we go online at TCEQ. TCEQ should let the public know that complaints or violations on this applicant can be viewed [HERE](#). Provide a link. Much like finding lawsuits, complaints, violations, fines, etc., on a business, doctor, hospital, etc. When you are involved in regulating the environmental quality of the public nexus, you MUST provide this information and allow the public to review and to further comment.

4. HOW THIS CAN BE COST EFFECTIVE TO THE PUBLIC TAXPAYER AND TO TCEQ:

Implement fees to the applicants to cover these costs. It is in the public interest. Your current fees are so nominal and these are typically billion dollar, if not trillion dollar corporations seeking permits. Even at the lower level of permit applications for smaller businesses, your fees are ridiculously low. This is an injustice to the public. In no way should taxes be raised to the public to cover these costs. The general public, middle income families, underserved, impoverished citizens must not pay for these additional repairs to the broken TCEQ public comment process. The applicants should bear the cost, and it is not unreasonable or unjust for them to do so. TCEQ has far too long shown bias towards applicants in all aspects of permitting. And in no way should a 'fund' be established to pay for this that ultimately trickles down to the taxpayer. We have paid enough for corporate proliferation under TCEQ's processes.

In summary, TCEQ has for too long held a tight rein on these processes of public engagement, education, communication, and accessibility. Heretofore, the public experience with TCEQ has thrust us into a quagmire of bureaucratic and political confusion and constraint. This is contrary to facilitating public engagement, awareness, education, protection. It is time for TCEQ to stop shrouding their processes under a corporate and political cloak in order to continue their rubber stamp authority. Your deference to the people and the environment must stop.

Thank you for considering the implementation of these comments.