



TCEQ Public Participation Plan

Purpose of the Plan: Public involvement is vital to many Texas Commission on Environmental Quality (TCEQ) activities and programs. Meaningful public involvement ensures that those who are most likely affected by a TCEQ decision are notified, understand the proposed decision, and have an opportunity to provide input before TCEQ action. This document provides guidance to TCEQ staff, the regulated community, and the public in understanding expectations for meaningful public participation.

Summary: The legal framework of public involvement in TCEQ activities and programs is established by various statutes administered by TCEQ, rules developed and administered by TCEQ, and requirements of federally delegated programs including Title VI of the Civil Rights Act of 1964 and U.S. Environmental Protection Agency (EPA) regulations Title 40 Code of Federal Regulations (CFR) Parts 5 and 7. While some aspects of public involvement are specific to the statutory and regulatory frameworks of individual programs, public involvement led by TCEQ is based on following best management practices and underlying principles. By applying the guidance and best practices presented in this Plan, TCEQ aims to:

- Enhance opportunities and mechanisms for the agency to engage with the public on TCEQ's activities and programs;
- Promote respectful and meaningful dialogue between community members, organizations, industry, and TCEQ;
- Educate the public about TCEQ's activities and programs;
- Build trust with the public to strengthen community ties and partnerships;
- Work with community organizations to identify shared goals and opportunities for collaboration;
- Maintain consistent communication procedures;
- Provide consistent communication about state law and TCEQ's authority;
- Work with the public on strategies to improve future public engagement; and
- Identify underserved communities and develop tailored communication plans that best serve their specific cultural and logistical needs.

Revisions: Established June 14, 2021.

Applicability: All TCEQ programs and employees must comply with this Plan.

Owner: Office of Legal Services.

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1. Plan Summary

The Plan identifies methods by which TCEQ interacts with the public, provides guidance and best practices for ensuring meaningful public participation within TCEQ activities, and highlights opportunities for enhancing public involvement within TCEQ activities and programs.

TCEQ is committed to ensuring that its public participation procedures are implemented consistent with federal nondiscrimination laws and include steps for public participation that are accessible to all persons without regard to race, color, national origin (including limited English proficiency), disability, sex, and age.

2. Core Functions of TCEQ

TCEQ strives to protect our state's public health and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.

To accomplish our mission, we will:

- Base decisions on the law, common sense, sound science, and fiscal responsibility;
- Ensure that regulations are necessary, effective, and current;
- Apply regulations clearly and consistently;
- Ensure consistent, just, and timely enforcement when environmental laws are violated;
- Ensure meaningful public participation in the decision-making process;
- Promote and foster voluntary compliance with environmental laws and provide flexibility in achieving environmental goals; and
- Hire, develop, and retain a high-quality, diverse workforce.

3. Definitions

For purposes of this Plan, the following definitions apply:

- A. American Community Survey (ACS) is a survey conducted by the U.S. Census Bureau that helps local officials, community leaders, and businesses understand the changes taking place in their communities. It is the premier source for detailed U.S. population and housing information.
- B. Census block group means a unit for the U.S. Census Bureau used for reporting. Census block groups generally contain between 600 to 3,000 people.
- C. Disability means, with respect to an individual:
 - A physical or mental impairment that substantially limits one or more of the person's major life activities;
 - A history of such an impairment; or
 - Being regarded as having such an impairment.

- D. EJSCREEN means the Environmental Justice Screening and Mapping Tool, a mapping and screening tool developed by EPA that provides environmental and demographic information for specific areas.
- E. Environmental Justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies ([Learn about Environmental Justice](#), 2020).
- F. Limited English Proficiency means individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.
- G. Percent minority means the percent minority as a fraction of population, where minority is defined as all but Non-Hispanic White Alone, calculated from the U.S. Census Bureau's ACS 5-year summary estimates.
- H. Percent low-income means the percent of individuals whose ratio of household income to poverty level in the past 12 months was less than 2 (as a fraction of individuals for whom ratio was determined), calculated from the U.S. Census Bureau's ACS 5-year summary estimates.
- I. Percent less than high school education means the percent of individuals age 25 and over with less than a high school degree, calculated from the U.S. Census Bureau's ACS 5-year summary estimates.
- J. Percent linguistically isolated means the percent of households in which no one age 14 and over speaks English "very well" or speaks English only (as a fraction of households), calculated from the U.S. Census Bureau's ACS 5-year summary estimates.
- K. Socio economic status means the social standing or class of an individual or group. It is often computed based on education, income, and occupation.
- L. ADA means the Americans with Disabilities Act of 1990, as amended.

4. Importance of Public Participation

TCEQ interacts with the public in many different manners including in-person (e.g., meetings, hearings, stakeholder groups, advisory groups, informal contacts, investigations), mail (e.g., notices, mass mailouts, direct mailouts), telephone (e.g. questions), and electronically (e.g., email, website). TCEQ wants the public to participate in decision-making processes and to provide information about matters within TCEQ's purview. Currently, TCEQ has many avenues for public participation. The following sections describe the many ways that the public can participate in TCEQ's processes, activities, and programs.

5. TCEQ Public Meetings, Hearings, and Agendas

TCEQ holds public meetings to collect community feedback and comments on pending TCEQ decisions for activities within multiple programs. These meetings provide an opportunity for the public to learn more about a permit application or a TCEQ activity, as well as to obtain answers to their questions from both TCEQ representatives and, for permit applications, applicants. Public meetings also provide an opportunity for the public to comment formally and informally on a particular matter.

TCEQ works to ensure meetings are held in a venue that meets ADA standards, is large enough for the expected number of participants, is conveniently located near the impacted community, has good acoustics, has the needed equipment, and has an appropriate layout to accommodate a meeting as one large group. When circumstances dictate, TCEQ also uses electronic platforms to provide public meetings. Electronic platforms provide a mode for meeting either by computer or phone so that individuals who do not have internet access may still meaningfully participate.

Public meetings, Commissioners' Agendas, Commission Work Sessions, Executive Director's Agenda, public hearings for proposed rules, and state implementation plan revisions are posted online. Meetings include the date, time, venue, registration information, and a contact for questions. Online information may be accessed with the links below:

- [Public meetings](#);
- [Commissioners' Agendas](#);
- [Commission Work Sessions](#);
- [Executive Director's Agenda](#);
- [Public hearings for proposed rules](#); and
- [State implementation plan revisions](#).

Public meetings and hearings include notices. Notices provide information on the permit application or rule, how to comment, where to find the deadline for the comment period, and how to request more information. Public meeting notices also describe how to request more information, at no cost, in languages other than English, and how to request accommodations for people with disabilities at no cost. When a need is identified, notices may also be translated into alternative languages by the applicant. Reasonable accommodations for persons with disabilities or language access needs should be requested at least one week prior to the meeting. Such accommodations take time to implement and, although TCEQ will make every effort, otherwise reasonable requests made within two weeks of a meeting may not be able to be granted.

For more information on how to participate in permitting and rulemaking, the public can access TCEQ's webpages. The [Environmental Permitting: Participating in the Process](#) webpage helps the public know their rights and responsibilities in the permitting processes, and the [Participating in Rulemaking](#) webpage explains how to find out about and comment on new and changing rules.

6. Permit Applicant's Role

Permit applicants have an important role in ensuring effective public participation. In addition to hosting meetings (when required) and to providing information required by statute and regulations, applicants may be required to provide simultaneous oral interpretation in alternative languages at certain public meetings for permitting applications, as well as provide notices in alternative languages. Applicants may also be required to provide a plain language summary of an application to inform the public about a proposed new permit.

7. State Office of Administrative Hearings

The [State Office of Administrative Hearings](#) (SOAH) resolves disputes between Texas agencies, other governmental entities, and private citizens either through an administrative hearing or mediation. SOAH is separate and independent from the agencies involved in the disputes. A [calendar](#) of SOAH Hearings can be found on our webpage. When an interpreter is needed for all or part of a proceeding, parties may file a written request with SOAH at least seven calendar days before the hearing.

8. Occupational Licensing

TCEQ oversees specific environmental licenses and company registrations. The public can find out more information on requirements for training providers, license renewals, and new or replacement licenses through the [Occupational Licensing](#) webpage. Additionally, the public can register to take paper licensing exams, find computer-based testing centers, and find required initial training and continuing education courses through the Occupational Licensing webpage.

9. Enforcement

TCEQ enforces compliance with the state's environmental laws. The public can find more information on the enforcement process and activities through our [Enforcement Process and Actions](#) webpage.

10. Public Review

The public can review and track the status of multiple matters pending before TCEQ:

- The [Commissioners' Integrated Database](#) allows the public to track matters pending before the Commission and Executive Director for approval after notice issues.
- The [Search for TCEQ Public Notices](#) page contains information about public notices that TCEQ has mailed.
- [Central Registry](#) provides a centralized location for information about those TCEQ regulates.
- The [Track Complaints and Enforcement](#) page allows the public to follow complaints and enforcement actions.
- The [Status of Permits and Registrations](#) page allows the public to follow the status of permits and registrations.
- The public may review Texas superfund sites using the [Texas Superfund Registry](#).
- The [Emergency Response](#) page allows the public to track natural disasters, spills, and other environmental emergencies and situations.

11. Public Input

For many matters, the public is able to [submit comments online](#), by mail, by email, or in person when meetings or hearings are held. Comments may be submitted regarding proposed rules, pending permits, and TCEQ services. Additionally, the public can make [complaints](#) regarding activities, programs, or facilities under TCEQ's purview 24 hours a day. Complaints may be made online, by email, or by telephone.

There are multiple avenues for the public to receive help to understand and participate in TCEQ's processes.

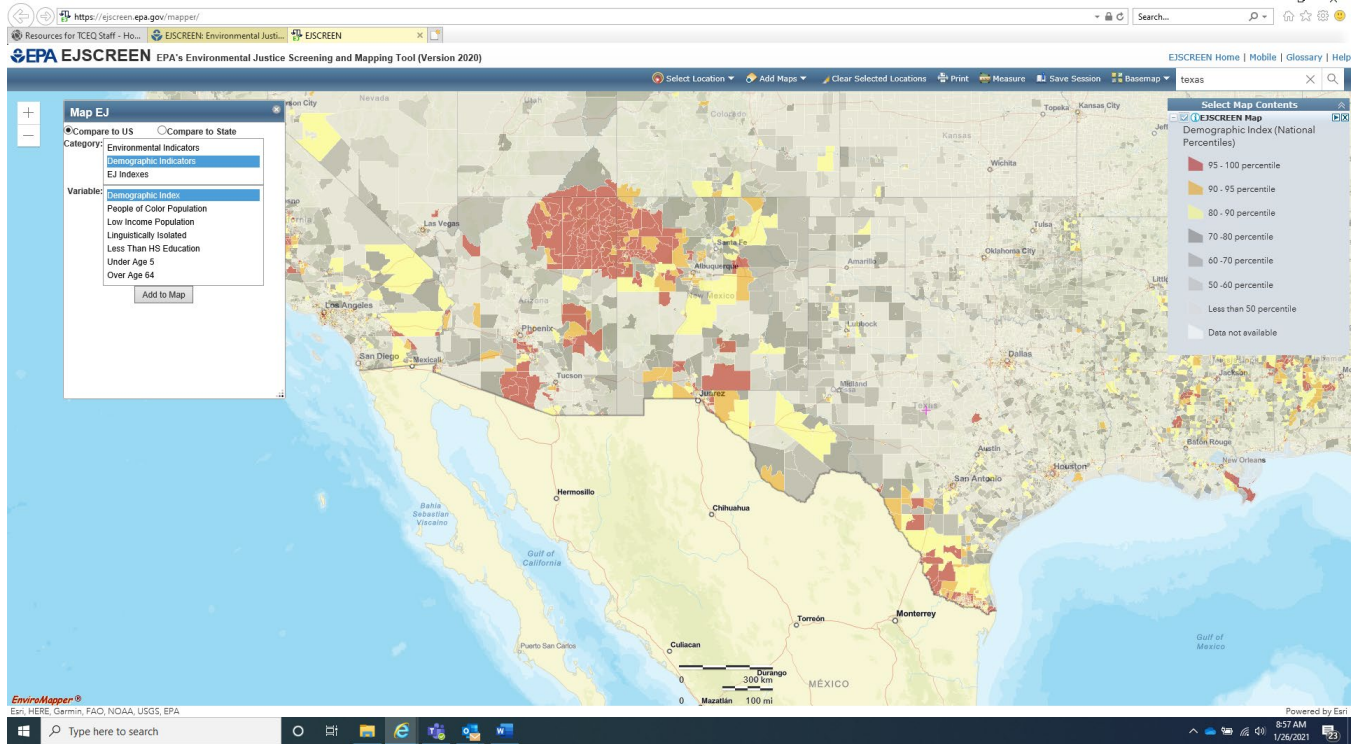
- The [Public Education Program](#) helps answer questions about pending TCEQ permits, the permitting process, and opportunities for public participation on permit applications. They also operate a toll-free hotline for the general public (800-687-4040).
- The [Office of Public Interest Counsel](#) provides information to anyone with questions about the legal aspects of TCEQ's rules, permitting procedures, contested case hearing procedures, or enforcement proceedings.

12. Preliminary Screening Efforts to Reach Underserved Communities

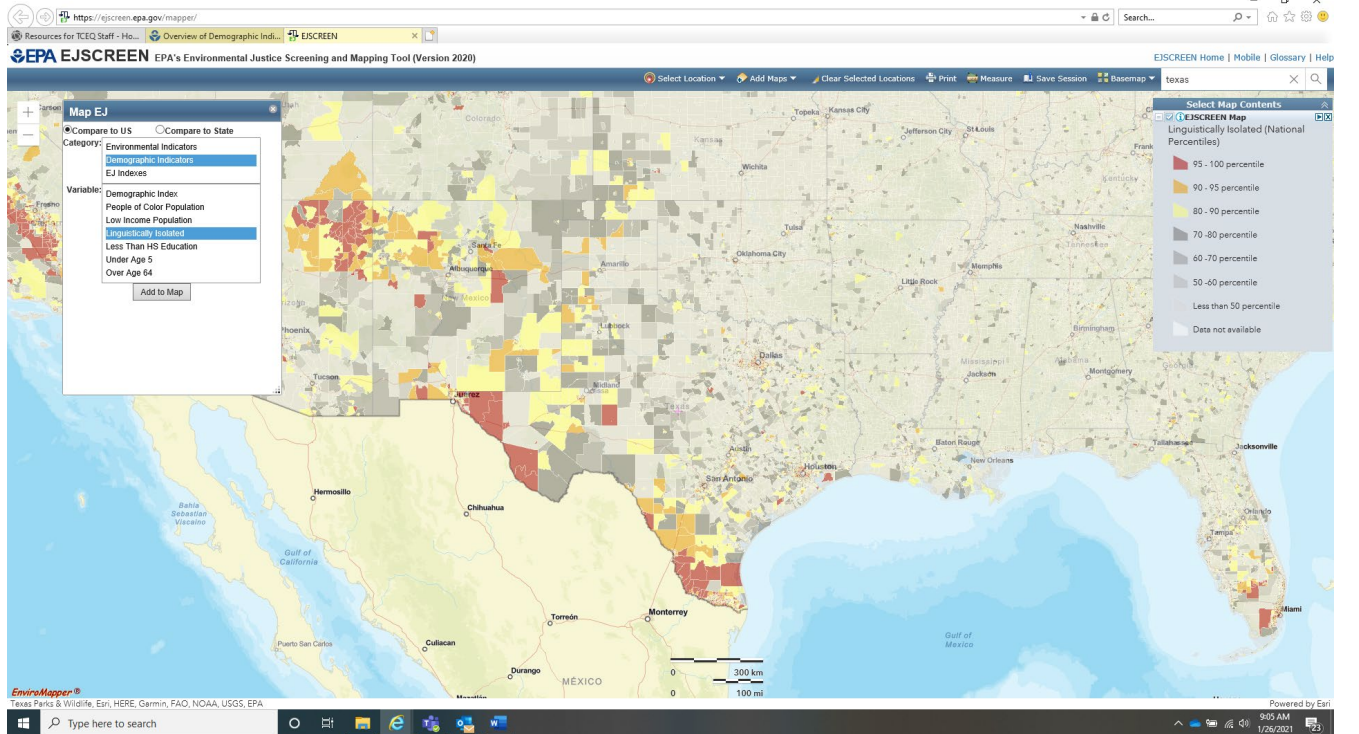
To ensure meaningful public outreach, in addition to statutorily required outreach, TCEQ will perform a preliminary screening to identify areas/populations for which additional outreach is necessary. TCEQ will use tools such as [EJSCREEN](#) and [American Community Survey](#) to conduct the preliminary screening. EJSCREEN is a mapping and screening tool built on nationally consistent data and a method that utilizes both environmental and demographic indicators. The American Community Survey provides a narrative profile covering 15 different topic areas as well as text and bar charts to display highlights of selected social, economic, housing, and demographic estimates for selected geographic areas.

The preliminary screening will be conducted for TCEQ activities and programs such as new applications and/or new activities, which require notice, and are considered to have significant public interest within the following geographical locations: Urban metroplexes (i.e., Austin, Dallas, Fort Worth, Houston, San Antonio), West Texas, the Texas Panhandle, and along the Texas/Mexico border. Other geographical locations should be decided on a case-by-case basis. These areas were chosen due to the Demographic Index and the Percent Linguistically Isolated Index. Map 1 shows the Demographic Index, which is based on the average of Percent Low-Income and Percent Minority. Map 2 shows the Percent Linguistically Isolated.

Map 1: Demographic Index



Map 2: Percent Linguistically Isolated



13. Development of Public Involvement Plan

TCEQ's preliminary screening results will be used by TCEQ Divisions in coordination with the applicant to develop tailored Public Involvement Plans (PIPs). Each TCEQ program office will follow its own statutory or regulatory public notice requirements in addition to the PIP. If statutory or regulatory requirements for a specific activity would make a PIP impractical (e.g., a quick approval timeframe), the TCEQ program office should note in writing such special circumstances.

When developing the PIP, TCEQ program offices, in coordination with the applicant, will use outreach strategies that meet the needs of the area by engaging in the following practices:

- Providing information and materials that are easy to understand;
- Providing information and materials in the appropriate languages, formats, and medias;
- Providing information at a time and in a manner conducive to public participation; and
- Assigning outreach staff that can communicate effectively with diverse stakeholders.

TCEQ has developed internal practices to better ensure that factors used to determine the time, place, location, duration, and security at public meetings are developed and applied in a nondiscriminatory manner. TCEQ works with staff, interested legislative members, and the applicant to schedule meetings in a manner that meets requirements and encourages public participation. TCEQ public meetings are normally scheduled in the early evening. TCEQ works with the applicant to ensure that the meeting venue is open and accessible to all members of the public, if held in person. If the meeting is held electronically, TCEQ provides both a computer and telephone option. When determining a need for security, TCEQ considers factors such as specific requests for security, volume and content of comment letters, historical knowledge regarding previous public meetings in the area, and number of members of the public and elected officials expected.

Unless otherwise indicated, TCEQ considers the following parameters within the specified location when developing the PIP:

- Percent less than high school education;
- Percent low-income;
- Percent minority; and
- Percent linguistically isolated.

After review by TCEQ program office management, the PIP should be made available online in an easily accessible location, as well as in paper format if requested. The PIP may be amended, if necessary, by the implementing TCEQ program office. For example, the PIP could be amended based on feedback from the public on a case-by-case basis or if the TCEQ program office identifies a problem in executing the PIP (e.g., postponed or cancelled meetings due to events such as inclement weather or a public health crisis).

The PIP will be conducted by the TCEQ program office in coordination with the applicant and shall include, at a minimum, the following elements:

1. A plain language, brief description of the activity.
2. A statement that the goal of the PIP is to ensure that the plan is available and accessible to all persons regardless of race, color, national origin, disability, sex, and age.
3. A brief description of the known community and stakeholder groups (including demographics, history, and background).
4. A detailed plan of public outreach activities the program will take to reach the affected public. Examples include information available, location of information (i.e., online/hard copies), public and/or informational meetings planned, and languages available.
5. Contact information for obtaining more information or special services such as translation of documents, interpreters for meetings, and/or services for persons with disabilities.
6. In many cases, formal notification using specific media is mandatory pursuant to statutory and regulatory requirements. The PIP shall identify where public notices will be posted.
7. Any additional requirements identified as part of the Language Access Plan.

Reports produced during the preliminary screening should be included directly in the PIP. Appendix A includes an example PIP.

14. Nondiscrimination Coordinator Contact Information

TCEQ has a coordinator who organizes TCEQ's efforts to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975, the Americans with Disabilities Act (ADA) of 1990, Section 13 of the Federal Water Pollution Control Act of 1972, and Title IX of the Education Amendments of 1972. Reasons an individual may contact the nondiscrimination coordinator include, but are not limited to, requesting an accommodation, filing a discrimination complaint, and/or to ask questions about TCEQ's nondiscrimination program. The nondiscrimination coordinator can be contacted as follows:

Jim Fernandez
Environmental Equity (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Email: chiefclk@tceq.texas.gov
Telephone: 512-239-2566 / Dirija sus preguntas al 512-239-2566

15. Translation and Interpretation Services

The Nondiscrimination Coordinator can provide support in obtaining language assistance (such as interpretation or translation of documents) to facilitate participation in TCEQ meetings, programs, or activities.

16. Accessibility Statement

It is TCEQ policy that no individual with a disability, who is qualified to participate within the specified TCEQ process, will be denied access to or participation in any program, service, or activity offered. TCEQ will administer programs, services, and activities in the most integrated setting appropriate to the reasonable needs of individuals with disabilities.

17. Environmental Justice Statement

Environmental Justice is important to TCEQ. TCEQ strives to address environmental concerns for all Texans, including low-income and minority communities across the state, so that all Texans can fully participate in decision-making processes and enjoy the benefits of our environmental programs. TCEQ recognizes that communities are unique. TCEQ aims to work with communities to better ensure access to decision-making processes and a healthy environment in which to live, learn, and work.

18. Continuous Improvement

It is the policy of TCEQ to continually work to improve public involvement in TCEQ programs and activities. In this effort to continually identify and implement public engagement improvements in the administration of its activities and programs TCEQ will review whether the agency:

- Communicates consistently and in a manner that meets the needs of impacted communities;
- Reaches communities, including low-income and minority communities, who have been historically underrepresented within TCEQ's programs and decision-making opportunities;
- Facilitates public understanding of issues before TCEQ, including notice of pending decisions, factors that TCEQ considers in reaching a decision, the legal and technical information that TCEQ relies upon to make informed decisions, and the basis of the decision when it is made;
- Advances the public's understanding of and ability to work within the TCEQ organizational structure and decision-making processes;
- Seeks opportunities to improve working relationships with local units of government and non-governmental organizations, including stakeholders, community groups, and the media; and
- Improves the technical means by which TCEQ conveys and receives information, including use of the Internet and electronic meetings.

To better evaluate whether TCEQ is meeting the expected public participation, within one year after the Plan has been finalized, TCEQ will:

- Deliver three public webinars to cover the Plan and to answer questions regarding the Plan;
- Provide an opportunity for public comments on the Plan; and
- Review and consider public comments before making updates to the Plan.

19. Training

TCEQ will provide training to all staff regarding TCEQ's nondiscrimination policies and procedures and on its federal nondiscrimination obligations. Such initial training must occur no later than 120 calendar days after the initial finalization of this Plan. Once in place, such training will be a routine part of the on-boarding process for new employees. Subsequent trainings will be offered periodically as a refresher training to all employees.

Additionally, staff are encouraged to take TCEQ trainings, which enhance communication, conflict resolution, and public meeting facilitation skills.

20. Commitment

It is TCEQ's intention to follow the Plan and to update this living document. TCEQ will continue to perform its work in an open and transparent way, with awareness of and sensitivity to the changing demographics of Texas. As TCEQ applies the public participation strategies and methods articulated in this Plan, TCEQ expects to be better stewards of the state's resources and better partners with the communities we serve.

21. References

"LRAPA Public Participation Policy." *Lane Regional Air Protection Agency*, 12 Jan. 2021, <https://www.lrapa.org/DocumentCenter/View/4595/LRAPA-Public-Participation-Policy--Final>

"Learn About Environmental Justice." EPA, 14 Dec. 2020, <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

"Public Participation." *New Mexico Environment Department*, 12 Jan. 2021, <https://www.env.nm.gov/wp-content/uploads/sites/10/2018/02/NMED-Policy-and-Procedure-07-13.pdf>

"Policy on Public Involvement in Department Decisions." *Michigan Department of Environment, Great Lakes, and Energy*, 12 Jan. 2021, https://www.michigan.gov/documents/egle/EGLE_Policy_09-007_679780_7.pdf

"Socioeconomic Status." *American Psychological Association*, 12 Jan. 2021, <https://www.apa.org/topics/socioeconomic-status>

Appendix A: Public Involvement Plan (PIP) Example

1. Plain language summary:

2. Description of the known community/stakeholder groups:

- Area:
- Demographics
 - Percent of people over 25 years who had at least graduated from high school
 - Per capita income for population near the specified location
 - Percent of minority population and percent of population by race within the specified location
 - Percent of Linguistically Isolated Households by language within the specified location
- Known community/stakeholder groups:

- History/background:

3. A detailed plan of public outreach activities the program will take to reach the affected public.

- Information available online:
 - Notice:
 - Application:
 - Other
- For information in hard copy contact:

- If a Public Meeting is expected, the meeting will be held as follows:

- Languages available:

4. Contact information for obtaining more information:

- For special services such as translation of documents, interpreters for meetings, and/or services for persons with disabilities, please contact the Office of Chief Clerk: **Email:** chiefclk@tceq.texas.gov; **Telephone:** 512-239-2566 / Dirija sus preguntas al 512-239-2566.

For programmatic information, contact: