

Public Meeting, 4/20/2021
Public Hearing on Project No. 2020-018-039-LS
Speech disfluencies omitted.

1 **Brad Patterson:** Good morning once again everyone uh, it's 10:00 AM on April 20,
2 2021. This is a public hearing being conducted by the Texas Commission on
3 Environmental Quality. It's a hearing on rule project number 2020-018-039-LS. I'd like
4 to welcome everyone to this public hearing; my name is Brad Patterson and I'm with
5 the Office of the Chief Clerk. I'll be moderating today's rules hearing. I would also like
6 to introduce Amy Browning and Adam Taylor from the Environmental Law Division.
7 Before we start taking comments this morning, I wanted to go over some of the
8 logistics involved in participating in a hearing. First of all, comments on the proposed
9 rules can be submitted at any time during the hearing or up until April 26, 2021 using
10 the following link; this is the rules e-comments link that I am showing you now. This
11 link is also available in the notice of the hearing that is attached to the webinar as a
12 handout. Uh, the notice of the hearing also provides information for how to either
13 submit your comments via mail or by fax.

14 For those of you that are participating online, you should have a control panel that
15 looks similar to this one. Depending on your operating system it could look a little
16 different, but you should see an audio window that you can open and close. It'll show
17 you how you are connected to the webinar. Most folks when they join the webinar for
18 the first time are connected by their computer audio by default. If you have working
19 speakers and a working microphone, we encourage you to use your computer for
20 participating in the hearing. However, at some point if you realize that your
21 computer's microphone is not working, you do have the option to connect directly to
22 the webinar via a phone call. You can select the phone call/radio button and it'll
23 display a phone number with an access code and a pin number. You would dial that
24 phone number, enter the access code followed by the pound sign and enter the pin
25 number followed by the pound sign and that would connect you to the webinar via
26 your phone. You'll need to leave the webinar running on your computer so that you
27 can continue to participate in the hearing, but you do have that option. Also, on your
28 control there is a mute button it should be red with a line through it. When it's your
29 time to speak you'll need to press that button it'll turn green to show that you're
30 unmuted and then you'll be able to speak.

31 In the notice of the hearing, we provided a conference line number for those English
32 speakers who do not have access to the internet or a computer, you can dial into the
33 webinar via a conference line, that number is 844-368-7161. You'll enter 435007
34 followed by the pound sign when prompted. This conference line is like any other
35 conference line, anyone who calls in to this line can hear anyone else and therefore it is
36 very important once your connected that you mute your own phone line so that
37 anyone else who's listening will still be able to hear the webinar. My colleague Mehgan
38 is monitoring this conference line and she'll let me know if they're having any issues
39 on that line. In the notice of the hearing, we also provided a conference line for those
40 persons who needed to listen and participate in Spanish. I'm going to ask Flor Dimassi
41 with our interpretation team to come on and read this for me now.

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42 **Flor Dimassi:** Thank you Brad. (Reading in Spanish)

43 **Brad Patterson:** Thank you, Flor. We are here this morning to receive oral and/or
44 written comments on the proposed revisions to 30 Texas Administrative Code Chapter
45 39, public notice and Chapter 55, requests for reconsideration and contested case
46 hearings, public comment. The TCEQ Rule Project Number is 2020-018-039-LS. The
47 rule projects will make changes to 30 Texas Administrative Code Chapters 39 and 55.
48 The changes apply to alternative language public participation requirements for permit
49 applications that are subject to House Bill 801 passed by the 76th Legislature in 1999.
50 The proposed rule-making would: Extend requirements for alternative language notice
51 to notices for public meeting, when alternative language notice is required for NORI
52 and NAPD publication; Require alternative language notice to be posted on the
53 commissions website for applications where the notice would otherwise be waived
54 because of a lack of newspaper available for publication; Require that notice for a
55 public meeting on air applications be mailed out by the Chief Clerks Office at least 30
56 calendar days prior to the meeting; Require applicants to provide interpreters for
57 public meetings when alternative language comments are received at least two weeks
58 before a public meeting, the ED determines a need for such services, or such services
59 are requested by a local legislature; Require the Executive Director to provide a
60 Response to Comments in an alternative language when comments are received in an
61 alternative language or if the ED determines a community need for the translation or if
62 requested by a local legislature; When requests for contested case hearings are
63 received in an alternative language the Executive Director, Office of Public Interest
64 Counsel, and Applicant would be required to provide any responses in the alternative
65 language; Require permit applicants to provide a brief, plain language summary of
66 their proposed project. The summary would be translated and posted on TCEQ's
67 website when alternative language publication is required and allow the Chief Clerks
68 Office to transmit the Response to Comments by mailing out notice that the Response
69 to Comments is available electronically on the commissions website or available to be
70 mailed upon request.

71 If you intend to present oral testimony and did not register to speak when you logged
72 on, please do that now. If you're not familiar with the proposed changes, copies of the
73 proposal as published in the Texas Register are available on the TCEQ website at
74 www.tceq.texas.gov/rules/prop. We also have the hearing notice attached as a handout
75 to the webinar so that if anyone is planning to submit written comments you can
76 quickly find the information on where to fax or mail those in or submit them via the
77 rules e-comments page. We will continue to accept written comments on this proposal
78 until April 26, 2021.

79 This hearing is structured strictly for the receipt of oral or written comments. Open
80 discussion during the hearing is not allowed. However, if anyone has any additional
81 questions or comments regarding this proposal there will be another opportunity after
82 the hearing to have your questions answered. Due to the number of people who've

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83 signed up to speak we have a couple of favors to ask of you. First, please keep your
84 comments as brief as you can and no longer than four minutes per person. We will
85 have a timer, once the timer hits zero we'd like to ask you to wrap up your comments
86 at that time. If four minutes is not enough time, please feel free to supplement your
87 oral comments in written form. And again, we will accept written comments until April
88 26, 2021. Second, if someone before you has already addressed your concerns it is not
89 necessary to repeat those comments word for word you can simply endorse those
90 comments and we'll be sure to acknowledge that those were your concerns as well. We
91 will now begin receiving oral testimony in the order in which you registered. Once I call
92 your name, you'll need to unmute yourself and state your name and who you represent
93 and then present your testimony. I will call on you in groups so that you will be able to
94 be ready to go when your name is called. And so, our first group will be Juan Parras,
95 Robin Schneider, Nalleli Hidalgo, and Claudia Rios. And so we'll begin with Juan Parras.
96 Go ahead Mr. Parras. Juan?

97 **Juan Parras:** Can you hear me?

98 **Brad Patterson:** Yeah, go ahead.

99 **Juan Parras:** Okay. I'm glad we just had a little computer issue here. Good morning, I
100 am delighted and energized by the fact that the language justice issue is moving
101 forward, and I think that our state is very understanding and addressing our concerns
102 because what one is positive you will get more participation to attend, you know,
103 public meetings and also get more feedback on what's going on in communities that
104 are not English-speaking individuals but prefer Spanish or other languages. So that was
105 sort of the process and you know, I appreciated all the comments that have been
106 suggested and recommended and I'm looking forward to a new force in dealing with
107 environmental issues that communities have impacted, and I really appreciate the
108 progress that our state has taken in addressing our concerns very seriously and I thank
109 you for that and I'm looking forward to the rules on this that, you know, our
110 organizations and Sierra Club initiated. It's unfortunate that in some cases, you know,
111 lawsuits have to be filed after so many years of, you know, trying to address issues like
112 this but again, I just want to thank you. I think that we've made a rather progress for
113 the city, the state, and those involved in making this request to make sure that people
114 are invited to meetings and can participate in meetings without intimidation or fear
115 factors that they would be criticized. So, I thank you. This Juan Parras again with Texas
116 Environmental Justice Advocacy Services and thank you for your time and all the
117 efforts that you have really concentrated in making sure this happens. Thank you.

118 **Brad Patterson:** Alright, thank you. Next up is Robin Schneider.

119 **Robin Schneider:** Hello, this is Robin Schneider with Texas Campaign for the
120 Environment and um, I also want to express um, support for the move towards more
121 language justice in how the TCEQ handles pollution permits and rulemaking. Um, I
122 hope that we will go even further and take into account the cumulative impacts of

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123 pollution on communities that are overburdened by pollution projects, which often are
124 more prevalent in communities of color, regardless of their economic standing, as well
125 as low wealth communities. Furthermore, I think we need to go towards having the
126 permits themselves translated and for permits both in English and in languages other
127 than English should be available on the TCEQ website. Currently waste permits are
128 available on the TCEQ website but most other permits as I understand it are not; waste
129 permits have been on the TCEQ website for a long time. They are not translated at
130 present but if we are going to have full participation, we need to have those permits
131 translated as well. And also, to make these available electronically so that people don't
132 have to go to the TCEQ regional office or to other locations which during a time of
133 pandemics I know many of these locations like libraries are not even accessible to the
134 public. So, this rulemaking is very positive but there remain other things that we
135 should be doing to make this process more accessible for people. Thank you very
136 much.

137 **Brad Patterson:** Thank you Robin. Next up will be Nalleli Hidalgo.

138 **Nalleli Hidalgo:** Hello, can you hear me?

139 **Brad Patterson:** Yes, go ahead and state your name please and provide your
140 comments.

141 **Nalleli Hidalgo:** Okay. Yes, hello, my name is Nayeli Hidalgo, and I work as an
142 education coordinator for Texas. I'm speaking today in support of the new rule
143 proposed by the TCEQ to expand the interpretation and translation services in
144 alternative languages. Right now, I am in a hospital room and it reminds me of when I
145 was a child who had to translate my parents' medical appointments, because of not -
146 not fully understanding the English language. This burden of translating appropriately
147 and not misinterpreting the information always brought a lot of anxiety and worries,
148 because I did not want to misinterpret the information that is important to know for
149 our health. If I had questions or doubts, I would always keep quiet out of
150 embarrassment, to avoid more conversations with the doctors. I know that by
151 increasing the services in the TCEQ it will be a relief for communities and a relief for
152 the fathers and mothers who depend on their children [Ms. Hidalgo sounds choked up
153 with emotion], who depend on their children and [unintelligible] to translate vital
154 information for our health. I know that the new rule is not perfect, but it will help a lot
155 of communities that have been repeatedly [unintelligible], [Ms. Hidalgo sounds choked
156 up with emotion] abandoned, abused, and silenced for not speaking or understanding
157 English in different institutions around the state. This is a historic moment - this is a
158 historic moment in the TCEQ, in the state of Texas, and also in environmental justice.
159 Thank you everyone for your time and for taking time to provide a comment, and I
160 hope that you take into consideration the recommendations that Texas (tejas?) and
161 other organizations and members of the community will be submitting in writing to
162 improve and eliminate these linguistic barriers. Thank you for your time.

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163 **Brad Patterson:** Alright, thank you. Next up is Claudia Rios. Is Claudia Rios on this
164 conference line, Mehgan? Claudia Rios?

165 **Mehgan Taack:** I haven't heard from anyone.

166 **Brad Patterson:** Let's check on the Spanish interpretation line. Is Claudia Rios on
167 this line? Claudia Rios? Alright thank you. Just as a reminder for those who call into
168 the conference lines, please mute your phone until your name is called to speak. Our
169 next group will start with Cinthia Cantu, who will be followed by Cecilia Reyes,
170 Deyadira Arellano and Shiv Srivastava. So, let's start with Cinthia

171 **Cinthia Cantu:** Hello everyone, can you all hear me?

172 **Brad Patterson:** We can. Please state your name for the record and provide your
173 comments.

174 **Cinthia Cantu:** Okay. So, hello my name is Cinthia Cantu, and I have been a part of
175 Houston, Texas since I was one year and a half, 22 years now. The language access
176 effects not only my family but seven million Spanish speakers in Texas; data from
177 2015 by Texas Tribune. This alone should be a reason to have proper translation in
178 public hearings, fliers, and announcements in Texas and hopefully other states. These
179 22 years of living in Texas have been shared between Manchester and Magnolia, both
180 communities that have, in my opinion, been forgotten and neglected for a long time by
181 the city and state. It is a human right to know what I'm breathing and the
182 contamination that these companies are exposing us to in our own community. Why
183 would, why don't I see refineries in River Oaks and Crestwood? Why put people of
184 color in more danger than we already are by so many other factors, such as our health?
185 I demand as a Texas resident for TCEQ to inform our communities about these public
186 meetings in Spanish and hopefully in other languages more sooner than later. I got a
187 little emotional with what Nalleli was saying because I can totally relate and I wasn't
188 going to say this, but I had actually written before the meeting started this and it's a
189 little sentence and it says, I have the privilege of knowing some English, but it is almost
190 traumatizing learning it because it makes you feel like you're a failure if you're not
191 able to translate important documents to your parents at the age of seven or even
192 younger. But that's it, and I'm in full support of moving forward with this.

193 **Brad Patterson:** Thank you. Next up is Cecilia Reyes. Is this Cecilia Reyes? Go ahead
194 please.

195 **Cecilia Reyes:** (Spanish translation available through the interpreters)

196 **Interpretation line:** Please excuse me Brad and Ms. Cecilia.

197 **Brad Patterson:** Ms. Reyes, one moment please. Ms. Reyes, one moment please.

198 **Interpretation line:** I would just like to ask her to give us brief sentences so that we
199 can also interpret her message.

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200 **Brad Patterson:** Alright, hang on Flor. Go ahead and mute your line Flor. Have your
201 interpreter mute their line as well. Ms. Reyes, if you could please start over and then
202 give our interpreter an opportunity to interpret into English. Go ahead.

203 **Cecilia Reyes:** (Spanish translation available through the interpreters)

204 **Interpretation line:** The interpreter is unable to discern the audio.

205 **Brad Patterson:** Hang on one second. Ms. Reyes, wait just a moment please. Ms.
206 Reyes? Ms. Reyes? Flor, can you have your interpreter interpret for me. Ms. Reyes, one
207 moment please. Ms. Reyes, we need you to speak up and slow down a little bit and give
208 our interpreter a chance to interpret into English every couple sentences please. Please
209 speak loudly and clearly.

210 **Cecilia Reyes:** (Spanish translation available through the interpreters)

211 **Interpretation line:** The interpreter is unable to interpret the woman's audio.

212 **Brad Patterson:** Okay, we'll come back to Ms. Reyes in a moment.

213 **Cecilia Reyes:** Yes.

214 **Brad Patterson:** Okay, as I mentioned before if you've called into one of the
215 conference lines please mute your own phone until you are called upon to speak and if
216 you are listening to the webinar on a computer you'll need to turn the audio on the
217 computer down or off. We'll come back to Ms. Reyes in a moment. Let's move on, next
218 up is Deyadira Arellano.

219 **Deyadira Arellano:** Hello, I do want to say that Claudia Reyes is on the call, she was
220 having trouble unmuting. So, I'm not sure if we're able to come back to her.

221 **Brad Patterson:** We can in a moment. Go ahead and state your name for the record
222 and provide your comments.

223 **Deyadira Arellano:** Thank you. My name is Deyadira Arellano, I support a role that
224 allows TCEQ to expand opportunities by providing language access for all constituents
225 to join public meetings and make public comment in person, via telephone, and
226 internet-based services during and beyond natural disasters and pandemics like Covid-
227 19. I'm asking that the agency have patience and flexibility with technology because it
228 is appreciated for our communities to be able to adapt. I ask TCEQ to ensure public
229 participation by asking for both call, for both call in and internet based language
230 access options for public meetings, for remote or in person participation, meeting
231 agenda and instructions for accessing meetings remotely and are posted in a timely
232 and accessible manner. I support the suggestions by Texas Environmental Justice
233 Advocacy Services which support a democracy where all despite their ability to travel,
234 web access or language fluency can participate equally. Thank you.

235 **Brad Patterson:** Thank you. Up next is Shiv Srivastava.

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236 **Shiv Srivastava:** Uh, good morning Amy, Adam, and Brad. My name is Shiv
237 Srivastava, I'm commenting as a community member in support and as part of a
238 Fenceline Watch. Uh, I'd like to give a thank you to TCEQ for providing opportunities to
239 make comments on this proposed rule. I want to encourage the TCEQ is taking steps to
240 come into compliance with Title 6 of the Civil Rights Act. In order for the proposed
241 rule to truly accomplish equitable access to the public input process for all Texans, we
242 put forth the following recommendations: for a public notification all permission
243 actions that require alternative language provisions such as Executive Director
244 response to comment, Office of the Chief Clerk transmittal letter, written response to
245 request for reconsideration or request for a contested case hearings by the Office of
246 the Public Interest Counsel should be provided in hard copy and should be posted
247 publicly in English and any required alternative languages at the main entrances of
248 nearby schools, community centers, child care facilities, senior centers, and places of
249 worship as well as public transportation stops. Hard copy of alternative language
250 documents should not be housed solely online or entail an online request
251 requirement for hard copy. 55.156(c) should not be amended to allow only electronic
252 dissemination of this information.

253 We would also oral translation, oral translation provided by the applicant as proposed
254 by 39.426(C)(2) should be an unbiased professional third party unaffiliated with the
255 applicant. Of all side interpreter for an individual with LEP needs an interpreter that
256 adheres generally to excepting interpreter ethic principles in his demonstrated
257 proficiency in speaking understanding both spoken English and at least one other
258 spoken language and can interpret effectively, accurately, and impartially. If staff
259 volunteers are solicited, they must pass a proficiency test and be listed on an approved
260 translation register for TCEQ as well as implying periodic training and testing of
261 translators to ensure they are versed and up to date on their skills and privy to the
262 evolving technical language.

263 In regard to the proposed plain language summary, the plain language summary
264 proposed by 39.405(k) should include a list of health, environmental, and chemical
265 impacts of any proposed application. The summary should be available in community
266 points of interest as well as schools, community centers, childcare facilities, etc. As
267 this pandemic has shown, internet access is not provided equitably and housing this
268 kind of information solely online or requiring someone to go online to then procure a
269 hard copy does not create greater transparency or broaden participation, but rather
270 recreates another unnecessary caret. Um, with over 10 million Texans speaking a
271 language other than English at home, it's vital that every community is able to
272 participate equally and equitably. Uh, I thank you so much for your time.

273 **Brad Patterson:** Thanks Shiv. Our next group will start with Yvette Arellano,
274 followed by Isabel Segarra Trevino, Tammy West, and then Nicholas Ray. Yvette
275 Arellano.

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276 **Yvette Arellano:** Thank you. My name is Yvette Arellano and I'm the director of
277 Fenceline Watch, a Houston based environmental injustice organization and we
278 appreciate the TCEQ giving us the opportunity to offer a path forward in achieving
279 language justice and alleviating historical barriers. I'm going to go through uh, two
280 main points of a comment that we will submit over to the TCEQ and the first part is
281 regarding the TCEQ website. Currently, the TCEQ does not have the following sites
282 translated and these we request translated. To translate the TCEQ comments page and
283 the following subpages: The comment on pending applications landing page, the e-
284 comment form for pending applications, permit query search, the query search results
285 and data table, the permit comment form, TCEQ records online, and the search for
286 TCEQ public notices. I would be remiss if I wouldn't request the TCEQ translate their
287 entire website as the TCEQ is a public agency to serve all Texans not simply through
288 public notice requirements but as an agency in general.

289 The second portion of my comment will be around the plain language summary. The
290 plain language summary should include 12 The plain language summary should be
291 available in community points of interests like Shiv said, schools, community centers,
292 childcare facilities, senior centers, places of worship, and public transportation stops.
293 The reason I'm requesting that the TCEQ translate their page and the following pages
294 that were listed is because if I were searching for a permit application in my
295 community, I would need access to every single one of these sites in order to search
296 for any upcoming permits, to search for applicant information, to understand the
297 timetables and restrictions around my community.

298 I will go on to express again, thank you to the TCEQ we will be submitting uh, further
299 comments on the TCEQ public input process and also want the TCEQ to recognize that
300 during a global pandemic as pervious commenters have already stated, access and
301 limited resources including income can restrict people's opportunity to these online
302 forms.

303 And I also request that the TCEQ takes serious concerns with providing a Spanish
304 hotline to the TCEQ phone number so that any Spanish commenters can have access to
305 resources, the OPIC attorney, and any other resources that might help in the comment.
306 And my last comment will go towards the 30-day comment period. There is a note in
307 the TCEQ proposed rule that states, that in order to get Spanish translation, a Spanish
308 comment must be submitted two weeks prior to meeting which is not equitable for
309 both English and Spanish speaking communities. Thank you so much.

310 **Brad Patterson:** Thank you. Up next is Isabel Segarra Trevino.

311 **Isabel Segarra Trevino:** Hi. Can you hear me?

312 **Brad Patterson:** Yeah. Go ahead Isabel.

313 **Isabel Segarra Trevino:** My name is Isabel Segarra Trevino, and I'm here on behalf
314 of the Harris County Attorney. Uh in Harris County, we have approximately 4.7 million
315 residents and about 44% of them speak a language other than English at home. We

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316 have a highly diverse population. We are a city without an ethnic or racial majority;
317 there's no one group here that can claim that. And about 20% of our population does
318 not speak English or speaks English less than very well. So this rule is very important
319 to us, not just for those reasons, but we're also home to the petrol chemical capital of
320 the nation and those facilities get many, many types of TCEQ permits that are and will
321 continue to be subject to these public participation rules.

322 So again, thank you for this opportunity and I have few points and recommendations
323 that I will follow up in writing. And when I first started working on this a couple years
324 back with Yvette Arellano at the time, we were working with Sierra Club and Safe
325 House. And we didn't think that it would reach this level and I am very thankful that is
326 has. I am very thankful that the TCEQ is taking a broader look at public participation at
327 the agency, and I hope that this continues. So, more to the point, we used to have
328 bilingual government in Texas, that was part of life here, and it was bilingual and
329 Spanish, and it was provided by the Mexican government for the benefit of the newly
330 arrived Anglo residents. So, this isn't new this is a return to how it used to be here in
331 the American Southwest. So, on that point, it's very difficult to wear two hats uh when
332 you are for example, me, an attorney and also serving as an interpreter sometimes. I'm
333 not a professional interpreter. I too have those experiences as a child like so many of
334 those children of immigrants. I love to translate and seeing our families being
335 discriminated against because as children, we lack the technical and worldly
336 knowledge to be competent translators. So, I have a few recommendations, again I will
337 follow this up in writing. One of them is that there is a Google tool that translates
338 things, and this could be placed on TCEQ's different webpages to give a rough
339 translation, of course it won't be as good as when TCEQ gets to that page and actually
340 translates it.

341 Um, another point is that, in the public meeting notice whether it's in English or
342 another language, it would be good to have a statement as to whether interpreters will
343 be available. One sentence there could take care of that. Uh, where the meeting is
344 expected to last more than one hour, to have more than one interpreter; Interpreter's
345 fatigue, professional interpreters often work this way is my understanding. Uh, and it
346 would definitely facilitate a higher level of interpretation. Um, and for certain counties
347 like Harris County that there be a requirement that public meeting notice is just
348 published in another language. So, we have counties like Bexar County, Harris County,
349 Travis County, Dallas County, where we have very high populations of Spanish
350 speakers. The Rio Grande Valley as well, Laredo. So, if the TCEQ could consider that it,
351 it's a simple, you know, two-page notice it would be very helpful. On the document
352 that TCEQ intends to translate, I recommend that TCEQ provide interpretation of
353 certain legal proceedings because many immigrants come from places where the um,
354 type of government is very different and they may not be aware of these public
355 participation um, processes in the United States. I see that my time has expired. If I
356 could make one last point?

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357 **Brad Patterson:** Go ahead Isabel.

358 **Isabel Segarra Trevino:** Thank you very much. The plain language explanation and
359 I know this is something that TCEQ does consider, but I just want to, I want to make
360 sure that it's at the top of the list. Limited literacy I would like TCEQ to consider that
361 when they draft and approves plain language explanations and also that it follow a
362 standard format just like any other notice, any other document that TCEQ prepares.
363 And I believe that these things will facilitate greater public participation from our
364 limited English proficient population. So again, thank you so much and I'll leave the
365 floor for the next commenter.

366 **Brad Patterson:** Thank you Isabel. Alright, next up is Tammy West.

367 **Tammy West:** Hello, can you hear me?

368 **Brad Patterson:** I can. Please state your name for the record and provide your
369 comments.

370 **Tammy West:** My name is Tammy West I'm with the City of Austin/Austin Water.
371 And I just briefly wanted to say, I think heard correctly earlier that most of the
372 logistics about this role and the NORI and the NAPD publication requirements,
373 alternate language requirements will be worked out at a later date and if so, I look
374 forward to working with TCEQ on how to best make these accommodations a reality
375 and uh, just more curious about how we're going to get this done and make it, make it
376 come to full fruition. That's all.

377 **Brad Patterson:** Alright, thank you Tammy. Nicholas Ray.

378 **Nicholas Ray:** Can you hear me?

379 **Brad Patterson:** Nicholas can you get a little bit closer to your microphone.

380 **Nicholas Ray:** Can you hear me?

381 **Brad Patterson:** I can hear you, go ahead.

382 **Nicholas Ray:** My name is Nicholas Ray and... that I am commenting in my individual
383 capacity. I am lifelong Texan, and I am in strong support of patriots...

384 **Brad Patterson:** Nicholas. Nicholas. We've lost you. You've gotten real . . .

385 **Nicholas Ray:** Can you hear me now?

386 **Brad Patterson:** Try again Nicholas.

387 **Nicholas Ray:** Can you all hear me now?

388 **Brad Patterson:** No. it's getting worse.

389 **Nicholas Ray:** Alright. I will submit written comments then.

390 **Brad Patterson:** Okay. Thank you, Nicholas.

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391 **Nicholas Ray:** Thank you.

392 **Brad Patterson:** Nicholas if you're still there I just wanted to show on your control
393 panel you got an audio window. Uh, if you open that up you have the option to choose
394 between computer audio or making a phone call. If you press the phone call button it'll
395 show a phone number and access code and a pin number. You can dial into that phone
396 number, enter the access code when prompted and then enter the pin number when
397 prompted and that'll connect you via your phone, if that will be a better option for you.
398 Alright, we're going to give Nicholas just a moment it looks like he is trying to dial in
399 instead. Nicholas? Nicholas Ray?

400 **Nicholas Ray:** Ah, yes, I am here. Can you hear me now?

401 **Brad Patterson:** That is perfect. Go ahead and state your name for the record and
402 provide your comments please.

403 **Nicholas Ray:** Fantastic, thank you. Uh, thank you all for your patience. My name is
404 Nicholas Ray I'm a University of Texas law student and a lifelong Texan. I'm
405 commenting today in my individual capacity in support of the proposed rule, but I
406 urge TCEQ to go further when it satisfies Title 6 requirements. At the start I think all
407 of the beneficial proposals that TCEQ have been made, have made are hobbled by their
408 reliance on the TA based bilingual threshold for many of the alternative language
409 requirements. The elementary and middle school closest to an LEP population may not
410 reflect that population because of quirks in the drawing of district lines or because the
411 population may be elderly and not have a large population of children, or it may just
412 be small and not have sufficient population to trigger bilingual requirement.

413 Furthermore, I support allowing the Executive Director to extend alternative language
414 requirements to situations which do not otherwise meet TA bilingual standards. I think
415 this is important as it allows TCEQ to catch some of the communities that fall through
416 the cracks. However, I think this should be mandatory requirement that the Executive
417 Director make such findings of the necessity of alternative language per notice. It
418 needs to be an enforceable provision for communities so they can actually indicate
419 their rights and not merely a discretionary tool. Uh, next, I support previous
420 commenters that TCEQ should translate the entirety of its website and I also endorse
421 previous comments regarding translating permits, but I want to add that draft permits
422 and technical evaluations of permits should also be translated so that LEP persons can
423 participate in all stages of the permitting process and have full knowledge to be able to
424 actually evaluate the permit.

425 Furthermore, I endorse previous comments regarding the importance of certification
426 for translators and interpreters. And I also add that there should be some sort of a
427 feedback for previous procedure for meeting participants if they find translator or
428 interpretation services to be insufficient or bias or incompetent. Finally, I strongly
429 support a permit summary. However, they should go further, they should include
430 toxicological information about the pollutants that may be emitted from the facility

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431 and they should also include applicant compliance history. We want communities to be
432 able to know what is coming into their community and both of those things will help
433 those communities intelligentially and effectively understand what they're having
434 come into their communities. In conclusion, I hope that documents regarding the LEP
435 plan and public participation plan are translated to allow LEP persons to actually
436 participate in the agency's decision making for changes and rulemakings that directly
437 affects them. Thank you.

438 **Brad Patterson:** Thank you Nicholas. At this time, we're going to go back and try
439 Claudia Rios again. Only Claudia Rios should have her phone unmuted at this time. If
440 you're not Claudia please leave your phone on mute until your name is called to speak.
441 Please speak slowly and clearly and give our interpreters an opportunity to translate
442 into English every couple of sentences, please. So, at this time is Claudia Rios on this
443 line?

444 **Claudia Rios:** (Spanish translation available through the interpreters)

445 **Interpreter line:** The interpreter cannot hear Claudia Rios because of the echo and
446 feedback.

447 **Brad Patterson:** Once again if you are on this conference line. If you're on this
448 conference line please mute your phone. Unless you are Claudia Rios. And Claudia if
449 you are listening to the webinar on a computer, please turn the computer down.

450 **Claudia Rios:** Solo en el telefono.

451 **Brad Patterson:** Only on your phone?

452 **Claudia Rios:** Si.

453 **Brad Patterson:** So, then there is someone else on the conference line who has their
454 line unmuted. One last time, if you are not Claudia Rios, please mute your own phone.
455 Okay, let's try again with Claudia Rios.

456 **Claudia Rios:** (Spanish translation available through the interpreters)

457 **Interpreter line:** My name is Claudia Rios. The interpreter was muted.

458 **Brad Patterson:** Yeah, just do it over the phone line please.

459 **Interpreter line:** Yes. The interpreter is having difficulty hearing Ms. Rios other than
460 understanding, "my name is Claudia Rios", because of the echo and feedback issue.
461 The interpreter can still hear it now.

462 **Brad Patterson:** Ms. Rios, start over please.

463 **Claudia Rios:** (Spanish translation completed by the interpreter)

464 **Interpreter line:** Unfortunately, the interpreter cannot understand Ms. Rios because
465 of the feedback and echoes.

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466 **Brad Patterson:** Um okay. I can hear Ms. Rios just fine. Let's have Ms. Rios just
467 provide her comments.

468 **Claudia Rios:** (Spanish translation completed by the interpreter)

469 **Brad Patterson:** Go ahead Ms. Rios.

470 **Claudia Rios:** (Spanish translation available through the interpreters)

471 **Brad Patterson:** Continue please.

472 **Claudia Rios:** (Spanish translation completed by the interpreter)

473 **Interpreter line:** Nevertheless, I think TCEQ should include more information in
474 their summaries. Like industrial refineries that emit toxic chemicals, should include
475 more information when they present the applications, they should include translations
476 so that the community can know of the potential hazards to health. The refineries emit
477 into the air, earth, and water. I have been in other hearings for TCEQ, and it is hard for
478 the interpreters to interpret things. I need to summarize my information more to be
479 understood and the translation services need to be better. To ensure the quality at the
480 meetings, there should be a survey at the end to determine if it was good, fair, suitable,
481 or correct. Thank you for your time.

482 **Brad Patterson:** Thank you Claudia. Please mute your own phone at this time. Next
483 is Cecilia Reyes.

484 **Cecilia Reyes:** (Spanish translation completed by the interpreter)

485 **Interpreter line:** Thank you. Good morning.

486 **Brad Patterson:** Okay, go ahead.

487 **Cecilia Reyes:** (Spanish translation completed by the interpreter)

488 **Interpreter line:** My name is Cecilia Reyes and I'm from Houston, Texas. Thank you
489 to TCEQ for providing interpretation services in Spanish and in various languages for
490 the diverse communities in my county. I support the use of translation services with
491 TCEQ with the proposal of Rule 14. Nevertheless, at this moment there should be
492 measures taken to inform communities of the decisions made by the industries to
493 increase the amount of chemicals that will be harmful to our health. I understand that
494 the new rule will not translate all of the TCEQ rules to an alternative language. TCEQ
495 should provide a process to request the translation of documents that they won't be
496 translating. And if anyone wants to know more in these alternative languages in order
497 to better understand the information which should be provided. I live near facilities
498 that emit contaminates into the air and water and other toxic substances. (the
499 interpreter requests that the last phrase be repeated). I would like to know more about
500 the changes that aren't necessarily published in the newspaper as an additional option
501 for information. Thank you.

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502 **Brad Patterson:** Alright, thank you Ms. Reyes. Please mute your own phone to
503 continue listening. Is there anyone else listening on the Spanish interpretation line that
504 would like to provide comments? Alright, thank you. Ms. Reyes was the last person
505 that I had registered to provide comments during today's hearing. For those of you
506 who are participating via computer, is there anyone else that would like to provide
507 comments at this time please use the raise your hand button on your control panel to
508 let us know. Hey Heejin, did you want to provide comments?

509 **Heejin Hwang:** Yes.

510 **Brad Patterson:** Go ahead and state your name please and then provide your
511 comments.

512 **Heejin Hwang:** My name is Heejin Hwang and I'm an attorney with Lonestar Legal
513 Aid and they represent Caring for Pasanda Community, is a community organization
514 based in Pasadena Texas. In both proceedings we'll be submitting written comments
515 that are more detailed, but I just wanted to highlight a couple changes and
516 recommendations. First starting with the plain language summary, we think that this is
517 a really helpful requirement. We believe that it will also be helpful if, in order to
518 provide communities with a better sense of the intertext of a permit application if the
519 site also identified other facilities that are putting out the same pollutants in the area.
520 As often the issue is that there are more multiple siting's in the same area. This
521 information would provide communities with a clearer sense of how this particular
522 application would add to the impacts that they are already facing.

523 In addition, I understand that TCEQ is proposing, as part of its public participation
524 plan, working with applicants to conduct environmental justices screening. It would be
525 helpful to note that this analysis and screening within that community as well and if
526 TCEQ could also identify who and what vulnerable and sensitive populations would be
527 impacted by the permit application in that summary living in a two-to-three-mile
528 radius. That information would also useful.

529 As we're hearing comments also about the ability for someone to read translations
530 versus hear interpretations perhaps also TCEQ when they're posting these alternative
531 language summaries on their website, could provide an option for the summary to be
532 read so that the public could access it that way as well. Secondly, we've heard a lot of
533 recommendations that we also support about standardizing the interpretation and
534 translation services that are allowed, that are provided. We also want to ensure that as
535 part of that standardized process, interpreters and translators are aware of language
536 justice principles which then produce the communities and speakers and ensures that
537 everything they're saying is being conveyed accurately. We have heard instances at
538 various meetings where some words are not translated, and we believe that every word
539 should be translated and interpreted. Part of that standardized process should also
540 ensure that the service providers have knowledge of technical language as well. We
541 also saw from today's public meeting that we are varied between simultaneous

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542 translation production and consecutive interpretation and that should also be
543 standardized. There are different needs that come with the different categorizes of
544 interpretation. There is also different time constraints and when consecutive
545 interpretation is used it requires the speaker to stay on the line for a lot longer so that
546 needs to be taken into consideration.

547 Thirdly, discussing the kind of notice that is required and whether it's published in
548 newspapers or electronically on a website. We support the different recommendations
549 that have been raised about ensuring that it's not just posted on a website. We also
550 want to make sure TCEQ knows that when its being published in newspapers, those
551 newspapers are actually being read. Uh, and that they are accessible; as someone else
552 already mentioned, a lot of libraries are closed right now so hard copy notices are not
553 available.

554 Fourthly, with regards to different timelines we believe that it's necessary for the
555 timeline for the responses to be the same whether it's in English or an alternative
556 language so as to not violate equal protection. Thank you.

557 **Brad Patterson:** Thank you. Meghan tells me that there is someone on her
558 conference line that would like to comment. Is there someone listening on this
559 conference line that would like to . . . Hello. Excuse me. Is there someone listening . . .

560 **Melissa Hamilton:** Okay, I hear two people talking maybe three at the same time.
561 Hopefully you can hear me.

562 **Brad Patterson:** I can hear you. Go ahead and state your name please and provide
563 your comments.

564 **Melissa Hamilton:** Maybe how the it's supposed to be one language, but I am having
565 a hard time hearing what anyone is saying in either English or Spanish. I've been in
566 similar meetings like this with the TCEQ on different public meetings and there is
567 never been this type of issue before. I don't know if that is because of the interpreters
568 and logistics in the background but there is a way to mute everybody except for the
569 speaker. So, I would just suggest going forward with these types of meetings to really
570 try to prevent this type of thing from happening because its hindering us from
571 understanding what's going on. Thank you.

572 **Brad Patterson:** Could you provide your name please?

573 **Melissa Hamilton:** This is Melissa Hamilton.

574 **Brad Patterson:** Is there anyone else listening on this conference line that would like
575 to provide comments? Alright, thank you. Is there anyone else that would like to
576 provide comments during today's hearing at this time? Deyadira you have your hand
577 raised. Did you have additional comments?

578 **Deyadira Arellano:** Yes, I do. I have a brief comment and with the example provided
579 earlier with Cecilia's comment and listening to the translation provided for her

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580 comment and myself being able to understand both Spanish and English I do not feel
581 that her comment was translated accurately or properly and so I would like you to be
582 able to go back and listen to that translation and to exactly what was said. Because that
583 is an area and a clear example of how TCEQ can improve language justice access.
584 Thank you.

585 **Brad Patterson:** Thank you. Anyone else who as not yet had the opportunity to
586 provide comment that would like to do so at this time? Nalleli Hidalgo you have your
587 hand raised again.

588 **Nalleli Hidalgo:** Yes. I just wanted to give back a comment based on sorry, based on,
589 I'm sorry can you hear me there is a lot of background noise.

590 **Brad Patterson:** I can. Go ahead and state your name again please.

591 **Nalleli Hidalgo:** Hi my name Nalleli and I just wanted to give a ...Nalleli Hidalgo. I
592 just wanted to give that comment based on the English thing and the webinar. I think
593 you should...I was hearing, I did have difficulty hearing the Spanish line and it
594 sounded very far and distant, so I don't know if, how, what that translation or
595 connection is between the line, the Spanish speaker to the English line or if you are
596 holding the phone with the speaker to the computer but it sounds very far. And when
597 the person is on the English thing calling in it sounds clear, and I can I don't have to
598 like turn up my volume and I have the similar issue at the previous public hearings
599 with TCEQ. Where I could hear both the interpreter and the Spanish speaker at the
600 same time. When someone else said they didn't have similar issues at the other
601 hearings that they attended so I don't know if this is going to occur again on Thursday
602 or not but that would be my only concerning comment that it does sound very far, and
603 I had my volume all the way up to listen to the person speaking and I still couldn't
604 hear them. And then also the interpreter whenever he jumped in to interpret it was too
605 loud. Like I was playing with my audio having to put it up and down between the
606 person speaking Spanish and the person speaking English. I just wanted to share that
607 of in order to better prepare for Thursday.

608 **Brad Patterson:** Alright, thank you. Any other comments regarding the rule project
609 for today's public hearing? As a reminder, comments will continue to be accepted until
610 April 26, 2021. Yvette, did you have additional comments that you wanted to make
611 during today's hearing?

612 **Yvette Arellano:** Yes. Thank you for the opportunity.

613 **Brad Patterson:** Go ahead.

614 **Yvette Arellano:** Brad I wanted to uplift the fact that there are several community
615 members that couldn't make this meeting and probably won't be able to make the one
616 on Thursday because of the time restrictions. I wanted to point out that in the initial
617 complaint there was pointed out for there to be several times for opportunities of
618 input, comment, and participation in this process. And we had requested everything

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619 from weekends to after work hours post five o'clock in order to make this meeting
620 more accessible. So, I wanted to uplift this because we received comment from several
621 community members who could not participate because of the restrictions and not
622 simply on this hearing but on all TCEQ hearings. So, thank you. And then the second
623 thing I wanted to uplift was the fact that we had voiced concern about using Go To
624 Meetings and trying to opt for the TCEQ to use Zoom; as the host has the ability to
625 mute different lines. But it's something that TCEQ can consider, and I understand there
626 are contracts and just government systems in place so thank you.

627 **Brad Patterson:** Thank you, Yvette. Any other comments at this time? So once again
628 TCEQ will continue to accept written comments on the proposed revisions to 30 TAC
629 Chapter 39, public notice and Chapter 55, request for reconsideration and contested
630 case hearings, public comment, until April 26, 2021. We will be having another hearing
631 on the proposed rules this Thursday, April 22nd. That hearing will begin at 2:00 PM.
632 And then once again TCEQ staff will be available thirty minutes prior to that hearing to
633 answer any questions that you may have on the rule project. For now, I would like to
634 thank everyone for participating in today's public hearing. Thank you for your
635 questions and thank you for your comments. This public hearing is now closed. You
636 are welcome to close the webinar our on your computer or hang up the phone. I'll close
637 the webinar on my end in about 15 seconds which will cut it off for everyone else. So,
638 thanks again for being with us today. I hope that you have a great day and a great rest
639 of the week.