Brad Patterson: Good morning once again everyone uh, it’s 10:00 AM on April 20, 2021. This is a public hearing being conducted by the Texas Commission on Environmental Quality. It’s a hearing on rule project number 2020-018-039-LS. I’d like to welcome everyone to this public hearing; my name is Brad Patterson and I’m with the Office of the Chief Clerk. I’ll be moderating today’s rules hearing. I would also like to introduce Amy Browning and Adam Taylor from the Environmental Law Division. Before we start taking comments this morning, I wanted to go over some of the logistics involved in participating in a hearing. First of all, comments on the proposed rules can be submitted at any time during the hearing or up until April 26, 2021 using the following link; this is the rules e-comments link that I am showing you now. This link is also available in the notice of the hearing that is attached to the webinar as a handout. Uh, the notice of the hearing also provides information for how to either submit your comments via mail or by fax. For those of you that are participating online, you should have a control panel that looks similar to this one. Depending on your operating system it could look a little different, but you should see an audio window that you can open and close. It’ll show you how you are connected to the webinar. Most folks when they join the webinar for the first time are connected by their computer audio by default. If you have working speakers and a working microphone, we encourage you to use your computer for participating in the hearing. However, at some point if you realize that your computer's microphone is not working, you do have the option to connect directly to the webinar via a phone call. You can select the phone call/radio button and it’ll display a phone number with an access code and a pin number. You would dial that phone number, enter the access code followed by the pound sign and enter the pin number followed by the pound sign and that would connect you to the webinar via your phone. You'll need to leave the webinar running on your computer so that you can continue to participate in the hearing, but you do have that option. Also, on your control there is a mute button it should be red with a line through it. When it’s your time to speak you'll need to press that button it'll turn green to show that you're unmuted and then you'll be able to speak. In the notice of the hearing, we provided a conference line number for those English speakers who do not have access to the internet or a computer, you can dial into the webinar via a conference line, that number is 844-368-7161. You'll enter 435007 followed by the pound sign when prompted. This conference line is like any other conference line, anyone who calls in to this line can hear anyone else and therefore it is very important once your connected that you mute your own phone line so that anyone else who's listening will still be able to hear the webinar. My colleague Mehgan is monitoring this conference line and she'll let me know if they're having any issues on that line. In the notice of the hearing, we also provided a conference line for those persons who needed to listen and participate in Spanish. I'm going to ask Flor Dimassi with our interpretation team to come on and read this for me now.
Flor Dimassi: Thank you Brad. (Reading in Spanish)

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

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

This hearing is structured strictly for the receipt of oral or written comments. Open discussion during the hearing is not allowed. However, if anyone has any additional questions or comments regarding this proposal there will be another opportunity after the hearing to have your questions answered. Due to the number of people who’ve
signed up to speak we have a couple of favors to ask of you. First, please keep your comments as brief as you can and no longer than four minutes per person. We will have a timer, once the timer hits zero we’d like to ask you to wrap up your comments at that time. If four minutes is not enough time, please feel free to supplement your oral comments in written form. And again, we will accept written comments until April 26, 2021. Second, if someone before you has already addressed your concerns it is not necessary to repeat those comments word for word you can simply endorse those comments and we’ll be sure to acknowledge that those were you concerns as well. We will now begin receiving oral testimony in the order in which you registered. Once I call your name, you’ll need to unmute yourself and state your name and who you represent and then present your testimony. I will call on you in groups so that you will be able to be ready to go when your name is called. And so, our first group will be Juan Parras, Robin Schneider, Nalleli Hidalgo, and Claudia Rios. And so we’ll begin with Juan Parras. Go ahead Mr. Parras. Juan?

Juan Parras: Can you hear me?

Brad Patterson: Yeah, go ahead.

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

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

Robin Schneider: Hello, this is Robin Schneider with Texas Campaign for the Environment and um, I also want to express um, support for the move towards more language justice in how the TCEQ handles pollution permits and rulemaking. Um, I hope that we will go even further and take into account the cumulative impacts of
pollution on communities that are overburdened by pollution projects, which often are
more prevalent in communities of color, regardless of their economic standing, as well
as low wealth communities. Furthermore, I think we need to go towards having the
permits themselves translated and for permits both in English and in languages other
than English should be available on the TCEQ website. Currently waste permits are
available on the TCEQ website but most other permits as I understand it are not; waste
permits have been on the TCEQ website for a long time. They are not translated at
present but if we are going to have full participation, we need to have those permits
translated as well. And also, to make these available electronically so that people don’t
have to go to the TCEQ regional office or to other locations which during a time of
pandemics I know many of these locations like libraries are not even accessible to the
public. So, this rulemaking is very positive but there remain other things that we
should be doing to make this process more accessible for people. Thank you very
much.

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

Nalleli Hidalgo: Hello, can you hear me?

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

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

Mehgan Taack: I haven’t heard from anyone.

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

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

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

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

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

Cecilia Reyes: (Spanish translation available through the interpreters)

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

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

Interpretation line: I would just like to ask her to give us brief sentences so that we can also interpret her message.
Brad Patterson: Alright, hang on Flor. Go ahead and mute your line Flor. Have your interpreter mute their line as well. Ms. Reyes, if you could please start over and then give our interpreter an opportunity to interpret into English. Go ahead.

Cecilia Reyes: (Spanish translation available through the interpreters)

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

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

Cecilia Reyes: (Spanish translation available through the interpreters)

Interpretation line: The interpreter is unable to interpret the woman’s audio.

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

Cecilia Reyes: Yes.

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

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

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

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

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

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

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

Brad Patterson: Thanks Shiv. Our next group will start with Yvette Arellano, followed by Isabel Segarra Trevino, Tammy West, and then Nicholas Ray. Yvette Arellano.
Yvette Arellano: Thank you. My name is Yvette Arellano and I’m the director of Fenceline Watch, a Houston based environmental injustice organization and we appreciate the TCEQ giving us the opportunity to offer a path forward in achieving language justice and alleviating historical barriers. I’m going to go through uh, two main points of a comment that we will submit over to the TCEQ and the first part is regarding the TCEQ website. Currently, the TCEQ does not have the following sites translated and these we request translated. To translate the TCEQ comments page and the following subpages: The comment on pending applications landing page, the e-comment form for pending applications, permit query search, the query search results and data table, the permit comment form, TCEQ records online, and the search for TCEQ public notices. I would be remiss if I wouldn’t request the TCEQ translate their entire website as the TCEQ is a public agency to serve all Texans not simply through public notice requirements but as an agency in general.

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

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

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

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

Isabel Segarra Trevino: Hi. Can you hear me?

Brad Patterson: Yeah. Go ahead Isabel.

Isabel Segarra Trevino: My name is Isabel Segarra Trevino, and I’m here on behalf of the Harris County Attorney. Uh in Harris County, we have approximately 4.7 million residents and about 44% of them speak a language other than English at home. We
have a highly diverse population. We are a city without an ethnic or racial majority; there’s no one group here that can claim that. And about 20% of our population does not speak English or speaks English less than very well. So this rule is very important to us, not just for those reasons, but we’re also home to the petrol chemical capital of the nation and those facilities get many, many types of TCEQ permits that are and will continue to be subject to these public participation rules.

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

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

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

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

Tammy West: Hello, can you hear me?

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

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

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

Nicholas Ray: Can you hear me?

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

Nicholas Ray: Can you hear me?

Brad Patterson: Can you hear me, go ahead.

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

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

Nicholas Ray: Can you hear me now?

Brad Patterson: Try again Nicholas.

Nicholas Ray: Can you all hear me now?

Brad Patterson: No. it’s getting worse.

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

Brad Patterson: Okay. Thank you, Nicholas.
Nicholas Ray: Thank you.

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

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

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

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

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

Furthermore, I endorse previous comments regarding the importance of certification for translators and interpreters. And I also add that there should be some sort of a feedback for previous procedure for meeting participants if they find translator or interpretation services to be insufficient or bias or incompetent. Finally, I strongly support a permit summary. However, they should go further, they should include toxicological information about the pollutants that may be emitted from the facility.
and they should also include applicant compliance history. We want communities to be able to know what is coming into their community and both of those things will help those communities intelligently and effectively understand what they’re having come into their communities. In conclusion, I hope that documents regarding the LEP plan and public participation plan are translated to allow LEP persons to actually participate in the agency’s decision making for changes and rulemakings that directly affects them. Thank you.

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

Claudia Rios: (Spanish translation available through the interpreters)

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

Claudia Rios: Solo en el telefono.

Brad Patterson: Only on your phone?

Claudia Rios: Si.

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

Claudia Rios: (Spanish translation available through the interpreters)

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

Claudia Rios: (Spanish translation completed by the interpreter)

Brad Patterson: Ms. Rios, start over please.

Claudia Rios: Unfortunately, the interpreter cannot understand Ms. Rios because of the feedback and echoes.
Brad Patterson: Um okay. I can hear Ms. Rios just fine. Let’s have Ms. Rios just provide her comments.

Claudia Rios: (Spanish translation completed by the interpreter)

Brad Patterson: Go ahead Ms. Rios.

Claudia Rios: (Spanish translation available through the interpreters)

Brad Patterson: Continue please.

Claudia Rios: (Spanish translation completed by the interpreter)

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

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

Cecilia Reyes: (Spanish translation completed by the interpreter)

Interpreter line: My name is Cecilia Reyes and I’m from Houston, Texas. Thank you to TCEQ for providing interpretation services in Spanish and in various languages for the diverse communities in my county. I support the use of translation services with TCEQ with the proposal of Rule 14. Nevertheless, at this moment there should be measures taken to inform communities of the decisions made by the industries to increase the amount of chemicals that will be harmful to our health. I understand that the new rule will not translate all of the TCEQ rules to an alternative language. TCEQ should provide a process to request the translation of documents that they won’t be translating. And if anyone wants to know more in these alternative languages in order to better understand the information which should be provided. I live near facilities that emit contaminates into the air and water and other toxic substances. (the interpreter requests that the last phrase be repeated). I would like to know more about the changes that aren’t necessarily published in the newspaper as an additional option for information. Thank you.
Brad Patterson: Alright, thank you Ms. Reyes. Please mute your own phone to continue listening. Is there anyone else listening on the Spanish interpretation line that would like to provide comments? Alright, thank you. Ms. Reyes was the last person that I had registered to provide comments during today’s hearing. For those of you who are participating via computer, is there anyone else that would like to provide comments at this time please use the raise your hand button on your control panel to let us know. Hey Heejin, did you want to provide comments?

Heejin Hwang: Yes.

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

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

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

As we’re hearing comments also about the ability for someone to read translations versus hear interpretations perhaps also TCEQ when they’re posting these alternative language summaries on their website, could provide an option for the summary to be read so that the public could access it that way as well. Secondly, we’ve heard a lot of recommendations that we also support about standardizing the interpretation and translation services that are allowed, that are provided. We also want to ensure that as part of that standardized process, interpreters and translators are aware of language justice principles which then produce the communities and speakers and ensures that everything they’re saying is being conveyed accurately. We have heard instances at various meetings where some words are not translated, and we believe that every word should be translated and interpreted. Part of that standardized process should also ensure that the service providers have knowledge of technical language as well. We also saw from today’s public meeting that we are varied between simultaneous
translation production and consecutive interpretation and that should also be
standardized. There are different needs that come with the different categories of
interpretation. There is also different time constraints and when consecutive
interpretation is used it requires the speaker to stay on the line for a lot longer so that
needs to be taken into consideration.

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

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

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

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

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

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

Brad Patterson: Could you provide your name please?

Melissa Hamilton: This is Melissa Hamilton.

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

Deyadira Arellano: Yes, I do. I have a brief comment and with the example provided
earlier with Cecilia’s comment and listening to the translation provided for her
comment and myself being able to understand both Spanish and English I do not feel
that her comment was translated accurately or properly and so I would like you to be
able to go back and listen to that translation and to exactly what was said. Because that
is an area and a clear example of how TCEQ can improve language justice access.

Thank you.

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

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

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

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

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

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

**Brad Patterson:** Go ahead.

**Yvette Arellano:** Brad I wanted to uplift the fact that there are several community members that couldn’t make this meeting and probably won’t be able to make the one on Thursday because of the time restrictions. I wanted to point out that in the initial complaint there was pointed out for there to be several times for opportunities of input, comment, and participation in this process. And we had requested everything
from weekends to after work hours post five o’clock in order to make this meeting more accessible. So, I wanted to uplift this because we received comment from several community members who could not participate because of the restrictions and not simply on this hearing but on all TCEQ hearings. So, thank you. And then the second thing I wanted to uplift was the fact that we had voiced concern about using Go To Meetings and trying to opt for the TCEQ to use Zoom; as the host has the ability to mute different lines. But it’s something that TCEQ can consider, and I understand there are contracts and just government systems in place so thank you.

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