

Stakeholder Meeting on Resolution of EPA

Complaint No. 02NO-20-R6

Held on 4/30/2021

Speech disfluencies omitted.

1 **Laurie Gharis:** Good afternoon, this is Laurie Gharis with TCEQ. We're going to give it just a
2 couple of more minutes, and then we'll go ahead and get started.

3 Good afternoon. My name is Laurie Gharis, and I am with the Office of Chief Clerk at the Texas
4 Commission on Environmental Quality. Thank you for joining us for today's stakeholder
5 meeting for the Resolution of EPA Complaint Number: 02NO-20-R6. Today is Tuesday, April
6 27th, and it is 2:00 P.M.

7 As a reminder, I would like all participants to ensure they are muted. We will unmute
8 participants one by one during the question and answer section at the end of the stakeholder
9 meeting.

10 On this slide, you are able to see where the mute, computer, and phone call audio, and raise
11 hand buttons are located. I can bring this slide back up at the end of the presentation when it is
12 time for questions.

13 Members of the public who are having technical challenges may call Steve Hutchinson at (512)
14 217-6061. Remember, Steve is IT and will not be able to answer questions about the webinar
15 content. Members of the public who are having technical issues or who do not have access to a
16 computer, may dial (844) 368-7161 and enter 435007# when prompted. Members on the phone
17 should also mute themselves. Please note that you may hear feedback if you try to join the
18 audio from more than one method, for example, by phone and computer. If possible, utilize
19 only one method for audio. Professionals will provide simultaneous Spanish interpretation
20 during this meeting. Please speak clearly, at a good pace, and pause regularly to help with
21 interpretation. I'm going to ask our interpreter to tell us how to join in Spanish now. If our
22 Spanish interpretation can go ahead and provide the Spanish information now.

23

24 **Spanish interpreter Flor Dimassi:** Las personas que deseen escuchar o participar en la reunion
25 en espanol pueden llamar al (844) 368-7161 e ingresar el codigo de acceso 904535#. Es muy
26 importante poner tu teléfono en silencio. Gracias.

27 Las personas que deseen escuchar o participar en la reunion en espanol pueden llamar al (844)
28 368-7161 e ingresar el codigo de acceso 904535#. Es muy importante poner tu teléfono en
29 silencio. Gracias. Thank you.

30

31 **Laurie Gharis:** Thank you, Flor. Okay, today's agenda is as follows. We'll start with TCEQ's
32 permitting process, and then, we will move to the Office of Public Interest Counsel. Next, will be
33 opportunities for public involvement. Then, we'll move to how to access and interpret air
34 quality data. From there, we'll go to the environmental complaints process for members of the
35 public. Next is how evidence collected by members is used by TCEQ. Then, we'll head to
36 accessing TCEQ information related to public emergencies, and how the public may submit
37 information to TCEQ, and we'll end with time for questions. In addition to the speakers who are
38 listed on this slide, we have program, legal, and toxicology staff joining us. Staff members
39 include Beryl Thatcher, Erika Crespo, Bill Shafford, Lorrie Council, Charly Fritz, and Darrell
40 McCant. I also want to let you know that handouts are available, and include an agenda or
41 schedule, a speaker list with contact information, and then frequently utilized websites. Now,
42 we have a very full agenda, so we'll go ahead and get started. First, we have Amy Browning and
43 Adam Taylor for TCEQ's Permitting Process.

44

45 **Amy Browning:** Thank you, Laurie. As Laurie said, my name is Amy Browning. I am a staff
46 attorney in the Environmental Law Division in the Office of Legal Services at TCEQ. With me
47 today is my colleague, Adam Taylor, who is also an attorney in the Environmental Law Division.

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1 Today, we're going to give a broad overview of public participation opportunities in TCEQs
2 permitting process. Next slide, please.

3 Other TCEQ processes also have public participation opportunities, like rulemaking. But today,
4 we're going to focus on permitting. Who needs a permit? What does a permit do or allow? At
5 TCEQ, we permit three broad media: water quality, waste, and air quality. Next slide, please.

6 There are many different types of permits within each of these general categories. For air
7 quality, you have a couple of different divisions. You have minor permits and you have major
8 permits. Minor permits include permit by rules or PBR, standard permits, and minor case by
9 case NSR permits.

10 Permit by rules, generally, do not have public participation when individual applicants apply to
11 use a PBR. However, there are public participation process when the permit by rules are first
12 established. These are permits or types of facilities that generally have very low emission rates.
13 This includes things like dry cleaners, paint facilities, animal confinements like racetracks,
14 zoos, and animal shelters. Some types of tanks, and many other very minor types of
15 applications. Standard permit, also, or generally permits, or types of facilities that have minor
16 amounts of air emissions. Most standard permits also have very minimal public participation
17 requirements when an applicant applies to use a standard permit, with a few exceptions like the
18 concrete batch plant standard permits. Minor case by case NSR permits and major NSR permits
19 have more opportunities for public participation. These generally include facilities and plants
20 that have larger amounts of air emissions and can include things all the way up to, for example,
21 your major refineries.

22 Water quality permits include things like the Texas Pollution Discharge Elimination System,
23 called the TPDES; The TLAP, Texas Land Application Permit for applying treated wastewater and
24 general permits like stormwater permits; aquaculture; concrete batch plant authorizations, that
25 authorizes discharge from ready mixed concrete plants, concrete products, plants, and
26 associated facilities; petroleum bulk stations and terminals that authorize discharges for
27 petroleum bulk stations and terminals; concentrated animal feeding operations or CAFOs;
28 evaporation ponds; Harris County on-site wastewater permits; oil and gas related general
29 permits; sludge that are official land use, which is sludge applied on builds for hay production;
30 onsite sewage facilities; and then certifications like boat sewage certifications, which confirms
31 boaters awareness and boat sewage regulations; and aggregate production registrations, that is
32 a registration to make TCEQ aware of the existence of the APL.

33 And then for waste. You have the Underground Injection Control Program, which includes
34 individual permits, general permits, authorizations, by rule; Radioactive Materials licenses
35 which work much like a permit; Industrial and Hazardous waste permits and registrations; and
36 Municipal Solid Waste permits, registrations, and notifications. So, these are the broad universe
37 of types of permits that TCEQ is responsible for. Next slide, please.

38 In 1999, the 76th Texas legislature passed House Bill, 801, which codified in statute many of
39 the requirements for public participation that we're going to be discussing today.

40 In 2015, the 84th Legislature made some modifications to these requirements, most notably,
41 related to how contested case hearings are accomplished. The rules that come from these
42 statutes, are found in 30 Texas Administrative Code, Chapter's 39, 55 and 80. So if you ever
43 have a question about the rules relating to public participation on permitting applications, you
44 can refer to these rules. They are available online and are easy to find. Next slide, please.

45 So, what do you have to look at when you're looking at public participation on permitting
46 applications? Well, the first thing, you have to know that there is a permit application out there
47 with public participation opportunities attached and, so we have notices. There are many types
48 of permit applications that require notice and we're going to go through the different types of
49 notice one by one and talk about the details.

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1 So, what is a notice? Well a notice is something that informs the public that there is a
2 permitting activity that's going to occur. Who has to provide the notice? Generally speaking, the
3 applicant has to provide the notice and the TCEQ will inform the applicant that they are to
4 require the notice, but they are required to provide the notice. The notices are generally
5 published in newspapers. Some notices are also mailed. And the TCEQ Chief Clerk's office,
6 mails notices to mailing lists that are kept or a county or for a particular permit application.
7 Again, like I said, the notices are published in newspapers. They might be, they can be mailed,
8 and they are often mailed, usually mailed and they are also available on the Chief Clerk's
9 database.

10 What kind of information is in a notice? Well, we'll talk about that more specifically, with the
11 different kinds of notice. But generally speaking, the information in a notice is what
12 information you would need as a member of the public to participate in the permitting process
13 and to know what types of applications have been submitted to the TCEQ for what types of
14 different plants that are proposed to come in. Next slide, please.

15 The first notice is called a Notice of Receipt of an Application and Intent to Obtain Permit, or
16 NORI. Usually we just refer to this as the NORI instead of reading the whole title for the notice.
17 This is the first public notice. It provides an opportunity for the public to know that a
18 permitting action is occurring. This happens when an applicant submits an application to the
19 TCEQ in order to do something, and that might be for a new application or a new plant. Or it
20 might be for an amendment or a change to a plant. Or it might be for a renewal of an existing
21 application. For some types of permits: Minor NSR air quality permits, Minor NSR Case by Case
22 Air Quality Permit, and concrete batch plant standard permits. For a contested case hearing
23 your request to be timely. A contested case hearing request must have been received during the
24 comment period provided by the NORI in order to preserve the right to request a contested
25 case hearing later during the second comment period.

26 So, what's in the NORI? The name, address, and telephone of the agency and an agency contact
27 for interested persons may obtain further information. Name, address, and telephone number
28 of the applicant, and how an interested person may contact the applicant for further
29 information. A brief description of the location and nature of the proposed activity. A brief
30 description of public comment procedures, including that the executive director will respond to
31 comments, raising issues that are relevant and material are otherwise significant. And a
32 statement in the notice for any permit application for which there is an opportunity for a
33 contested case hearing, that only disputed factual issues that are relevant in material to the
34 Commission's decision that are raised during the comment period can be considered if a
35 contested case hearing is granted.

36 There's also information about the procedures by which the public can participate in the final
37 permit decision and if applicable, how to request a public meeting, a contested case hearing,
38 reconsideration of the Executive Director's decision, a notice and comment hearing, or a
39 statement that later notice will describe procedures for public participation. The notice will also
40 contain the application or permit number and the location in the local area, where the
41 application itself, is available for reviewing and copying. Next slide, please.

42 The second notice is called the Notice of Application and Preliminary Determination, or NAPD.
43 This is the second public notice, and this is basically the notice that the Executive Director, has
44 reached a preliminary decision on a permit application. This notice is published after the
45 executive director staff have reviewed the permit application and reached a decision that it
46 meets all applicable state and federal rules and regulation. And will be protective of human
47 health and the environment. This is the preliminary decision it's not the final decision on the
48 permit, but it provides information to the public that the staff has reviewed the application and
49 determined that the application could be granted, excuse me, and the permit issued with the
50 information that is currently available.

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1 The notice will contain similar information to the notice that was in the NORI. Information
2 about the permit application itself, where the proposed facility is located, how you can contact
3 people at either the agency or the applicant to ask questions, how to submit public comments
4 on the preliminary decision, how to request a public meeting or a contested case hearing if
5 those are applicable to this particular permit application, and what the deadlines are for those
6 requests. Notices for certain types of permit applications may also contain additional
7 information to provide the public with more information on the proposed permit application.

8 Both the NORI and the NAPD may also be published in an alternative language. Alternative
9 language notice is required, when either the elementary or middle school nearest to the facility
10 or proposed facility, is required to provide a bilingual education program, as required by Texas
11 Education Code, Chapter 29, Subchapter B and 19 TAC, Section 89.1205(A). And students are
12 enrolled in a program at that school, or students from that school attend a bilingual education
13 program at another location, or the school that would otherwise be required to provide a
14 bilingual education program has been granted an exception from the requirements.

15 When alternative language, NORI and NAPD are required to be published, they are published,
16 they are required to be published in an alternative language newspaper. The Commission is
17 currently involved in a rulemaking relating to the alternative language notice requirements for
18 public participation. Thank you and the remainder of this presentation will be done by my
19 colleague, Adam Taylor.

20

21 **Adam Taylor:** Good evening all. I am Adam Taylor. Laurie, could I have the next slide, please?
22 Thank you.

23 So, the next portion of the public participation process and permitting would be public
24 meetings. So, a public meeting is an opportunity to ask questions of the applicant and TCEQ
25 about a permit application, and an opportunity to submit public comments. A public meeting
26 can be requested by sending that written request to the Office of the Chief Clerk. You can do
27 that, either through the mail, electronically online, or by fax. If you happen to have the NORI or
28 the NAPD or the notices, there is information in that notice, with the address and information
29 on how to submit that request. The format at the meeting generally has two sections of people
30 who can answer your questions.

31 There will be the applicant who is applying for the permit with their staff, and then there will
32 be TCEQ staff. And that will be comprised of Office of the Chief Clerk staff who run the
33 meeting and then there'll be the ED staff who will answer the questions. We'll have, typically,
34 the permit reviewer to answer technical questions and then our Office Legal Service attorneys
35 to answer questions about the administrative process. A public meeting is broken into two
36 sections, the informal comments section and then a formal comments section. The informal
37 comment section is your Q&A section when you get a chance to ask your questions. Your
38 questions and comments you give during this period are not part of the formal process and will
39 not be included in our response to comments. That is important to keep in mind. If you want
40 TCEQ to respond to your comments, you would do that in the next part of the public meeting,
41 the formal comment period. For all comments received during the formal comment period we
42 will prepare what we call an RTC or a Response to Comments; Where we address those
43 comments in full and respond to them. Next slide, please.

44 So, public comments are important in the participation process. There are generally two ways
45 to submit those public comments. One is through the public meeting, which we discussed. The
46 other is during the public comment period, where you can submit them either electronically
47 online, through the mail, or via fax. Usually the public meeting is the end of the comment
48 period and your last chance to submit public comments. So, what information should you have
49 in your comments? You want to make your comments as detailed as possible and list any
50 concerns or issues you have with that permit application, concerns for your health, concerns,

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1 you think the permanent wasn't reviewed or written correctly, or things of that nature, but you
2 want to make sure you make it detailed so we can fully respond to it. And, why should you do
3 this? Well, one, it gives you a chance to participate in our process and you need to start here to
4 ensure you can continue to participate. And the other reason is that at this point, there is only a
5 preliminary decision on the permit and so TCEQ, will consider your comments and review the
6 permit to see if any changes needed to be made before we make our final determination. Next
7 slide, please.

8 So after the response to comments is mailed out there will be in the cover letter instructions on
9 how to submit a contested case hearing request or a hearing request. This will allow you if
10 you're unsatisfied with the permit or have issues with it, to request a hearing to have those
11 concerns heard by a judge. For a contested case hearing request, it has some important factors
12 to it that you need to remember. It must be in writing. It must have timely comments with it,
13 and it needs to explain how you are different and if or affected than the general public. Finally,
14 it also needs to include your physical address. This information would be part of the public
15 record, but we need that information, so the commission can determine if you're what we call
16 an affected person or someone who has the right to have a contested case hearing. So with
17 those contested hearing requests, it's submitted to something called Commission Agenda.
18 Where our Commissioners determine, one if there were timely hearing requests. Two, if you're
19 an affected person. And three, if you as an effected person will be referred for a contested case
20 hearing. If they decide this, then the permit will be referred to the State Office of
21 Administrative Hearings or SOAH for a contested case hearing. There is also an option to have
22 the item directly referred to SOAH, which means you wouldn't go before the Commissioners for
23 that determination and instead will go directly to the contested case hearing process. Next
24 slide, please

25 So SOAH is the State Office of Administrative Hearing. They are a neutral third-party agency,
26 that TCEQ sends their contested issues to so that a hearing may be held. SOAH has their own
27 judges that will hear the issues at hand and issue a decision. Permits, go to SOAH if the
28 Commission has decided there is an affected person and there's timely hearing request or if it
29 was direct referred. The contested case hearing is very similar to a trial where there is evidence
30 presented, witnesses give testimony, and then a judge looks at all this and issues, their
31 decision.

32 The decision in this case would be on the permit, and whether to issue the permit, to modify
33 the permit or to deny the permit. Once the judge makes their decision, they send that decision
34 back to the TCEQ Commissioners for another agenda hearing. Where the Commissioners will
35 consider the judge's ruling and what to do with the permit. Will they issue the permit? Will they
36 modify the permit? Or will they send the permit back and deny it? The notices for both the
37 agenda and the preliminary hearing for SOAH are mailed out and contain information on how
38 to participate in the process. So that is a very broad overview of public participation in the
39 permitting process. We will have a question and answer session after all the presentations. But
40 at this time, Laurie, I will turn it over to OPIC and their presentation. Thank you.

41

42 **Laurie Gharis:** Thank you, Adam, and thank you, Amy. And I'm moving to the next slide. So
43 next is Garrett Arthur, with OPIC. Go ahead, Garrett.

44

45 **Garrett Arthur:** Thank you, Laurie. Good afternoon. I'm Garrett Arthur from the Office of Public
46 Interest Council or OPIC for short. OPIC is a small independent office of attorneys, and our job
47 by statute is to represent the public interest. Next slide, please.

48 Representing the public interest means we can act as a resource for the public. We can tell you
49 how to participate in public processes at the TCEQ. When you participate in the Agency's public

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1 processes, we can explain your rights and responsibilities. Those public processes can include
2 public comments, public meetings, hearing requests, commission agendas, contested case
3 hearings, and rulemaking. In addition to OPIC's own participation as a statutory party to all
4 TCEQ matters, we can help you participate in every step of the agency's public participation
5 processes. I appreciate everyone taking the time to be here today, and I look forward to the rest
6 of the meeting. Thank you.

7

8 **Laurie Gharis:** Thank you, Garrett. Next is opportunities for public involvement. And this
9 section will be led by me, Laurie Gharis, as noted I'm with the Office of the Chief Clerk.

10 We want you to be involved in decision making. Currently, there are multiple opportunities for
11 the public to participate. Including to, be involved in TCEQ meetings and plans, be involved in
12 TCEQ hearings, if you are an affected person (as Adam discussed), reviewing and tracking
13 matters pending before TCEQ, and providing input on TCEQ matters

14 For this section, I want to demonstrate how you can be involved using our webpages.

15 For our meetings and programs, I plan to cover the following subjects: Public Meetings,
16 Commissioners' Agendas, Commission Work Sessions, Executive Director's Agenda, Public
17 Hearings for Proposed Rules, TCEQ Occupational Licenses, TCEQ Grants, and Contested Case
18 Hearings.

19 Let's start with public meetings. TCEQ frequently hosts public meetings when requested by a
20 member of the legislature, who represents the general area in which the facility is located or
21 proposed to be located, as well as when the Executive Director determines that there is
22 substantial public interest in the application. A calendar of public meetings can be seen by
23 visiting our webpage. And this webpage can be seen at the bottom of this slide. For each public
24 meeting, you can find out the date, time, and type of meeting. As well as access the notice for
25 the meeting. The notice is the blue hyperlink. If you click on the notice, you can find out how to
26 sign up to attend the meeting. So you can see on the right-hand side of the slide I have the
27 actual notice. I've attached a copy of this stakeholder meeting notice, which was published both
28 in English and Spanish. It should look familiar to many of you.

29 For the Commissioners' Agenda. The TCEQ has three full time commissioners who are
30 appointed by the governor to establish overall agency direction and policy, and to make final
31 determinations on contested permitting and enforcement matters. Our three commissioners are
32 Jon Niermann, who is also the chairman, Emily Lindley, and Bobby Janecka. The Commissioners
33 meet via Agenda and Work Sessions.

34 Commissioner Agenda information can be seen on our website. The website contains upcoming
35 agenda dates as well as draft outlines for upcoming agendas. So, you can see that on the left-
36 hand side of the slide. If you click on the agenda date which is in the middle of the page you
37 will pull up the agenda. And this agenda has information on how to join as well as information
38 on what will be covered in the agenda. You'll see our webpages follow a similar format. On this
39 webpage you can see more information about the commission work sessions. Each of our
40 webpages will have a calendar or a date which provides you access to a notice or an agenda and
41 the notice or agenda provides participation information. For commission work sessions you can
42 go to our website to see upcoming dates. Once the session has been posted, you can click on it
43 to see directions on how to participate. And this includes addressing the Commission or just
44 listening to the session. So, you see this information on the right-hand part of the slide.

45 We also have the Executive Director's Agenda. Our Executive Director is Toby Baker and our
46 Deputy Executive Directors are Ramiro Garcia, Jr. and L'Oreal Stepney. The Commission has
47 delegated, by rule, authority to the Executive Director to act on certain matters such as
48 uncontested permits. These items are reviewed in the Executive Director's agenda. If you go to
49 our webpage, you can see items that are scheduled for signature by the Executive Director or

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1 his designee. If you click on one of the media (for example AIR and then new source, review air
2 permits, and authorizations) you can also see the items pending. So, on the left-hand side you
3 see the permits registration and license applications and then if you click on them you can
4 actually see the Executive Director's agenda and more information on those permits.

5 Another item the public can be involved in is the public hearings on proposed rules. On this
6 slide you can see the hearings that were held last week to amend the public notice and
7 participation requirements. Similar to other meetings, you can see the rule project number, the
8 short title, the location, and the staff contact. You can also look at the public hearing notice to
9 find out how to participate. This notice was also printed in English and Spanish. As you can see
10 from the right-hand side of the slide.

11 Next up is occupational licensing, TCEQ oversees specific environmental licenses and company
12 registrations. The public can find out more information on requirements for training providers,
13 license renewals, and new or replacement licenses through the Occupational Licensing webpage.
14 Additionally, the public can register to take paper licensing exams, find computer-based testing
15 centers, and find required initial training and continuing education courses through this
16 webpage.

17 TCEQ also has funding opportunities which are usually referred to as grants. By going to our
18 grant's webpage, the public can find out more information on potential opportunities. I've
19 copied a few here from different media. On the right-hand side, you can see information on
20 TERP (Texas Emissions Reductions Plan), Regional Solid Waste, and the Continuous Water
21 Quality Monitoring Network.

22 Additionally, if you are an affected person, you can be involved in the contested case hearing.
23 The State Office of Administrative Hearings resolves disputes between Texas agencies, other
24 governmental entities, and private citizens, as Adam spoke about earlier. A calendar of SOAH
25 hearings can be found on our webpage. Please note when an interpreter is needed for all or part
26 of the proceeding, parties may file a written request with SOAH at least seven days before the
27 hearing. I'll cover how to review, track, and submit information to TCEQ after we hear more
28 about air quality, complaints, and emergencies.

29 So, next up is Heather Stewart, Kristin Jacobsen, Doug Boyer, and Jill Dickey. They're going to
30 talk to us about accessing and interpreting air quality data. So, I believe Heather is up first.

31
32 **Heather Stewart:** Thank you, Laurie. Please feel free to— My name is Heather Stewart and I am
33 the Team Lead for the Data Collection team who oversees the computer systems that collect,
34 process, and display the ambient air monitoring data on the TCEQ website. Next slide, please.

35 The pollutants that TCEQ monitors, include ozone, particulate matter, nitrogen oxides, and
36 volatile organic compounds like 1,3-butadiene, toluene, ethylene, and more. Every hour, the
37 data are updated, and we display the data on our website within just a few minutes after we
38 receive it ourselves. While these are the most current data, they're not official, until they've
39 been certified by TCEQ technical staff. Next slide, please.

40 The TCEQ Issues, air quality and ozone forecast. The 'Today's Texas Air Quality Forecast' is
41 based on the EPA's Air Quality Index Scale for ozone particulate matter 2.5 and particulate
42 matter 10 and is made for 14 forecast regions across the state. The forecast is posted on the
43 Today's Texas Air Quality Forecast webpage and disseminated via e-mail and Twitter whenever
44 updates are made. Ozone action day forecasts are made for nine participating metropolitan
45 areas, including Houston. The TCEQ informs the public typically, a day in advance, when
46 conditions are forecast to be favorable for elevated ozone levels in any of the participating
47 areas. So citizens, businesses, and industry can take steps to reduce the pollutants that
48 contribute to ozone formation. Next slide, please.

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1 The TCEQ air quality and ozone forecasts use the EPA AQI scale, which represents levels of
2 concern by color. When the levels are forecasted to be elevated, for those with sensitivity to air
3 pollution chances of being affected increase the more strenuous your activity and the longer
4 you are active outdoors. Planning outdoor activities for days and times when the levels are
5 forecasted to be lower can also help. Next slide, please.

6 Ozone is formed when emissions from industrial facilities, electric utilities, motor vehicle
7 exhaust, and other sources, interact with sunlight. Ozone levels can be higher on days when
8 there is a lot of sunlight and little or no air movement. Next slide please.

9 The TCEQ displays our near real-time ozone monitoring data online. It's displayed using a map
10 that shows the current highest monitored hour value in an area of Texas. By clicking on a box in
11 the map, opens a more detailed view. For individuals' sites, can be accessed to see the data.
12 Next slide, please.

13 This is an example of the zoomed in view. All of our monitoring relies on electricity and a
14 telecommunications connection. Usually wireless internet, which can sometimes fail.
15 Communication interruptions are usually short in duration and once restored the data is
16 retrieved. So, if you see the letter M in a box, the next update, it will probably disappear. Next
17 slide, please.

18 The TCEQ also monitors for particulate matter and in particular, particulate matter, called PM_{2.5},
19 which is 2.5 micrometers or less. PM_{2.5} are the smallest particles that are regulated. They consist
20 of particles that are less than or equal to 2.5 micrometers in diameter, which by comparison the
21 average diameter of a human hair is 70 micrometers. Next slide, please.

22 We display the monitored PM_{2.5} data online, very similar to how ozone is. This map works
23 similar to the one we saw for ozone where you can click upon a box to open a more detailed
24 view. Next slide, please.

25 TCEQ also monitors volatile organic compounds using specialized equipment, called
26 Automated Gas Chromatographs, or AutoGCs, for short. AutoGC monitoring can measure
27 ambient levels of a number of volatile organic compounds, which are of interest from an ozone
28 formation standpoint, even when their concentrations are too low to cause direct health effects.
29 Next slide, please.

30 AutoGCs monitoring the volatile organic compounds concentrations are located across the
31 state. In the Houston region, there are 15 AutoGCs, seven of which are TCEQ's and there are
32 plans for more to be deployed. In addition to the map selection, shown here, from the AutoGC
33 webpage on the TCEQ website, users can also select GC sites by regions in a tabulated pictorial
34 list. Next slide, please.

35 The Air Monitoring, Comparison Values, or AMCVs are designed by the TCEQ Toxicology
36 Division for a variety of pollutants, including the volatile organic compounds. And can include
37 values for short-term and long-term, odor, health, and vegetation. Many of the webpages,
38 displaying AutoGC on the TCEQ website, show the comparison of the measured value to the
39 respective AMCV. The AMCV values are also displayed in parts per billion by volume. Next slide,
40 please.

41 GeoTAM is a visual way of finding ambient air monitoring sites and works like many other
42 online maps, including the ability to add layers of information; such as TCEQ regions, county
43 boundaries, and political districts. GeoTAM is available on the TCEQ website. Next slide, please.
44 The dots for each site are color coordinated to indicate the pollutants monitored at each
45 location. The information about the colors is available from the legend in the upper right-hand
46 corner of the application. Next slide, please.

47 This is another webpage available on the TCEQ website, which includes links to various eight-
48 hour and one-hour ozone reports, hourly, daily, monthly, and yearly reports by pollutant, or by

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Speech disfluencies omitted.

1 monitoring location, and several other options for reports. Additionally, at the bottom of the
2 page, there is also information to access ambient air quality data on the EPA's website. Next
3 slide, please.

4 TCEQ also deploys mobile monitoring vans. The equipment on the TCEQ mobile monitoring
5 vans is different than the monitoring equipment in the stationary monitoring site, but they
6 measure much of the same types of pollutants. And now we'll hear from Kristin Jacobsen about
7 State Implementation Plans.

8

9 **Kristin Jacobsen:** Thanks, Heather. My name is Kristin Jacobsen, and I work in the Air Quality
10 Planning section within the TCEQ's Air Quality Division. In this portion of the presentation, I'll
11 be covering how the monitoring data that Heather discussed is used to determine whether
12 areas in the state are meeting federal air quality standards and what happens when they don't.
13 Next slide, please.

14 The federal air quality standards are known as the National Ambient Air Quality Standards, or
15 NAAQS for short, which are required by the Federal Clean Air Act and are set by the EPA. The
16 EPA has set health-based standards for six criteria air pollutants, including: ground level ozone,
17 particulate matter, which includes both fine particulate matter, referred to as PM_{2.5} and course
18 particulate matter, referred to as PM₁₀, as well as nitrogen dioxide, sulfur dioxide, and lead. Next
19 slide, please.

20 The table on this slide provides a summary of the EPA's current primary health base standards.
21 You can visit the link at the top of this slide to see the EPA's complete table of NAAQS in more
22 detail. Next slide

23 To determine whether an area is meeting the NAAQS, we rely on design values. A design value
24 is a number used to summarize the air quality data that comes from actual monitors in an area
25 to determine whether or not the area is meeting the standard. For each NAAQS, EPA has
26 established a specific formula for how to calculate the design value from the monitoring data
27 that's collected. When the EPA revises the NAAQS, there is a formal process that the EPA goes
28 through with states to designate areas as either attainment, non-attainment or unclassifiable
29 based on an area's design value. And that process can often take two to three years. If you'd
30 like to see more information about design values, you can visit the EPA's Air Quality Design
31 Values web page linked here on the slide. Where the EPA provides some additional background
32 information on what design values are and they also provide design value reports for each
33 criteria pollutant. Next slide.

34 And here you can see a map of the areas in Texas that are currently designated as
35 nonattainment, after going through the formal designation process with the EPA. In Texas, we
36 have several nonattainment areas for ozone and sulfur dioxide and one nonattainment area for
37 PM₁₀. Next slide.

38 When the EPA revises a NAAQS, or if they designate areas as nonattainment in our state, we
39 have to update our State Implementation Plan or SIP for short, which is the state's plan to
40 reduce pollution to meet the NAAQS. Our SIP contains a lot of different data, control strategies
41 and other elements like you see here in this graphic. When we need to make updates to our SIP,
42 we call those SIP revisions. Next slide.

43 Listed here are the types of SIP revisions we do for areas that have been designated as
44 nonattainment. First an emissions inventory SIP revision is done to provide current and
45 comprehensive data on emissions contributing to nonattainment in the area.

46 A Reasonable Further Progress, or RFP SIP revision is done to show how incremental emissions
47 reductions that are required by the Clean Air Act will be met in the nonattainment area. An
48 attainment demonstration SIP revision is where we describe in detail the strategies and

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Speech disfluencies omitted.

1 emission control measures that show how a nonattainment area will improve air quality and
2 meet the NAAQS by the area's attainment deadline. And this type of SIP revision is where you
3 may see new rules developed if they're needed to help support attainment in the area. And
4 finally, if an area is meeting the NAAQS, we can do a Redesignation Request and Maintenance
5 Plan SIP revision that describes how the nonattainment area meets redesignation requirements
6 so that we can request that EPA redesignate the area to attainment and also shows how the area
7 will continue to meet the NAAQS after it has been redesignated. Next slide.

8 Finally, this flowchart here summarizes the process I've discussed in my previous slides, which
9 includes the EPA's process for making area designations when a NAAQS is revised. Then if the
10 state has areas that are designated as nonattainment, the state is required to do the necessary
11 nonattainment area SIP revisions. If an area does not attain, more SIP revisions would be
12 required. And if an area does end up attaining, the state would be able to do a SIP revision to
13 get the area redesignated to attainment. And next, I'm going to turn it over to Doug Boyer to
14 talk a little more about how we analyze and model air quality data that gets used in the
15 development of our SIP revisions.

16
17 **Doug Boyer:** Thank you, Kristin, my name is Doug Boyer and I'm with the Air Quality Division.
18 I'm going to discuss how we use and interpret air quality data. Next slide, please.

19 So, we use the monitoring data that Heather described previously, to determine compliance
20 with the health-based standards or the NAAQS. We analyze trends and air quality to determine
21 when pollution concentrations are most likely to be high and to investigate any patterns in the
22 data. We also analyze days or events, with elevated concentrations, and we're trying to unravel
23 the story of what happened on that day to try and figure more out about it. And we do all this
24 to support the TCEQ programs and requirements. Next slide, please.

25 So, one of the main ways we use the monitoring data is to evaluate compliance with the health-
26 based standards for the different areas of our state. And the top right figure is the map that
27 Kristin showed previously with our nonattainment areas or the areas of the state that have
28 challenges remaining. And the example figure on the left shows how the metropolitan areas
29 complied with the eight-hour ozone standard last year or in 2020. So, the different
30 metropolitan areas are shown in the vertical axis and the concentration of ozone
31 concentrations compared to the health-based standard are shown in the horizontal axis. The
32 health-based standards or the NAAQS and are shown as the dotted lines. So, the blue bars show
33 the metropolitan areas that complied with the eight-hour ozone standard. And the red bars
34 indicate some of the largest metropolitan areas in the state that still have challenges remaining
35 and that's similar with a lot of large urban areas throughout the country. Next slide please.

36 We also analyze pollutant concentrations over time to see if air quality is improving or
37 degrading within the state. This example figure shows eight-hour ozone in the Houston area
38 over about the past 30 years. And the vertical axis is the eight-hour ozone concentration and
39 the horizontal axis is time or the years over the past 30. The red line shows how the Houston
40 area's ozone has changed over that time and it has decreased significantly. And since the year
41 2000, that has decreased about 28%. And while at the same time, the population within the
42 Houston area has increased about 50%. And the Air Quality Success' page, which is noted on the
43 right, also has more trends if you'd like to investigate those. Next slide please.

44 We also evaluate the air quality data to determine when high concentrations are most likely to
45 occur. And this figure shows the number of days over the past 30 years where ozone
46 concentrations were above the health based standard but by month. So, the vertical axis shows
47 the number of days that we're over the eight-hour ozone standard and the horizontal axis
48 shows the months of the year. The red line follows the number of days by month. And so, it
49 shows that in May and June and August and September within the Houston area are the times
50 when we would be most likely to see higher ozone concentrations. And as Heather stated that

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Speech disfluencies omitted.

1 ozone needs a lot of sunlight to form and it also needs slower winds. And these are time
2 periods when we do expect to see that.

3 We also see a small dip in July and that's a time when we normally have higher wind speeds
4 coming off of the Gulf of Mexico, which are generally a little bit cleaner. Now if we saw higher
5 ozone outside of these time periods, that would cause us to investigate that a little bit further
6 because it is out of the norm. Next slide please.

7 So we analyze this air quality data for our agency goals and requirements and as Kristin stated,
8 the State Implementation Plan is one of the most important ones and so that plan is used to
9 address the areas that still have air quality challenges remaining. The monitoring data goes into
10 that and one of the ways is to develop a conceptual model of pollutant formation. And so, one
11 of the main reasons is to state how, when, or where that pollution is forming. We compare
12 reported emissions that come into the agency to measurements that we have in the field and we
13 also examine the role of transported versus local pollutant formation. An important part of the
14 State Implementation Plan is to determine future compliance with that health-based standard
15 and one of the ways that we do that is using sophisticated computer models. Those computer
16 models take into account the weather, they also take into account the atmospheric chemistry
17 that's going on, and we also have to account for the emissions that are occurring within our
18 area. And Jill Dickey is going to talk next about the Emissions Inventory.

19

20 **Jill Dickey:** Hi everyone, I'm Jill Dickey, I'm a technical specialist in the Emissions Assessment
21 section of the Air Quality Division. And I'm going to be going over Emissions Inventory's. Next
22 slide, please.

23 So, first step. What is an emissions inventory? EI'S can be thought of as environmental
24 accounting; you account for the different air pollutants that are emitted into the atmosphere
25 and you include details about the pollutants, emission sources, and control devices that may be
26 used to limit the air pollution. The data that's gathered in the EI includes the who, such as a
27 storage tank or a car. The what, such as benzene or carbon monoxide. The when, such as yearly.
28 The where, such as the tank stack, or the tailpipe of your car or potentially even county level.
29 The how, would be the specific details about the release; things like the location of the storage
30 tank or how fast the pollutants are entering the atmosphere. And the why, would be the cause
31 such as population driven or maybe an industrial facility. The EI is used for a variety of
32 purposes that include but aren't limited to providing data to the public, updating portions of
33 the State Implementation Plan that Kristin spoke about. Using data as inputs into air quality
34 models that Doug just spoke about. And tracking progress of air quality standards by
35 comparing EI trends to ambient air monitoring data that Heather spoke about.

36 So, what are types of EI's? Point sources or stationary sources, these are the larger guys such as
37 oil refineries or chemical plants. These are developed from industry reported emissions that are
38 quality assured by TCEQ staff to ensure regulations and guidance documents were followed.
39 Area sources are also stationary, but they don't meet the reporting requirements for a point
40 source, because they're small, but numerous. These can include industrial, commercial, and
41 residential sources that use materials or perform processes that generate emissions. So,
42 examples would include heating your homes or businesses, gas stations, dry cleaners, and
43 certain oil and gas activities. These are developed in-house by TCEQ staff.

44 On-road mobile sources are things that operate on the highway, such as cars, trucks,
45 motorcycles. Also developed in-house by TCEQ staff. Non-road would be things that don't
46 normally operate on the highway, such as agricultural equipment, lawn and garden equipment,
47 planes, and down in Houston ship channel, commercial marine vessels, such as tugboats. Also,
48 another inventory that's developed in-house by TCEQ staff. There are also naturally occurring
49 sources of emissions. Certain types of volatile organic compounds can be emitted from plants

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1 and trees and nitrogen oxide emissions can be emitted from lightning strikes. And this
2 information is developed from EPA provided data. Next slide, please.

3 So, which emissions are reported in the EI? Kristin mentioned the criteria air pollutants. The
4 EPA's sets federal standards for these six common pollutants. So, it's very important that the EI
5 include emissions from these and other pollutants to help track progress towards the air
6 standards and to let the public know what is being released in their community. Some examples
7 of criteria air pollutants would be carbon monoxide and sulfur dioxide. Also required to be
8 reported in the EI are hazardous air pollutants or HAPs. These are identified by the federal
9 government. There are currently 187 HAPs on the list that can be revised as more information
10 is gathered. Common examples would include benzene and mercury. And then finally, is there
11 is any other air contaminant that is regulated such as in a permit or maybe as an order of a
12 commission or a court order. A common example that would be included in an air permit would
13 be the larger particulates such as dust. Next slide, please.

14 What point source EI data is available online? So remember these are the larger sources of
15 emissions. And this is an excerpt of our webpage that's there in the red box. So, we have
16 statewide emissions from 2014 through 2019 for the criteria air pollutants. And that's helpful
17 to obtain a sense of how the air quality has improved over the years. And then we have a
18 variety of site level data available on the website.

19 There is information that's available for download in Excel. And that's helpful because once
20 you're in Excel, you can filter by the company name or county to see which large industrial
21 sources are in your area and the amount of criteria air pollutants they released. In addition to
22 the site level Excel data, there are five site specific EI reports that you can request to be
23 e-mailed to you in a PDF format. And we have historical information going back from 2004
24 through 2019. There are detailed instructions on the website that provide how you can request
25 that these PDF reports are e-mailed to you. And then if you would like to know any additional
26 detailed customize reports, maybe for a certain county or a different area of the state or other
27 pollutants, you can fill out a customized report request, and the EI staff can run a report
28 customized to your data needs from our website and provide that to you in Excel. Next slide,
29 please.

30 One of the most common point source reports that's available online that you can request to be
31 e-mailed to you as a PDF is the Site-Level Contaminant Summary Report. This contains basic
32 information about the site such as the company name, TCEQ account numbers, along with the
33 amount of each air pollutant emitted from the site.

34 So, on the screen, you'll see just one section of a Contaminant Summary Report. Laurie, if I
35 could get you to click please?

36 This is a call out to maybe make this a little bit easier to read, but how you would read this is
37 for the Pasadena Refinery System, located in Harris County for 2019 the site emitted about 430
38 tons of volatile organic compounds, or VOCs. There are other sections of this report not shown,
39 there's a line that summarizes all the hazardous air pollutants and then each and every air
40 pollutant emitted from this site. Next slide please.

41 What area and mobile EI data are available online? As a reminder, these are developed in-house
42 by TCEQ staff, and they use a variety of air quality research and contract reports, and many of
43 those reports are available online for the public to review at the website listed there. There are
44 also pie charts that show how much of certain pollutants were emitted by the different EI types.
45 So, percentage or a point area on-road and non-road. And also, line graphs available at that
46 website that show air quality improvement over the years. Next slide, please.

47 If you're interested in some of the air quality topics that we've discussed here today you could
48 sign up for one of the e-mail subscriptions, and I've provided some example topics that would
49 correspond to what we spoke about. And next slide, please.

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1 If you have any additional questions, please feel free to reach out to us. Thank you.

2

3 **Laurie Gharis:** Thank you, Heather, Kristin, Doug, Jill, for our air information. And just a
4 reminder to the public, this contact information is in the handout that's attached to this
5 webinar.

6 So, next up, we have Melissa, and she is going to give us information about how evidence
7 collected by the public is used. Let's, let's try that again. Next up, is Melissa, and she's going to
8 give us information about the environmental complaint process for members of the
9 public. Melissa, the floor is yours.

10

11 **Melissa Keller:** Thank you, Laurie. Good afternoon, my name is Melissa Keller, I'm the Special
12 Assistant in the Program Support and Environmental Assistance Division. Next slide.

13 Today, I'm going to cover the high points of the TCEQ complaint process. I will be speaking
14 about how to file a complaint, including the different methods; tips for filing a complaint;
15 tracking complaint status; and how we investigate complaints. Next slide.

16 We have three easy methods for filing an environmental complaint. You can use our website
17 form, which I've included the web link here. You can e-mail to cmplaint@TCEQ.texas.gov. It
18 does not have an 'O' in the e-mail address because of restrictions on how long an e-mail
19 address can be. So, that isn't a typo. That is the e-mail address, and it's also included in the
20 handout that Laurie mentioned. And we also have a hotline where you may call and speak to
21 somebody about filing a complaint. Next slide.

22 This is a snapshot of our TCEQ complaints webpage. It details how to make a complaint, the
23 methods for making a complaint, a link to tracking a complaint once you filed one, the type of
24 complaints that TCEQ has jurisdiction over, how the TCEQ completes and processes
25 complaints, information on citizen collected evidence which will also be covered in the next
26 presentation, and specific information on how to file an odor complaint. Next slide.

27 The easiest and most straightforward way to file a complaint is through our complaint
28 webform. It requires basic information to detail the complaint. Providing the county on the
29 form ensures the matter gets assigned to the correct regional office or division. A project for
30 the Spanish version of this form is in progress. There is also a difference between anonymous
31 and confidential. All complaints filed with TCEQ are confidential to protect the complainant's
32 identity. Anonymous means we do not know the complainant's identity. This in turn makes it
33 very hard, when you file a complaint anonymously, because we do not have a way to follow up
34 with questions or updates on the complaint. Next slide.

35 So, here are some basic tips for filing a complaint. Being as detailed as possible always helps
36 the who, what, when, where, and how, of what was witnessed will help us determine an
37 investigation on a complaint. What is the alleged violation. An exact location or geographical
38 coordinates. We also suggest including items such as photographs, invoices, contracts,
39 paperwork, or video if possible. And these, citizen collected evidence will need to follow the
40 guidance that will be spoken about in the next presentation and it is also available on our
41 public website. Next slide.

42 I've included an example of a complaint. As you can see, all of the fields are filled out. All the
43 locational information is very detailed. There is documentation of the violation. And the
44 complainant has included their information. Supplemental photos or documents can always be
45 e-mailed to the complaint e-mail address provided. Next slide.

46 There are several factors that are evaluated in the processing of a received complaint. We look
47 into: Is it within our jurisdiction? If not, do we need to refer it to another agency, city, or county

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1 who does have jurisdiction. Is there enough evidence to proceed with an investigation? Do we
2 need to get more information from the complainant? Also, are there alleged health effects? If
3 so, our complaint guidance directs the agency on specific timeframes for investigation. All
4 complaint investigations are prioritized using the TCEQ complaint manual. Additionally, is
5 there a statutory requirement for response time? For example, a poultry odor complaint is
6 responded to in accordance with the prescribed time that is within that statute. Next slide.

7 During the complaint investigation, if there is not enough evidence or the alleged violations
8 cannot be substantiated, the investigation may be closed with no findings of violation. If
9 information becomes available in the future, a new complaint can be opened. If the complaint is
10 within our jurisdiction, and there is enough evidence to document violations, the investigator
11 will proceed with either a formal or informal enforcement action. These actions are written in
12 accordance with the enforcement initiation criteria to ensure consistency across the state. Next
13 slide.

14 There are three ways in which a complainant can follow the status of the complaint that they
15 filed. There are several different ways you can search parameters to look up a complaint
16 through our WACI system. Which I'll demonstrate in the next slide. You may speak to the
17 investigator assigned either through a phone call or e-mail and receive quarterly complaint
18 updates. Next slide.

19 This screenshot shows the different ways you can search incidents in our WACI system. As you
20 can see, there's different ways you can search by the complaint tracking number, which will be
21 provided by your investigator. And then other parameters you can search by are date, the
22 customer name, the regulated entity name, their corresponding numbers, county, region, or
23 program. You can also get updates on a complaint that you filed by speaking to the investigator
24 assigned. You will also be blind copied on certain correspondence about the investigation
25 results. Additionally, information on complaint status is required to be provided on a quarterly
26 basis until the matter is considered closed by the agency. Next slide.

27 This graphic shows the complaints for the last two full fiscal years by media. Next slide. A
28 different way to look at this is, how many complaints have been received for the last two full
29 fiscal years by TCEQ Region. And the source of both of these slides is from the Biennial
30 Complaint Report, which was published for fiscal years 19 through 20. That concludes my
31 presentation on complaints.

32

33 **Laurie Gharis:** Thank you, Melissa. Our next section is going to be on how evidence collected by
34 the public is used by TCEQ and Bryan Sinclair will be leading this section.

35

36 **Bryan Sinclair:** Thank you, Laurie. Again, I'm Bryan Sinclair, I'm the Deputy Director of the
37 TCEQ Enforcement Division in the Office of Compliance and Enforcement. Next slide.

38 So, what I'm going to be talking about is how you need to gather and preserve information and
39 evidence if you want us to use it in an enforcement action. You can provide us with information
40 for use in an enforcement case. And this is kind of an outline of what I'm going to go over. If
41 you do that, you have to use agency protocols, procedures, or guidelines when collecting and
42 submitting information or evidence. It's real critical that this happen, because we want to be
43 able to use this information in the enforcement case if it is all possible.

44 We may initiate an enforcement case based on your information. Now, in, what happens, most
45 of the time, is that complaints are received, you know, investigated by our regional staff. And,
46 we use the complaint as a catalyst, or something, to, to cause us, to go out, and do an
47 investigation. However, there are times when, when the information provided can be used to
48 support an enforcement action, and that's really what we're talking about today. In addition to

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1 using the agency protocol's, you have to follow the appropriate chain of custody process. We'll
2 talk a little bit more about that.

3 Really, almost all the information that I'm talking about today, is available on the TCEQ website.
4 There's a web link to that information. It's really kind of the next page in from what Melissa
5 Keller just presented. But you see it up there the web link for that. You can also just go to the
6 TCEQ Homepage and type in, citizen collected evidence or complaints. And you can get to that
7 that location, and I encourage you if you have questions about the information on the web page
8 or about this process. Please contact your regional office. They can help you understand how to
9 properly collect citizen collected evidence. You can call this number this (888) 777-3186 or you
10 can just go to the TCEQ website search for a region directory. If you're not sure what region
11 your county is in and you can there's a search function there that you can type in your county
12 name and you can find out what region you're in and contact the regional office directly if you
13 prefer that. Next slide.

14 If you do file a complaint, as Melissa said, we will investigate, and if we follow the procedures
15 that are described on our webpage, there are a couple of print publications available, well,
16 actually, just one. There's an English version of it and a Spanish version of it. It's called, *Do You*
17 *Want to Report an Environmental Problem? Do You Have Information or Evidence?* And this you
18 can, you can click on the link and see it either in English or Spanish, or order a hard copy, but it
19 can, it will go into a little bit more detail than I'm going to go into today about how to properly
20 report environmental problem. If you prefer to collect and submitted information, or evidence
21 to the agency, let's say you have photographs, or video, or some other kind of information.
22 Then it's really critical, it's absolutely mandatory that you follow the procedures and guidance
23 provided by the agency to make sure that the information is scientifically reliable and legally
24 defensible. If you want the, you know, the agency to use the information you provide as
25 evidence, in an enforcement case, you may not be able to remain anonymous. It depends on if
26 you can submit citizen collected evidence but ultimately, if it is going to be used and
27 enforcement case, we're going to ask you to complete a notarized affidavit. We may not do that
28 until the decision is made to use it in the enforcement case. But at that point, we can't
29 guarantee that you would remain anonymous after that. The contact information would be
30 handled as confidential. But you need to be willing to testify, if there's an enforcement hearing,
31 formal enforcement hearing, that includes the evidence that you've presented and the affidavit
32 that you've provided. An important thing about citizen collected evidence, to be aware of, is
33 that the rules don't authorize you to enter the property of another person for the purposes of
34 gathering information to document a violation. You can't trespass you can't gather this
35 information in any form or fashion that it's illegal. Because if it, if it is gathered in that in an
36 illegal manner, then it would not be able to be used in enforcement. Next slide.

37 So, we talk a little bit about using agency protocols for collecting and submitting information.
38 Now these protocols vary a lot depending on what kind of issue you're trying to report on. So, if
39 you've got nuisance odors, you know, we may, you may need to fill out an odor log. Water
40 quality sampling procedures are very different than that, or air sampling procedures, or it
41 depends on what sort of information that you're trying to provide or what the nature of it is.
42 You need to follow the protocols, and a lot of the protocols really have specific training
43 requirements, and you may need to complete that training before submitting information based
44 on that protocol. And I'm going to talk a little bit more about some of the protocols and give
45 some examples later on because there's information on that on the webpage. If you do gather
46 information in the form of physical sampling data, the analysis of that data has to be
47 completed by a laboratory that follows established protocols, so that the information is reliable.
48 And the TCEQ website has a link to a list of laboratories that are certified and able to be used
49 for those purposes. And if you have questions about the protocols or procedures, again, call
50 that toll-free number. And get, get some information from TCEQ staff, whether it's regional
51 staff or other folks, to help you understand how to do that, and to be able to provide

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Speech disfluencies omitted.

1 information that's usable for us, if we, if we do, choose to do enforcement based on the
2 information that you provide. Next slide.

3 So, we may initiate the enforcement action based on your information. Again, a lot of that is
4 based on the credibility and the value of the information that you might submit. The case could
5 be pursued either through administrative and enforcement action or through civil or criminal
6 action. Most of what we do at TCEQ is administrative in nature. Although we do refer things to
7 the cases to the Office of the Attorney General for civil action, and there are some criminal
8 cases that are pursued.

9 Information that you provide may be supplemented by information gathered by an agency
10 investigators. That's probably likely, because we would go out and investigate and try to follow
11 up on the information provided by citizens. If we decide, again, to use the information that you
12 provided to pursue an enforcement action you will be required to sign an affidavit. What that
13 affidavit does is it basically authenticates the information you provided, you know, confirm
14 that procedures were properly followed, protocols were properly followed, chain of custody, all
15 sorts of things like that. So that's something that would be required if we actually use the
16 information in enforcement. If the case goes to a formal hearing or trial, you'd likely be
17 required to testify in that proceeding. You know, you'd have to be a witness, you'd have to
18 explain what you provided. You might be cross-examined, and it could include questions about
19 your testimony and motives. And so, that process is, you know, its sometimes people don't like
20 to go through that process, but it could come to that if we utilize your information in an
21 enforcement action. Next slide.

22 So, there's really not a whole list of agency protocols. Most of the protocols that exist out there
23 for gathering and preserving and submitting information are maintained either by the EPA or
24 professional associations such as the American Water Works Association, or the Water Pollution
25 Control Federation. This is where that, that toll-free number can really help out in terms of
26 understanding what you should do and how you should do it. These methods are subject to
27 change, as new methods are developed. The Executive Director at TCEQ may approve alternate
28 methods if they are reliable and acceptable. Many of these methods aren't available electronic,
29 in electronic format. So, in those cases, there's a reference provided for obtaining the
30 document, and, again you know please contact us at the toll-free number. If you have questions
31 about what protocol to use or how to obtain a copy of one, that's not readily available. Next
32 slide.

33 So, to give you an idea of some of the, some of the protocols, these are, this, is really copied off
34 of our website. And so if you go to the website, you will be able to click on, let's say that if
35 you're in a situation where there are outdoor odors causing a nuisance or there's smoke, or
36 there's dust, or something like that. You can, you can, you know if it's odor, you can click on
37 the odor log and it has some instructions for you to fill out there. A lot of the citizen collected
38 evidence that we get, is photographic documentation and so it's real important to follow the
39 photographic documentation procedures. So, you can look at that. Water quality monitoring
40 and procedure manual, public water supply, chemical sampling procedures. Not many people
41 try to do that, because that, that gets pretty, pretty technical. And to sample water at a private
42 well you can go to the EPA website, and click on the Private Drinking Water Wells link there.
43 Next slide.

44 Again, water quality, this is a kind of a continuation of the previous slide. This is more, more
45 things that are available and encourage you to go out there and click on these links and see
46 whether or not you might want to, to try this or, or you know, how you feel about it. Some of
47 these, again, are pretty, pretty arduous and demanding in terms of following that procedure
48 and understanding exactly what to do. And so, I encourage you to go out there and look at
49 that. Again, most of the information that we get its citizen collected evidence is, is odor logs
50 and photographs or video. Next slide.

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1 Okay, Chain of Custody. Chain of Custody is a term that just talks about, you know, what
2 happens to a sample or a photograph or information that you provide, or that you gather. Who
3 gets it next? And then where does it go after that. In the process for our investigators, our
4 investigators for TCEQ follow a chain of custody procedure so that, so that there's not a
5 question about any sort of tampering or any sort of, other things that can happen from the
6 outside. So, make sure that the integrity of the process and the integrity of the samples that
7 they really are what they're represented to be. That they were sampled at a certain location, and
8 the they were, they were taken care of so that so that they weren't tampered with before they
9 were analyzed. So, there's a form that we use that details the history of the sample from the
10 time it's collected until the time it's analyzed in the lab. And so, we need to be able to prove
11 that the samples handled in transport recorded in a manner that preserves its integrity. Next
12 slide.

13 So, the chain of custody form, and this is really in some ways, a kind of a good example of what
14 to use with, with a lot of the evidence, citizen collected evidence. It's the name of the person
15 who collected the samples and their signature. The date and time that the samples were
16 collected, where the samples were collected, sample ID numbers and codes, collection locations,
17 and depths. How the samples were preserved and what the samples are to be analyzed for. And
18 then the specific analytical methods that are to be used if they're known. And then at the lab,
19 the technician that receives it should sign a chain of custody form, and note the date and time
20 that sample received, and the condition of the sample at its time of arrival. And a sample
21 without proper chain of custody documentation is not going to be usable for TCEQ. So, it's real
22 critical that this is followed. The next slide.

23 Affidavit. So, we're going to talk just briefly about affidavit. What an affidavit is, and what it
24 includes. Next slide.

25 So, an affidavit has to be signed and notarized should, be prepared by the witness. And what
26 the affidavit really is a statement that verifies that the evidence is, that's being provided is what
27 the witness reports it to be and that the evidence was collected in accordance with agency
28 protocols and verifies that the witness is willing to testify. Next page.

29 The contents of an affidavit. It will include information about where the county is, it should it
30 contain the person's full name, that's making the affidavit. The statement identifies the affiant,
31 that states that the content is within his or her personal knowledge and is true and correct.
32 Should describe every relevant fact. A lot of times that's done as an attachment. It should
33 describe the procedures used in collecting evidence, stated the evidence was collected in
34 accordance with agency protocols. State that the evidence was not collected illegally. And then
35 it provides supporting documentation, such as photos, sample results, that are referenced in
36 the affidavit and those things are attached. Next page.

37 The next slide has a form that may be really hard to see, but you can see that there's some
38 language there, that where the blanks can be filled in with the name, the county, the mailing
39 address. And so, a place for the signature, and you may note that it's required to be notarized.
40 And so, this form would be filled out and then the information attached, that you know, that
41 are specific photographs or other types of information that would be used as citizen collected
42 evidence. And that completes my presentations, and I'm glad to answer questions after the end
43 of everyone's presentation. Thank you.

44

45 **Laurie Gharis:** Thank you, Bryan. Next up, we have how to access TCEQ information relating to
46 public emergencies. And Kelly Cook will be going over this section.

47

48 **Kelly Cook:** Thank you. Good afternoon. My name is Kelly Cook. I'm the Deputy Director for the
49 Critical Infrastructure Division in the Office of Compliance and Enforcement. Next slide, please.

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1 This afternoon, I'm going to discuss how to access TCEQ information related to public
2 emergencies. As you can see here on this screenshot, if you go to the TCEQ's main webpage
3 located tceq.texas.gov. It'll take you to TCEQ's main webpage from here if you'll notice on the
4 left-hand side of the screen, you see a hot link outlined in red inside of a red box. This hot link
5 contains links to, current disaster events, emergency response, public emergency type events,
6 that would be current or recent events. As you can see here on this slide, we have the severe
7 cold weather event linked to the page. And we also have TCEQ Regulatory Guidance for
8 Coronavirus Disease 2019. This link will take you to vast amount of information, including
9 regulatory information, and in many cases, sampling data and other information related to the
10 event. Before we go to the next page though, I do want to draw your attention to the right side
11 of the screen where we have TCEQ news releases posted. And also, if you'll notice on the
12 bottom, the right side, there's a link for Media Relations with the little red arrow. If you click
13 that link, you'll be taken to a media relations page that has links to the agency's Twitter
14 account, Facebook, YouTube videos, Instagram, LinkedIn, and also an area where you can sign
15 up to receive information concerning news releases and TCEQ activities through e-mail. Next
16 page, please.

17 So, if you click on, if you had clicked on this severe cold weather event, it would take you to the
18 event page where there's information concerning TCEQ activities for that event. Before I go
19 further into this, if you'll notice the red box on the left side, there's also links to other past
20 TCEQ activities concerning regulatory guidance for spills and hurricanes, information related to
21 tornadoes, droughts, wildfire, floods. And any of the past large public disaster events,
22 emergency response events would have those links on those pages as well. So, for the cold
23 weather event that occurred back in February, you can see here, we've posted a lot of relevant
24 information, including the public water supply boil water notices. Where we had over 2,000
25 systems that were impacted during this event. You would be able to click on this link to get
26 information on the status of those systems, when they went down, and so on. Then below that,
27 you also see a link for air monitoring. Air quality monitoring data as well. Next page, please.

28 Just a quick example of other regulatory information that can be found on these pages, you see
29 that we would, would have no information concerning temporary fuel waivers, rules
30 suspensions, public participation, enforcement discretion, and information for a regulated
31 community concerning how to request enforcement discretion. Next page, please.

32 You also see additional guidance concerning management of waste. You have your waste
33 management guidance, household hazardous waste. You also have air permits guidance
34 included. Next page, please.

35 On this page here, you can see if you had clicked on the air quality monitoring data, there are
36 actually three types of information that may be posted on these web pages following a major,
37 during and following a major disaster. On this page here, you see an example of data contained
38 from handheld air monitoring equipment. These are units, air monitoring units that are staff
39 from our regional offices carry with them into the field to conduct air monitoring as they walk
40 around industrial facilities or through neighborhoods. And on the right side, you can see an
41 example of the information received from those units that are posted up on these webpages.
42 Next page, please.

43 The second example of air monitoring quality data that will be posted up, would include data
44 coming from our new TCEQ mobile air monitoring vans. These vans have been used in recent
45 events and during hurricanes Laura and Delta this past summer. The graphic you see on the left
46 side of the screen shows actual moving data points as it's collected as a van, drives through a
47 neighborhood next to an industrial area. So, we could possibly have links to this data or include
48 this data up on our webpage. Another thing we do is we send this information out through
49 press releases. We also post out on Facebook and through Twitter. So, it's directly available
50 through social media. Next page, please.

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1 This is an example of the air quality data that would be collected from one of air monitoring
2 vans that's posted up on these disaster webpages for the public. Next page, please.

3 Then, the third type is the ambient air monitoring of our networks around the state. And, as
4 was discussed and examples given earlier in the presentation, we'll have a link and many times,
5 a discussion of that data that's collected were you can actually click on the link and go in and
6 see that live data as soon as it's posted up from those monitor stations near that active event.
7 Next page, please.

8 Other guidance examples, this is an example of regulatory guidance that we've put up during
9 the severe cold weather event, including information for public water supply systems. An
10 example of some of the information that was posted up concerning the public water supplies
11 that were on boil water notice, under boil water notices. Next page, please.

12 So, this is an example here if you, back on our first page, after we click on the hot link if you
13 were to click on the hurricane's. Here's an example of two of our webpages that have TCEQ data
14 collected during Hurricane Laura and Hurricane Delta this past summer. On this link you'll also
15 find information for hurricane events going back to Hurricane Harvey in 2017. Next page
16 please.

17 If you click on our Emergency Response link, you'll save past events including a water event
18 concerning public drinking water system in the City of Lake Jackson this year. There was an
19 industrial fire into the lake channel, west of Corpus Christi Ship Channel and the ITC Terminal
20 Fire that was located in Deer Park in the Houston area back in 2019. Next page, please.

21 And now you're going to hear again from Laurie Gharis, she's going to discuss how members of
22 the public may submit information to TCEQ.

23

24 **Laurie Gharis:** Thank you, Kelly. So, this is the last section between us and question and
25 answers. And what I'm going to do is demonstrate again how to use our webpages.

26 So, TCEQ currently has several databases which allow you to review and to track matters
27 pending before us. These include the: Commissioners' Integrated Database, Central Registry,
28 and Complaints and Enforcement Databases

29 The Commissioners' Integrated Database or CID provides an avenue for the public to see
30 matters pending before the Commission and Executive Director for approval. Central registry
31 provides centralized information on entities TCEQ regulates. In our complaints and
32 enforcement databases provide an avenue for the public to track complaints and enforcement
33 actions. Since complaints and enforcement have already been covered, I will not cover them at
34 this time.

35 First, we'll start with the Commissioners' Integrated Database or CID. The CID includes
36 information on enforcement cases, rules, permit and license applications, registrations, and
37 actions involving water districts. If you click on search the CID, you will see the screen show up
38 on the right. From there, you can input specific information.

39 For today's meeting, I've just input one of our next hearings. So, you can see more information
40 on the regulated entity in the middle of the screen. While you can see associated activities at
41 the bottom of the screen. For example, the notice for the public hearing was mailed on 3/10.
42 The public hearing will be held on 4/28 and the comment period will end on 4/28. You can also
43 click on the blue links to get the notices.

44 For central registry, you can search for basic information on many of the entities that TCEQ
45 regulates. To do this you, just need to click on Central Registry Query.

46 For today's meeting, I have clicked on regulated entity search, and I have continued to utilize
47 the same example since they have the next hearing. As you can see regulated number, the

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1 address, affiliated customers, industry type codes, and then permits, registrations or other
2 authorizations. So, on this one you can see that it's an air new source permit.

3 Besides just tracking information, you may provide input to TCEQ. This can be in the form of
4 comments, complaints, and customer surveys. Today I will just go over comments and
5 customer surveys since complaints have already been covered.

6 So, we'll start with comments. For comments you can submit e-comments on proposed rules
7 and pending permit applications. From this screen shot, you can see that we are tracking what
8 may cause issues making public comment more challenging, just like Kelly discussed earlier. So,
9 we knew that the terrible February freeze could have caused challenges. Thus, we put processes
10 in place for the public to ask for extensions.

11 For rule making, you can submit comments through our e-comments system as well as through
12 fax, courier or delivery service, or US Postal Service. If you click on e-comments, you will see the
13 following webpage. You can enter your information on this page as well as your comments on
14 the TCEQ proposed rule.

15 For pending permits, you can click on the button that says comment online about pending
16 permit applications. Once you click there, you will see another screen pop up which ask for the
17 permit number. If you do not know the permit number, you can scroll down to look it up in
18 CID. You can also provide permit application comments by mail, courier, or fax just like rule
19 making comments.

20 Last but not least, you can provide information on customer service. We like to hear from you
21 and try to improve or give kudos when we do hear from you.

22 We know that TCEQ is a very big agency, and it can be hard to know how to participate. So, we
23 want to help, and we have multiple avenues for you to help find out more information. For
24 example, our Public Education Program can be contacted about pending TCEQ permits, the
25 permitting process, and opportunities for public participation on permit applications. As heard
26 from Garrett Arthur, the Office of Public Interest Counsel can provide information on legal
27 aspects of the TCEQ's rules, permitting procedures, contested case hearing procedures, and
28 enforcement proceedings. Jim Fernandez, who is with the Office of Chief Clerk, can provide
29 support in obtaining language assistance, such as interpretation or translation services. So that
30 you can participate in TCEQ decision making processes. By the way, Jim has also been helping
31 us with our Spanish phone line today.

32 As I finish, I want to just provide a reminder that this presentation was part of an informal
33 resolution for an EPA complaint. Please stay tuned for more stakeholder meetings to discuss
34 our upcoming disability nondiscrimination, public participation, and language access plans.

35 Here is my contact information. And as I noted earlier my contact information and all of the
36 speakers who joined us today can be found in the handout that is provided on this webinar.

37 **Questions/Answers:**

38 **Laurie Gharis:** So now we have time for questions. And we will try to take all of the questions
39 that that we have. You can just raise your hand if you do have a question. And we'll go to the
40 Spanish and the English phone lines also. So, I'll go ahead and open it up. If there are any
41 questions, please feel free to raise your hand.

42 **Laurie Gharis:** Okay, Adrian Shelley I'm going to unmute you.

43

44 **Adrian Shelley:** Yes, can you hear me.

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Laurie Gharis: Yes.

Adrian Shelley: Thank you.

Laurie Gharis: Please go ahead.

Adrian Shelley: Adrian Shelley here from a public citizen, I appreciate all of the information that you're providing today and the efforts to help members of the public engage more effectively with TCEQ. I was particularly interested in the information about citizen monitoring and proper procedures for collection of citizen monitoring data. I'm wondering if you can give any examples of when TCEQ has accepted monitoring data from the public and used it for any purpose, you know, regulatory or enforcement oriented or otherwise. Just any examples of TCEQ using publicly submitted air monitoring data. And if you could specifically, if you are able, tell us about why that data was acceptable for use by TCEQ and you know, criteria that it met in order to be accepted by TCEQ for whatever use it was put to. Thank you.

Laurie Gharis: Thank you, Adrian. So, just I'm going to make sure I understand this question, and then I'm going to ask Bryan if he would be able to help us. You're interested in understanding when we have used citizen collected data, and specifically, in air, and maybe an example of how that, that was used, and why it was used.

Adrian Shelley: Yes, thank you.

Laurie Gharis: Great.

Bryan Sinclair: Hi, Adrian.

Laurie Gharis: Bryan are you there?

Bryan Sinclair: Yes, I'm here. Can you hear me?

Laurie Gharis: Good to go.

Bryan Sinclair: Okay. Hi, Adrian. It's a great question. If you're talking about air monitoring, like collecting samples, and having them analyzed that a lab. That kind of situation, I can't recall, even seeing that provided in an enforcement referral.

Then, in the air. In the arena of air, what we usually have are photographs of dust or video of dust emissions coming off of a site, or smoke, or in some cases, odor logs. There are times when that information has been used, certainly to initiate investigations, and even in some cases has been used in an enforcement action. But if you're talking about actual monitoring

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1 data that gets analyzed. You know air samples that get analyzed at a lab. I do not recall a
2 situation where those have been part of an enforcement action.

3

4 **Laurie Gharis:** Thank you, Bryan. And thank you, Adrian for that question. Let's see, Adrian I'll
5 come back to you, if you have another question. Let me, let me just go ahead and take, Shiv, if
6 you are there, if you want to unmute yourself.

7

8 **Shiv:** Hello?

9

10 **Laurie Gharis:** Yes, we can hear you. Go ahead.

11

12 **Shiv:** Hi, Laurie. Hello, everyone. I was actually wondering. I know that Melissa mentioned that
13 there is a Spanish version of the complaint webpage that's going to be available on TCEQ. But
14 all of the other databases and web pages that were discussed by the other panelists, are those
15 also available in Spanish currently? And, if not, how is TCEQ making sure that there's equitable
16 access by non-English speaking Texans to those resources?

17

18 **Laurie Gharis:** Okay thank you for that question. And I can, I can provide a little more
19 information on what we're doing to look at our language access. We're actually developing a
20 public participation plan and the language access plan right now, and considering what, what is,
21 what are vital documents, and what needs to be translated and interpreted as we go forward. So
22 that is something the agency is, is definitely working on. As far as what we have available on
23 Spanish right now. What I do if you want to type in the Spanish TCEQ it should come up. I'll
24 take one more question, and then I'll come back and see if I can give you the exact website on
25 that. And if any of the other speakers have more information. I know Amy and Adam have been
26 helping me also, with the Language Access Plan, and have been working on, on the rulemaking.

27

28 **Amy Browning:** Yes, Laurie. Hi, this is Amy Browning. And I'll just add we just Shiv, you know,
29 the end of the comment period on our Alternative Language Public Participation Rule was just
30 yesterday. So that comment period just ended, and we did receive comments about different
31 web pages that commentors believe would be useful to have translated. And so, we're going to
32 be evaluating those comments in the coming weeks.

33

34 **Laurie Gharis:** Thank you, Amy. And also, just to confirm, if you Google TCEQ Spanish, you'll
35 see information available in Spanish come up for TCEQ. Okay, let's see, Laura Hunt if you want
36 to go next.

37

38 **Laura Hunt:** Hi, this is Laura Hunt. So, it's a pretty comprehensive presentation with a lot of
39 information. I'm wondering what TCEQ will be doing to make all this information more readily
40 accessible to people to reference kind of in real time when they need it. I think it would be
41 really nice if it could be, you know, maybe the website and the YouTube channel, but I wanted
42 to see what you had planned.

43

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1 **Laurie Gharis:** Good question. We are taping this, and we're taping it from the actual webinars
2 so that you can see the presentation, and also taping just the verbal just in case in case we have
3 any information. Or, I'm sorry, I'm, I'm trying to read, read the comments coming in, too. So,
4 we're taping it two different manners and then we're hoping to be able to put this up on our
5 website so that others can view it. Because we do, we do want this information to be readily
6 available and as with our Public Participation Plan and our Language Access Plan, we're trying
7 to work on our website to make sure that this information is at people's fingertips. OK, next is
8 Juan Parras. And I'm going to unmute you Juan, and then you can. Okay, there we go.

9

10 **Juan Parras:** You guys can hear me, right?

11

12 **Laurie Gharis:** You are good to go.

13

14 **Juan Parras:** Okay, thank you for the presentation Laurie and Brad. I have a question. That kind
15 of pertains to what you've already talked about. But it's about the Risk Management Plan. That
16 information used to be available on websites and then other avenues. But that information is no
17 longer available to the public without going through a whole bunch of federal entities. So, I'm
18 wondering why it is no longer available.

19

20 **Laurie Gharis:** So, Kelly, are you able to help with that question on the Risk Management Plan?

21

22 **Kelly Cook:** Well, what I can tell you on that issue would probably to work through EPA to get
23 that information.

24

25 **Laurie Gharis:** Do we have a contact at EPA that or a website, that we may be able to give Mr.
26 Parras?

27

28 **Kelly Cook:** I think we could direct him to their EPA Region 6 main webpage.

29

30 **Laurie Gharis:** Okay.

31

32 **Kelly Cook:** And we should be able to find there a comment area for questions. Where he could
33 ask that question. We would also be happy to follow up with him afterwards with more direct
34 information.

35

36 **Laurie Gharis:** Okay

37

38 **Kelly Cook:** I'm looking at, I'm looking for their web page.

39

40 **Bryan Sinclair:** Yeah Kelly, this is Bryan Sinclair. I just looked at their web page and it looks
41 like, if you do a search for, it's called Accessing RMP Data. That it comes up and there's

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1 information there, but ultimately, they have to come to a Federal Office of Information Act,
2 FOIA request, to get the information. That's what it says on the EPA the website.

3

4 **Kelly Cook:** Bryan, since you're there, do you have that web address you can read?

5

6 **Bryan Sinclair:** Yes, it is, WWW.EPA.gov/RMT/accessing-RMP Oh, it's, hang on I can't see all of it
7 now. I can tell you if you, if you type in, if you, if you go to the EPA website and search for RMP
8 data it'll pull it up.

9

10 **Kelly Cook:** Thank you.

11

12 **Bryan Sinclair:** Sorry, I just can't see the whole address. It's too long.

13

14 **Laurie Gharis:** We can follow up by e-mail also. So that that's perfect. Thank you, Bryan, and
15 Kelly, for helping with that. Next, I see that Heejin Hwang has her hand up if you want to go
16 next. I'm going to unmute you and then you can unmute yourself also.

17

18 **Computer Voice:** Yes, I have a two-part question.

19

20 **Laurie Gharis:** Okay.

21

22 **Heejin Hwang:** Hi, Sorry, that's, I'm not sure who was speaking then, this is Heejin.

23

24 **Laurie Gharis:** Okay.

25

26 **Heejin Hwang:** Hi, Laurie, I actually do have, I do have two quick questions. I know you
27 mentioned first that this presentation will be placed on the website, which is great to hear. I
28 was wondering if perhaps the slides can be made available to the participants after today's
29 presentation.

30

31 **Laurie Gharis:** I think we can do that, but I before I confirm, I just wanted to just make sure
32 that I check with our, with all of the speakers. We do have it taped right now in the actual
33 presentation with, with the discussions. And I do know that the slides will be very helpful, and
34 so we can certainly look into that and try to place both there on the website.

35

36 **Heejin Hwang:** OK, great, yeah, the information was really helpful, so that would be great. My
37 second question was you had mentioned there are upcoming webinars on the three different
38 plans. And I was wondering whether the dates for those have been set.

39

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1 **Laurie Gharis:** The dates have not been set for those. They will, they are expected to be in the
2 fall. Since our plans are due to the EPA, our last plan is due to the EPA in June. And then we'll
3 want to make sure that we give notice on those webinars, and our expectation is that they
4 would be held closer to the fall.

5

6 **Heejin Hwang:** Okay.

7

8 **Laurie Gharis:** Anyone who's interested in knowing more can feel free to reach out to me too,
9 and I can make sure that I put them on the list.

10

11 **Heejin Hwang:** Got it, Thank you.

12

13 **Laurie Gharis:** You're welcome. So, at this point, I want to reach out to our English. Our English
14 line first and if we have any questions on our English phone line. Just give it a second, just in
15 case.

16

17 **Mehgan Taack:** Hi this is Mehgan with the Chief Clerks Office. I don't have anyone on the line.

18

19 **Laurie Gharis:** Okay. Okay, thanks, Mehgan. And we'll do the same for our Spanish line. Any
20 questions on the Spanish line?

21

22 **Jim Fernandez(interpreter):** Yes, I do have a question.

23

24 **Laurie Gharis:** Okay, go ahead.

25

26 **Jim Fernandez(interpreter):** I have a comment, actually.

27

28 **Laurie Gharis:** Please feel free to go ahead.

29

30 **Jim Fernandez(interpreter):** We actually need other topics. So, we can receive the questions in
31 the Spanish line, as well. Even when I try to talk to the interpreter, it's kind of hard for me to
32 catch his attention when I want to make a question. You need to get another system. My
33 question is the following. Whenever I call to report an odor in the community and if it's a
34 Friday, in the afternoon, no one answers me not a human being, only a machine answers me.
35 And when someone answers, in the phone during the day, they just answer the phone. And
36 when I give my complaint, several days pass before they actually do the monitoring. So, when
37 they get there it would be like 2 or 3 days after that I call them, and they tell me we didn't find
38 anything or anything. That's because they went there too late. Who do I have to talk to or
39 complain with? Is there a special line or another system in the country? So, like, we can make
40 you responsible for your work.

41

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1 **Laurie Gharis:** Is that, is that the end of the question?

2

3 **Jim Fernandez (interpreter):** Yes, I want to know what the process is, and if there's an
4 alternative way to do it, and I wanted to know if you know if, there is an alternative way to do
5 it.

6

7 **Laurie Gharis:** Okay, thank you for that question. I'm sorry that it has been challenging. We are
8 trying to work through our webinar challenges, so that it is helpful for people who speak
9 English, as well as other languages. I'm going to ask if Melissa would like to come online and
10 perhaps give a little bit more information about that complaints process.

11

12 **Melissa Keller:** Of course, thank you, Laurie. So, on odor complaints, they're treated like other
13 complaints. They are investigated in accordance to our TCEQ complaint protocol. The three
14 methods of filing a complaint are the same as they would be for another complaint. If the
15 complaint alleges certain health effects, that would be a reason for us to come out faster.
16 Otherwise it would fall within the regular complaint process. If you would like me to look
17 specifically into your complaints that you have filed, you may contact me directly, and I would
18 be more than happy to do so.

19

20 **Jim Fernandez (interpreter):** Yes, but is there a line in Spanish or a national line where I can
21 complain, or what would be the alternative for that?

22

23 **Melissa Keller:** Is the concern that the complaint is not being taken in Spanish, or is the
24 concern that the complaint is not being handled? We do receive complaints on our complaint
25 e-mailbox. The complaint@TCEO.texas.gov we accept complaints in Spanish there as well.

26

27 **Jim Fernandez (interpreter):** See, the thing is, I have placed complaints. And it smells like
28 gasoline or smells like something sweet in the air. And there's no one there that actually goes
29 there.

30

31 **Melissa Keller:** If you would like to forward your specific complaint, to me, personally, I will
32 look into it, and I will have somebody contact you, or I will contact you directly.

33

34 **Jim Fernandez (interpreter):** And there is no way in Spanish, where I can actually do my
35 complaint in Spanish then?

36

37 **Melissa Keller:** If you call the 1 800 number, or the e-mail, or if you e-mail the e-mail address,
38 you are more than welcome to do both of those in Spanish. The complaint form currently is not
39 available in Spanish. But it is in progress. That is, one of the things I talked about in my
40 presentation, was the translation being a project that's currently being worked on.

41

42 **Laurie Gharis:** OK, thank you, Melissa.

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Jim Fernandez(interpreter): Is there a way where we can have the agency close to a school or somewhere where there's more emergency for someone that can get closer to that?

Laurie Gharis: Okay, so I'm going to try to. We'll try to address this question, and then we'll move to another person. We do have more hands raised. So that question was, is the agency closer to schools? Right now, we have an air quality monitoring network. And I don't know if one of our, our people from the air quality monitoring network would want to come back online and answer this question.

Heather Stewart: This is Heather, Laurie, I'm online.

Laurie Gharis: Great, Thank you.

Heather Stewart: The stationary air monitoring sites are placed according to fighting requirement, the EPA designs, so that we can get the best background, for outdoor air quality, measurement values. Some of these locations are near schools, or nearby, or downwind. You can look where the monitoring sites are located using that GeoTAM application that's on our website. And if you have any questions, you can contact me using the contact information provided as part of this webinar.

Laurie Gharis: Okay, thank you very much. I'm going to give just the interpreter just a moment, and then we're going to move to the next question. Okay, so the next hand I see is Kelly Davis. Kelly, did you have a question? Let me unmute you.

Kelly Davis: I have a question. Wow this mute feature is very sensitive. Thanks. My question is about getting permits, and permit applications. Draft permits, and their applications available online instead of the local, or in addition to the local library. I'm specifically thinking of wastewater permits because that's what I deal with. But I'm just wondering if there's any movement at the agency to have those available online. So, we don't have to go down to a little library to find the documents.

Laurie Gharis: Sure, sure, that's a good, that's a good question. And we do have several media that putting those applications online. I think today we have, let's see, is, is Erika available? Is Erika online, with water? She may not be online. I think and then we do have Amy and Adam but I'm not sure that they'll have the answer for, for the water quality. So, what I would say is that we are working towards putting more information online, specifically permits and if you're having any issues with getting a copy of that, of that information. Then you can certainly reach out to us. Let's see, I think Laurie Fleet is online and she will be able to maybe give us a little more information on that. Laurie are you there?

Laurie Fleet: I am. Great, can you hear me?

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1 **Laurie Gharis:** We can hear you.

2

3 **Laurie Fleet:** I'm so sorry. I was trying to, I was trying to chime in, and I guess it was on mute
4 and wouldn't unmute me.

5

6 **Laurie Gharis:** Sorry about that.

7

8 **Laurie Fleet:** Can you- that's okay. Can you restate the question?

9

10 **Laurie Gharis:** So, they're interested in learning about specifically if water quality permit
11 applications would be online.

12

13 **Laurie Fleet:** We don't have our applications online. They are required to be posted in a public
14 location. However, because of COVID pandemic, a lot of the public viewing locations that people
15 typically use. That our applicants typically use such as city hall or libraries, have been closed to
16 the public. And, so, in order for them to continue with our permitting process, if the, if they're
17 unable to find a public viewing location, we have been posting their applications on the TCEQ
18 website. I will have to get that website to you. Laurie, how would I go about doing that?

19

20 **Laurie Gharis:** Alright, well, let's see. We do have Kelly Davis' e-mail address and we could
21 e-mail it to Kelly if that would be okay.

22

23 **Kelly Davis:** Yeah, yeah, that would be good. But I, I just really hope agency's moving towards
24 being able to provide them online, in addition to the public viewing place going forward.
25 Because it can be really inconvenient to go to these places. Especially for people with mobility
26 issues, or that don't speak the, the language that's spoken at the city hall, our library, where
27 they're going. So, I appreciate getting the website, but I feel like this is something that needs to
28 happen on a more, on a broader basis, as well.

29

30 **Laurie Gharis:** Sure. You bring up a very important point, and it's something we're certainly
31 looking into and considering. So, I'm just looking at hands raised. Yvette, if I see your hand
32 raised, if you want to go next.

33

34 **Yvette Arellano:** Yes. Hi, Yvette Arellano, with Fenceline Watch. Yeah earlier, it was a struggle
35 to get my mom to ask a question. And I just want to say, I'm really disappointed in that because
36 I was listening to the question. It didn't seem too difficult to get across. But it was more of,
37 does the TCEQ have a current protocol to respond to odor complaints that are near vulnerable
38 sites. Parks, you know elementary schools, places where children, you know, first, head-starts
39 or daycares and nurseries over odor complaints. And if not, is that something that the agency is
40 considering to do? That's one.

41 And then, my second part of the question would simply be, Is the agency currently in any sort
42 of process to better address odor complaints, especially coming from industrial areas or
43 environmental justice communities?

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2 **Laurie Gharis:** Thank you, Yvette, and I apologize that you had to clarify that question. Melissa,
3 if you wanted to come back online.

4

5 **Melissa Keller:** Sure, Laurie. So, all of our investigators are trained within our current odor
6 process within six months of being hired. And we also require them to be recertified in our
7 odor process within every two years after the six months. So, that's just the basic on the odor
8 training. Our odor protocol is, is posted to our public website. It does not currently address the
9 receptors that you mentioned. It has been an active topic, though, that has been discussed
10 within the workgroup that is working on revising the order protocol. So, the short answer is, it's
11 not in there now, but it is something that we're looking at.

12

13 **Laurie Gharis:** Thanks, Melissa. So, I still see hands raised by Shiv. Did you have another
14 question?

15

16 **Shiv:** Yes. Actually, I had two questions in one comment. So, my first question, first off,
17 previously, I always say this, but thank you, everyone, for this. It's truly appreciated and a lot
18 of, great information. My first question is, this will be posted on TCEQ's website, however, I was
19 wondering, is the Spanish translation also going to be made available? Seeing as this was part of
20 the resolution agreement with EPA about Title VI. It would seem as though that would probably
21 be wise. So, I just wanted to, the first question is to make sure that this would be available
22 when posted online in Spanish.

23

24 **Laurie Gharis:** So, it's being translated right now. And I believe we will, we will have that
25 transcript. I can follow up with you to just to see how that that transcript works. And on that
26 same question, too, I'm letting this group know where to find it on. Giving more information, on
27 getting this posted. I'd like to post it on it on a new website that we're working on right now
28 that's, that's going to have the plan, like I had discussed, the plans that we've been working on
29 as long, as well as participation. So, if you, if you would like more information on that, you can
30 certainly reach out directly to me, and then I can let you know when it is being posted. And my
31 e-mail address is on that handout. And anyone in this group who's interested in that, can
32 simply send me an e-mail. And that way, I can let you know once that information is posted,
33 and more information Shiv on the Spanish transcript, too.

34

35 **Shiv:** Okay, thank you so much, Laurie. My second question, and then, after that response, I'll
36 give my comment. But my second question, I guess, is to Bryan. When you were describing the
37 chain of custody and the great importance of following TCEQ protocol in order for public
38 collected evidence to actually be used. So, I was wondering, so the cost of, like, using a
39 laboratory following these protocols, you said that sometimes you even need specific training
40 or certification. Is the agency asking private citizens to foot that cost in order to provide
41 evidence for the Texas Commission on Environmental Quality to aid their work? Or is that
42 some, or does TCEQ to provide assistance to the community in order to follow the protocols
43 that are in place?

44

45 **Bryan Sinclair:** I'm not. This is Bryan Sinclair, again. I'm not aware of any assistance that's
46 provided in terms of financial reimbursement or paying for training. I would say that if a
47 citizen wanted to collect evidence, that they would need to probably foot the bill themselves for

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1 that. But that's it for in my experience I've never been asked that question before, so I'd have to,
2 you know, I guess look into it to see if that's a possibility, but currently, I'm not aware of any,
3 any reimbursement that takes place for that kind of training.

4
5 **Shiv:** All right, thank you so much for that, Bryan. Finally, my comment would be first, Laurie,
6 and everybody on the call, I really do appreciate this presentation. There was a ton of great
7 information and I also appreciate all the steps like Adam and Amy were doing last week. And
8 do this whole process on making it a more inclusive and equitable kind of process for the
9 public at large. That being said, this was an almost two-hour presentation. And I'm definitely
10 not an expert, but I would consider myself slightly higher than a layperson with some of this.
11 But this was a presentation in which there were times where, even myself, who is somewhat
12 familiar with the TCEQ website. Going through STEER's reports, going through different things.
13 I found myself struggling. I know that the point of this webinar is to increase public
14 participation and to kind of demystify and elucidate this process. And I appreciate all of the
15 effort that everyone has tried doing in simplifying pretty technical processes as much as
16 possible. However, there are a couple of things that stand out to me. Natural public outreach
17 for this webinar was rather minimal, unfortunately. And so, there are definitely people on the
18 call, but, you know, a lot of the folks that are present right now are pretty familiar with these
19 processes and also are familiar with interacting with the TCEQ. And so is if kind of the hope
20 that TCEQ made with EPA in increasing transparency increasing outreach. You know, this is a
21 first step, but it's not necessarily the best first step. There was a lot of technical information
22 still. And there were times when I found it difficult. Also, I think it's important to make sure we
23 don't treat this as a perfunctory kind of thing where we agreed to do this so we're going to put
24 something up. Just like with the previous caller who was trying to get their point across in
25 Spanish, the fact that it's still not, you know, it's not simultaneously kind of translated it's
26 consecutively. These struggles the fact that, you know, a lot of the information that was
27 covered is great but a lot of it is TBD on when it will be available to other populations. I know
28 steps are being taken, but, you know, the kind of community purchase and buy in that we need
29 isn't quite there with something like this just yet and I just wanted to express that. I'm very
30 appreciative that this is going forward. But this is a lot, and it needs to be done a little bit more
31 deliberately, I would say. So, thank you.

32
33 **Laurie Gharis:** Thank you, Shiv. And we certainly hear your comments. I will say that we did, we
34 did publish notice in the *Houston Chronicle*, and *La Voz* also on notice on this. And then sent
35 out almost 4,000 notices via mail the US Postal Service along the shipping channel. So, you're
36 right, we're still working on what's the best manner of getting the word out. And we appreciate
37 your comments. I think Isabel you are next. Let me unmute you. There you go.

38
39 **Isabel Segarra Trevino:** Hi. Hello.

40
41 **Laurie Gharis:** We can hear you.

42
43 **Isabel Segarra Trevino:** Okay, fantastic. Hi. My name is Isabel Segarra Trevino. And I'm calling
44 from the Office of the Harris County Attorney. First of all, thank you so much for putting this
45 presentation together. There's so much information, and I'm, I'm very thankful that you will be
46 posting it on the website, because I agree with the previous commentor. There's a lot there and
47 I'd like myself to go back and look at a few things. So, thank you for that. And I have, I guess it
48 would be a question and a comment, a suggestion. So, my question is, there was, and I'm sorry,

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1 I forget the speaker's name. There is an odor working group. I think was mentioned on how to, I
2 guess, effectively reach, reach those communities with odor problems. And I guess my question
3 is, is that a stakeholder process? What does that look like and is there an opportunity for
4 members of the public or local governments like, like Harris County to participate in that
5 workgroup?

6

7 **Laurie Gharis:** Melissa, I think she's asking question about.

8

9 **Melissa Keller:** So, it's a great question. And currently the work group is made up of TCEQ
10 internal employees. They are all internal we have two litigation attorneys, and we have eight
11 Odor Subject Matter Experts. Which also are our trainers that train our regional staff and other
12 staff on the odor protocol processes. I'm not familiar with offering this as stakeholder
13 feedback. But I'd be more than happy to talk to my director and engage him in this
14 conversation, and to see where we can go from there.

15

16 **Laurie Gharis:** Thanks, Melissa.

17

18 **Isabel Segarra Trevino:** Yeah, thank you so much for that.

19

20 **Laurie Gharis:** Isabel?

21

22 **Isabel Segarra Trevino:** Yes, I'm here.

23

24 **Laurie Gharis:** Okay.

25

26 **Isabel Segarra Trevino:** Thank you. Thank you so much for that. Pollution control services
27 here, with the county, does similar investigations, and I'd love to see if we could work together
28 on this since we do have so many air, I guess emitters. Air regulated entities here in the county.
29 So that's my question. And then second is, so I've spent years working for the Office of Public
30 Interest Council and through that experience and since then, working for the county working at
31 different places on environmental issues here in Texas. It's my experience that there's, there's a
32 real gap between the, what the public perceives TCEQ does, and what the TCEQ actually does.
33 And one of the, two points on that. So, one is, as also a former educator, I've found that things
34 like seminars, small groups, list of resources are very helpful. I actually just finished a short
35 course for grassroots advocates here in Texas and we went through many, many different TCEQ
36 resources. And these are folks that are out in the community. Organizing many actually had
37 already participated in TCEQ matters, but they had no idea about all of this information that's
38 already available. So, I would encourage TCEQ, and you Laurie and as the chief clerk to consider
39 making a clearinghouse where these existing resources can be a one stop shop. So, links to
40 toxicology, the segment bureau for our waterways. All those sorts of, you know, valuable
41 resources because there are folks who are interested. They just don't know how to get there.
42 And then, let's see. Now that pretty much covers it. Thank you.

43

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1 **Laurie Gharis:** Thank you, Isabel. and that that is definitely something that is would be useful
2 and that we're thinking about. Is how do we have a lot of great information on our website but
3 how do we make sure that people know where to find it. And that clearinghouse idea is a very
4 useful idea. Heejin you have your hand up? Did you have another question?

5

6 **Heejin Hwang:** I did not. I'm sorry if I pressed the raise hand.

7

8 **Laurie Gharis:** No, no that's okay. I just wanted to make sure. So, I'm just looking I think we
9 have been through everybody who has raised their hand. We'll just give it another minute or a
10 few seconds, just to make sure I didn't miss anyone. Okay, Laura, I see your hand up.

11

12 **Laura Hunt:** Hi, it's Laura Hunt again. I was just curious, a little bit more on the background of,
13 you know. Why this meeting was held? I know there was reference, and then notice to there
14 being an EPA complaint. It sounded like that initiated this. Could one of you give us more
15 information about the nature of the EPA complaint? And, you know, how TCEQ is responding. It
16 sounds like this is just one part of their response.

17

18 **Laurie Gharis:** Yes, this is just one part of our response, and, and it was agreed to in our
19 informal resolution. And, if Amy is on the line, I'm going to ask her to provide more
20 information as she was more involved in the beginning.

21

22 **Amy Browning:** Sure, this is Amy. Yes, there was a Title VI complaint filed with the EPA against
23 the TCEQ. The EPA accepted. We entered into informal resolution agreement process with EPA
24 and an informal resolution agreement was signed in November of 2020. As part of that
25 agreement that TCEQ agreed to do a couple of different things, including putting in writing the
26 Non-Discrimination Disability Plan, the Public Participation Plan, and the Language Access Plan
27 that Laurie has already spoken of. And we also agreed to hold this virtual meeting, once it's
28 considered safe to do so, we will also hold an in-person meeting, as well. But we're not at that
29 point yet. We have to be a little further along in going back to normal. So, we have those
30 obligations under the agreement that we're working, we're working to meet. And this this plan,
31 excuse me, this meeting today, was one of those.

32

33 **Laurie Gharis:** Thank you, Amy. Let's see, I'm going to go to Stephanie Thomas and then I'll
34 come up because I see another hand raised. So, Stephanie, let me unmute you. There you go,
35 you're good to go.

36

37 **Stephanie Thomas:** Great, thanks, thanks so much Laurie. And thank you so much for that
38 context Amy. You know I had heard about this webinar prior to the meeting, and it was
39 described to me which I think this is a really good, you know, empowering people with the
40 knowledge of how to use TCEQ. The website, and use the resources there, I think is a really
41 important thing. When I saw the title, I was a little confused, so it really helps to have that
42 context. But it also may have turned some people away if they didn't know what the core of the
43 meeting was about, as well. So, I just want to put that common out there and raise that as a,
44 as a possible flag.

45

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1 **Laurie Gharis:** Thank you, Stephanie. I can certainly see that, and I appreciate that comment.
2 Let's see. I also see Isabel has her hand up. Isabel, did you have another question?

3

4 **Isabel Segarra Trevino:** Just the statement, Laurie. Thank you so much. So, I believe was it
5 Laura mentioned about the Title VI complaint. I'm actually the person who wrote that complaint
6 alongside Yvette Arellano, who's also on this call. So, I would be more than happy to speak with
7 anyone about that complaint. And some of the ideas that have come out from the complaint, as
8 seen in public comment filed during the stakeholder process for the rule, or anything like that.
9 It's an issue that we have tracked very closely. I myself have tracked it through different
10 employers, so I'd be happy to speak with anyone about that to the extent I can.

11

12 **Laurie Gharis:** Thank you, Isabel. Let's see, so we're coming up on five O'clock. We can certainly
13 take a couple more questions if we have any other questions. Okay, so. It looks like we've
14 answered most of our questions, but you do have our information, our contact information.
15 Feel free to reach out to us if you have further questions or as I noted, if you're interested in
16 getting more information about, this presentation, and when it will be on the actual, accessible
17 on the website.

18 So, I just want to end this with thank you for joining us for this stakeholder meeting. I know it
19 was a very long meeting. We tried to cover quite a few topics that we thought were important to
20 the public. I want to thank the speakers who, who joined us, and provided presentations for
21 this meeting for the resolution of EPA complaint numbers 02NO-20-R6. Your participation in
22 the meeting and within our processes is important to our agency, and you can feel free to reach
23 out to any of us at TCEQ with questions or comments. The time is 4:55, and I will be closing out
24 this webinar within the next minute or so. So, thank you very much.