



# Public Hearing: Is the TCEQ taking care of Texans?

March 21, 2022

1:31:00

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**[Moderator, Randy Beamer]:** Welcome to the Woodlawn Pointe Community Center on the West Side of San Antonio, and we are here. We want to thank the people who have shown up for a hearing before the Texas -- [audience chatter] -- You can't hear it. Hello, hello? Alright, how's that? All right. We want to thank everybody on Facebook and here in the audience for joining us. This is a hearing before the Texas Sunset Commission on the Texas Commission on Environmental Quality. Every 12 years or so there is such a hearing. We would like to introduce first of all, some people from the Sunset Commission staff right here that will be hearing your testimony. Erick Fajardo, Robert Romig, Chris Keslar, and Katherina Wierschke. Yes, right there. So these are the people you'll be talking to. We'd like to direct your attention to the sign-up sheet there in the back and on Facebook as well, Facebook Live, you can ask your comments there, direct your questions, maybe, but at least have what you would like to say. Each individual will have about five minutes, and groups, people representing groups, will have 10 minutes and Glenda Wolin here who is with the [League of Women Voters of the San Antonio Area]. She has been recruited to be the official timekeeper. And at the end, when you speak, she'll give you a warning — one minute, then 30 seconds, and then stop. So if you could go ahead and keep to that and we'll move right along. We also have a Spanish interpreter here. Who will tell you about the some of the same rules and also how Spanish speakers or those who don't speak well in English, can become involved and that is Luisa Santibanez. Luisa?

02:04

**[Translator, Luissana Santibanez]:** [Introductory remarks in Spanish].

03:18

**[Beamer]:** And please if you could identify yourselves, and if you're with a group, that group, because we don't have the signup sheet here. So when you begin speaking, go ahead and do that. And we'll have those comments beginning right after Robert Romig of the Sunset Commission staff. Robert?

03:44

**[Robert Romig, Sunset Commission]:** Thank you very much. Thank you all for coming out, especially with the dodgy weather that we've all been warned about, appreciate your attendance. I just wanted to start by explaining a few things about the Sunset process. But before I do want to thank the Greater

Edwards Aquifer [Alliance] for hosting this public input meeting. Throughout the Sunset process, it really does rely on input from the public, from stakeholders, from community groups like yourselves. And so we're very pleased to come and attend and receive this input into the Sunset process. This is not your only opportunity to provide input. And so for those who are attending, or watching on Facebook Live, and don't want to speak tonight, you're always very welcome to reach out to us directly to provide input. I would encourage you to go to our website [www.sunset.texas.gov](http://www.sunset.texas.gov) where you can get information about our review schedule and how to contact us with information. That being said, just to give you a little brief Sunset 101, for those of you who may be sitting in the audience thinking why are you even here at asking us about TCEQ. We are, as we said earlier, Sunset staff. Our commission, the people we report to, is a commission set up by the Legislature to look at state government periodically. It's made up of House of Representatives members and senators and a few public members. Every 12 years, give or take, a state agency goes through the Sunset process. And it is an opportunity for the Legislature to do a top-to-bottom review of how the agency is functioning, to eliminate functions that are no longer necessary, to add functions that are necessary, or to amend the operations in some way to find better efficiencies, effectiveness, to increase transparency and fairness. What we do as staff is we take the agencies that we've been asked to review and go through a five-to-seven month review process. Our team is in the middle of that process for the TCEQ, and we look at all of the agency operations and programs and seek input from the public, from licensed industry groups, from community groups, about how the agency's operations are going and ways to improve those operations. And so the, -- we are happy to receive any input you want to give us. But the most fruitful kinds of comments are ways in which you feel like the processes the agencies use, their operations, can be improved. To give you a little forward looking at what -- how - this then impacts things, we will take all of these comments and format a staff report where we as the Sunset staff are making recommendations to our commission of things that need to change either in the agency's operations or in state law. That will be published at the end of May, is our goal, to publish our staff report with our recommendations. Then, about a month later, right now, tentatively set for June 22, or 23, there will be a public hearing where, in Austin at the Capitol, our commission meets and receives our staff report with us testifying about what our recommendations are, and then opens up the floor to anyone in the public who wishes to come and make other recommendations to the commission. At that public meeting, everyone is welcome to attend, either to listen or to present their ideas for ways you think the agency could be improved. And then, about a month later, sometime in late July, although I believe in our case it is scheduled later in the summer, that information is on our website, I don't quite recall offhand when that meeting is, there will be a second meeting where our commission will then vote on those recommendations. And the recommendations they adopt, whether they were our recommendations or your recommendations, those will then be directives to the agency to implement, or they will be put into legislation filed before the Legislature during the next session, which will start in January 2023. And that bill will be heard before the Legislature, hopefully passed at the end of the day, and carry forward recommendations to improve the agency. So just wanted to give you that sort of broad look. We are always happy to answer questions after the meeting or please, again, go to our website and get in touch with us. But other than that, we're going to turn the floor back over to y'all. And thank you again for coming.

08:49

**[Beamer]:** Thanks, Robert Romig. One more thing I mentioned earlier that there's a five-minute limit for individuals and a 10-minute limit for representatives of groups. We'd like to get to as many speakers as possible. So if you say what you have to say in less than that don't feel like you need to stretch to five minutes to get Glenda to work. Go ahead and finish up so we can hear more speakers more quickly. So if the first speaker would like to come up, we'll just turn it over to the crowd. Oh, if you'd like to line up on either side, here at the podiums, those who have lined up, signed up to speak. Everyone is shy. Nobody wants to go first. And again, introduce yourself and who you're with, if you're with a group. And it's, it's whoever would like to go first. Very polite.

09:46

**[Alan Montemayor, Alamo Sierra Club]:** Good evening. Thank you for the opportunity to speak today. My name is Alan Montemayor. I'm chairman of the Alamo group of the Sierra Club here in San Antonio. TCEQ, where to begin? Oh my god. I have so little faith in the Texas Council of Environmental Quality that I don't actually refer to them as the Texas Council on Environmental Quality. I refer to them as the Texas Council on Economic Quantity. Their, their mission, as it's written, is to protect the state's public health and natural resources, consistent with sustainable economic development. The problem with that mission statement is the "sustainable economic development." They have taken that to heart and have adopted a laissez faire attitude toward business in Texas that is nothing short of shocking for the citizens that are requiring their protection. So much so that when the EPA comes in to intervene in Texas, I welcome them and say, "Please come in and help us because TCEQ will not protect our environmental quality." It is that bad. There are so many instances when TCEQ has rubber-stamped applications for projects that should not be moving forward in environmentally sensitive areas that are affect the water quality of the people that have to live in that area and downstream of that area. In particular, here in San Antonio, we depend on the Edwards Aquifer for our water quality, and the TCEQ routinely rubber-stamps projects that are going to dump effluent, sewage effluent, into our streams in the contributing zone. And we cannot let this continue, this has to stop. So I would like to say that removing the economic development portion from the TCEQ's mission is critical to making, to protecting the citizens of Texas. Their stance on air quality is ludicrous, to say the least. Okay. They say that on ozone, "Oh, if it weren't for pollution from Mexico, you know, we wouldn't have an ozone problem." Well, that's BS, we need to address the issues of air pollution in Texas on a daily basis on a continuing basis and move forward with reasonable processes and laws and regulations that will protect our citizens. We don't want EPA to come in and have to mandate all these changes. But that's going to happen because TCEQ really is not moving forward in protecting us. I'm not going to take the full 10 minutes here because Annalisa Peace has already done a very good job of summarizing what needs to happen in a January 28 letter to Mr. Romig. I think you already have that. I would like to say that Sierra Club is a signatory on that letter and we very much backup all the things that she has said in here. Additionally, there was a letter to you on December 20, from the Alliance for Clean Texas, that we also sign up for all of the points in there. I really can't say enough about how distasteful it is having to, to hear time after time after time that TCEQ has just rubber-stamped these applications or taken a policy on air quality that is is laissez faire. You know, it's not fair to the citizens of Texas, that we have to continue to endure the degrading quality of our air and our water and other things that TCEQ has a hand in, that it has to be sacrificed on the altar of economic viability. It's just insane. So I very, very much hope that you guys have the power to institute change and work for the citizens of Texas, not just for the businesses that are depending upon TCEQ to rubber-stamp their horrendous projects. Thank

you so much, and I do appreciate the the opportunity to speak here. I've traveled a lot around the world, and I know that there are places in the world where you cannot speak like this without fear of retribution. So it's so valuable that you guys are here doing the work that you're doing. And please work hard to make sure that and stand up for the citizens of Texas. Thank you.

14:15

[Beamer]: Before we move on, I just wanted to mention not only are you speaking to the staff, I failed to mention that there are a couple of staff members of state representatives here as well, wanted to recognize them. Dominic Carrasco of [Rep.] Ray Lopez's office, district 125, is here, you can just raise your hand as well as Anna Alicia Romero of state Sen. Jose Menendez's office as well. So they'll be here listening to your comments.

14:41

**[Paul DiFiore, PODER/SOS Alliance]:** Good evening. Can everyone hear me? Great. My name is Paul DeFiore. I'm here partly as an individual, partly on behalf of an organization called PODER there which is in East Austin-based environmental justice organization. I also work part-time for Save Our Springs Alliance, also based out of Austin working to protect the Edwards Aquifer. But let me preface my comments first as an individual. I think, you know, I drove down from Austin like y'all probably did. I appreciate you guys coming down in this crazy weather, it was really windy on the highway. As I was driving down, I listened to a podcast interview with Toby Baker, just from maybe last year, I want to say, and it just emphasizes the point that the gentleman from the Sierra Club made about the backwardness of the mission of the TCEQ. Toby Baker responded to one of the interviewer's questions, asking what do you see as your mission as the executive director of the agency, and he responded immediately, "Well, I think my mission is the same as the agency's mission, which is to one, protect the economy and two, protect the environment." So, as I see it, that's backwards, completely out of balance. I mean, you can call it what you want. I'm sure my colleagues from TRAM this evening will talk a lot about how lopsided that's become. But I just wanted to emphasize that that's the leadership of the organization that we're talking about. That's the way that he speaks about the mission of the organization. Now, just to some specific comments, I spoke earlier with the executive director of PODER, Susana Almanza, some of you may know, she's on the White House Environmental Justice Advisory Council. She's a legendary East Austin organizer that has been working, fighting against environmental injustice in East Austin for decades. And one of her comments was that the TCEQ seems intentionally set up to not be accessible to the community and not engaged with the public. And I can personally attest to that as well. Last year, I tried to go through the process of actually going to the TCEQ's headquarters in Austin and seeking some documents, because I read in the paper, you know, I got lucky and I actually found on the paper, the day it was published, a notice that an air permit was going to be issued to an industrial operation. And it said that the entire permit and all the related documents could be found at the TCEQ's offices. So I drove up there, and I showed up at the door, and I kid you not they acted like they had never seen another human from the public in their lives. It was the strangest experience; it took me a very long time to speak with anyone. And eventually I actually did manage to get the documents with a lot of hemming and hawing. But that's a process error, you know, there's something wrong there, they're clearly not set up to receive the public in any meaningful way. And they don't expect it, they probably don't want it. And then, secondarily, I spoke with Susana and we discussed how the TCEQ seems to take a very narrow view of environmental impact, you know, on these projects

that, as the gentleman mentioned, get rubber-stamped. Every week, it seems, they wanted to define a project area extremely narrowly, so that nothing outside of it could possibly be impacted when the reality is we know that's not true. And there's also the question of cumulative impacts, cumulative environmental impacts and social impacts which seem to be disregarded. One example is in our neck of the woods in the Colorado River Corridor, there's, you know, in a couple of miles stretch at least 10 or so, aggregate production operations that have been going on for decades that are continuing to get approved. Those have a serious negative environmental impact. And yet they continue to get approved with no regard for the cumulative impact on that river corridor or the communities who live there. So that's something I wanted to point out. And I will, I'll leave it there. But thank you again for your time. And thanks for listening.

18:42

**[Mark Friesenhahn, Comal Educational Environmental Coalition, Texans For Responsible Aggregate Mining]:** Good evening. My name is Mark Friesenhahn, and I represent the Comal Educational Environmental Coalition, as the director of group in south Comal County. I'm also part of the TRAM organization has been mentioned, via the hat and the shirt here. And also I am part of an eight-person technical team whose job has been to understand the APO industry and Texas and its impacts on the citizenry and landowners adjacent to their operations. I'll start out by thanking Robert and the Sunset Advisory Commission investigative staff for all the work you're doing to look into this issue, including spending almost three hours with us this afternoon to tour the highly concentrated collection of APOs of all types on the Balcones Escarpment around the area of south Comal County. So thank you all for that. Second. No, the TCEQ is not taking care of Texans. No. Simple. That's my answer. The TCEQ is broken, and they're not serving the citizens of Texas and they need to be fixed. Plain and simple. You guys bear with me, you're going to hear some of the things I said earlier this afternoon, but I think they're important and worth repeating. [Background chatter]. Yeah, whatever. It's, the message is important here, the vehicles for communication, I bow to you. I'm gonna cover just a few points here from these notes. They're permitting agency operating with a deficient set of rules to manage the APO industry effectively. Others have said they're ignoring their responsibility to protect our state's public health and natural resources. They have an industry that's expanding massively to keep up with our growth. And although we recognize the need for the products that the APO industry put out, there is a massive deficiency in the regulation of that industry to coexist with the growing population. All of our investigations, likely yours, any number of them that I know about are showing the same thing. Major changes to the TCEQ are needed. Now, we chose to break them into several categories in our report from TRAM which I signed as the lead technical person within TRAM and delivered to Robert Romig and the team on January 31. We chose to break our recommendation down into several categories. And instead, we did not and did not focus necessarily on administrative and process things that are within your control. And those things that might take best practice rule changes, petitions, or legislative initiatives to fully change the things we see broken with a TCEQ. Having said that, we see three, really, three things: major administrative, structural, and cultural changes are needed. Full stop, as the Brits say. Instruct the TCEQ to more completely within the scope of its current authorization of in the areas of air quality, water quality, and land preservation, do their job to protect the citizens of Texas and our resources. And then the third one is more broad-brush dealing with rule changes, resources required to beef the TCEQ up, and legislation to charge them with changes. We're kind of at a point here where the industry is growing, the population is growing, and there is a conflict



brewing that's only going to get larger until we all decide to grab it by the horns and tackle it together. We're at a crossroads here of deciding that it's time to fix the TCEQ. No, they're not helping Texans. Now, I'm not going to go through all the recommendations. We submitted a formal report, I think it was pretty thorough and it covered recommendations in those three areas that I mentioned. I'm just going to cover, mentioned two or three of them. Number one: direct to TCEQ to effectively carry out its responsibility to protect our state's public health and natural resources. We talked a lot about stating that they remove economic development from their mission. But we chose to back off and approach that at its perimeter. Include economic development, but move it to third behind health of the public and natural resources. I love being deep in the heart of Texas and I want this place to look like it used to for our grandkids, visitors, and our associates in the future. We can help that. Another one that I think is probably more controversial than y'all may want to tackle but I think it's important. Revise the process for the TCEQ commissioners' selection to popular vote. Right now, I'm absolutely convinced the TCEQ commissioners do just what the governor says. I like the governor, I support him, but he's forgotten about the Texans who've been there our whole lives like I have, 71 years. I chose to come back to Texas, Central Texas and try to enjoy the living deep in the heart of Texas. It tears my eyes to even make that statement. We need your help to make that an objective we can accomplish for everybody moving here at this rapid pace. Add public citizens to the commission. Most of the other agencies have a larger commission. I think public citizens added in whatever format makes sense would increase the strength, the posturing and the effectiveness of the commissioners to represent the people. Complete an in-depth rule, a review of the major rules defining the TCEQ's organization. I don't know about you guys, I don't have enough fingers to open all the pages. I'll keep all the pages open to define their rules and their legal responsibilities under Texas Administrative Code and so on. That needs to be cleaned up. I've been at this for three or four years now, and I'm pretty sure I don't even have a clue about half of their rules and responsibilities, but they're scattered all over the place. And a process change to clean that up is worth the effort, I think. Why aren't they carrying out the responsibilities that depending on how you read it already, clearly within their scope of responsibility? That hard question needs to be asked. That is a low resource input solution. Do your job. Go read the rules. Don't cherry-pick the rules, do your job. I've got others. I'll refer you back to our detailed report. And as always, I stand ready to answer questions anytime day or night. Our TRAM organization and our technical team, likewise, you call us we'll be there in a minute's notice to help because this is important. We want Texas to continue the beauty and the allure that it has in all parts of the state. Thank you.

26:24

**[Peter Bella]:** Good evening. My name is Peter Bella. I'm speaking on behalf of myself. We owe Ukrainian president Volodymyr Zelensky a debt we cannot repay. Ukraine's resistance to Russia has given the west the opportunity to rethink, to recalibrate the grip on Western Europe, which Russian dictator Putin holds because of hydrocarbons. While climate change may not have motivated a quick transition in Europe, away from fossil fuels, Putin's aggressive invasion of Ukraine has caused the European Union to launch a 10-point plan which will wean them off of Russian gas by a third in just one year and 100% by 2030. We need leadership in Texas, able to resist the siren call of big money that props up individuals in state government to the detriment of the state of Texas. Because right now, we are fighting oil and natural gas development in Texas and other industries by the way, and its grip on our government just as surely as the people of Ukraine. The TCEQ has long provided supportive ignorance for the state of Texas with their checkboxes for permitting and their willing blind eye uncaring

of environmental impacts on underserved communities, and most of all their support of the toxic oil and gas industry. I request of the sunset commission that they seek to entirely remold the Texas Commission on Environmental Quality to protect Texans. Protecting Texans from climate change means seizing the opportunity not just for renewable energy generation, but for an honest assessment of the cumulative — we've heard that word tonight before — environmental damage being done by industrial build-out up and down the Texas coast, by quarries destroying our Hill Country, by the environmental hazards due to sand mining in Texas, and also positively by providing protections for our water and our wildlife habitat and protecting what is sacred to indigenous tribes. It also means, as it does for Western Europe, moving aggressively to stop our crippling dependence on fossil fuels. TCEQ now must become, as the state of Texas must become, a champion of environmental causes. Climate change, our habits of overconsumption, and overpopulation are now in the process of pushing the planetary system off the rails. If we commit ourselves to work to change, we can give ourselves a fighting chance. Time has grown perilously short. The changes must happen now. Thank you.

29:18

**[Michael Spano, Coalition For Responsible Aggregate Mining, Texans For Responsible Aggregate Mining]:** Good evening. Somebody woke up. My name is Michael Spano, and I live in Georgetown, Texas, north of Austin in Williamson County and I drove down here to attend this meeting. I co-founded the Coalition for Responsible environmental aggregate mining, or CREAM, and I'm a member of TRAM along with my fellow TRAM members here today. And if you don't know who TRAM is, we hope that you will. It's a 21-member organization group representing 39 counties across the state. And I'm part of this group because in this group, there's physicians, lawyers, oil and gas experts, hydrologist, a lot of expertise who have contributed to the 2021 interim committee report on APOs, speaking before state legislative committees, county commissioners, courts, water boards and other local government meetings. I participate in that, I have worked with these gentlemen and ladies here in our group to speak in many of these organizations. And always when we meet the one common topic is, can you guess who that is? It's TCEQ. We always talk about TCEQ. Now, I understand that you've toured Comal County today. And if I asked you to tour Williamson County, you will see the same thing as what you saw in Comal County. You wouldn't see anything differently. The issues you see there, you will see here. I also appreciate the accessibility of the Sunset commission. But I'm going to tell you one thing that disturbs me is that I hope that the representatives on this commission are as accessible as you are. I spoke to one TRAM member in Gunter, Texas, and she said that she cannot get her representative to speak with her or to hold a public meeting in her district. That is sad and I hope that can be addressed. I also to have a challenge o my own State Senator Charles Schwertner who's the interim committee chair of this, and I've asked him to, you know, if I hold the meeting, would he speak? I didn't really get a commitment from him. I hope that when we do put a meeting like this together in Georgetown, that he will attend. Now, when we have our meetings locally, here are the three things that I'm hoping that TCEQ or that Sunset Commission will address. Here are some questions. Why is compliance history not considered when there's an application for a permit? So, as I mentioned, there was a concrete batch plant that was going in, and the owner had two locations with identifiable violations for 10 out of the 13 quarters. Would anybody in their right mind do business with any company who had a history of non-compliance? Certainly, I wouldn't. If I asked a plumber to come over and he had 13 violations or negative responses, I certainly wouldn't hire him. Would a government agency purchase from a company any product or service where they cannot meet their level of service?

I would think not, yet TCEQ continues to approve new facility locations for companies with violations at other locations. I don't understand that. I don't comprehend that. And what's interesting at this concrete batch plant, the environmental compliance officer was a former truck driver of the company's truck. I mean, is there any rules or any standards for an environmental compliance officer in a company? That's a question I hope that this commission can address. Next question, what is the purpose of TCEQ's public hearings? We talk to any TRAM member or anyone else who has attended TCEQ's and a perception is that they will approve the permit regardless. You know, I get a document and email and it states that after all the evaluation of all the relevant findings, to commission denied all requests for hearings and consideration, period. There's no reason given why they was why our requests were denied. Even if a bank turns you down for loan, you will get a reason why. We get no reasons. It's just that your hearings or requests are denied, we move on. Another question: who is TCEQ accountable to? A least with the Texas Railroad Commission, we can vote out the commissioners if we disagree with their policies, but how do I vote out TCEQ commissioners making approval after approval with no regard or concerns for our citizens? Okay. Some would ask, have you tried rulemaking? Well, we did that. On one rulemaking decision we asked TCEQ to expand their requirements for comments from 30 to 90 days. The reason being is that we want to time to study the rule and provide intelligent feedback. TRAM even obtained, TRAM members, 24 state representative signatures who asked TCEQ to give us 90 days. TCEQ denied our request and pass their rule anyway. So who was going to stop them or get their way? Again, who is TCEQ accountable to? So our hope, the people's hope tonight is that the Sunset Committee will do what is necessary to make the changes for TCEQ to be an impartial state agency serving as citizens and not just the interests of the APO industry. Thank you very much for your time.

35:35

**[Margo Denke Griffin, Friends of Hondo Canyon]:** My name is Margo Denke Griffin from Tarpley and I'm here representing Friends of Hondo Canyon, which is a grassroots community in our little canyon 65 miles northwest of San Antonio. I want to thank GEAA and the Sunset review staff for hearing my concerns. I would like to comment on how the TCEQ process is designed to dismiss valid concerns of the public, and I would like to propose a possible solution. Regarding permitting, the TCEQ meets with the applicant to aid in achieving a viable permit application and then issues a draft permit. The TCEQ requires that any changes in a draft permit must be made by the applicant, that the public has no input in that process. The public only has input to enter public comments during the public comment period. And when with this window is closed, the TCEQ executive director dismisses the public's concerns in their extensive response to comments. Why? Why are we dismissed? Because the TCEQ's experts are the experts on pollution and the concerns that the public has have already been addressed in the TCEQ scientific review. This process only gives lip service to the public. Essentially, TCEQ permits pollution and our communities are told to accept it. Our elected officials can comment, but they have a political agenda and that often overrides their own constituents' concerns. We the public need someone else to help us represent our concerns to TCEQ. Regarding enforcement, TCEQ overrides local authorities when a permit violation occurs. And I would like to cite a specific example that happened to me. An upstream landowner released 30 acre-feet of water and sluice from their impoundments to improve their in-channel manmade lakes. The Bandera County River Authority and Groundwater District came within three days with three staff members and walked the entire three miles of creek with me, took 75 photographs and samples of silt. I walked them up to where the dumpage was made, and



then I had them do their investigation and walked back and they joined me at my house. What happened then, is my ask of TCEQ to investigate this. They came out more than 30 days later. And they did nothing. They told the local river authority to stand down and that they were taking over the investigation. And they ignored all the dead frogs that were in the creek, which I took pictures of. Nothing was done. No violations were issued against this illegal dumping. And all of us have been praying since 2019 for a flash flood to wash out the silt that I still have present in our creek. In both areas of permitting and enforcement the TCEQ process fails to invite the expert opinions of local authorities, such as the local groundwater district or a river basin authority, who knows the rivers and streams in their area like the back of their hand. This input could have many different avenues. The county could be asked to provide an assessment of an impact of a proposed permit and exerting some local control and, in that way, provide the public who are going to bear the consequences of this pollution to have some voice. The local authorities could be engaged by helping evaluate and enforce permit violations. It is only through a more collaborative effort that the TCEQ can be improved. Local authorities are experts who have nuances of local issues. TCEQ knows statewide edicts but not how these edicts may affect the local public. Why hasn't this changed? Because TCEQ does not want to give up its power and because the local agencies are supposed to be aligned with state mandates. So we the public are left with a broken system. Permitting pollution is what TCEQ does best and we the public are given no choice but to fund TCEQ with our taxpayer money and accept the consequences. I want to just mention to finish that when I started, I was faced, my community was faced, with two permits — a wastewater discharge permit and a water rights permit. And we had to learn everything by ourselves how this whole process did. And I was still practicing medicine in Bandera, Texas. And a man came in one day and said, "Can I please speak with you?" And he warned me about TCEQ. And he warned me that we had to work the hardest we could ever work, and we have. He said once that permit is issued TCEQ will never give that permittee a violation, and he told me about his experience. So I just am hoping tonight that you are listening to me, that you can involve the local authorities to help us with all of the permitting in TCEQ, so that I don't have to be the next person that's going to go into someone else's office and tell them how disappointing this process is. Thank you.

42:04

**[Nathan Glavy, Greater Edwards Aquifer Alliance]:** My name is Nathan Glavy, and I'm a technical director for the Greater Edwards Aquifer Alliance, GEAA, here in San Antonio, Texas. GEAA is a 501c3 nonprofit organization with a mission to promote effective, broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs and watersheds, and the Texas Hill Country that sustains it. GEAA has the privilege of working with a 56-member group that works together to make GEAA's mission happen, having a multi-county reach from Del Rio, Texas to Austin, Texas. With advocating for the protection and preservation of the Edwards Aquifer area, GEAA and its member groups often submit comments to TCEQ on a variety of different permits and application, including those associated with the Texas Pollutant Discharge Elimination System. To make comments, GEAA and its member groups rely on accessing permit application and paperwork to better understand details and to make our cases hard. However, the difficulty of obtaining this paperwork has proven to be a surprising hurdle to overcome. To obtain permit paperwork, one must go to a physical location, such as a public library, City Hall, or even a TCEQ office to view and make copies. This may not seem like a big deal, but with the growing capacity to access information online, especially since the COVID-19 pandemic, I would encourage TCEQ to adopt a practice to make permits applications readily available

online for viewing and downloading. Recently, GEAA submitted comments on three different Texas Pollution Discharge Elimination System permits that were in three different locations across the Texas Hill Country. Each permit application could be viewed and copied. However, each permit application had a separate physical location, one we must go to and travel to to obtain the paperwork. GEAA was fortunate to partner with different member groups to obtain set paperwork. However, not everyone has that same luxury as we do. To conclude, TCEQ does offer the opportunity for the Texas public to view application notices, such as notices of intent and public meeting notices readily available online through the TCEQ commissioners integrated database and central registry. I would urge TCEQ to adopt a similar practice and make necessary paperwork for permit applications including the [Texas Pollution Discharge Elimination System] permits available to all. Thank you for listening.

45:12

**[Santibanez]:** Good evening. My name is Luissa Santibanez. In addition to translating, on my off time, I'm also a member of the American Indians in Texas at the Spanish Colonial Missions. They're an organization here in San Antonio, that is, worked to serve the, the mission of the Tap Pilam Coahuiltecan Nation, one of many indigenous bands here in San Antonio. And I'm here to offer comments in support of Brackenridge Park, which has been listed as National Register of Historic Places and designation as a state antiquities landmark. There's a lot of confusion as to what permits are needed in order to expand on the Sunken Garden Theater Project that the City of San Antonio wants to do and, and city staff members saying that they had gotten a permit from the U.S. Environmental Corps Agency, and a lot of back and forth. It seems that now the Texas Historical Commission is saying that they didn't say that all these trees had to be chopped down in order for this project to expand. So I'm just here on behalf of that community that stand so strong to defend the trees and then the river around that area that are actually landmark heritage trees, where, you know, the community is concerned that this project would just not just ruin the nature and even just the peace that the migratory birds have in that in that area, but then also that we would be supporting, like the, like the gentleman was saying, like profit over nature and the well-being of the rivers there. You know, here in San Antonio, they stand proudly of the river and the expansion of the San Pedro Creek and and just even the revitalization of all the creeks throughout San Antonio. So, you know, my request is for me, it seems that comments are pretty grim of TCEQ, but hopefully that there's some oversight of local city operations and, and other agencies to give permits in these projects, right where our nature could be devastated by, you know, ambitious spending projects like the Sunken Garden Theater. So hopefully, with all the genius and talent that folks have, maybe we could have both the Sunken Garden Theater project without having to cut down the trees, right, without like that something could be made in a way where the trees were preserved. And, and there was about 150 at stake, which is pretty large, in my opinion. And one of the smaller green areas in the inner city of San Antonio, that for years, San Antonio residents have enjoyed barbecuing and also stands next to the San Antonio Zoo. Right. I know that the zoo said that they weren't against it, the project, but it just doesn't seem right that we would have like this huge concert area right next to — like give the why would the birds be such a problem if like, and not like the loud noise from the concerts and to the all the animals at the zoo. It just didn't make sense. But I know that there's a lot of money to be made. So just wanted to ask attention for that issue, since I was here already, that I make a comment. Thank you.

49:46

**[Annalisa Peace, GEAA]:** Yeah, my name is Annalisa Peace. I'm the executive director of the Greater Edwards Aquifer Alliance. And we sent you pretty extensive comments, but he just wanted to draw your specific attention to a few things. You know, we have been working within our service area, which includes 22 counties in Central Texas, since 2004. And we have been, frankly, so you know, so dissatisfied with TCEQ, that we last year joined with several other groups to petition the EPA to stop delegating enforcement of the Clean Water Act to TCEQ, because we did not feel that they were actually fulfilling that function. So you know, I'll give you an example, and I'm not going to go over all our comments, I just want to highlight a few things. Every year TCEQ, they have in September, a hearing on the Edwards rules. The first hearing that I was involved in in 2004, we put together really extensive comments, and we submitted those. We got a ton of people down there and year after year, we would get people down there. This is an annual event that they have in San Antonio. And, you know, I go over. Every year, I get the notice that they're having the public comment on the Edwards rules. I don't even go anymore, because we've been submitting the same comments since 2005. And no action has been taken. And as new science come at us out, those comments keep getting longer and longer, but there's been very, very few things that we've eliminated from those comments, because TCEQ has addressed them. And it's really frustrating, because, you know, we also go to the Legislature and ask them for legislation that would remedy some of these projects. And then there we've been told that, you know, a lot of things we're asking for could be achieved administratively by the TCEQ. But then, as recently, we go with some rule changes to TCEQ, and we're, you know, told that the chair of that commission is recommending no, because he didn't have specific direction from the Legislature. So it's this catch-22 that we have been caught in for the past 16 years where nothing gets done. And it's very frustrating. And I guess you're hearing from a lot of people who are frustrated. I also wanted to touch on the contested case regulations because it's very frustrating. Many of these people here have engaged in contesting permits. And I think it's scandalous, frankly, because we see so many permits that are actually approved by TCEQ where they're based on faulty modeling. I mean, they're you know, there's a number of reasons, and a lot of them are just that, frankly, it will pollute our natural resources. But then these folks, you know, we have engaged in contesting, I guess, about 40 permits since we've been around. And books have raised, individuals have raised, we estimate, it's over half a million dollars to contest these permits, to hire the lawyers and everything. And I don't think that's right, we have an agency that's supposed to be there to do that. We have a really good track record of negotiating settlements with the folks who are applying for the permits to mitigate a lot of the negative impacts. Now, why could not TCEQ be doing that rather than making people spend money on lawyers to do that? So we recommend also that TCEQ staff when identifying affected parties, they need to grant standing to the owners of private wells that may be affected by the issuance of TPDES permits, the direct discharge permits, no matter whether they live within that mile downstream area of notification that TCEQ notifies. Because they only notify the contiguous landowners or people who are within a mile downstream of these direct discharge permits. That's not enough because there are people whose wells could be affected. The same thing with the air quality. And you know, TCEQ doesn't even have enough monitoring stations, I don't think, to make a basis. So when they're doing air quality, I think they should just admit everybody who shows up as an affected party, because these folks don't go out there because it's fun. I think they also when they're dealing with TPDES permits, they really need to consult contour maps to determine whether parties outside of the adjacent land owner and the rule of thumb of one mile distance for wastewater permits might be affected, because we have seen some really egregious examples where they would not recognize this affected parties, people who clearly would be

affected by downstream and stormwater and direct discharge permits. So this, the whole contested case thing is very difficult. Like I said, we've been able to address a lot of issues and negotiate settlements, but I don't think that we should have to hire lawyers to do that. And then you have the rest of our comments here. And I think several of the folks who are going to come here tonight, were scared off because the weatherman said there's going to be golf-ball-sized hail falling so that they will be submitting their comments to you in writing. So thank you again for being here.

56:24

**[Joshua Sarkardehi, Eyes of the San Marcos River]:** Hello, my name is Joshua Sarkardehi, and I am a member and volunteer event organizer for the nonprofit the Eyes of the San Marcos River. We're a group that primarily focuses on the removal of trash from the San Marcos River and the surrounding watershed. I wanted to first thank the Sunset committee for coming today and listening to public comments. And I wanted to start with the fact that Central Texas has been one of the highest-growing areas in the country consistently for almost a decade now. And we are seeing a growth that our natural areas cannot sustain currently, and TCEQ is doing nothing to help curb that. We see commercial outfitters and land developments for future housing projects taking advantage of ag exemptions to allow for bulldozing bank-to-bank on the San Marcos River, which is causing significant damage. And we're losing a lot of bank and losing water quality as well. Not only that, but we struggle with these developments implementing unmanned treatment centers for wastewater. And those are the ones where you get the most issues. And the problem with that is that it's very easy for a lot of these developments to join in on the San Marcus regional Mann station. And so dealing with that means that a lot of our creekways that are very rain-dependent are getting filled with wastewater that is not being treated at a high enough level, which TCEQ is in charge of setting. The other thing is the ag exemptions are being bought and paid for and then abused, in my opinion. There's no long-term idea for use of these exemptions, they're just using it to get away with as many — with taking advantage of the lack of laws around ag exemption to bulldoze these properties, knock down old growth that is very needed for bank stabilization. Not only that, but the lack of response that we see from TCEQ for complaints, having to call them out four or five times and not getting a response or getting a “we looked at it on Google Maps and didn't see any issues” and not even sending people out has been very troubling. At this point, I think TCEQ is too far damaged, too far underfunded and understaffed, and that we're going to need to see the federal government come in and reinstate a lot of these water quality acts. And take that ability from the state or put it to a new organization. I look forward to talking with you all after the meeting in more detail about this thank you

59:21

**[Milann Guckian, Preserve Our Hill Country Environment]:** Hi, nice to see you guys again. First off, I want to thank you very much for spending time in this area and touring Comal County and seeing what we're up against. I'm here My name is Milann Guckian. And I'm here representing not only myself but my family, my friends, my organization, which is Preserve Our Hill Country Environment, and our alliance with TRAM. Preserve Our Hill Country Environment is a nonprofit organization that formed to preserve, protect, and restore the land, water, air and wildlife in the Hill Country from the insufficiently regulated aggregate industry. Specifically, our grassroots volunteer- driven organization Stop 3009 Vulcan Cory is fighting Vulcan Construction Materials LLC out of Alabama. They're not even a Texas company. To put it bluntly, y'all, TCEQ is in bed with the aggregate industry. They take their marching

orders from TCEQ. The TCEQ takes their marching orders from the aggregate industry. They're looking at economics, sustainable, you know, growth and not at environmental stewardship. I want to tell you our story, PHCE's story, which is my story and people all across the state's story. In 1996, we bought five acres of land in Comal County, because this is where we wanted to retire. We worked hard, we saved our money, we scrimped and put everything we had, and in 2017, we built our dream home and we came to Comal County. Hadn't been here two weeks, and there was a letter in my mailbox that said that Vulcan Construction Materials was getting ready to put a quarry up across the road from me, 350 feet from our front porch. So what did we do? We banded together. In 2017 — this is going to be a quick run through of what we've been through for the last five years — in 2017 Vulcan applied for an air quality permit with TCEQ. Area residents banded together to create the all-volunteer organization grassroots organizations to contest the scientific and factual validity of this permit and the modeling data that was supplied by the applicant. February 2018, TCEQ did hold a public meeting at the new Brownsville Civic Center here in Comal County. Over 500 residents showed up, including the media, local and state leadership, and all these residents and they voiced their concerns and submitted public comments for the record. December 2018, TCEQ did grant our request for a contested case hearing. This is where the money comes in. Anyway, with the State Office of Administrative Hearings, and so this happened to December 2018. So we're looking to year, almost two years, year and a half, two years later. March 2019, SOAH gave us our preliminary hearing, there was standing room only again, in the Comal County courthouse. These are residents saying, "We do not want this, we need somebody to listen to us, we need people to understand that there's dangerous impacts for this environment, to our environment, our quality of health, and nobody's paying attention." The law judge did one good thing for us at that hearing, where originally TCEQ only granted us eight entities as affected parties. Because that was the only people that were a half mile from the one piece of equipment that they were going to permit, disregarding haul roads, the blasting, the other equipment that you use to run a quarry, to run an operation of this magnitude. She agreed with us that it's called a portable rock crushing equipment and that it would probably move along the 1,500-acre boundary of this property, and so she extended the affected party status to 75 more people saying that, yeah, extended it out five miles instead of a half of a mile. And so that that allowed more people to be involved in the affected party status in the contested case hearing. Well, we did get our contested case hearing in June of that year. And it was a two-day hearing in Austin. Following the hearing, and because of the way the hearing is set up, we could not introduce our expert witnesses at that hearing. The only reason they heard from our expert witnesses anyway was during deposition to that contested case hearing, but we could not call our expert witnesses to the hearing. Only Vulcan or TCEQ could. So, if they did not call them, we were not allowed to bring them to the stand. So there is something structurally wrong with this, that we can't even allow our expert witnesses to tell them why we don't think — to give them the impacts of this quarry and why it shouldn't be permitted. Anyway, you know, keeping the plan, the ALJ recommended that TCEQ grant the permit and TCEQ did just that. We showed up at the public meeting in Austin, whole band of people there to try to make comments to to say, you know, hey, we don't want to do this. Our state representative he came in and he spoke against this happening, against granting the air permit. They thanked him for his comments and ignored him. So TCEQ granted the permit. We asked for a rehearing, you know, telling them that we didn't think that they would listen. We filed a motion for a rehearing on the permit, citing the judge's lack of consideration of the negative impact that the quarry would have on air pollution, and we also opposed the fact that Vulcan imposed trade secret on the judge and the judge agreed with her. I mean, y'all, it's rock. What's trade secret about rock? But the



judge allowed it so that actually worked in our favor, because it gave us something to take to court on. So the trade secret was allowed by the ALJ, and it was related to the composite core sample that they use to determine their air modeling. So since we couldn't get what their air modeling was so that we could fight against their numbers, we did our own air model. We did our own core sample, and that was what our experts were going to present and we did not have the opportunity to present. Anyway, February 2020, after they did not allow us a rehearing, we sued the TCEQ. We sued them in district court asking the state to reevaluate the permit, noting the agency ignored important environmental data and made legal errors when granting the air permit. We had a victory. The state judge, the state district court judge agreed with us and remanded the permit back to TCEQ. What's really sad in this is that at the defense table's desk, at their desk, Vulcan sat right next to them. So Vulcan and TCEQ work hand-in-hand to fight this, the citizens of Texas. And after we won that case, the first thing that unfortunately happened was that TCEQ with Vulcan right on in with them, turned around and appealed to the Third Court of Appeals. So right now, that's where we're at, we're in the Third Court of Appeals. Long story short, we followed the arcane, set-to-fail process set forth by TCEQ, and now the property's future is in the hands of Texas courts. TCEQ sided with industry over citizens and issued the permit without adequately considering the impacts on the environment, our natural resources, and the health of the community, as required by state law. Importantly, TCEQ's attention to industry interests and failure to consider the resulting damage to neighbors and the state as a whole demands a significant change in TCEQ's, organization, duties, and focus. The time and cost to citizens to protect their quality of life is more than they should have to shoulder have to bear. To date, our affected parties, the people in our community have spent over \$200,000 on the suit against TCEQ, trying to fight for our rights, for the rights of our environmental rights, for our natural resources, and things of that nature. I've sent you all what my issues are and what my recommendations are, but I wanted y'all to hear our story and what it's taken us to fight. Thank you for your time. Appreciate it.

1:08:34

**[Jack Olivier, Preserve Our Hill Country Environment]:** I think I should follow Milan. Hi, my name is —can you hear me? Jack Olivier. I'm a retired geologist from central Comal County and I'm here representing Preserve Our Hill Country Environment. In 2018, I was shocked when TCEQ issued a draft air permit for a new 1,500-acre limestone quarry in the middle of the Edwards Aquifer, a state-recognized environmentally sensitive area. That is when I joined PHCE and started my investigation of TCEQ's policies and procedures for issuing air and water permits in the recharge zone, specifically. As you probably all well know, the recharge zone is the roof and plumbing for a massive natural rain collection system that provides drinking water to over 2 million people in this area. I believe it is in the process of being significantly damaged by high-density development and quarrying. To begin, I personally have not seen enough new scientific study being done by the TCEQ. The best management practices, or BMPs, being used or outdated and very poorly enforced, in my opinion. The geologic assessment is the primary tool used by TCEQ for rating the environmental sensitivity of surface features in the recharge zone. Only features given a combined rating of 40 or above, and I know this is a little bit technical, require protection. In most cases, these features are obvious cave openings. Because of the rating system, only requiring an estimate of water infiltration, as opposed to any direct measurement, sinkholes, the closed depressions that often occur above caves and dense fracture systems, are often underrated and go unprotected. The geologic assessments are done by firms working for the permit applicants. So it's no big surprise that a high number of features are rated 35 to

39, believe it or not. A more glaring problem to me are the BMPs for quarry operations in the recharge zone. They contain a big loophole because they allow for the removal of caves entirely. So where are the scientific studies that prove quarry explosives are not polluting the Edwards Aquifer? That type of explosive generally used is called ANFO. That stands for ammonium nitrate, or fertilizer, and fuel oil. These are obviously not things we want to have in our drinking water. Why is the Edwards Aquifer authority, the EAA, which is, to its credit, is a science-based organization, not more involved with the TCEQ Edwards Aquifer Protection Program's permitting approval process? The EAA's general manager stated in a radio interview in 2019 that Edwards water quality is now a concern. Groundwater is highly dependent on the conditions of the surface of the recharge zone, and that is being regulated by the TCEQ. Switching to air permitting for a moment, TCEQ's computer air model it uses to grant air permits for quarry operators indicates that there's no dust crossing the fence lines. That is obviously ridiculous to anyone spending time around the courts here. It is one of the reasons a judge, as Milan mentioned, in March of 2021 forced the TCEQ to vacate the air permit issued to Vulcan Materials in 2019. TCEQ and Vulcan are currently in the Third Court of Appeals in Austin trying to get that ruling reversed. I hope the Sunset staff will pay particular attention to what the employees of the TCEQ itself are saying. Many of them have candidly told me that the TCEQ is first and foremost a permitting agency that applies the rules and regulations provided by the state legislature. So who is the TCEQ listening to? TACA, the Texas Aggregates and Concrete Association, is a large lobbying group that represents 80% of the aggregates produced in Texas today. TACA's website in 2019 listed its top 10 reasons for APO members to join. Number four was, and I quote, "TACA has strong relationships with the state and federal regulatory authorities such as TCEQ, the state comptroller's office, TxDOT, DPS, EPA, etc. to insulate our members from adverse rulings in the case of an audit or inspection." And I brought a copy of that just prove that's what it said. So maybe this explains some of the TCEQ's lax enforcement. Today, largely because of citizen attention, reason four has been greatly revised. This is my first experience with the Sunset Commission's review process. Action is clearly needed to get the TCEQ to focus more on protecting environmental quality. I hope this review is part of the solution and not a continuation of the problem. Thank you for the opportunity to speak to you today and thanks to the Greater Edwards Aquifer Alliance for hosting this event. Thank you

1:14:33

**[Brendan Gibbons, GEAA]:** My name is Brendan Gibbons, I'm also with Greater Edwards Aquifer Alliance, but I'm going to read a couple letters submitted from people who couldn't be here today ahead of the event. This one is from Morris Cowley, PO Box 515 Poteet, Texas 78065. Mr. Crowley writes, "I attended a meeting where several representatives of TCEQ were present. The meeting was about the sand pits and mines over the Carrizo Wilcox Aquifer Recharge Zone in southern Bexar in northern Atascosa County. It was brought up about how close to the water table can the pits be dug without contaminating the aquifer and contaminating the streams from the runoff from the containment pit. Also the silica dust they create and etc. What I got from the meeting is they, the TCEQ, only care about surface water and nothing about underground water, runoff water, contamination of underground water and contamination of streams, and very little about the dust. Last time I checked, this is all part of the environment. All they said is what they cannot do and very little of what they actually can do. TCEQ's goal is clean air, clean water and the safe management of waste. They are not meeting their goal. What I got from this meeting is that the TCEQ is basically useless." Now I have one more here. This one is from Larry Bartek, 1120 Williams Rd. Poteet, Texas 78065. "My overall experience with the TCEQ has

been disappointing at best. No doubt they represent a serious and necessary protection of our natural resources and environment and daunting and challenging as well. But oversight, both general and industry-specific, is lacking. The industry I refer to is the sand mining industry. The resources I refer to are air and water, both surface and underground. My specific experiences are best expressed in these investigations by TCEQ as a result of complaints filed either by myself or my neighbors: Investigation #1171832, Incident #198279, conducted 05/21/2014 – 06/10/2014, Regulated Entity #RN102429230, Martin Marietta Materials Southwest LTD. Investigation # 1530852, Incident # 297843, conducted 10/30/2018 – 12/28/2018, Regulated Entity # RN109808352, Preferred Sands of Atascosa. Both cases involve unlawful discharge of stormwater or treated water with unspecified pollutants into waterways with deposits noted as far downstream as approximately three miles, per the investigator. Interestingly, the one investigation turned up several other deficiencies, including failure to report, failure to maintain records, failure to maintain facility and its systems, and operating outside the authority of its permit, to name a few. There were several violations cited, but, to my knowledge, there were no penalties imposed, nor any follow up by TCEQ on either investigation. A very concerning issue exposed by these investigations is the TCEQ did no follow-through after issuing the permit, as they would have noted some of the deficiencies before the accidents. These are just two incidents of endangerment this industry has had to our environment. There have been many unreported cases of unsightly, if not unhealthy, discharges in our waterways, and many reports of fine dust silica sand blowing from the sand plants. A casual drive down Highway 16 or Highway 281 on the Bexar-Atascosa county lines will reveal evidence of this release of fine dust from vehicles exiting these plants and wind blowing across these sites. The absence of monitoring devices is another indication of a lack of responsibility on the part of the TCEQ to protect the quality of our air. I'll be submitting this information more related directly to the Sunset Advisory Commission in regards to the review of the TCEQ. Thank you.

1:18:47

**[Chris Hopmann]:** I'm Chris Hopmann, I represent myself. I live about well my property is about 65 feet from a proposed Vulcan quarry that you've had mentioned several times. OK? Mark Friesenhahn's comment in reference to TCEQ is broken; I don't think it was ever complete enough to work to begin with, OK? I have sent Sunset Commission two letters, I've sent Region 6 EPA a summary of that and an additional letter to them as well. Mr. Romig, may I ask you how many TCEQ public meetings you've attended? In reference to permitting? OK. I hope it's a lot. OK. Everybody, a lot of the people in here have been to a lot of them. They are embarrassing to the state. They're insulting to the people. They're ineffective to the science. And I would bet you know the old expression, fifth-graders, are you smart as a fifth grade? Really, what's coming out of TCEQ would not pass that test. The simplicity of the comments being made in many of them made tonight, ver smart ones. OK. Part of being a good manager and a person like yourself, Mr. Romig, listen, OK? You've heard people from all over this area. Talk about the same issues, OK? The lack of logic, the lack of science, the lack of listening to the residents, the abuse of government, basically dictating to this residents, OK? What was government designed to do? Represent we the people, not the businesses. The comment came out several years ago in reference to bought-and-paid-for politics. Bingo. OK. I heard in the session before last, that TACA had spent over \$2 million in that session at that point in time. What do you think it's being spent on? What do you think they expect for that money? This gentleman told you, basically, protections from TCEQ, TxDOT, etc. and to eliminate fines, OK? If you go and look at TCE Q's list of violations of APOs,

and that's basically what most of the people here are talking about today, is APOs, OK, not petrochemical plants or anything else. Very, very little of it makes any common sense. It doesn't pass logic, professional view. It is not inclusive of what should be being evaluated before a permit. And the percentage of granted permits for APOs is what 99.6%, something like that? It's awful high. In other words, I think you have to quit filling out the paperwork, you know, in order to not get your permit. I brought in gave to Mr. Romig and the staff, just a copy of health simplistic, and how idiotic, in my opinion, TCEQ is. Number one, the government, our illustrious government's, going to protect the people. Number one, screwed up big time when it gave shell corporations the authority to go by plan under previous consequences, or projections. Okay. That's number one, because they lied to this guy in reference to buying the product. Anyway. This is kind of self-explanatory, as far as the signage. You don't really expect a sign to tell anybody anything if it's down in the ground behind the weeds, do you? White and black sign, this tall, in weeds that tall, how effective is that? By design is the how that has come to be. But I hope Mr. Romig, you listen to the people today, because I did not hear one comment, yes ma'am, that was not factually based, sincere. And we the people are paying the taxes for these people to, in essence, lie and abuse the people, the natural resources of Texas, abused the aquifers, air quality and everything else. So you've got a big job in front of you. I hope you'll reach out and ask for help. OK, I don't know if you're supposed to do that or not, but it's there. Appreciate your time and appreciate everybody's comments today. Thank you.

1:24:28

**[Cliff Kaplan, Hill Country Alliance]:** Hi, good evening. I'm Cliff Kaplan, the program director for the Hill Country Alliance. We submitted extensive comments. We're also a member of TRAM, who submitted extensive comments, and I've visited with you a couple of times on different issues. So I'll just kind of summarize or share I guess two points that I hope really focus on sort of the process sweet spot of what you can talk about in your recommendations to the commission. The first, on aggregates, would be that the sort of de facto approach now of dealing with aggregates particularly with aggregate mines, so quarries, and gravel and sand mines, is piecemeal or patchwork. So, we've just last year the TCEQ did a rules change for sand mining in the San Jacinto basin. Several sessions ago, I mean, maybe a dozen, maybe eight sessions ago, the Legislature created a special portion of the Brazos River named for John Graves that would have its own special regulations for quarrying along that portion of river. So what we're seeing developed is different regulations in different river basins coming online at different times. And it seems to me that it would be much more efficient for the TCEQ and for the industry, and a relief to Texans at large, if the state or the agency, in this case, would go ahead and seek to adopt or create a single set of regulations that would apply statewide. They may need to be tailored, and in particular cases, but at least create that statewide framework, that seems like a big efficiency gain. The other item I wanted to mention, also kind of seeking for efficiencies in the system, is with regards to wastewater discharge permits. Right now there's activity or a rules change petition process, actually, to hopefully, create regulations that would protect, quote, pristine streams. And I know that you all have received comments on those as well. And we're just talking about very low-nutrient creeks and rivers. And again, it seems to me that it would create a lot more efficiency in the system if the state would go ahead and preserve those pristine streams by prohibiting any amount of discharge into them beyond what permits are already out there. We've seen that work in the context of the Highland Lakes and the Edwards Aquifer, Edwards Aquifer recharge zone. And so rather than endure the costs of dealing with permit fights, every time a discharge permit comes up for one of these

places, there could be a lot of efficiency gained by just clearly defining what the rules will be moving forward, prohibiting discharge into those streams. And then I just want to thank you all for making the time and also you folks for making the time to make this event happen and to GEAA as well, and Public Citizen, for helping make this event happen. So thanks very much.

1:28:00

**[Beamer]:** Anyone else signed up to speak would like to speak? Just want to mention a couple of things aside from the first of all, a big thank you to everybody who came here tonight to express your opinions. It's important. Also, for those of you who watched on Facebook and want to recognize both Brendan and Annalisa of GEAA as a stakeholder here for setting this up, putting this together tonight and for putting it on there. Give them a hand. It's on their Facebook page right now. I'm watching. And with the phone down, I want to thank them. You can also comment there. We also want to thank Luissana Santibanez and Glenda Wolin for their work here tonight, as well as the staff here again, they are staff of the Texas Sunset Advisory Commission, but they have come down here from Austin in bad weather to hear from you. And they're going to be able to, I guess, to talk with some of the people afterwards. And so I want to recognize them again and give them your names or their names so you can approach them. I also wanted to mention that on Facebook, there are more representatives, staff of state lawmakers, and some of their contact information is there as well on the Facebook page of GEAA. And want to make sure I get the the names right here again, Erick Fajardo, Robert Romig, Chris Keslar, and Katherina Wierschke, will be here afterwards. And is that it?

1:29:37

**[Bella]:** And thank you, Mr. Beamer for your time. Thank you.

1:29:39

**[Beamer]:** Oh, thank you very much. I'm Randy Beamer of KLRN now, and we'll have a story on about the involving water and just north of downtown where there's going to be the Spirit Reach that is the next part of the River Walk. So hope you watch that, I'm sorry for the plug, but thank you very much, and Robert Romig is going to wrap things up here. Thanks. Thank you all.

1:30:06

**[Romig]:** Thank you all for coming out tonight. And just wanted to remind you that again, this is we are expecting to put out our report at the end of May. So this is not the last time to provide input. If you'd like to give us more input after tonight, please go to [sunset.texas.gov](http://sunset.texas.gov) and find us. Please reach out to us. And again, that staff report with our recommendation should come out at the end of May. The public hearing on that report around June 22-23. And then the decision meeting where the commissione will vote on those materials is actually going to be in October, October 12. So you can find all that on our website. Again, thanks for coming.