

### 3. FACT SHEET

#### PUBLIC ENGAGEMENT AND TRANSPARENCY IN PERMITTING PROCESS

**CONCERN: Facilities get permits behind closed doors without any public input on whether or not they are being protected. The permitting process is not stringent enough and it is to the industry's benefit.**

TCEQ's environmental permitting process is transparent, and allows for multiple forms of public participation and legislative oversight.

There are three kinds of air quality permits common to Aggregate Production Operations (APOs). These are known as Permits-by-Rule (PBRs), Standard Air Permits (SAPs) and Minor Source New Source Review Permits (NSRs). All permits are afforded some level of public scrutiny. For example, any member of the public may request to be placed on the Chief Clerk's Mailing List for any air quality permit application that is submitted for any type of facility in any county in Texas. The public may log onto the TCEQ website (see first bullet below) and request to be placed on the "permanent mailing list for a specific county," which will include any air, water and waste notices that are made for permit applications filed in that county. PBR, SAP and NSR are subject to public information requests. This information is maintained at the TCEQ Central File Room and is often available online. Finally, TCEQ's Public Education Program has staff dedicated to helping the general public understand TCEQ's permitting process and how to participate. Helpful websites and phone numbers for contacting TCEQ are:

- Public Participation in Permitting – [https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/pub\\_part.html](https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/pub_part.html)
- TCEQ Public Education Program – 800.687.4040
- Central Registry Database Search – <https://www15.tceq.texas.gov/crpub/>
- Public Interest Counsel – 512.239.6363
- Make Environmental Compliant Hotline – 888.777.3186
- Track Status of Complaint - <https://www.tceq.texas.gov/compliance/complaints/waci.html>

The public can also monitor TCEQ Commissioner Agenda meetings, which are generally conducted every other week and are open to the public.

During the legislative and interim sessions, TCEQ Staff is often testifying on a variety of environmental issues. TCEQ's funding, emissions reduction program, enforcement process and expedited permitting program has received oversight from the legislature and the Governor's Office. TCEQ often makes written reports to the State Legislature, all of which are open records and may be monitored by the public. Examples include the Annual Enforcement Report, the Biennial "John Graves Scenic Riverway Report" and the Annual Joint Groundwater Monitoring and Contamination Report.

#### PUBLIC INVOLVEMENT IN PERMITTING PROCESS

**CONCERN: Posting requirements make it appear to be a secret when an applicant is seeking a permit, and do not provide for sufficient public involvement.**

**The public is afforded many avenues of public participation for every type of permit.**

***Public Meeting Request for Any Type of Permit***

First and foremost, the public may request a Public Meeting for practically any form of permit application. This is especially true if such request is made by a state-elected Representative or Senator. For example, these types of meetings have been requested and granted with respect to a permit-by-rule (PBR) application in Tornillo, TX (Rep. Chente Quintanilla), a Standard Air Permit application in Marble Falls, TX (Reps. Terry Wilson, Andrew Murr and Jason Isaac) and a PBR application in Kerrville (Rep. Andrew Murr). Notably, these permits are also promulgated by TCEQ rules, which are subject to public comment and participation in the rulemaking process.

***New Source Review (NSR) Permit Applications Have Many Opportunities for Engagement***

The public is afforded two 30-day public comment periods and has the opportunity to request a Public Meeting and a Contested Case Hearing. NSR air quality applications are subject to two newspaper notifications and sign-posting requirements. Copies of the NSR applications are made available to the public and kept in nearby locations, such as public libraries, county courthouses, elementary or high school administrative offices or the closest TCEQ regional office.

The public is often encouraged to meet with and/or call the TCEQ Executive Director's staff in order to learn more facts about the operation being permitted. In all cases, the public may call, write or email the TCEQ Executive Director and request a complete copy of the application. The public may use Public Information Act Requests to obtain real-time correspondence or technical updates, including modeling data, to each pending permit application.

***How to Identify Permit Application Notices***

Identifying the notices for pending permit applications is relatively easy. Often, the public can "Google search" the name of the permit applicant, permit application, county and the nearest city as a first step to learning about the pending application. The Commissioners' Integrated Database can be searched by applicant name or by county, as well. This is available at <http://www14.tceq.texas.gov/epic/eCID/>.

***TCEQ Commissioner Agenda Meetings***

Although the process is rarely utilized, TCEQ Commissioners always allow for unrestricted public comment on practically ***any*** subject ***at every TCEQ Commissioners' Agenda***. This opportunity occurs approximately every two weeks during one of the regularly scheduled Commissioner Agenda meetings. All Agenda meetings are available live online and available online after the fact as well.