

Public Meeting, 4/22/2021
Public Hearing on Project No. 2020-018-039-LS
Speech disfluencies omitted.

1 **Brad Patterson:** Good afternoon, it is April 22, 2021. It is 2:00 PM. I'd like to welcome to
2 everyone to this public hearing being conducted by the Texas Commission on Environmental
3 Quality or TCEQ. My name is Brad Patterson and I'm with the Office of the Chief Clerk. I would
4 also like to introduce Amy Browning and Adam Taylor who are with the Environmental Law
5 Division. This is a public hearing on rule project number 2020-018-039-LS. I've got a script to
6 read where I will summarize some of the changes that are being proposed in this rule package.
7 Before I do that, I'd like to go over the logistics for participating in today's public hearing.
8 Written comments may be submitted at any time during the hearing or until April 26, 2021
9 using the Rules e-comments page on our website; this is the link to our e-comments page. This
10 link is also available in the notice of today's hearing that is available as a handout attached to
11 today's webinar. The notice also provides a mailing address and a fax number to submit your
12 comments. For those participating by computer, you have a control panel on your desktop
13 there is an audio window that you can open and close, it shows that you are connected either
14 by computer audio. If you have working speakers and a working microphone, we encourage you
15 to participate using your computer. However, if at some point you realize that your computers
16 microphone is not working you can switch to a phone call. You would press the radio button
17 next to phone call and it will display a phone number with an access code and a pin number.
18 You will dial the phone number, enter the access code followed by the pound sign, and enter
19 the pin number followed by the pound sign to be connected to the webinar via your phone.
20 You'll be listening to us with your phone and talking to us through your phone you will need to
21 leave the webinar running on your computer to stay connected, but you do have that option if
22 your computer's audio isn't working. On your control panel there is a mute button that will be
23 red with a line through it to show that you're muted. When you hear us call your name, you'll
24 need to unmute yourself by pressing that button. It should turn green to show you're live and
25 then state your name for the record and provide your comments.

26 In the notice of the hearing, we also provided conference lines. One conference line is for
27 English speakers who do not have access to the computer or access to the internet. That
28 conference line is like any other conference line, meaning that if you call in, you'll be able to
29 hear everyone else who's called in to that conference line. So, it's very important that once you
30 call in and get connected that you mute your own phone so that others who are listening on
31 that conference line won't be distracted by any background noise or interference. That
32 conference line is being monitored by my colleague Jessie and she will let me know if we are
33 encountering any auto issues on that line. The number for that conference line is 844-368-7161
34 and the collaboration code is 435007. Also, in the notice of hearing we provided a separate
35 conference line for those persons who wanted to listen and participate in the hearing in
36 Spanish. At this time, I will ask Flor Dimassi with our interpretation team to come on and read
37 this aloud for me.

38 **Flor Dimassi:** Thank you Brad. (Spanish translation to be provided by the interpretation
39 team.)

40 **Brad Patterson:** Thank you Flor. And as a reminder if you provide your comments in
41 Spanish, please stop every two sentences so that our interpreters can interpret into English for
42 the benefit of the rest of us listening. And then for my English speakers who are participating
43 in today's hearing, please pause after every sentence just so our interpreters who are
44 interpreting simultaneously have the opportunity to stay caught up with us. I'm going to call on
45 you in the order in which you registered for the public hearing. When you hear me call your
46 name, you'll need to unmute yourself by pressing the microphone button on your control panel
47 or unmute your phone if you're on a phone line. Even though you hear me call your name,
48 please state your name for the record and then provide your comments. As we did on Tuesday,
49 we're also going to just ask that you limit yourself to four minutes so that we give everyone an
50 equal opportunity to provide their comments during today's hearing. Once the timer reaches
51 zero, you'll need to wrap up your statement and give someone else an opportunity to provide
52 comments. As a reminder, today is not your last opportunity to provide comments on the rule

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53 project. The deadline to comment on the proposed rules is April 26th. As so, if you'll just bear
54 with me for a moment, I will read through a summary of the proposed changes that this rule
55 project will cover.

56 This rule project will make changes Title 30 Texas Administrative Code Chapters 39 and 55.
57 The changes apply to alternative language, public participation requirements for permit
58 applications that are subject to House Bill 801 which was passed by the 76th Texas Legislature in
59 1999. The proposed rulemaking would: extend requirements for alternative language notice to
60 notices of public meetings when alternative language notice is required for NORI and NAPD
61 publication; require alternative language notice to be posted on the commissions website for
62 applications where the notice would otherwise be waived because of a lack of newspaper
63 publication available; require that notice for a public meeting on air applications be mailed out
64 by the Chief Clerks Office at least 30 calendar days prior to the meeting; require applicants to
65 provide interpreters for public meetings when alternative language comments are received at
66 least two-weeks before a public meeting, the ED determines there is a need for such services, or
67 such services are requested by a local legislature; require the Executive Director to provide a
68 response to comments in an alternative language when comments are received in an alternative
69 language or if the ED determines a community need for the translations, or if requested by a
70 local legislature; when requests for contested case hearing are received in an alternative
71 language the Executive Director, Office of Public Interest Council, and applicant would be
72 required to provide any responses in the alternative language; require permit applicants to
73 provide a brief, plain language summary of their proposed project. The summary would be
74 translated and posted on the TCEQ's website when alternative language publication is required;
75 and allow the Chief Clerk's office to transmit the response to comments by mailing out notice
76 that the response is available electronically on the commissions website or available to be
77 mailed upon request.

78 If you are not familiar with the proposed changes, copies of the proposal as published in the
79 Texas Register are available on the TCEQ website at www.tceq.texas.gov/rules/prop. We also
80 have the hearing notice attached as a handout so that if anyone is planning to submit written
81 comments you can quickly find the information on where to fax or mail those in or submit via
82 e-comments. We will continue to accept written comments on this proposal until April 26th,
83 2021. This hearing is structured strictly for the receipt of oral or written comments. Open
84 discussion is not allowed during the hearing. However, if anyone has additional questions
85 regarding this proposal there will be an opportunity after the hearing to have your questions
86 answered. Once again, please limit your comments to four minutes. Again, we will accept
87 written comments until April 26, 2021. We would just like to be sure that everyone is given an
88 opportunity to speak this afternoon. Also, if someone has already addressed your concerns it's
89 not necessary to repeat those comments word for word you can simply endorse those
90 comments and we'll be- make sure to acknowledge that those were your concerns as well.

91 We will now begin receiving testimony in the order in which you registered. Once I call your
92 name you will need to unmute yourself, state your name for the record, and provide your
93 comments. I will call on you in groups just so that you can be prepared uh, today we will start
94 with Cinthia Cantu, who will be followed by Xochitl Avalos, and then Juan Parras, and then Juan
95 Elizondo. So, let's start with Cinthia. Cinthia go ahead.

96 **Cinthia Cantu:** Okay. Cinthia Cantu. Hello everyone, my name is Cinthia Cantu, and I am a
97 concerned resident of the Houston calling in support of the new rule. The community members
98 from all around Texas, corporations, the city, and the state should all be on the same page with
99 such a delicate topic. To get there we must understand each other. Clearly this isn't happening
100 because we wouldn't be here trying to give a reason on why we should have the right to
101 understand what these companies are requesting or reporting in these public meetings in our
102 language which is Spanish. Stop minimizing what the people of color have to say. We live in
103 communities that are actually being affected, we literally experience these disadvantages unlike

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104 the people making the rules or owners of these polluting companies. Please take this step
105 forward and work with the communities that are being directly impacted. Thank you.

106 **Brad Patterson:** Alright, thank you Cinthia. Alright, up next is Xochitl Avalos. I do not see
107 that Xochitl is on the webinar. Let's check in with the English language conference line. Is
108 Xochitl Avalos on this conference line? Xochitl Avalos? Alright, I'm going to check with the
109 Spanish interpreters. Is Xochitl Avalos on this line? Xochitl Avalos. Thank you. That will bring
110 us to Juan Parras.

111 **Juan Parras:** I just want to confirm that you can hear me.

112 **Brad Patterson:** Go ahead Juan.

113 **Juan Parras:** Okay. I would like to say that the- if this policy moves forward and becomes a
114 requirement that it will be greatly appreciated not only here in the state of Texas but obviously
115 in communities throughout. I want to just give you an example that I'm before- doing the
116 environmental justice work I used to be an international union organizer and I was primary only
117 the reason I was hired to do or work for the international union is because they needed to get
118 Latinos into the unions that did not know English or didn't have connection to many Spanish
119 speaking persons to encourage them to join the unions. And so, it's an issue that is, it's a national
120 issue, it helps people get organized and it helps people participate. And I'm looking forward to
121 the day that this policy would be in effect in our state so that there will be more participation is
122 our hope and also that they will be involved in issues that they care about that they previously
123 were afraid to get into because of the lack of their proficiency in English. So again, I just want to
124 thank you for moving forward and I hope this will be the policy of the state of Texas at TCEQ to
125 make available translations, in person and in writing to communities that request and need it.
126 Thank you for your services to our great state of Texas. Thank you.

127 **Brad Patterson:** Thank you Juan. Up next is Juan Elizondo. Let's see, I am going to check on
128 the English conference line first. Is Juan Elizondo on this line? Hi are you Juan Elizondo?

129 **Female Voice:** For some reasons he wasn't able to attend. He is actually an educator for a
130 high school. A lot of other past communities so that he was not able to attend because of his
131 school profession and he is actually out on the field right now. So are debating that the cultural
132 high school/middle school students (unintelligible) count on Mondays. But he will be submitting
133 (unintelligible) he was unable to attend, and he just wanted me to relay that message.

134 **Brad Patterson:** Alright, thank you very much. Our next group will start with Isabel Segarra
135 Trevino, who will be followed by Yudith Nieto, Anna Parras, and then Seth Johnson. So, we'll start
136 with Isabel.

137 **Isabel Segarra Trevino:** Hi Brad, Amy, and Adam thank you again for arranging this
138 meeting and proposing this rule. I will deliver comments that are substantially similar to the
139 ones I delivered on Tuesday but today I will be delivering them in Spanish. Like Brad said, my
140 name is Isabel Segarra Trevino, and I am hear on behalf of Harris County and Harris County is
141 very supportive of this rule. Uh, so for my comments, (Spanish translation to be provided by
142 the interpretation team.)

143 **Brad Patterson:** Isabel. Isabel. Do you mind letting one of our interpreters come onto the
144 webinar and interpret into English?

145 **Isabel Segarra Trevino:** I don't mind.

146 **Brad Patterson:** Okay.

147 **Isabel Segarra Trevino:** (Spanish translation to be provided by the interpretation team.)
148 Here in the county, Harris County approximately 44% of the people do not speak English in
149 their houses. And approximately 20% of our people do not speak English or speak very little

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150 English that why it is very important for the county. And it's, even though you are calling it a
151 new rule it's not actually new. Before Texas was named Texas, it was Mexico here so that it was
152 a bilingual government. And they had no sign, and it was very clear that everyone understands
153 the rules and they be able to follow them. So, the county supports this rule but it's nothing new
154 this is something that we should have been doing many, many years ago. So, the county has
155 several comments and I'm going to provide them in a written form so right now everyone can
156 hear them I'm going to provide a list of those comments for everyone to hear. The county
157 recommends for any meetings or events that would last more than one hour to have at least
158 more than one interpreter because the interpreters get tired after awhile and they do perform
159 well when they are tired. The county also recommends to have a list of newspapers or
160 magazines that are published in other languages. The last thing is that they are saying that
161 they're going to be a new requirements for these proposals that are going to be offered by the
162 agency so that the thing is that those new proposals should also be translated as well into the
163 other language. And also, the county recommends that many of these people do not read or
164 write or at least they don't read too much. They actually suggest that everything should be
165 done with explanations with different formats so that it can be clear for them. Thank you very
166 much and we would also have written comments as well.

167 **Brad Patterson:** Alright, thank you Isabel. Up next will be Yudith Nieto.

168 **Yudith Nieto:** Yes, can you hear me?

169 **Brad Patterson:** I can. Go ahead, state your name please and provide your comments.

170 **Yudith Nieto:** Thank you for holding this meeting. My name is Yudith Nieto I am one of those
171 caring for Pasadena communities' organizations and also, I'm a community member myself and
172 a language justice worker. I am in support of the proposed rule I think it is important to make
173 this information accessible to include some of the most vulnerable communities not just in the
174 city of Houston but throughout the whole state. We have mono-language Spanish speakers in our
175 communities s as well as other languages. Of course, you all know that the city of Houston is one
176 of the most diverse cities in the US that also includes the state of Texas. So, it makes sense to
177 include alternative languages both to be interpreted orally and also document translation and so
178 I appreciate you offering each of the interpretation during this meeting, I thank you for that. And
179 as a community member and language justice worker I am definitely believed that we need to be
180 inclusive of these folks of these members, community members and the fence line of the
181 industries that are most impacting their health, their air, and their overall wellbeing. They should
182 be informed, and they should at the table and at these meetings to be a stakeholders and
183 decisions makers. It's not just the right thing to do but it's the most responsible and I would also,
184 this also includes them from the beginning of these processes so that we don't go back and forth
185 including community members last minute or when it's too late for them to have a decision or
186 give comments when it's about their own lives. I will also be including written comments and
187 recommendations as Isabel stated. It isn't interpretation as you can all see right now. It's
188 important to invest in the platform with language interpretations so that we can have it
189 simultaneously and not consecutively so that it doesn't eat at the time of people's meetings. So
190 that more people can be involved so that more people can be included, and more voices can be
191 heard. I will also be sending recommendations in from our language justice collective, where we
192 work towards supporting language access in virtual spaces. So, you've but a lot of practice into
193 this and thank you for holding this meeting and thank you for supporting the interpretation
194 during this meeting as well.

195 **Brad Patterson:** Thank you. Up next is Ana Parras

196 **Ana Parras:** Good afternoon my name is Ana Parras I am the co-director of Texas
197 Environmental Justice Advocacy Services. Throughout the many years TEJAS has been working
198 and advocating in our communities. The task of translation has always fallen on community
199 organizations like ours. To have to translate notices from TCEQ and place a burden of having to

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200 do mailouts in dual language for the benefits of the communities well-being and to have their
201 voices heard. We as individuals and as a community organization are still advocating for our
202 communities during this hearing process. We are advocating for this process to be handled with
203 fairness and equity in dual language. The changes being proposed and comments that have
204 been raised are especially important to front line fence line communities that are affected daily
205 by the cumulative impacts from the petrochemical industry that surrounds them. For us that
206 are older and have seen and have lived the many shared experiences of having to translate
207 important documents for a relative or explaining when an individual just asks. Just seeing the
208 frustration in their faces and the need to express themselves and ask questions makes this
209 process today of utmost importance to our community. I look at what is happening today, here
210 and now as something that is long overdue by our state. The state needs to make sure that
211 every site and document is translated for there to be equity and transparency for the
212 communities that TCEQ is supposed to be protecting. Thank you for your time we will be
213 submitting additional comments.

214 **Brad Patterson:** Alright, thank you. Up next will be Seth Johnson.

215 **Seth Johnson:** Hi, thank you. I'm Seth Johnson I work at Earthjustice and I'm here to urge
216 the commission to improve and adopt the proposal. Like Ana said or is the case with TEJAS,
217 Earthjustice will also be joining more detailed written comments and I'm going to try and focus
218 on a few issues here. I know you've heard from some of the people in groups involved with
219 various comments that are going to come in and I would generally support what those groups
220 have said also. And just from participating in this hearing, you know, I know at the top you
221 urged people to speak slowly and to pause every so often. I have to confess I don't remember if
222 you asked for people speaking in English to pause after every couple of sentences or if that was
223 just for people in Spanish. So, if you want me to pause more let me know but reminders might
224 be helpful along the way too.

225 So, I think this proposal is an important first step to realize the promise of democracy and to
226 help Texans improve their own lives. People have the fundamental right to be able to
227 participate meaningfully in important governmental decisions that will affect their lives, and
228 this includes public meetings on proposals that could lead to more air and water pollution that
229 harm people's health and wellbeing. So, people must be given notice in languages they read.
230 Meeting must accommodate the difference languages they speak. With careful thought and
231 planning, this can be done in a way that allows more people to participate meaningfully and
232 respect people's time. This includes the multilingual notice, adequate interpretation services,
233 translation of documents, things like that, that, that it proposes. There are other things that
234 would be helpful too, like timeslots and prioritization for when people can provide oral
235 comments so that people, you know, know when they'll be able to have their say.

236 And further include notices upfront about TCEQ's appearance to nondiscrimination policies to
237 ensure that participants know why this matters. With the proposals a good first step there are
238 some flaws however, the trigger for alternative language notice will predictively fall short. One
239 option for TCEQ to consider might be to have alternative language notice be the default in key
240 counties where there are known to be many people with limited English proficiency and that
241 could help. The proposed short plain language summary requirement is a good start. Some
242 more information would be helpful and easy to include too like a brief summary of the health
243 effects of pollution at issue with that issue. The demographics of the relevant area and the
244 applicant's environmental compliance stats. This information would help community members
245 understand what's an issue in the permitting proceeding and participate in a more meaningful
246 way. Even when full alternative language notice or documents aren't required, TCEQ should
247 adapt, adopt the practice and require that at the start of a document there should information
248 so that someone with limited English proficiency can obtain language assistance and this is
249 similar to what's done with other documents and would be very easy to do. Overall, I'd urge the
250 commission to improve and swiftly finalize changes to its rules to ensure that all Texans,

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251 regardless of their languages have the full and fair opportunity to participate in environmental
252 proceedings like this one. This is an important momentous thing to do, it's really not that hard,
253 and it's absolutely the right thing to do. Thanks for your time.

254 **Brad Patterson:** Thank you. Before I call on our next speakers a couple of reminders, yes, I
255 did request that English speakers just pause between each sentence, like an extra heartbeat or an
256 extra second just to give the interpreters who are interpreting simultaneously an opportunity to
257 stay caught up with us. Also, if you are listening on one of the conference lines, either the English
258 language conference line or the Spanish interpretation conference line, please mute your own
259 phone until you are called upon to speak, thank you. Our next two speakers will be Shiv Srivastava
260 and Yvette Arellano. We'll start with Shiv.

261 **Shiv Srivastava:** Good afternoon Amy, Adam, and Brad. My name is Shiv Srivastava I'm
262 commenting as a community member and as part of the Fenceline Watch. I'd like to begin by
263 thanking TCEQ for providing opportunity to make comment on the proposed rule. I will also be
264 submitting these comments in written form. While I encourage the TCEQ is taking steps to
265 come into compliance with Title 6 of the Civil Rights Act in order for the proposed rule to truly
266 accomplish equitable access to the public input process for all Texans we put forth the
267 following recommendations. In reference specifically to the plain language summary proposed
268 by...(Audio Lost)

269 **Brad Patterson:** Shiv, we lost you. Shiv? If you're there we cannot hear you anymore Shiv.
270 Shiv we will come back to you in just a couple of minutes. That will bring us to Yvette Arellano.
271 Yvette? We just lost Yvette as well. Shiv can you hear me? You'll need to unmute yourself.

272 **Shiv Srivastava:** Uh yes. Hi.

273 **Brad Patterson:** Okay.

274 **Shiv Srivastava:** Okay. I am back.

275 **Brad Patterson:** Shiv, Shiv if you'd like maybe just start over.

276 **Shiv Srivastava:** Yeah sure, thank you I appreciate that. Good afternoon Amy, Adam, and
277 Brad. My name is Shiv Srivastava I'm commenting as a community member and as part of the
278 Fenceline Watch. I'd like to begin by thanking TCEQ for providing opportunity to comment on
279 the proposed rule. While I encourage the TCEQ is taking steps to come into compliance with
280 Title 6 there are a few suggestions that would provide more equitable access to the public input
281 process. Recommendations are as follows: In reference to the plain language summary
282 proposed in 39.405(k), this summary should include a list of health, environmental, and
283 chemical impacts of any proposed application as well as ...(Audio Lost)

284 **Brad Patterson:** Shiv, we lost you again. Sometimes technology isn't all it's cracked up to be
285 unfortunately. Shiv, are you there?

286 **Shiv Srivastava:** Technical review compliance history, impact analysis and affects screening
287 levels. Uh, okay I'm back. I'm going to go ahead and uh, can you hear me?

288 **Brad Patterson:** I can now. You were gone for about 30 seconds.

289 **Shiv Srivastava:** Okay. The TCEQ should develop a standardized template for the plain
290 language summary that all applicants use for uniformity of format and information. Since this
291 will be the applicants' responsibility to provide this plain summary, the TCEQ should provide a
292 stylus that all applicants follow so the public can understand in a uniform manner amongst the
293 many different applicants that will be utilizing this plain language summary. Additionally,
294 require automatic alternative language notice of interpretation in counties that have been
295 identified to house large populations of limited English proficient populations. Future meetings
296 should not be held in venues in which state ID is required to enter as this serves as a barrier

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297 between equitable community involvement in the public input process. Additionally, oral
298 translation provided by the applicant as proposed by 39.426(C)(2) should be unbiased,
299 professional, third party, unaffiliated interpreters. Finally, in reference to 39.426 B 5 A and B
300 alternative language notice, alternative language notice should be provided both online and
301 offline if a suitable alternative language newspaper cannot be identified. Rather than sequester
302 that solely online alternative notice should be posted in community points of interested such as
303 schools, community centers, and public transportation stops as well as notice and alternative
304 language on the radio. This spirit behind language access is to increase public participation in
305 the public input process on behalf of Texans that have historically been faced with barriers to
306 equitable participation. There remain great inequities in access to the internet that
307 disproportionately impact the very same communities that suffer from language isolation such
308 as LEP individuals. Many LEP and non-English households often lack access to reliable internet
309 connections, the hardware necessary to use them, and the technical knowledge necessary to
310 locate the kind of information that TCEQ is seeking to post online. A peer research study from
311 2017 showed that LEP individuals are at a market disadvantage when it comes to online tools.
312 74% of Spanish speaking households reported internet usage uh, in comparison smaller 94% of
313 English dominated household utilize the internet in relation to Spanish speaking households.
314 We are in support of this rule and greater equity and access into the public input process, but
315 we must make sure that while these rules are taking great first steps in addressing the
316 inequities that currently exists that the solutions don't create new barriers. Again, I will be
317 submitting further comments in written format and I thank you for your time. Thank you.

318 **Brad Patterson:** Thank you Shiv. Yvette Arellano.

319 **Yvette Arellano:** Afternoon. Thank you to the TCEQ for providing this public input process.
320 My name is Yvette Arellano I am the founder and director of Fenceline Watch, a Houston based
321 environmental justice organization. I want to state that the reason I am here is because I spent
322 over half of the decade advocating on behalf of Fenceline and frontline communities,
323 specifically Spanish speaking ones. Translating technical documents, going through thorough
324 language worried about whether or not I was doing the job, that was not even a job that I
325 should have been doing for so many years. It wasn't until I crossed paths with people, very
326 talented attorneys, like Isabel Segarra where I learned that this was completely illegal. That for
327 five years of my advocacy I was doing a job that the state government should've been doing,
328 that state agencies should've been doing all along. So, with that I'll highlight a couple of the
329 concerns that I witnessed firsthand from my advocacy and the first is, I'm very happy that the
330 TCEQ is looking at alternative ways to receive Spanish interpretation. And it's very
331 commendable for volunteers and staff to stand up. Unfortunately, this can lead to a process
332 that is not comprehensive, that lacks competency, and so if TCEQ's looking towards volunteers,
333 I strongly urge the TCEQ to pass a proficiency test and that volunteers must be listed on a
334 translation registry for the TCEQ. Create an inhouse TCEQ website evaluation form so that LEP
335 individuals can raise issues over a matter point or not comprehensive services rendered. To
336 require translators and interpreters that fully understand the Spanish/English glossary that the
337 TCEQ, that your agency so brilliantly developed years ago.

338 My second point is going to be about the plain language summary. I agree with all the
339 commenters raising issues over compliance history and raising information to the public about
340 short-term and long-term health impacts. That is information we need in the plain language
341 summary. Along with that, a radius of impact that is usually listed in the technical documents
342 and also, the description over how these areas, how our communities are being described in
343 these documents. As I've experienced so many of our communities are listed as industrial when
344 in fact, they're residential, have multiple churches, multiple childcare centers and so being able
345 to see these descriptions would be invaluable information. I'd also like to raise issues over how
346 the TCEQ is looking to engage the public. I fully agree with the comments that Seth made over
347 requiring specific counties and areas that are known to have limited English proficiency
348 populations automatically receive these translation and interpretation services. And as previous

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349 commenters in the last session raised, rural areas will be at a shortcoming in communities
350 where you have older age populations, so I urge the TCEQ to start thinking about ways to
351 engage communities, whether it's serving or canvassing these areas. My last point is about the
352 website. I asked a question over whether the website would be translated, and I was responded
353 to that this isn't necessarily joint to this process, but I won't stop from commenting on this.
354 The TCEQ is a public agency and therefore should allow access to every Texan because if not
355 now than when. As civil rights complaints are largely left twenty-five years in the waiving
356 unfortunately where in this process now. Thank you to the TCEQ for giving us time to speak on
357 the issues that most affect us.

358 **Brad Patterson:** Thank you Yvette. Okay so Yvette was the last person I had who registered
359 to comment. I'm going to go back to a couple of the folks that we heard from earlier just to see
360 if they are still there and if they would like to comment. First John Reina are you still there?
361 John?

362 **John Reina:** No, thank you. I do not wish to comment.

363 **Brad Patterson:** You don't wish to comment.

364 **John Reina:** I do wish to comment.

365 **Brad Patterson:** Go ahead, speak up for me, state your name for the record and then
366 provide your comments.

367 **John Reina:** Hello my name is John Reina and I'm a resident of (unintelligible) and first I
368 wanted to thank the TCEQ for allowing this opportunity for public comment. Comment I was to
369 make the own pew radius for when things happen at those facilities for those people in extreme
370 disastrous that have to shut their points... I believe that it's very important that everybody
371 learns... should have that information. As well as translating ways on how to problem solve for
372 everybody because when most of the things have been ... people just shutting their doors and
373 windows and leaving it at that they aren't aware that they also need to cover their windows in
374 the plastic. That they need to shut off the air conditioning because that organization is bringing
375 all that toxins in the air and they are think they are fine because their windows are shut. And I
376 also want to, you know, definitions that benefit plain language summary no public oral
377 translated things noted. Thank you.

378 **Brad Patterson:** Alright thank you.

379 **John Reina:** Thank you for letting me to come.

380 **Brad Patterson:** Sure thing. If you don't mind go ahead and mute your phone again. Up next
381 we're going to go to Claudia Rios. Claudia Rios are you still here?

382 **Claudia Rios:** Yes.

383 **Brad Patterson:** Claudia before you begin. Claudia. Claudia. Before you begin please state
384 your name and please stop every couple of seconds so that they interpreter can interpret into
385 English.

386 **Claudia Rios:** My name is Claudia Rios. For us the Spanish community the Spanish
387 interpretation-

388 **Brad Patterson:** Claudia?

389 **Claudia Rios:** I can't hear the interpretation.

390 **Brad Patterson:** Yep. Flor it may be better to just have them interpret over the conference
391 line. And then mute yourself on the webinar interpreter.

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392 **Interpreter:** The interpreter is muting himself on the webinar and will be interpreting on the
393 conference line.

394 **Brad Patterson:** Alright. Let's start over. Claudia go ahead.

395 **Claudia Rios:** My name is Claudia Rios I live in ... Texas. I'm here to ... Spanish language
396 translation. It stands correctly because every time I come into these meetings the translator
397 does a terrible job and does not translate what I'm saying. What I'm sharing is lost. The
398 chemicals, the text on the chemicals should also be translated on the TCEQ website because we
399 the Spanish speakers would love to be able to read them in Spanish. That's all. Thank you.

400 **Brad Patterson:** Thank you. Alright, next we will go back to the English language
401 conference line, monitored by Jessie. Is there anyone listening on the English language
402 conference line that would like to provide comments on the rule package during today's
403 hearing? Again, is there anyone whose called into the English language conference line that
404 would like to provide comments during today's hearing? Very well. Hold on. Wait, wait just a
405 minute please.

406 **Celia Reyes:** The interpreter who is doing the translation from yesterday you can actually
407 understand it's not directly done we don't know exactly what they're saying in Spanish. Thank
408 you very much.

409 **Brad Patterson:** Okay. Who was that? On the Spanish line, who was that? State your name
410 please.

411 **Celia Reyes:** Celia Reyes.

412 **Brad Patterson:** Okay.

413 **Celia Reyes:** Yes, I'm also in favor of the TCEQ, actually if a translator could do a translation
414 is not exactly what we're saying, you know, in Spanish. In Spanish language you cannot actually
415 understand hear us and speak and hear us in translate what we are actually saying. Thank you
416 very much.

417 **Brad Patterson:** Okay. Thank you. At this time is there anyone else on listening on the
418 Spanish interpretation line that would like to provide comments during today's hearing?
419 Alright, thank you. Is there anyone else participating by computer that would like to provide
420 comments during today's hearing please use the raise your hand button on your control panel
421 to let us know. Anyone who's not yet had the opportunity to provide comments that would like
422 to do so at this time? Alright, then we'll go back to Yvette Arellano.

423 **Yvette Arellano:** Yes, I wanted to raise a point I hadn't earlier, and it was specifically about
424 oral, oral interpretation at the public hearings. Er, like I said for the past five years I've
425 witnessed interpretation services only be rendered to people who are able to, who are able to
426 give their state issued ID in exchange for interpretation devices and so if the TCEQ could make
427 note to not allow those things to happen and have an alternative way of tracking interpretation
428 and translation equipment or services as citizenship status or migratory status does not, it is
429 not affect a person's ability to submit public comment. And then also, to translate this rule, the
430 final proposed rule in dual language at least in English and Spanish, that's my personal request
431 because we have such a massive Spanish speaking population of over three million limited
432 English proficiency speakers who weren't able to make it today during the workday, during the
433 work week.

434 **Brad Patterson:** Thanks again Yvette. Isabel, were you wanting to add to your prior
435 comments?

436 **Isabel Segarra Trevino:** Thank you Brad. I wanted to, uh not to my comment but on
437 Yvette's comments, to note if the agency is not aware of this, there are certain forms of

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438 identification that essentially out someone's status in this country and that makes that
439 requirement highly discriminatory towards individuals who may not be permanent residents or
440 citizens but have some other status in this country. So, I'd like for the agency to consider that
441 as it implements this rule and any requirements tied to it. Perhaps there is something else that
442 the, you know I understand those are valuable pieces of equipment, but I've seen this at public
443 meetings and there is some identification that if it's just brandish and some one sees it, you
444 know, next in line then there is a high likelihood that, that person's status in this country was
445 just essentially made public.

446 **Brad Patterson:** Alright, thank you Isabel. At this time is there anyone else that would like
447 to provide comments during today's public hearing? Shiv, are you wanting to add to your prior
448 comments?

449 **Shiv Srivastava:** Yes. I would also like to add that if TCEQ will be soliciting within the
450 agency for translators or oral interpreters that the criteria that the TCEQ uses to identify those
451 employees that they will be using for these services be made public so the public is aware what
452 metrics and what thresholds the TCEQ would be using to use their staff as translators or
453 interpreters. Thank you.

454 **Brad Patterson:** Alright, thank you. Yvette.

455 **Yvette Arellano:** This will be my last comment and request is that the TCEQ permitting
456 office have available hotline for Spanish speakers who call into the agency and want to retrieve
457 information about permit hearings, permit status, comments, and any associated line.

458 **Brad Patterson:** Alright, thank you. Alright Jessie has let me know that there's someone on
459 the English language conference line that would like to comment. Go ahead and state your
460 name please, speak up for us, and provide your comments.

461 **Nalleli Hidalgo:** Hi there, It's Nalleli again. I already provided my oral comments on
462 Tuesday, I just wanted to give another statement before we go up into questions. It's already
463 three O'clock and I just wanted to end with final for the people that stayed on the line, I am
464 speaking to the community members. I just said that, just a reminder April 26 is the last day to
465 provide written comments and the last day is today to provide an oral and if you missed the
466 opportunity you have until April 26th. Thank you so much to Brad, Amy, Adam. For taking
467 today's call. Again, it's Earth Day and some are probably itching to go outside and celebrate . . .
468 almost every day as a Texan. I hope everyone on the call honors that today. Going out
469 gardening, planting, or even just being respectful to plants or anything that is outside and not
470 manmade. Thank you so much to everyone an also to all the people who are still on the call
471 who caught themselves coming back making sure you go out and validate and honor today's
472 public hearing. Today's a historical moment in the history of Texas and thank you to everyone
473 that has contributed throughout the hearing. Also, from the beginning allowing us the moment
474 to what it is now and thank you to everyone for this meeting. Bye everyone.

475 **Brad Patterson:** Alright, Thank you. I think we'll let those positive vibes be the last word. I
476 don't see any other hands raised. I did want to clarify I believe the young lady referenced
477 August 26th. It's actually April 26th is the deadline to comment. So, the commission will continue
478 to accept written comments in the proposed revisions of Title 30 Texas Administrative Code
479 Chapter 39, Public Notice and Chapter 55, Request for reconsideration and contested case
480 hearings, public comment until April 26, 2021. And again, this is TCEQ Rule Project number
481 2020-018-039-LS. We do appreciate your comments and we thank you for coming. The formal
482 comment portion for this hearing is now closed. As I mentioned earlier, TCEQ staff will remain
483 online to answer any questions that you may have. But yeah, for the comments please submit
484 them either online at the e-comments page for rules or you can fax them in or mail them into
485 those numbers that were provided in the hearing notice. Thanks again for coming you are free

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486 to go if you don't have anything else. We will remain available to answer any questions that you
487 may have. Questions regarding the rule package.

488 If you do have a question regarding the rule package, please use the raise the hand button on
489 your control panel or if you're on one of the conference lines either speak up and get Jessie's
490 attention or get Jim's attention if you are on the interpretation line. Any other questions for
491 Amy or Adam? Yvette.

492 **Yvette Arellano:** Yeah, I have a question and it's related to me asking that question about why
493 the website translation isn't necessarily relevant to this hearing if, you know, you and so many
494 people are saying to go online and submit questions the online website is only in English, so I'd
495 like to know how the TCEQ sees these as two different buckets.

496 **Brad Patterson:** Alright, thank you.

497 **Adam Taylor:** Hi there, Adam here. So, the rulemaking process is started by the rulemaking
498 petition which the commission accepted in late 2019. That petition only requested that the
499 agency-initiated rulemaking for alternative language for Chapter 39 and 55 and so the extent of
500 the rulemaking was covered by the petition and that is why.

501 **Brad Patterson:** Shiv go ahead.

502 **Shiv Srivastava:** So hi, I actually had a question ...Recording ended