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TCEQ undergoing Sunset Commission review this year, and public comments are pouring in

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The Texas Sunset Advisory Commission — which can either recommend that lawmakers abolish an agency or recommend changes to make it more efficient — is evaluating the Texas Commission to Environmental Quality in advance of the Texas Legislature's next session. Staff file photo

The state agency tasked with protecting Texas' public health and natural resources is being reviewed this year by the state commission tasked with evaluating whether it should continue to exist or whether changes are needed.

The Texas Commission on Environmental Quality is among the agencies being looked at by the Texas Sunset Advisory Commission, a 12-member panel created and overseen by the Texas Legislature, in advance of the 2023 legislative session that starts in January.



A front-end loader fills a truck with rock in September 2021 at the Hays Quarry Rock Crushing Plant near Buda. The Texas Commission on Environmental Quality, which regulates quarries and other industries that affect the environment, is being reviewed this year by the Texas Sunset Advisory Commission. *William Luther/Staff file photo*

The Sunset Commission can either recommend that lawmakers abolish an agency or recommend changes to make it more efficient. The commission's process, which spans months, involves gathering input from the public.

As part of that process, roughly 15 people from the San Antonio area — who spoke during a recent public forum at the Woodlawn Pointe Community Center — mostly expressed anger, disappointment and frustration over how the TCEQ has protected the environment.

“The TCEQ is not taking care of Texans. ... The TCEQ is broken, and they're not serving the citizens of Texas, and they need to be fixed,” said Mark Friesenhahn, a member of Texans for Responsible Aggregate Mining, an organization focused on the health and safety of that industry. “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.”

The Sunset Commission is expected to publish its recommendations before June, when the agency will hold a public hearing in Austin for people to comment on the recommendations. In July, the commission will finalize its recommendations on the various agencies under sunset review this year and propose them to the Legislature in January.

Robert Romig, a senior policy analyst the Sunset Commission who is the project manager for the commission's review of the TCEQ, encouraged Texans to go to [sunset.texas.gov](https://www.sunset.texas.gov) to get information about the review schedule and how to contact the team.

"We are happy to receive any input you want to give us," Romig said during the March 21 forum, which was hosted by the Greater Edwards Aquifer Alliance. "But the most fruitful kinds of comments are ways in which you feel like the processes the agencies use, their operations, can be improved."

A common complaint among those who spoke at the forum was that the TCEQ's priorities are not aligned with its purpose. They say the TCEQ seeks to safeguard economic development at the expense of protecting the environment and the public's health, resulting in a narrow view when evaluating the environmental impact of any development. Consequently, they say, the TCEQ issues permits without considering the cumulative effects on the environment and health.

Margo Denke Griffin, a member of the grassroots environmental group Friends of Hondo Canyon, complained during the Sunset Commission's forum that the TCEQ often dismisses valid concerns from the public and that its permitting process offers only "lip service" to the public without the ability to alter a drafted permit.

"When the window (for public comment) is closed, the TCEQ executive director dismisses the public concerns in their extensive response to the comments," Griffin said. "Why are we dismissed? Because the TCEQ experts are the experts on pollution and the concerns of the public have already been addressed in the TCEQ's scientific review."

Griffin suggested having local authorities — such as groundwater districts and river authorities, who know the rivers and streams well — participate in evaluating the environmental impact of issuing a given permit.

The Greater Edwards Aquifer Alliance, a nonprofit focused on protecting the Edwards Aquifer, submitted 20 pages of comments to the Sunset Commission, specifically addressing wastewater treatment permitting and compliance, best management practices for stormwater pollution prevention systems and permitting for aggregate industry operations, such as quarries and rock crushers.

Among the alliance's suggestions is that the TCEQ implement rules specific to the Edwards Aquifer for aggregate operations in the aquifer's most vulnerable areas, such as its recharge and contributing zones.

Annalisa Peace, the alliance's executive director, said that over time, she has given up on the TCEQ taking her organization's comments seriously.

“Every year, I get a notice that they’re having the public comment on the Edwards rules,” Peace said. “But I don’t even go anymore, because we’ve been submitting the same comments since 2005, and no action has been taken.”

As new science has emerged about the Edwards Aquifer and its protection, Peace’s organization has submitted additional comments, she said, adding that the list has gotten much longer as the TCEQ has addressed few old or new ones.

Peace also complained about the TCEQ’s process for granting a so-called contested case hearing, which is similar to a civil trial and conducted by the State Office of Administrative Hearings. Such hearings enable residents who would be most affected by industrial development to challenge the issuance of a permit, but Peace said the process for requesting one is time-consuming, expensive and impossible for some people to navigate.

“Groups have raised, individuals have raised, we estimate, over a half a million dollars to contest these permits, to hire lawyers and everything,” Peace said, referring to roughly 40 cases that the alliance has worked on. “I don’t think that’s right. We have an agency that’s supposed to be there to do that.”

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