



Community Air Quality Toolkit

A Manual to Help Residents Advocate for
their Environment



Air Alliance Houston

Clean Air, Healthy Future.

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ABOUT THE COMMUNITY AIR QUALITY TOOLKIT

The goal of the Community Air Quality Tool Kit is to help empower community members who are concerned about their environment and want to become a positive force in changing it for the better.

In this tool kit, you will find information, instructions, examples, and contacts to help you communicate your environmental needs to local governmental agencies, industry, and your neighbors. Communication and advocacy, along with access to accurate information, are the foundations to cleaner air and a healthier, more equitable environment for everyone.

By using the information in this tool kit, you will be able to:

- Make an effective air complaint to the appropriate agencies.
- Have a say in the types of industry that come into your community.
- Negotiate directly with your industrial neighbors.
- Know what to do in the case of an industrial emergency.
- Get your neighbors involved in environmental concerns.
- Influence elected officials.
- Engage media in order to get your message out.



Environmental Justice in Houston, TX

By United States law, every person has the right to clean air, clean water, and a healthy environment. However, despite the improving employment rate and economic growth of Houston, many residents have seen a deterioration in the quality of their air and environment.

Communities that are neighbors to facilities and the waste they produce bear the unfair burden of polluted air, water, and land (1). Minority populations are disproportionately exposed to industrial buildings, waste facilities, and urban pollution when compared to majority populations. Additionally, low-income populations, regardless of race, are more likely to live in areas with worse environmental conditions. Low-income communities and communities of color experience higher-than-average levels of air, water, and soil pollution (2). This burden is an issue of environmental justice.

The United States Environmental Protection Agency (EPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies" (3). Many entities, including grassroots movements, philanthropic organizations, and government agencies are undertaking the goal of achieving environmental equity.

Environmental equity will be achieved when everyone has protection from environmental and health hazards as well as equal access to the decision-making process to have an

1. Global Community Monitor; Bucket Brigades, "Telling Toxic Truth," n.d.

2. Garrett Sansom et al., "The Impacts of Exposure to Environmental Risk on Physical and Mental Health in a Small Geographic Community in Houston, TX," *Journal of Community Health* 42, no. 4 (2017): 813-18, <https://doi.org/10.1007/s10900-017-0322-y>.



Environmental Justice in Houston, TX (cont.)

environment where they can live, learn, and work (3).

Houston is currently experiencing environmental justice issues in communities such as Manchester, Houston. 98% of the Manchester Super Neighborhood is comprised of minority populations, with a median income that is 1/3 less than the City of Houston overall. Manchester is near the Houston ship channel and is consequently at an especially high risk of impacts from the combined effect of hazardous substances. Within 1 mile of the Manchester neighborhood, there are 21 facilities that report to the EPA's Toxic Release Inventory: 11 large quantity generators of hazardous waste, 4 facilities that treat, store, or dispose of hazardous wastes, and 9 major air pollution dischargers. As a result, the Manchester community is exposed to higher-than-average levels of pollution and is experiencing consequent decreases in physical health (5). These kinds of environmental and health inequities are being experienced in communities across Texas and the United States.

There is a growing movement that strives to identify these environmental justice issues and address their causes. As an individual, there are steps that you can take to influence the environment you live in. You can address these problems through reporting air quality problems to government agencies, engaging directly with industry, and getting involved within your community.

3. Environmental Protection Agency, "Environmental Justice," 2019, <https://www.epa.gov/environmentaljustice.gov>

4. Sansom et al., "The Impacts of Exposure to Environmental Risk on Physical and Mental Health in a Small Geographic Community in Houston, TX."



National Environmental Policy Act (NEPA)

In December 1969, Congress passed the National Environmental Policy Act (NEPA), the first major environmental law in the United States. This legislation helped to establish all consequent environmental policies. NEPA requires government agencies to assess the environmental effects of proposed actions before making major decisions. The policy encourages the creation of better-informed decisions as well as increased citizen involvement (5).

NEPA recognizes the impact of human activity upon the environment and seeks to maintain environmental quality. However, despite the implementation of NEPA 50 years ago, Houston residents are still undergoing the health burdens of living in a highly industrialized city with no zoning laws, such as increased asthma incidence and premature death.

This tool kit will provide you with the resources to effectively contest federal and state projects that may negatively impact your environment and your health. Additionally, it will help you to navigate the public participation process in Houston in order for you to advocate for your right to a clean environment.

5. Council on Environmental Quality, "A Citizen's Guide to the NEPA," 2007, www.epa.gov/radon.

Clean Air Act (CAA)

In 1970, Congress established the Clean Air Act (CAA), a federal law that regulates air pollution emissions from both stationary and mobile sources to ensure public health and welfare. The CAA requires that the Environmental Protection Agency (EPA) set national ambient air quality standards (NAAQS) for pollutants based on the danger they pose to human health. Currently there are six "criteria pollutants": particulate matter (PM), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), and lead (6). The CAA requires states to adopt enforceable plans called state implementation plans (SIPs), to achieve and meet NAAQS requirements (7). The CAA also uses technology-based standards to minimize pollution increases from major sources (6,7)

However, enforcing the CAA can be time consuming and expensive. Government regulators often lack adequate budgets and resources to ensure all facilities are following the law. Regulators will often have facilities report violations themselves (8). Houston especially struggles to comply with the CAA. Houston has never met national air quality standards for ozone. Therefore, it is vital that community monitoring takes place to ensure that industrial facilities comply with the law and move closer to meeting ozone air quality standards.

Emergency Planning and Community Right-to-Know Act (EPCRA)

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 is intended to help communities plan for chemical emergencies. This legislation requires industry to report the storage, use, and releases of hazardous substances to federal, state, and local governments. EPCRA requires state and local governments as well as American Indian tribes to use this information to inform and prepare their communities for potential risks (9).

Thanks to EPCRA, you have a right to know what chemicals are being stored and released in your area. EPCRA dictates that the EPA release the Toxic Release Inventory (TRI), a database of polluting facilities and toxic chemicals (8,10). This tool can help you determine the chemicals that a facility emits. This database makes information available by zip code, facility, or chemical at: <https://www.epa.gov/toxics-release-inventory-tri-program> (8).

6. Environmental Protection Agency, "Clean Air Act Requirements and History,"

7. Environmental Protection Agency, "Summary of the Clean Air Act."

8. Global Community Monitor; Bucket Brigades, "Telling Toxic Truth."

9. Environmental Protection Agency, "Emergency Planning and Community Right-to-Know Act (EPCRA)"

10. Environmental Protection Agency, "What is EPCRA?"

MAKING THE RIGHT CALL

CONCERN

You go outside to see if your package has arrived and notice that the air smells like rotten eggs. You don't see smoke, but it's the third time this week you smell the same odor. Is there anything wrong? If so, what's being done?

TAKE ACTION

In addition to their own inspectors, government agencies depend on community members to be their eyes and ears to investigate pollution problems in a timely manner. That's why it is important for you to report your pollution concerns directly to local air quality agencies to ensure that potential violations are properly investigated and addressed.

- Before reporting an air pollution problem, make sure that you have all the necessary information including:
 - The nature of the problem, like smoke or odor.
 - The date, time, and location of the problem. Note if it's an ongoing problem.
 - If known, the source of the problem.
- If you live in a neighborhood where air quality problems are common, consider keeping an odor log. Write down the air pollution problems that you experience, reported or not, in the log. It will be helpful in tracking your complaints (See Odor Log in Appendix A).
- Learn and track environmental hazards in your neighborhood with the BREATHE Tool. You can find the locations of air monitors, environmental hazards, and local pollution releases and their proximity to schools and communities. If you are concerned about your local air quality, use the BREATHE tool to locate potential facilities that are emitting pollution. You can access the BREATHE dashboard at: <http://breathehouston.org/>
- Find the number for your local pollution control agency in either your city or county. You can also contact your state environmental agency, the Texas Commission for Environmental Quality (TCEQ) at **(888) 777-3186**.
- Once you have the information you need, you can file your complaint online or make the call. You can file a complaint online at: <https://www.tceq.texas.gov/compliance/complaints/index.html>. You can call 211, a statewide information source. Numbers for other city and local agencies are listed below. You may be asked for your name, address, and phone number. This information is kept confidential and is necessary if you want to be contacted by an investigator. If there is a case number for your complaint, make sure you write it down before you hang up.
 - **Example:** Hello, my name is Tom Shelley. I am calling to file a complaint about the air. The air in my neighborhood smells like rotten eggs and is making my eyes burn.



TAKE ACTION

An investigator should be dispatched to inspect the air quality incident within 24 hours. If an investigator calls to discuss your complaint, write down the investigator's name and your complaint number.

If you do not get a call back within 24 hours, follow up on your complaint by calling the local agency directly and ask to speak to an investigator. Make sure to document the dates and times of your calls and any results.

Once TCEQ finishes its investigation, you should be given written notification of the results and you may contact the investigator with remaining questions. TCEQ should inform you of further enforcement actions. You can track the status of your complaint online at:

<https://www.tceq.texas.gov/compliance/complaints/waci.html>

QUICK REFERENCE

City of Houston Complaints and Community Assistance	311
<ul style="list-style-type: none">• (Ask for a case number) - Note: Your call will be forwarded to the City of Houston Bureau of Air Quality Control (BAQC)	
Harris County Public Health	(713) 274-2831
Harris County Pollution Control Services Department	(713) 920-2831
Galveston County	(409) 938-2251 or (409) 938-2411
For Brazoria, Chambers, Fort Bend, Liberty, Montgomery, and Waller Counties, call the TCEQ Environmental Hotline	(888) 777-3186

NAVIGATING TEXAS' COUNTY SYSTEM

CONCERN

The company next to your home is releasing pollutants that are getting onto your property. Who can you call to address this issue?

ABOUT TEXAS COUNTIES

Across Texas, 254 counties serve over 28 million Texans (11). In each county, a team of locally elected and appointed officials serve its community (12). County government is a functional arm of the state government and offers services at a local level, such as providing health and safety services, providing public safety and justice, and registering voters (11).

The county officials that can influence your environmental exposures are the:

- Judge
 - Presiding officer of the Commissioners Court
 - Represents the county in many administrative functions
 - Head of emergency management
 - Has broad judicial duties
- County Commissioner
 - Member of the Commissioners court - can exert broad policy-making authority
 - Represents one of four precincts within the county
 - Typically, responsible for building and maintaining county roads and bridges within their precinct
- County Clerk
 - Recorder and custodian of important records
 - Services as chief elections officer in most counties

- Clerk and custodian of records for the Commissioners Court and other county courts
- Issues marriage licenses
- Sheriff
 - Licensed peace officer - is responsible for enforcing the criminal laws of the state
 - Manages and operates the county jail
 - Provides security for the courts
 - Serves warrants and civil papers
- Constable
 - Serves as a licensed peace officer and performs various law enforcement functions, including issuing traffic citations
 - Serves warrants and civil papers such as subpoenas and temporary restraining orders.

TAKE ACTION

Pollution Control Services

The purpose of Pollution Control Services (PCS) is to ensure clean air and water for Harris County residents consistent with the protection of public health, enjoyment of property, and the protection of plant, animal, and marine life. The responsibilities of PCS include:

- Enforcing TCEQ rules and regulations
- Emergency response
- Responding to citizen complaints about air, water, or solid waste problems
- Reviewing and Commenting on TCEQ permit renewals and amendments.

11. Texas Association of Counties, "About Texas Counties," 2018, <https://www.county.org/About-Texas-Counties>.

12. Texas Counties Deliver, "What do Counties do?" 2019, <http://texascountiesdeliver.org/>

- Laboratory analysis of water, soil, and solid waste samples to identify and quantify compounds that may be hazardous, a public nuisance, or detrimental to the environment
- Assessing and compiling reports and evidence relating to violations of environmental laws for civil or criminal litigation.
- Monitoring, inspecting, and investigating activities and facilities associated with air, water, and hazardous waste pollution.

To report an air quality issue, call Harris County PCS at **(713) 920-2831**. Make sure you have all information necessary, including the nature of the problem, the date, time, and location, and the source of the problem, if known.

Environmental Investigations

Harris County Precinct 1 Environmental Division is a county-wide investigative group that works with other county officials to respond to and eradicate environmental crimes like air pollution and illegal dumping. Deputies working under the Constable will conduct environmental investigations responding to neighborhood complaints.

If you want to report illegal dumping or pollution problems, call **(832) 927-1567**.

Commissioners Court

Commissioners court is responsible for conducting the general business of the county and consists of the County Judge and four Commissioners. The court:

- Adopts the county's budget and tax rate
- Approves all budgeted purchases of the county
- Fills vacancies in elective and appointive offices
- Has exclusive authority to authorize contracts

- Sets all salaries and benefits
- Provides and maintains all county buildings and facilities.

Commissioners Court may address environmental issues in the context of buildings and facilities. Community members have the opportunity to speak at Commissioners Court and make their thoughts and feelings known. If you would like to speak at Commissioners Court, fill out this form in advance:

<https://appearancerequest.harriscountytexas.gov/>.

If you would like to request an appearance on the day of the Commissioners Court meeting, you must report to the lectern outside of the Commissioners Courtroom.

For tips on speaking at Commissioners Court, please refer to the section "Communicating with your Elected Officials" on page 23.

All Commissioners Court meetings are held at: (Unless noted otherwise):

1001 Preston Street, Suite 934
Houston, TX 77002

Find out the next Commissioners court meeting at:

<https://agenda.harriscountytexas.gov/>.

If you would like to sign up for notifications and receive Commissioners Court meeting agendas, sign up here:

<https://agenda.harriscountytexas.gov/RequestAgenda.aspx>

QUICK REFERENCES

Harris County Pollution Control Services	Phone: (713) 920-2831
Environmental Investigation	Phone: (832) 927-1567

COMMUNICATING WITH INDUSTRY

CONCERN

You live near an industrial area and are afraid that the air pollution is affecting you and your family's health.

TAKE ACTION

It is critical for you to have an open line of communication with your industrial neighbors.

Sirens

Sirens are an important part of a company's emergency response system. Most facilities conduct weekly siren tests as a part of their safety plan. These are drills, not actual emergency warnings. It's a good idea to be aware of the siren testing schedule in your area so you know the difference. Call the companies near you to find out their schedule.

Community Advisory Panel

Community Advisory Panel (CAP) meetings were established throughout the region to improve communication between industry and residents. Most CAPs meet several times a year. During these meetings, industry representatives are present to give a report of any accidents or upsets at their facilities and answer questions from community members. Additionally, industry presents their annual emissions in the Toxic Release Inventory report in the late fall. CAP members can also request presentations from an array of government agencies and industry professionals to learn about air quality topics. The only requirement to become a member of a CAP is to live close to an industrial facility. To find out if there is a CAP in your area, contact your neighboring industrial companies.

Community Awareness Emergency Response (CAER)

CAER Online is a resource that provides information to the community about industrial incidents. Its messages offer basic information such as what the incident or event is, where it happened, and whether any action is required by community members. CAER Online is a voluntary effort by local industry to help companies identify and eliminate industrial odor sources and provide the community with a means to know about industrial incidences.

You can access industry messages by visiting the East Harris County Manufacturers Association (EHCMA) website at <https://www.ehcma.org/caeronline/>. You can also access messages through the CAER App. Download the app by searching "EHCMA CAER Online" in the App Store (for iPhones) or Google Play Store (for Androids).

In Case of Emergency

An accident or a natural catastrophe can cause an industrial area to experience heavy emissions, an explosion, or other major incidents. You must be prepared to protect yourself and your family. If you hear an explosion or see a lot of smoke, you may need to shelter-in-place to avoid harm.

Shelter-in-Place Guide

(Adapted from the CDC Shelter-in-Place Guide)

GO INSIDE. Take yourself and anyone near you, including pets, inside an enclosed structure, whether it's a house, business, or vehicle. Close and lock all outside doors and windows (locking can provide a tighter seal).

TURN OFF the ventilation or air conditioning system to prevent outside air from coming in. If you are in a home, get into an interior room of the house with no or few windows and shut the door. If you are instructed to seal the room, use duct tape and plastic bags to seal cracks around the door to block air from entering the room.

STAY TUNED. Keep listening to your radio, television, or phone for important information about the emergency. Look for emergency broadcasts or instructions that may scroll at the bottom of the screen. Emergency Alert System broadcasts are activated by local authorities when there is an emergency.

STAY IN TOUCH. Once you and your family are secure, let your emergency contact know via call or text what is happening, where you are, if any family members are missing, and how you are doing. Afterwards, only use your phone for emergency calls. Keep your line open as much as possible; emergency personnel may call you with specific instructions. Be prepared to evacuate if instructed to do so.

STAY INSIDE until you hear the "All Clear" message from local authorities.

Note: If you have family members in school, do not pick them up. Teachers and staff are trained on how to protect students during emergencies. If the school has been instructed to shelter-in-place, you will not be able to enter the school for the children's protection. Do not call the school; their phone line must be kept open to receive instructions from authorities.

FURTHER ACTION

As a community resident, feel free to contact industry whenever you have a question or concern. At meetings with industry, introduce yourself to the representative from the facility that affects you the most. Save their contact information for future reference. You may be invited to join a call list. In the event of an emergency or major event, some plants may call you directly with important information.



GETTING INVOLVED IN YOUR COMMUNITY

CONCERN

You feel like not enough people in your community are aware of important environmental issues.

TAKE ACTION (13)

There is power in numbers. By joining a civic organization in your community, you can bring focus to air quality issues and get your neighbors to speak up for clean air. If you do not know of one where you live, call your city government and ask for the nearest one.

Newsletters

Several civic clubs publish newsletters that are distributed at meetings, delivered to residents, or posted online. You can sometimes find neighborhood newsletters at the local library or community center. Ask your neighbors if there is one for your community. If not, suggest that your civic club start one and volunteer to help.

Community Meetings

If you are not participating in an already established group, you can communicate with your neighbors and set up a meeting. The more people who get involved to speak up and advocate, the better your chances are of achieving your goal, whether that be preventing industry from moving into your neighborhood or raising awareness of a pollutant.

To get started, hold a get-together or community meeting. This can be informal and/or social, but keep in mind that everyone is there to discuss the pollution issues in your neighborhood. Make sure to have a sign-up sheet for your neighbors' contact information. Be sure to cover the key points below:

13. Adapted from: Global Community Monitor; Bucket Brigades, "Telling Toxic Truth."

- **Identify the Problem:** As a group, list the odors or pollution problems in the area. Who experiences what, where, and how does it make them feel? For example, one person may experience noise during the day if they live closest to the plant. Another neighbor may get sweet smells in the morning that gives them headaches. Have someone take notes.
- **Log Sheets:** After your neighbors have described the pollution problems, ask everyone to fill out odor log sheets (please refer to the sample Odor Log in the appendix). A log sheet can be a comprehensive document that details who to call during a pollution incident with lists of all the odors and their intensities. A log sheet can also be a consistent notebook that one of you keeps that describes what you see, smell, taste, and feel. The more odor logs your group compiles, the more evidence you will have at your disposal. You want at least three people in the group to fill out log sheets. One way you can keep odor logs organized is to compile the odor logs monthly online or onto a calendar so you can see how many pollution episodes occurred each month. This will help to identify the primary problems in the area.
- **Photographs and Video:** recording evidence during a pollution incident is very important. Taking photo and video is strong evidence. You can improve your log sheet with pictures or videos of corresponding odor incidents and put the result into emails, websites, and social media platforms. This will help to validate your experience
- **Research:** It is important for a new community group to conduct background research. Once you have identified the problems in your area, group members will need to answer a few questions:
 - What pollutants are in the area?
 - Who is putting out the pollution?
 - Who is the decision maker at the company?
 - Is there a history of pollution issues in the area or at this facility?
 - Does this company have a history of pollution offences in your area or other communities?
 - Are there other communities that have had similar problems with this type of pollution?
- **Potential Resources**
 - The BREATHE tool - find environmental hazards and illegal air pollution releases in your neighborhood (<http://breathehouston.org/>)
 - EJSCREEN, the EPA's environmental justice screening tool (<https://www.epa.gov/ejscreen>)
 - TCEQ's Investigations, Compliance, and Enforcement website (<https://www.tceq.texas.gov/compliance>)





- **Picking a Campaign:** Once your group better understands the problems in your area, it's time to focus your efforts. The best community movements have a plan of action and a strategy to accomplish their goals. Here are a few examples of groups that have been successful with a variety of strategies:
 - **Good Neighbor Campaign:** This type of campaign can be effective when you want to change the behavior of a currently operating facility. This is a valuable campaign strategy for communities that do not want a local polluting facility to close. A Good Neighbor strategy is usually conducted by communities that want the polluter to do better and work towards a win-win situation with the company. Working directly with industry cuts out bureaucracy and encourages the facility to pollute less than legal pollution levels.
 - **Buyout or Relocation Campaign:** This campaign is helpful for communities that are located too close to a polluting facility and/or a community whose health is being severely impacted from industrial pollution. In this case, the facility and the community come to an agreement in which the facility pays to relocate community members to a safer neighborhood. This is not an ideal outcome because it breaks up communities, but it may be necessary to protect the residents' health. If this is necessary, the polluter should pay to relocate all the families that are in danger.
 - **Closing the Facility:** Sometimes, a facility may threaten the well-being of a community to the point that the best option is for the facility to shut down. Very occasionally, when a community campaign is working to get an industry to clean up by investing in new equipment and better operations, the management will decide on its own to close instead of cleaning up.
 - **Pollution Prevention and Facility Cleanup:** the best way to stop toxic pollution in your neighborhood is to prevent it from being emitted. Find out if a facility applied for an air permit in your neighborhood.



Additionally, researching permits for expansions on current facilities can help you to prevent pollution before it starts. Getting ahead of the problem before it starts can be extremely effective. You can use the BREATHE tool to identify if air permit applications have been filed at: (<http://breathehouston.org>)

- **Legal Action and Lawsuits:** Class action, toxic tort, and other legal tools have gained high profiles in the press but are often unsuccessful. Legal action can be an effective measure for community groups that have the proper guidance and access to a law firm. When a claim has been filed, it is essential for community groups to organize and continue with all odor recording functions.
- **Communication:** Before you end your community meeting, make sure you have all attendee's contact information. Build a phone or email tree to communicate in case of a pollution incident. Utilizing a social media platform like Facebook is also convenient for communication. You can create a group specific to your concern and invite meeting attendees. All communication can then continue within the platform. This also makes reaching out to other community members easier.
- **Coordinator:** Identify the person with the most time, expertise, and motivation to coordinate meetings and odor logs. This person can collect the odor logs monthly, communicate with relevant organizations, and keep accounts with banks. If there is more than one person for this job, delegate tasks and communicate effectively to maximize your skills.
- **After the Meeting:** After your introductory meeting, your group will need to do additional research to make sure that you have the necessary tools for your situation. If you need more information or useful contacts, contact Air Alliance Houston – we can work with you to find appropriate partners and tools.

PARTICIPATING IN THE PERMITTING PROCESS

CONCERN

You see a notice in the newspaper saying that a concrete batch plant has applied for an air permit close to your neighborhood. You're unsure of the steps you can take to prevent the permit from being approved.

TAKE ACTION (14)

Federal and state environmental laws require companies or individuals to get a permit if they want to release pollutants into the air. In Texas, these permits are usually issued by the Texas Commission on Environmental Quality.

Before a company can build a new facility or renew a permit, the company must request a permit from TCEQ. You can affect decisions regarding whether a new facility can be built, how a facility can operate, what kind of monitoring the facility must conduct, and how much pollution a facility can release by participating in the state environmental permitting process.

It is rare that TCEQ denies a permit, but public participation in the permitting process can often lead to tighter pollution limits, better controls, and more effective monitoring. If you are concerned about pollution that may impact your community and your health, you should participate in the permitting process.

The Permitting Process

For permitting actions that allow for public participation, the normal permitting process can be broken down into four steps.

Step 1: Notice of Receipt of Application and Initial Comment Period

The permitting process normally begins when a company or individual files an application for a permit. The application can be for a new permit or for a change in an existing permit.

TCEQ conducts an administrative review, checking that the application contains all the parts required by law. If it is not administratively complete, the agency asks for additional information from the permit applicant. When the application is administratively complete, TCEQ issues a **Notice of Receipt of Application and Intent to Obtain Permit (NORI)**. The NORI describes the location and nature of the proposed activity, lists contacts at the agency and

14. Adapted from: The University of Texas Law School Environmental Clinic, "Texas Environmental Public Participation Guide" (Austin, 2017).



for the applicant, and identifies where the public can view and copy the application. It also dictates how to submit comments, get on the mailing list, request a public meeting, and request a contested case hearing.

The applicant must publish the NORI in both a newspaper of general circulation and depending on the location, a bilingual newspaper. Additionally, TCEQ's Chief Clerk must post all public notices online.

The NORI kicks off the initial comment period. During this period, you can file comments identifying issues you're concerned about. For most permits, you can also request a public meeting or contested case hearing.

Step 2: Technical Review

After an application is administratively complete, the TCEQ starts a technical review of the application. At the end of the technical review, TCEQ will either issue a draft permit or recommend denial of the application.

Step 3: Notice of Application and Preliminary Decision and Second Comment Period

A draft permit is issued after the TCEQ has completed a technical review of an application. TCEQ will usually mail notices to people on the mailing list, post notices on its website, and authorize the applicant to publish a second public notice in the newspaper: **The Notice of Application and Preliminary Decision (NAPD)**.

The NAPD includes the TCEQ's preliminary decision about whether to issue a draft permit, states the proposed permit limits, and triggers the start of a second public comment period. This is another opportunity to submit public comments and request contested case hearings and public meetings. During this comment period, you can review and submit comments on the actual draft permit.

Step 4: Final Decision to Issue or Deny Permit

The TCEQ Executive Director will issue a decision letter that will grant or deny a permit or pass the decision on to the TCEQ Commissioners. You can contest this decision by requesting a motion to overturn, motion for rehearing, reconsideration, or a contested case hearing. More details on these procedures are provided below.



Challenging a Permit Decision

For permitting actions that allow for public participation, the normal permitting process can be broken down into four steps.

Challenging the Executive Director's Decision

If the Executive Director decides to issue a permit, you have a few ways to challenge the decision:

- **Request a Contested Case Hearing:** For many types of new permits and certain types of permit renewals, you can request a contested case hearing within 30 days of the date of the Executive Director's decision letter.
 - Note: your request for a contested case hearing is only valid if it is based on comments you made during the public comment periods. Therefore, it is very important that you submit detailed public comments.
- **Request for Reconsideration:** After the Executive Director mails a decision letter, anyone can file a request for reconsideration asking the TCEQ Commissioners to reconsider the Director's decision. This must be filed within 30 days of the decision letter and must include your name, address, phone number, and an explanation of why you believe the decision should be reconsidered.
- **Motion to Overturn:** If there are no requests for contested case hearings or reconsiderations and the Executive Director issue the permit, any person can file a motion to overturn the Director's decision within 23 days after the mailing date of the signed permit. This motion should explain why the TCEQ should review and overturn the Executive Director's decision.

Challenging the TCEQ Commissioners' Decision

If the TCEQ Commissioners grant a permit request, you have two ways to challenge the decision:

- **File a Motion for Rehearing:** You can file a motion for rehearing, asking the TCEQ Commissioners to reconsider their decision. The motion for rehearing must be submitted within 25 days after the Commission's decision is signed. If the Commissioners don't act on the motion within 55 days after the decision, the motion is overruled.
- **Appealing to Travis County District Court:** If you have exhausted other participation options, you can file suit in the Travis County District Court seeking judicial review of the agency's final action. You must do this within 30 of the Commissioners' decision.

- Note: you may have to file an appeal in court before the TCEQ denies your motion to overturn. If you want to file suit, you should consult with an attorney as early in the participation process as possible.

QUICK REFERENCE

You can submit requests and comments electronically at:

<https://www.tceq.texas.gov/agency/decisions/cc/comments.html>

Or file by mail, hand-delivery, or fax (Chief Clerk's name will be enclosed in the decision letter)

Mail to:

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

Courier or hand-deliver to:

Office of the Chief Clerk
TCEQ
12100 Park 35 Circle, Bldg F
Austin, TX 78753

Fax to:

(512) 239 -3311

Note: If you fax your filing, you must mail or hand-deliver the original document and the appropriate number of copies to the Office of the Chief Clerk within 3 business days.

For Your Information

- **Office of Public Interest Counsel (OPIC):** OPIC informs the public about legal aspects of contested case hearings
 - (512) 239-6363
- **Commissioner's Integrated Database:** The TCEQ post permit information (notices, permits, etc.) online
 - <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/HowToUseCID>
- **Search for Public Notices:** The TCEQ posts public notices online
 - https://www.tceq.texas.gov/agency/decisions/cc/pub_notice.html
- **Upcoming Public Meetings & Contested Case Hearings:** The TCEQ posts upcoming meets and hearings online
 - <https://www.tceq.texas.gov/agency/decisions/hearings>
- **Environmental Permitting: Participating in the Process:** Overview of the permitting process according to environmental permits
 - <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation>



MAKING PUBLIC COMMENTS TO A GOVERNMENT AGENCY

CONCERN

You have learned that a company near your home wants to build three new tanks on their property. You don't know what they will be storing and you're worried that this may have a negative impact on you and your family's health. How can you get more information and voice your concerns?

TAKE ACTION

Texas's environmental agency, the Texas Commission on Environmental Quality (TCEQ), is the primary regulatory agency that oversees all aspects of the environment, including air quality.

Public Meetings

One way to communicate with the TCEQ is through public meetings. These meetings give the public an opportunity to learn about applications for environmental permits, ask questions of the applicant and the TCEQ, and give formal comments. It also gives the TCEQ the chance to hear concerns and objections directly from the community and gather input to use in their consideration of the application.

Example: My name is Mary Smith. I have lived in Manchester with my family for nearly ten years. I live within a mile of the applicant. Building three new tanks here will increase noise and pollution in the area. This development will diminish my quality of life. Therefore, I request that TCEQ deny this application.

The TCEQ may hold a public meeting if community members request a public meeting in response to a permit application, if requested by a legislator, or if otherwise required by law. You can find out about these meetings on the TCEQ website

(<https://www.tceq.texas.gov/agency/decisions/hearings>). You can also sign up for public meeting updates by following this link <https://public.govdelivery.com/accounts/TXTCEQ/subscriber/new> on the TCEQ website.

Tips for Speakers

The following guidelines may be helpful if you wish to speak during a public meeting:

- Sign up to speak at the registration table.
- Sign up even if you don't speak so you will receive updates from the agency.
- When it is your turn to speak, state your name, the area where you live, and any affiliation if applicable.
- There is usually a time limit of 3 minutes, so prepare your comments in advance.
- Submit your comments in writing along with any supporting documentation or pictures.

Written Comments

In addition to the public meeting, individuals can often submit written comments online, by mail, or by fax during the comment period set by the TCEQ. Send your comments to the Office of the Chief Clerk.

Where to Submit Written Comments:

Online: (<https://www.tceq.texas.gov/agency/decisions/cc/comments.html>)

Note: You must have the relevant TCEQ permit number associated with the pending permit application. If you do not know the permit number, or if you are not sure if an application is open for comment, search the TCEQ Commissioners' Integrated Database (https://www.tceq.texas.gov/agency/decisions/cc/cc_db.html).

Mail

Office of the Chief Clerk,
MC 105
TCEQ
PO Box 1387
Austin, TX 78711-3087

Courier or Hand-delivering

Office of the Chief Clerk
TCEQ
12100 Park 35 Circle,
Building F
Austin, TX 78753

Fax

(512) 239 - 3311

Note: if you fax your filing, you must hand deliver the original document and the appropriate number of copies to the Office of the Chief Clerk within three business days.

QUICK REFERENCE

Phone: **(800) 687-4040**

COMMUNICATING WITH YOUR ELECTED OFFICIALS

CONCERN

You want to ask your elected official to address an air quality issue, but you don't know the best way to communicate with them.

TAKE ACTION

Different elected officials represent us at the local, state, and national levels. They make decisions that affect your everyday life. It is vital that you communicate with them about your thoughts and your community's needs

You have a right to communicate with elected officials that represent you. Your input can help officials learn more about an issue and understand how proposed ordinances and laws will affect you..

There are several reasons you may want to communicate with your elected officials:

- Thank them for something they've done
- Raise awareness of a certain issue or problem
- Ask them to act on a certain issue or problem
- Let them know how you feel about an issue

Elected officials want and need to hear from you. There are several ways to communicate with your representatives:

- Write a letter
- Write an email
- Make a phone call
- Pay visit
- Speak at a meeting

Letters

One way you can let elected officials know what you think is to write a letter. Elected officials can be influenced by your feelings, thoughts, and stories. Your letter can be typed or handwritten, just make sure that it is easy to read. Include your return address so your representative can respond.

- Use a formal address and salutation in the greeting of your letter:
 - Dear Council Member Smith
 - Dear Major Smith
 - Dear Governor Smith
 - Dear Representative Smith (state)
 - Dear Senator Smith (state)
 - Dear Honorable Smith (national)
 - Dear President Smith
- At the beginning of your letter, identify yourself and if appropriate, state that you are writing as a part of a community.
 - **Example:** My name is Mary Smith. I am a resident of Manchester, Houston and a member of Super Neighborhood #65
- In the next few sentences, briefly describe your situation and why you are writing. It is important to make the letter personal. Be polite but direct.
 - **Example:** I am writing to urge you to help strengthen laws to enforce clean air in Houston. I have three children whose health are very important to me. I am afraid that without appropriate enforcement, industry will continue to emit harmful chemicals into our air and negatively impact their quality of life.
- Ask for action. Let your elected official

know what you would like him or her to do and ask for a response. If you are writing about a certain legislative bill, make sure to include the bill number. A house bill will have a number like HB1234. A senate bill will have a number like SB5678.

To find out about specific bill numbers and whether it is in the House or Senate, call your state legislature or U.S. Congress.

Texas Legislative Reference Library

Phone: **(512) 463-1252**

Website: www.capitol.state.tx.us

United States Senate

Phone: **(202) 225-1772**

Website: www.congress.org

Email

One of the quickest and most effective ways to let elected officials know what you think is by sending them an email. These tips can help you write an email that effectively conveys your concerns.

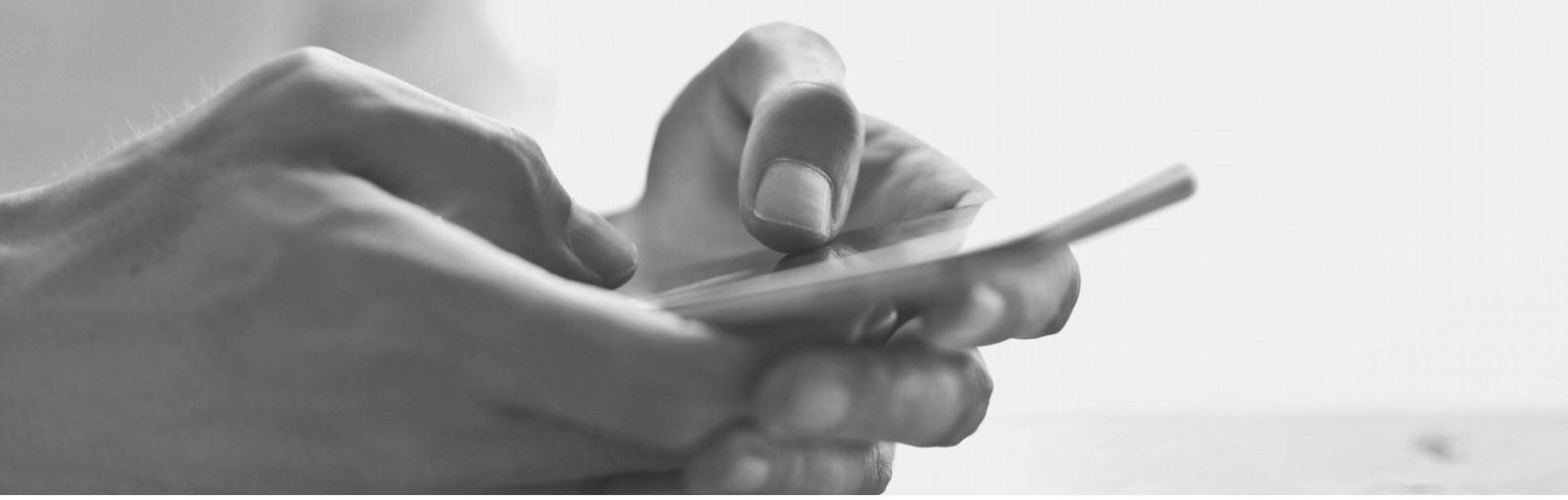
- Use a straightforward subject line. In the subject line, include the bill number and indicate who you are.
 - Example: SE Houston resident against HB1234
- Put your name and address at the top of your message. The first thing your representative wants to know is if you live in his or her district, so make it clear that you are one of their constituents.
- Make your message personal. This is one of the most important things you can do to ensure your email makes an impact. You may be uncomfortable sharing your feelings or talking about your own experiences, but it is this information that separates your message from the standardized, bulk messages sent in by interest groups
- Be brief. Elected officials and their staff are extremely busy. Respect their time and tell them only what they need to know. 2-3 paragraphs should be enough. Do not make every single argument that relates to the issue, only the strongest points you can make.
- Be clear about your position. Your request should be stated as a concrete, actionable item.
 - Example: I would like you to vote against HB 1234.
- Avoid attachments. Congressional offices rarely print or read attachments to email. Offer to provide supporting documents if they want them but avoid sending attached files.

Telephone Calls

Telephone calls are a good way to communicate if you need to make your point quickly. For example, you may want to tell your elected official how you feel about a bill that is about to be voted on.

Many of the guidelines for letters and emails apply to telephone calls as well:

- When you call, first state your name and where you are calling from.



- Ask to speak to your elected official. You will most likely end up speaking to a staff member. If so, ask for the staffer who is the point person for your issue.
- State your position right away. Be brief and be clear about how you want your representative to act. If you are calling about a bill, know the bill number.
- Be prepared to support your point if asked to do so.

Personal Visits

Meeting with an elected official is a good way to communicate on a personal level. It makes it clear that real people like you are interested in the choices that are made about your city, state, or country.

Call your elected official's office and schedule a meeting time. Provide your name, contact information, and the purpose of the meeting.

Note: if others will be joining you at the meeting. If you are not able to meet with your elected official in person, you should ask to meet with the staff person that is responsible for your issue. Meeting with the appropriate staff person can often be just as influential as meeting with the actual elected official.

TIPS FOR MEETING WITH AN ELECTED OFFICIAL

You can organize and conduct an effective meeting by following a few simple tips.

- **Choose a spokesperson.** This is relevant if you are going with other people. Make sure that you all agree on what he or she should say and what points should be stressed by others in the group.
- **Get to the point.** If your first few sentences, say why you are there. Be brief, simple, and straightforward.

LOCAL MEETINGS

A good way to communicate with your elected officials on a local level is to go to meetings you know they will attend. Town hall meetings, commissioners' court, and city council meetings give residents the chance to speak up. To speak at a council meeting, you may need to call ahead of time and sign up to speak. If so, when you call to register to speak, give your name, who you are representing, and what you plan to speak about.

- Example: My name is Mary Smith. I am a resident of Magnolia Park and I want to tell the council about my concern with the idling semi-trucks in my neighborhood.



During your speech, state your point right away. There will be a time limit of 3 minutes, so keep that in mind when preparing your comment.

To reserve a time to address city council, contact the City Secretary at: **(832) 393-1100**

Another way to focus on a local issue is to have an elected official come to you. For example, if you're concerned about the lack of sidewalks in your neighborhood, you might want to invite the elected official to visit. That way, the official can see the needs of your community firsthand.

QUICK REFERENCE

Find your elected officials here: <https://wrm.capitol.texas.gov/home>

FURTHER ACTION

The most basic and powerful way to communicate with elected officials is through your vote. If you are registered to vote, here are some things to remember:

- Keep your registration card current. Even if you don't move, your registration card does expire. If your card has expired and you have not received a new one in the mail, contact your local registrar.
- Keep your registration card in a place where you can find it.
- Participate in all elections. Your vote is important. Elections in Texas take place in November and March with additional elections in case of a run-off.

If you have never voted or are a new citizen, consider voting starting now. To be eligible to register to vote, you must:

- Be a United States citizen
- Have proof of residency in your country
- Be 17 years and 10 months of age
- Not be in prison, on probation, or on parole.

You can register to vote by picking up a registration application at the post office, the Texas Department of Public Safety, or at your local county registrar or tax office.

If you have any questions about registering or voting, you can contact the Texas Secretary of State at **(800) 252-8683** or go to <https://www.votetexas.gov/>.



COMMUNICATING WITH MEDIA

CONCERN

You are being impacted by a hazardous emission and you feel that your story is relatable to other residents of the city. Your story is compelling, and you want media to spread it to others.

TAKE ACTION

Many people often think that if they don't see something on television, hear it on the radio, or read it in the paper, it didn't happen. Media can be a good source of information, but also a good resource for you to broadcast your own message. Your words and stories, conveyed through the media, can educate and motivate a large audience. There are several ways for you to engage media to champion issues that you feel are important.

Newspaper

Talking to a reporter: when you read the paper, note the reporters covering stories that deal with your issue.

When you call or email the reporter:

- Mention an article the reporter has written that dealt with an issue you are concerned about, like a highway expansion or the petrochemical industry.
- Offer to be a resource. Let the reporter know how environmental problems are affecting you and your neighborhood.
- Volunteer to be interviewed. Think of your statement ahead of time so your message is clear.

For the Houston Chronicle news desk, call **(713) 362-7491** and ask for his/her/their contact information. You can also find this information at www.chron.com.

When writing a letter to the editor: Letters to the editor are an easy way for you to voice your opinion and educate readers about the issues that concern you. By following these guidelines, you could see your letter in print.

- Read previous letters to the editor so you become familiar with the type of letter that the paper prints.
- Be timely. Take advantage of recent news and events.
- Demonstrate how the issue affects you locally.
- Be brief. Your letter should be short, 250 words or less, and to the point (See Appendix B).
- Sign your letter. Include your name, address, phone numbers, and email.
- Email your letter to the Houston Chronicle to viewpoints@chron.com or to your local newspaper.
- If possible, find others to write letters. More letters will indicate to the paper that many individuals in the community are concerned with the same issue.

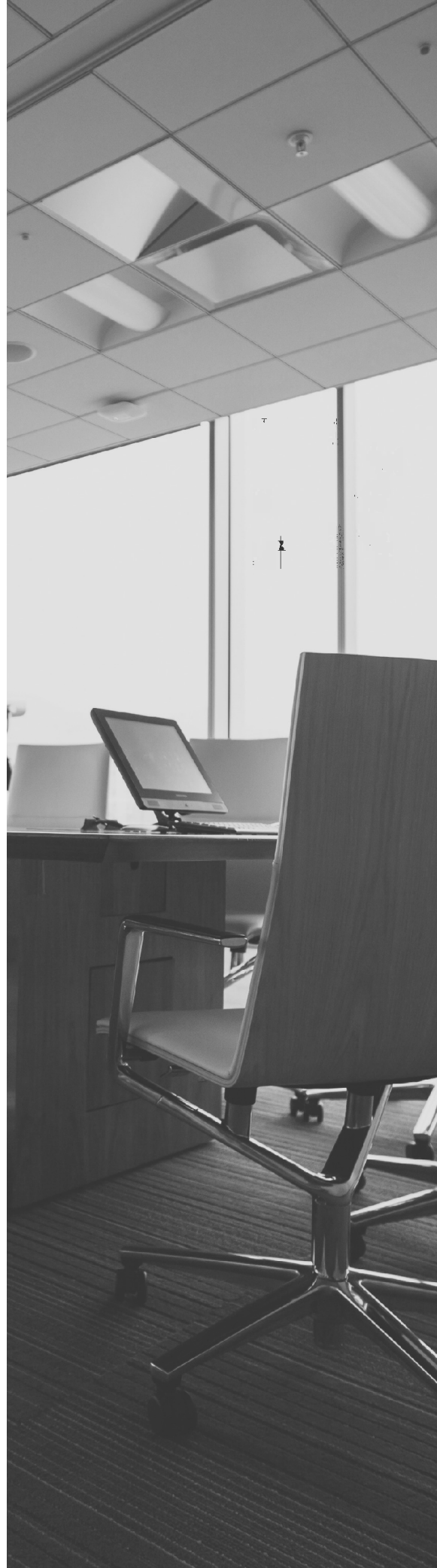
Talk Radio

Getting your message out on a local talk radio show can educate the public on your issue or challenge listeners to mobilize around an upcoming event. Keep in mind some points that can help make your call effective:

- Listen to the show you want to call ahead of time, so you know the host's broadcasting style and personality.
- Schedule a block of time for the call. Be prepared for busy signals or being put on hold. Don't give up. When you do get through, give the operator your name.
- Begin your call with your most compelling fact or statistic, and then elaborate. Repeat the idea you are responding to so that the audience tuned in will know what you are talking about.
 - **Example:** The number one reason children are admitted to Houston emergency rooms is asthma. I agree with your statement that air pollution affects our children's health....
- End your call by inspiring action, informing of upcoming events, and giving a phone number or web site that people can contact for more information. You can reference Air Alliance Houston's website: <https://airalliancehouston.org/>.

LOCAL STATIONS WITH CALL-IN SHOWS

KPFT 90.1 FM is a local, community-based radio station that has a multitude of call-in shows throughout the day that are focused on different topics. To find out which show highlights your issue or concerns, you can call KPFT



at (713) 526-4000. Additionally, a list containing all their radio shows with descriptions is posted on www.kpft.org.

KTRH 740 AM is a news and talk radio station with a local call-in show. To find the show schedule, call **(713) 212-8000**.

FURTHER ACTION

If you have been affected by poor air quality, you can volunteer to be a media spokesperson for your community. Groups like Air Alliance Houston receive requests from newspapers and TV reporters for residents to tell their stories. Call Riikka Pohjankoski at **(713) 528-3779** if you want to volunteer or have inquiries.

QUICK REFERENCE

Houston Chronicle

Phone: **(713) 362-7491**

Email: viewpoints@chron.com

Baytown Sun

Phone: **(281) 422-8302**

Fax: **(281) 427-5252**

Brazoria Facts

Phone: **(979) 265-2223**

Fax: **(979) 265-9052**

Galveston County Daily News

Phone: **(409) 683-5239**

Houston Community Newspapers

Classifieds Phone: **(281) 378-1000**

Email: kleee@hconline.com

Circulation Phone: **(855) 460-6397**

Email: deliveryservice@hconline.com

KPFT 901. FM

Phone: **(713) 526-4000**

KTRH 740 AM

Phone: **(713) 212-8000**