



Questions and Answers from the Webinar “Environmental Monitoring and Enforcement During COVID-19: Harris County Response”

Due to time constraints, we were unable to respond to all of the questions received during the Question and Answer (Q&A) portion of the webinar. Please find below answers to the remaining questions.

A live recording of the webinar is available on the [Air Alliance Houston website](#).

1. Q: Why is it that every time that there is the slightest hiccup, the environmental safety rules are suspended? If any facility cannot operate safely, it should suspend operations. All the facilities we hear about are commercial or governmental, and should have plans for safe operations in all circumstances.

A: Harris County has not suspended any environmental rules we enforce. As addressed in the webinar, any violation observed will be documented and if the subject decides to present information to be considered during the investigation it will be taken up on a case by case basis and fully reviewed.

(Answer provided by Harris County Pollution Control Services)

Q: I think it was last Thursday that we went out to the grocery shop at Kroger on Studemont. The air in the parking lot was terrible. Eyes burned. Trouble breathing. A firefighter said that there had been a release in Baytown and the wind was carrying it north. Too late now, but I would like to know what I might have done to ensure that it was reported.

A: This question was discussed in general during the webinar, but here is a direct response: There were two emission events on April 23, 2020 in Harris County. Both occurred in the afternoon. One was in Baytown resulting in the release of approximately 1300 lbs Propane/Propylene and the other was in LaPorte reporting approx 1350 lbs propane/propylene/products of combustion released. Both events were reported via TCEQs reporting mechanism. Studemont is west of downtown Houston approximately 20+/- miles



WNW of the emissions sources. Meteorological conditions at the time of the releases included a 15+/- mph NW wind.

No other emission events were reported for that day in Harris County.

(Answer provided by Harris County Pollution Control Services)

Q: A resident called in to TCEQ and Harris County Pollution Control Office on the date March 26, 2020, this date they enforced Shelter-In-Place and reported that Shell Refinery did a large release of emissions, and because I didn't see it or smell anything, they couldn't investigate regulatory enforcement. This could affect the virus in our black/brown disparities community. So there was no investigation done and this could be while we are testing positive for Covid-19. Why did they not investigate this since EPA was releasing beyond their standards of what they are regulated to release?

A: Harris County Pollution Control has no complaints filed during the specified time for any issue related to Shell or the Deer Park area. Additionally, our agency has no record of a Shelter In Place notification from Shell or the City of Deer Park during this time.

(Answer provided by Harris County Pollution Control Services)

Q: Would any of the speakers be able to talk about whether there's any oversight for employee safety during the relaxation of these emission quality standards?

A: Please defer to OSHA for worker safety at the facilities.

Q: I've been monitoring our local air quality using the Purpleair.com app as well as AIR BUBBLES app and the AIR MATTERS app. Our local air quality does not seem to have improved since the onset of the COVID-19 Outbreak.

A: There was a study published by Dr. Gunnar Schade at Texas A&M several weeks ago that showed a significant decrease in pollution at monitoring sites near freeways but not at locations primarily affected by industry, specifically Deer Park. Unfortunately, any decrease in industrial emissions does not appear to be great enough to produce a measurable reduction in pollution in near-industrial communities.

Additional air quality research information may be found at:

<https://www.harcresearch.org/work/COVID19>

(Answer provided by Harris County Pollution Control Services)



Q: I've noticed extremely poor air quality in play to our south in the regions of Guatemala, Honduras, and El Salvador. Are we in Houston affected by any of this? Is there any way the Air Quality issues can make their way onto our local TV Stations?

A: According to TCEQ, agricultural burning in Central America has been impacting Texas recently. We experience transport of smoke from agricultural fires in countries to our south nearly every year and this year is no different.

(Answer provided by Harris County Pollution Control Services)

Q: What is causing the increases in local PM2.5? Is it continued construction, continued industrial activity, or off-shore burning/cleaning in the Latin America region? What can we do to highlight this and/or mitigate it?

A: It could be any of those things or a combination of all of them. Biogenic sources could also be contributing earlier than normal this year due to the early spring that we have experienced. The good news is that, although PM2.5 have been somewhat elevated in recent weeks, they are still below the 24-hour National Ambient Air Quality Standard.

(Answer provided by Harris County Pollution Control Services)

Q: I continually notice poor air quality in my neighborhood, but in no way do I have the ability to identify the source. How do I approach this? Do I contact one of the agencies identified today? What is the remedy?

A: You can report air pollution in your neighborhood to Harris County Pollution Control Services at 713-920-2831.

(Answer provided by Harris County Pollution Control Services)

Q: Does HCPS or HC Attorney's Office have whistleblower hotlines?

A: You can report environmental offences to Harris County Pollution Control at 713-920-2831. Complainants are kept confidential.

(Answer provided by Harris County Pollution Control Services)

Q: So what policies need to change so that we get away from a model that relies on self-reporting? And is TCEQ situated to gather evidence that can be used for prosecution? Do we have the right systems in place to do that or what steps



must we take to create the right systems? What is the community's role in making sure prosecution happens?

A: The Legislature has placed severe restrictions on the ability of local government to enforce State statutes and rules. We essentially must have the permission of the AG and TCEQ to bring a complete case as completed by the law. In order to get a penalty, we must have State permission and they have the right to pluck any case we send them for approval. This has led to filing cases seeking injunctive relief only, or , in limited cases where the TCEQ hasn' investigated the matter – like many air nuisance cases under 30 TAC 101.4 we might get permission to seek a penalty. We are working on a legislative strategy that involves keeping track of the number of penalty cases approved and denied by the state. Chapter 7.3511 of the Texas Water Code needs to be repealed.

(Answer provided by Harris County Attorney's Office)

Q: What extent does HCPS try to seek public input on pollution events where there were no initial complaints from local citizens?

A: Harris County Pollution Control relies on encouraging citizens to report pollution at 713-920-2831.

PCS will also seek opportunities to engage the public to comment on permits related to industrial facilities, particularly in the Ship Channel Corridor as well as concrete batch plant facilities.

(Answer provided by Harris County Pollution Control Services)

Q: Are you seeing requests to invoke force majeure provisions in consent decrees?

A: Yes. This defense has been raised in one case I have that is connected to Hurricane Harvey.

(Answer provided by Harris County Attorney's Office)

Q: Has ITC rebuilt the storage tanks that burned?

A: PCS is not aware of the status at this time.

(Answer provided by Harris County Pollution Control Services)

Q: We launched an initiative (Air Champions) on Earth Day, to put 10,000 personal pollution monitors in the hands of Harris County Citizen Scientists. We are gathering real-time air pollution data and working to create an instantaneous



viewable Harris County map via an app of the air quality in the places we live, learn, work and play. Our goal is to educate our Community to the burden they have been forced to shoulder and create a pathway to a better future. Would any of this data be of value to pollution control investigations?

A: This was somewhat discussed on the webinar. The data would guide investigators to potential sources based on the meteorological conditions of observed increases, but if there were to be more substantial action, the data would need to be supported by SOP documented procedures and calibrated records for the equipment and user.

(Answer provided by Harris County Pollution Control Services)

Q: Can you talk about the case in which you had a Temporary Injunction hearing on?

A: The hearing is slated for June 3rd for a cement repackaging facility to address a variety of issues including unauthorized disposal, unauthorized discharges and air permit violations.

(Answer provided by Harris County Pollution Control Services)

Q: Are there opportunities with Harris County to receive SEP funding?

A: The Attorney General's Office has adopted a "No SEP" position that has been in effect for at least 5 years. Harris County has funded projects in various County Departments from civil penalties (e.g. Household Hazardous Waste Program), but there is no formal policy that promotes SEP as yet, but we are working on that. Since this is an ongoing internal policy matter, I can't say anything other than SEPs are considered on a case by case basis and any SEP requires permission from Commissioners Court. Also, since the enactment of TWC7.3511, we have not seen much penalty money - we are looking at a work-around but repealing 7.3511 would be a big help.

(Answer provided by Harris County Attorney's Office)

Q: Are air pollution complaints and violations more difficult to prosecute than water pollution?

A: It depends. I have prosecuted many air and water cases and a good number of mixed media cases over that last 30 years. Each case has its own merits and I think it is impossible to say, as a general rule, that air cases are harder to prosecute than water cases or vice versa. I am only referring to civil cases of course. The quality and versatility of defense, rather than the medium, often determines the difficulty of a prosecution so I am not willing to generalize.

(Answer provided by Harris County Attorney's Office)