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# Environmental Justice/Texas Commission on Environmental Quality: Environmental Organizations Submit Petition to U.S. Environmental Protection Agency Regarding Alleged Air Permitting Deficiencies

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Earthjustice and 11 other environmental organizations submitted a document to the Administrator of the United States Environmental Protection Agency (“EPA”) on June 28th titled:

Petition for Action Regarding Deficiencies in the Texas Air Permitting Program Related to Environmental Justice & Public Participation (“Petition”)

The Petition alleges that the Texas Commission on Environmental Quality (“TCEQ”) air permitting program fails to meet public participation and environmental justice obligations under the federal environmental and civil rights laws.

The other environmental organizations jointly executing the Petition include:

- Port Arthur Community Action Network,
- San Antonio Bay Estuarine Waterkeeper, Diane Wilson
- Familias Unidas del Chamizal
- Shrimpers and Fishermen of the RGV
- Citizens Alliance for Fairness and Progress
- West Dallas 1
- Texas Environmental Justice Advocacy Services (t.e.j.a.s.)
- Air Alliance Houston
- Texas Campaign for the Environment
- Environmental Integrity Project
- Sierra Club Lone Star Chapter, Sierra Club

The Petition alleges that TCEQ’s failure to comply with Clean Air Act requirements has:

. . . resulted in densely populated urban areas in the state, such as the Houston, Galveston, and Brazoria areas, existing in a state of perpetual nonattainment with health and welfare-based federal standards.

Further, the Petition states that:

. . . the evidence is clear that people of color, communities comprised of people living near or below the poverty line, and other marginalized populations are disproportionately hurt by this industrial pollution, in violation of Title VI of the Civil Rights Act.

The Petition alleges that TCEQ's implementation of the federal air program:

- Unlawfully diminishes opportunities for public participation required by the Clean Air Act and EPA's implementing regulations
- Illegally limits the ability of environmental justice communities to participate in the permitting process
- Lacks recourse for Texas' issuance of permits by limiting access to judicial review of permits
- Allows applicants to withhold public information during the comment period
- Allows operators to authorize construction of new and modified equipment at major and synthetic minor sources using unenforceable permits by rule that do not provide for meaningful public participation
- Refuses to evaluate the environmental justice impacts of permitting decisions

As a result, the Petition alleges that TCEQ violates the Clean Air Act and Title VI of the Civil Rights Act.

A copy of the Petition can be downloaded [here](#).