

**Questionnaire for EPA Region VI Administrator Candidates**  
**By Terence Thorn**

**1) What is your experience with air pollution?**

The vast majority of my experience with air pollution has been as a member of the Board and Executive Committee of GHASP. In that role I have been involved in our efforts to deal with the SIP process, toxic emissions, ozone monitoring, the TCEQ penalty process, and particulates. I am also on the GHASP's Planning Committee, which is currently conducting a thorough review of the organizations mission and role in the Houston area and its strategic direction in the coming years.

I am also the Director of Policy for Industry Professionals for Clean Air (IPCA), a rolodex organization of petroleum and petrochemical industry professionals run by four individuals in Houston. Our expertise has been put to work in identifying technically sound and economically feasible alternatives, and cost-effective tradeoffs for reducing emissions from industrial plants (may 2005 report). We have picked our battles carefully, first focusing on industrial flares and currently working on emissions from delayed cokers.

Although not considered "air pollution", I have been involved in the Climate debate and issues since the early 1990's and believe that carbon regulation will add a huge complex layer of regulation in the region.

**2) What Experience do you have with water pollution?**

I have very little experience in the water pollution area. My personal interest has been on water conservation and usage, particularly the impact of reduced water flows on the coastal estuaries, and the relationship of energy and water use. Although not directly related to water pollution, the restoration of our wetlands has to be a higher priority at EPA.

**3) What experience do you have in enforcement?**

I am not an attorney and my participation in litigation proceedings has been through organizations such as GHASP or other joint efforts. I have been involved in the research and strategic decisions involving these efforts.

**4) TCEQ is in many ways a rogue agency—operating in violation of many provisions of the CAA and CWA—how would you bring them into control and at what point would you consider revoking the delegation to implement federal laws?**

Resolution of three issues would go a long way in sorting out the failures of the TECQ:

- 1) TCEQ's) air permitting program- EPA is proposing to impose sanctions or a federal permitting plan on the state which would override the TCEQ's authority over air permitting issues if the TCEQ does not make revisions to the program. In the air arena, resolution of the permitting and renewal of Texas facilities would be a giant step in dealing with our failure to meet emissions goals. Absent reform by TECQ- my first choice- EPA should pursue imposing a federal program in Texas.
- 2) A subset of the permitting problem is monitoring. Monitoring must be expanded to include other forms of air pollution, especially air toxics and particulate matter. Building a case for a causal relationship between air pollution and disease requires, at the very least, extensive monitoring data. This data must be gathered where humans spend their

time or it must include information that will allow reasonable inference about pollutant concentrations in these places.

- 3) The broken penalty system- not only do fines not reflect the full costs of air pollution. As a revenue source, appropriate fines could help provide TCEQ the sufficient resources, personnel and money to truly do its job effectively. Inspectors need more support, more flexibility and more authority to adequately penalize the bad actors in this state, and we need to make sure the full cost of air pollution is borne by the polluter.

**Are you familiar with Region VI efforts to address non-point source water pollution problems? Given the fragility of water resources in the region, how would you address non-point water pollution?**

I have a general understanding of the CWA as it applies to non point sources and am aware of the need to accelerate implementation of non-point-source management programs and the threat to clean water from agricultural run-off, land development, and de-forestation.

As I noted before, I am not an expert in the water area.

**Many old landfills in Texas have been grandfathered and continue to be granted expansions over unlined, non-Subtitle D compliant dumps with very limited water monitoring. What would you do as RA to address these issues?**

Restrictions on the locations of landfills, requirements for landfill liners that capture water that filters through waste, mandatory leachate collection systems, methane gas monitoring and collection, groundwater monitoring, and financial guarantees for closure and post closure care need to be enforced and required for all new landfills and extensions. Random audits for existing facilities should focus on identifying environmental issues, identifying root causes of lack of performance, and identifying areas where an environmental management systems could improve performance.

**Would your appointment contradict President Obama's pledge to avoid putting lobbyists in charge of regulatory agencies? Have you ever consulted for industries regulated by local, state or national environmental agencies? If so, which companies or other entities have you been employed by? What matters have you be prohibiting from participating in because you lobbied on that particular matter or specific issue area?**

I would not be in violation of the lobbying restrictions. I have not consulted for any industries regulated by local, state or national government agencies. Eight years ago I was employed by an energy corporation but worked mostly internationally. I was at one point the Chief Environmental Officer and am very comfortable with the companies record domestically and internationally.

**There have been a lot of complaints about TCEQ's permitting process over the last several years by citizens' groups, particularly about the lack of public participation. As RA, what do you think EPA could do to improve the process?**

See answer to question 4

**Despite 20 years of trying to achieve "attainment" for ozone pollution, neither D/FW nor Houston are close to that goal. As RA, what would you do differently, if anything, to attempt to finally bring both metro areas into compliance with the Clean Air Act?**

Quite simply, I am SIP'd out. The SIP process takes years, results in goals that at best won't solve the problem, and it is unlikely the goals will even be met. Stakeholders are trapped in this process. Nonetheless, criteria pollutants and toxics need to be integrated within the SIP. If EPA accepts the SIP, the issue will be the enforcement follow-up and right now neither EPA or anyone else can verify progress.

That's why I would focus more resources outside the SIP process and focus on the areas I have outlined: monitoring and quantification of real time emissions, reform the TECQ permit process, re-think how the process is working at the state and local level with more emphasis on local action (the Section 105 continuing environmental program grants which are awarded to state and local air pollution control agencies to develop and implement programs for the prevention and control of air pollution has not been increased in years and need to be ratcheted up). Again we need better monitoring of criteria pollutants, better modeling of the transport and migration of pollutants, and better training at the local level to better deal with these complex issues. The EPA partnership with state and local authorities has to work better. The aggregate and cumulative impacts of toxic emissions must be considered in regulatory determinations.

In EPA's defense, they are way behind across the nation because of lawsuits, state delays, and the ability of polluters to game the system. Resources must be shifted to the local level if we are to make progress.

**President Obama and EPA Administrator Jackson have identified Environmental Justice as an important component for their environmental decision-making. Please tell us what the term means to you, and some examples of how you've worked toward the goal of environmental justice.**

Perhaps simplistically, to me Environmental justice is achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the environmental decision-making process. The greatest vehicle EPA has to further this goal is their Environmental Justice Small Grants Program. I view the key components of a program as monitoring (identify and quantify the environmental hazard), education of the community on the public health issues, and organizing the community and providing the resources to intervene and correct the problem.

As I noted earlier, community education is a key part of any emissions reduction strategy and GHASP's Board has continued outreach program Mothers for Clean Air (MFCA) outreach program, Ozone Theater, which offers a drama-based program which focuses on increasing public awareness of air quality, the health consequences of pollution, and pro-active steps to a healthier life and environment. There are three parts to the program targeting different age groups: Ozone Theater, pre-K to 5th grade; Pollution Solution, Middle School and Air Theater, general public.

We have also been very active in Galena Park, a toxic hot spot, on the benzene issue.

**The Midlothian cement plants have been identified as a large source of regional air pollution in North Texas. What strategies or technologies would you consider as RA to reduce their emissions of Nitrogen Oxides and air toxics in general?**

I am only aware of the facilities and the controversy over the TECQ renewing the permit for ten years without a public hearing. EPA should have requested a hearing after the agency stated that the permit fell short of EPA requirements. This is an example of why the TECQ permit process has to be reformed or taken over.

**Houston is nationally recognized as a pollution hot spot for air toxics because of its concentration**

**of petro-chemical facilities. What, if anything, would you do as RA to help reduce the cumulative emissions from these facilities?**

The U.S. Environmental Protection Agency's industrial toxics program is woefully behind schedule in meeting congressional deadlines. And, even more alarmingly, the federal program does not deal with real-world impacts of toxic pollution, particularly in local toxic hotspots. Our top priority remains improving toxic monitoring and taking into account real-world (cumulative) impacts in heavily industrialized neighborhoods. EPA through its grants programs can provide the resources to local groups to step up the monitoring. It is a matter of targeting the right areas, funding monitors and mining the data.

**Several metro areas in Texas are on the brink of violating the national ambient PM standard. Do you believe the current standard is scientifically defensible and what pro-active measures could you take as RA to prevent these areas from becoming non-attainment for PM pollution?**

I believe the current standard needs to be lowered and tightened.