

Don't Mess with Texas Water Program Stakeholder Meeting Summary

On Nov. 8, 2011, a stakeholder meeting was held regarding the development of the "Don't Mess with Texas Water" Illegal Dumping Reporting Program, created by House Bill 451 during the 82nd Legislative Session. The program will provide Texans with a toll-free phone number to call and report illegal dumping.

Stakeholders participated in person at the Texas Commission on Environmental Quality (TCEQ) headquarters in Austin, or by conference call. TCEQ staff were present to facilitate the meeting and respond to stakeholder questions. TCEQ Commissioner Buddy Garcia was present to help open the meeting.

Representative Eddie Lucio III, the author of HB 451, was present to open the meeting and offer insight on the intent of the legislation.

Stakeholder attendees were as follows:

Ashley Fisher, Capital Area Council of Governments
Carol Batterton, Water Environment Association of Texas
Caroline Love, Texas Department of Transportation
Charlie Wicker, Texas Department of Transportation
Donna Clendennen, Lower Colorado River Authority
Donna Eymard, Port of Brownsville
Gus Gonzales, City of Corpus Christi
John Miller, Hill County Sherriff's Office
Melissa Anderson-Cramer, EnviroMedia
Mickey Roberts, Travis County
Rachael Powers, Houston-Galveston Area Council
Rocky Freund, Nueces River Authority
Rudy Garza, City of Corpus Christi
Theresa Finch, Coastal Bend Council of Governments

Introduction and Opening Comments

Representative Lucio III offered some initial comments on HB 451 and the "Don't Mess with Texas Water" program. The intent of the legislation was described as follows:

- To develop a program to work in cooperation with local entities and existing hotlines to help the public report illegal dumping.
- To identify repeat illegal dumping offenders.

Additional comments about the program included:

- The program should not seek to repeat services, but to learn from existing programs.
- Building on the Texas Department of Transportation's (TxDOT) "Don't Mess with Texas" name is important because it will help create a brand for this new program.

Commissioner Buddy Garcia thanked Representative Lucio III for coming to discuss the intent of the legislation. Additional comments included:

- TxDOT's already successful “Don’t Mess with Texas” program provides a good vehicle for this program to piggyback.
- A program like “Don’t Mess with Texas Water” is long overdue. Water is an increasingly important issue, and this program will help Texans protect the precious resource.
- Timing is essential, and good ideas from stakeholders are needed to make this program successful.

Discussion of Existing Illegal Dumping Programs

Several illegal dumping reporting and prevention programs already exist. Stakeholders who were present discussed their existing programs.

Capital Area Council of Governments (CAPCOG) Regional Environmental Task Force

CAPCOG gave a brief overview of their Regional Environmental Task Force:

- The Task Force has interlocal agreements with 10 counties and some cities.
- Participants meet quarterly to share information.
- A hotline provides citizens a mechanism to call and leave a message reporting illegal dumping. Calls are forwarded as appropriate. The hotline gets approximately 10 calls per month.
- The Task Force offers environmental law training where attendees can receive continuing education credits.
- The Task Force helps share information with rural areas in particular, where staff may wear many different hats and have few resources.

Stakeholder Discussion of CAPCOG’s Program

Benefits of the hotline and program:

- The hotline has “teeth” and is more than one single effort. CAPCOG’s program includes the training which provides credits, and it enables rural areas to find the resources to navigate environmental crimes.
- Smaller areas can pull from larger areas for expertise.
- Coordination as a whole, rather than individual efforts, makes it a successful campaign.

Process for receiving and referring calls made to the hotline:

- Callers are directed to leave a detailed voicemail. The information from the call is sent to staff as an email. Staff then identify the appropriate local entity, and forward the call.
- If necessary, local entities will coordinate with TCEQ.
- Response time is generally within 24 hours, but it also depends on the specific call. Since they receive a variety of calls, they first need knowledge of where to refer the complaint.

Lower Colorado River Authority (LCRA)

LCRA gave a brief overview of their illegal dumping prevention program:

- LCRA partners with CAPCOG, Bastrop, and West Wharton County Crime Stoppers for an illegal-dumping education and outreach program. Public education has been vital to the program's success.
- They hold public meetings and invite local law enforcement to talk to the public about what cities/counties are doing to investigate illegal dumping.
- Marketing efforts have included:
 - Development of billboards, radio ads, and reusable shopping bags.
 - Use of the slogan "What Mark are You Leaving," to elicit feelings of personal responsibility in citizens.
 - Participation at community events.
- A 2006 aerial survey looking for dump sites along Colorado River showed 467 sites. This information has been key to educate communities about illegal dumping.

Houston-Galveston Area Council (H-GAC)

H-GAC gave a brief overview of their illegal dumping prevention efforts:

- H-GAC has many committees on solid waste, water quality, etc.
- A toll-free phone number line exists and signs are posted on waterways, but they do not get many calls. The phone number is not listed on the signs, per TxDOT's policy to not post phone numbers or websites on road signs.
- Enforcement is not as much of an issue as public awareness. The "Don't Mess with Texas Water" program could possibly be integrated into "Don't Mess with Texas" without their having to significantly change enforcement policies.

Port of Brownsville "Not on Our Waterways" (NOW) Program

Port of Brownsville gave a brief overview of their NOW program:

- The program uses a hotline to offer citizens a way to report unlawful activity observed at the port. It is not specific to illegal dumping.
- The hotline is manned by the Texas Fusion Center at the Department of Public Safety (DPS) headquarters in Austin. The Fusion Center works with federal, state, and local law enforcement agencies. Calls from the NOW hotline are directed by the Fusion Center to the agency that can be of most help in the situation. There was a suggestion that if TCEQ were a part of the Fusion Center, it could decrease the need for a statewide calling number.
- Marketing efforts have included passing out posters and bumper stickers along the waterway to nearby cities, bait shops, fishing captains, and anyone with a vested interest in the waterway. Signs were not posted because the port is not on a major highway.

Stakeholder Discussion of the NOW Program:

- NOW got buy-in from people who have frequent access to the waterways and interest in keeping them safe. This is similar to the intent of HB 451.

Handling and Enforcement of Illegal Dumping Complaints

Stakeholders discussed enforcement of illegal dumping and offered comments on how this new program could affect enforcement activities. Stakeholder comments included:

- Local governments need the authority to enforce illegal dumping complaints. If nothing is done to respond to a citizen's illegal dumping report, they will stop reporting. Funding is key to help local governments enforce complaints.
- The process to submit an illegal dumping complaint should be universal, regardless of what county the caller is in. Some local governments will want to route to the police department, the sheriff, etc. The TCEQ and participating local governments will need to be clear on who handles which calls to avoid confusion.
- There was a suggestion of routing calls through TCEQ to the appropriate local entity.
- There was a suggestion of using CAPCOG's program as a model for a statewide program.
- A stakeholder asked how rural areas with limited resources are supposed to handle enforcement. It was suggested that this program will first work with entities that have existing infrastructure to handle illegal dumping complaints. This program will be a process.
- Some stakeholders suggested that TCEQ should investigate complaints in areas where local governments do not want to or are unable to invest in enforcement. The TCEQ currently participates in appropriate investigations when they are brought by the local entity.
- An online system where people can report anonymously may be beyond the current scope of the program but should be considered as it evolves.

Toll-Free Number Hotline

Stakeholders offered comments and suggestions on the required toll-free number hotline:

- Integrate already existing numbers with the new statewide number. Have all numbers direct to a call center where staff could then distribute to the appropriate entities.
- The phone number system needs to be easy to use. If it's not easy to report, people will give up.
 - A stakeholder suggested looking into three-digit phone numbers like 3-1-1, which get into people's heads quickly.
 - A toll-free number using MY-TX-WATER is not active, but has been reserved for use by this program.
- TCEQ has a complaint hotline in place that forwards calls to the regional office where the phone number is registered. There was a suggestion of using this hotline to direct call volume. Stakeholders also mentioned that the program needs a gatekeeper, but TCEQ regions cannot be a gatekeeper to everything. Regions could be inundated with calls.
- Call volume to CAPCOG depends on marketing dollars, which have been limited.
- However calls are routed, TCEQ should compile information on illegal dumping reports so they know what the activity levels is.

- Repeated calls to a specific location could lead to surveillance action to identify the polluters.

Public Outreach and Education

Don't Mess with Texas Campaign

There was significant discussion about the importance of utilizing the already successful "Don't Mess with Texas" campaign. Stakeholder comments included:

- People caught on to the "Don't Mess with Texas" logo and campaign through celebrity endorsements. Once people remember the campaign, the message becomes second nature.
- The brand has become a source of pride for Texans. This pride should include taking care of waterways.
- "Don't Mess with Texas" uses Enviromedia, a marketing firm, and the possibility of using Enviromedia for this new program may assist in outreach efforts.
- During the Legislative session, legislators honed in on "Don't Mess with Texas" because it is a successful campaign and one of TxDOT's best programs. They do not want to duplicate efforts and felt that "Don't Mess with Texas" would be a good way to build on what already exists.

Stakeholders reiterated the importance of public education and awareness to a program's success:

- The "Don't Mess with Texas Water" program should make people think twice about illegal dumping.
- Using a prevention approach, i.e. billboards and advertisements, may give more mileage than just a reporting hotline.

Local Government Participation

Stakeholders offered comments and suggestions on program participation by local governments:

- Some communities are becoming more populated and want to be assertive and aggressive to protect waterways. This program is a good way to do that.
- The longer illegally dumped trash is left at the dump site, the more unlikely people will be to continue reporting. If local governments are unable to help with the cleanup, the program will lose integrity.
- The program should start in small chunks, or use a pilot program. Watershed protection programs may be a good place to start because they have requirements for educational outreach.

There was significant discussion about potential costs facing local governments. Stakeholder comments included:

- The legislation is meant to allow local governments to opt in to, rather than out of, the program. It should be elective, and local governments should not be required to pay a fee to participate.

- Some local governments may be willing to invest in the program because of the significant cost of treating polluted water. There may actually be a cost benefit to them.
- Funding often comes through grants and will be important to many local governments.
- Requiring local governments to pay into the program and/or toll free number hotline may be a tough sell. Some MS4s already have 1-800 numbers and may be open to participation that way.
- Small communities could possibly use SEP money to get a program set up, although not for operation.

There was specific discussion about the definition of a “major highway water crossing.” Stakeholder comments included:

- There may be more cost to local governments if the program targets areas that are not main highways.
- “Major” doesn’t necessarily mean main highways. There is a need to determine which areas see the most dumping (roads near landfills; dead ends; secluded areas).

Road Signs and Placement

Stakeholders offered comments and suggestions on the placement of road signs as part of this program:

- Bastrop County has been very successful with a sign campaign on off-road sites, although that is beyond the scope of this legislation.
- Consideration should be made for the possibility that people will request signs to be posted on their roads.
- TxDOT has the authority to post signs on federal and state highways (Farm to Market, US Highways, Interstates). They do not have authority to post signs on city property.

There was discussion on what information stakeholders think should be included on the sign. Stakeholder comments included:

- Keep the signs simple and limit wording.
- Include the program logo, phone number, and the name of the waterway.
- TxDOT’s federal manual does not allow phone numbers and websites on signs because they can be dangerous to drivers. However, since state legislation requires a phone number to be included on the sign, TxDOT will abide. TxDOT would prefer a “slogan” phone number.

Next Steps

Stakeholders discussed the need for a better understanding of what kind of illegal dumping programs already exist to see what “Don’t Mess with Texas Water” can build upon and/or merge with.

- A survey is being sent to Councils of Government to begin compiling information on existing illegal dumping programs and areas with illegal dumping problems.
- The need for a second stakeholder meeting will be determined following receipt of the survey results.

The TCEQ and TxDOT will undergo rulemaking to implement a Memorandum of Understanding that will outline the responsibilities of each agency in implementing the program.

Additional Stakeholder Comments

In addition to the Nov. 8 stakeholder meeting, stakeholders were encouraged to submit written comments on the development of the program. One set of comments was received. It is included below in its entirety.

Capital Area Regional Environmental Task Force

These comments are being submitted on behalf of the Capital Area Regional Environmental Task Force (RETF), coordinated by the Capital Area Council of Governments (CAPCOG). More information about our program can be found here: <http://www.capcog.org/divisions/regional-services/regional-environmental-task-force/>

Illegal Dumping and other environmental crimes are significant issues and are important to address with funding and resources. We support the Don't Mess With Texas Water program's intent and look forward to using lessons learned from our regional hotline program to support the implementation of this important statewide program.

- The Regional Environmental Task Force (RETF) coordinated by CAPCOG currently maintains a 10-county Illegal Dumping Hotline (1.877.NO.DUMPS) and has put significant resources into marketing this hotline and maximizing the speed and effectiveness with which reports are addressed. Because illegal dumping is an issue that crosses city and county boundaries, we have found that a regional approach is most effective. We look forward to a coordinated effort with TCEQ to pass along lessons learned from operation of this regional hotline and to ensure we do not duplicate efforts.
- Referring the hotline calls to the “appropriate law enforcement agency” will require significant local knowledge, as each locality may have a different contact type. For example, reports of illegal dumping resulting from hotline calls may be handled by the local Sheriff's Office, Code Compliance, the County Attorney's Office, Constable's Office, Police Department or another department depending on that particular community. Texas Parks and Wildlife, the local River Authority, or others may also be involved depending upon the location and nature of the call.
- In some counties, particularly some of the state's more rural counties, there may not be anyone available to respond to these reports (whether because of funding, knowledge/enforcement tools, local resource priorities, or political will).
- Environmental Law Training is key to enable communities to address illegal dumping issues. The RETF and a few others offer this sort of training, but training is not offered in all areas of the state. Some communities may benefit from tapping into these training resources to best address these calls, which may require additional funding and other resources.
- Regional cooperation is also key to addressing issues related to illegal dumping. In the CAPCOG region, the RETF operates under an Interlocal Agreement that allows

investigators to share time and resources, making them more effective. Through the RETF, any investigator has a regional network of people that can assist them with knowledge, advice, and resources. This is particularly important to those investigators in some of the more rural counties that wear several hats and may have limited resources to address these important environmental issues.

- Many communities have funding constraints that provide a significant challenge in developing and maintaining their local enforcement efforts. In the past, many of these communities have been able to develop illegal dumping enforcement programs through access to the Solid Waste Grant funds from TCEQ, distributed through COG Regional Solid Waste Management Programs (RSWMP). In the last legislative session the RSWMP funds were reduced by 50%, leading to severe cuts in available Solid Waste Grant funding. This creates an even larger challenge for local communities in addressing illegal dumping issues. Resources such as these grant funds will be key for local enforcement programs to address incidences of illegal dumping reported through a statewide hotline.