

APPENDIX A

Assessment of Complaints Received



The Texas Commission on Environmental Quality receives thousands of complaints each year from Texans concerned about various environmental matters.

In these communications, the complainant relates a situation or event in which a possible environmental, health, or regulatory violation has occurred. Typically,

complaints are submitted to the agency by phone, e-mail, or letter, and then forwarded to one of its 16 regional offices for response. The agency maintains a 24-hour

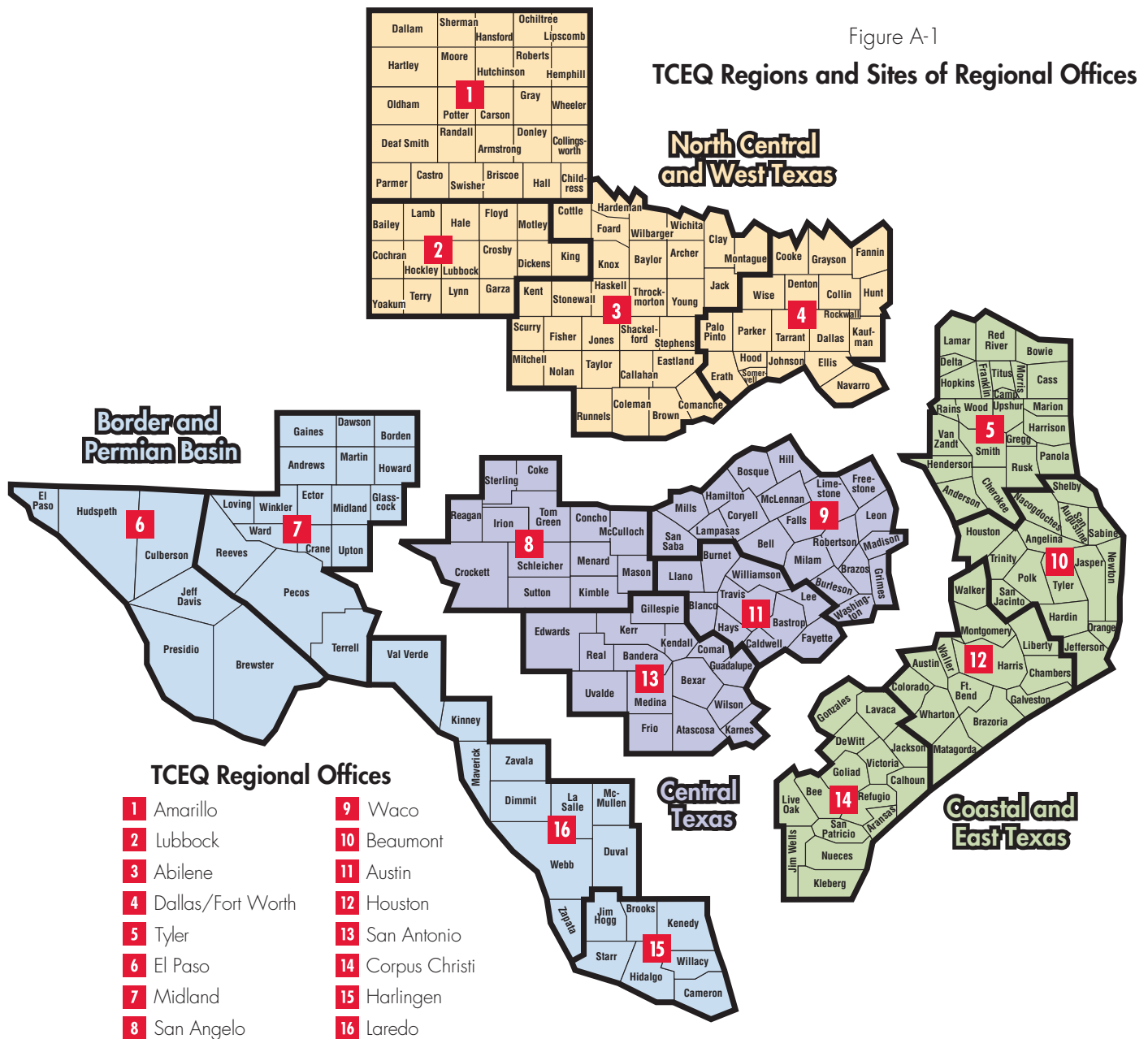
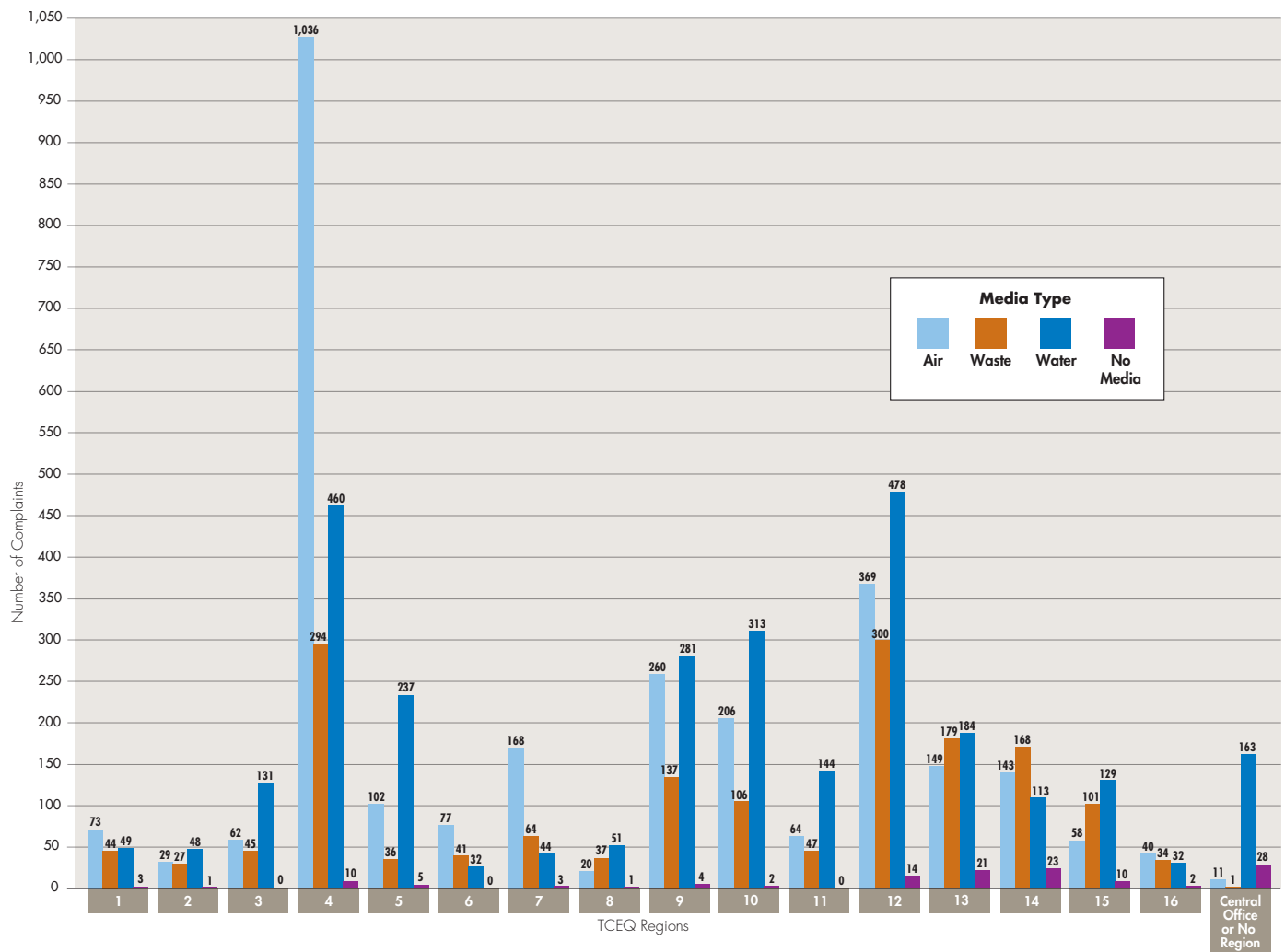


Figure A-5
Complaints by Region & Media Type
FY 2011



Total Number of Air Complaints = **2,867** Total Number of Waste Complaints = **1,661** Total Number of Water Complaints = **2,889** Total Number of No Media Complaints = **127**

outcome of the investigation. For about 75 percent of the complaints received, no specific enforcement action is necessary. But in some cases, the agency must take enforcement action in the form of a Notice of Violation (NOV) or a Notice of Enforcement (NOE).

Issuance of an NOV indicates that TCEQ rules have been violated, but that the violation is not considered serious enough to require an enforcement order and that the case is expected to be resolved quickly within a time frame specified by the investigating office.

An NOE is issued when a substantial violation of TCEQ rules has been documented and formal action is required. Often, an

NOE leads to the assessment of administrative penalties.

In fiscal 2011, the agency issued 1,445 NOVs and 327 NOEs as a result of complaint investigations; in fiscal 2012, the totals were 1,053 NOVs and 239 NOEs (Figure A-8).

Complaints Investigated by Program Type

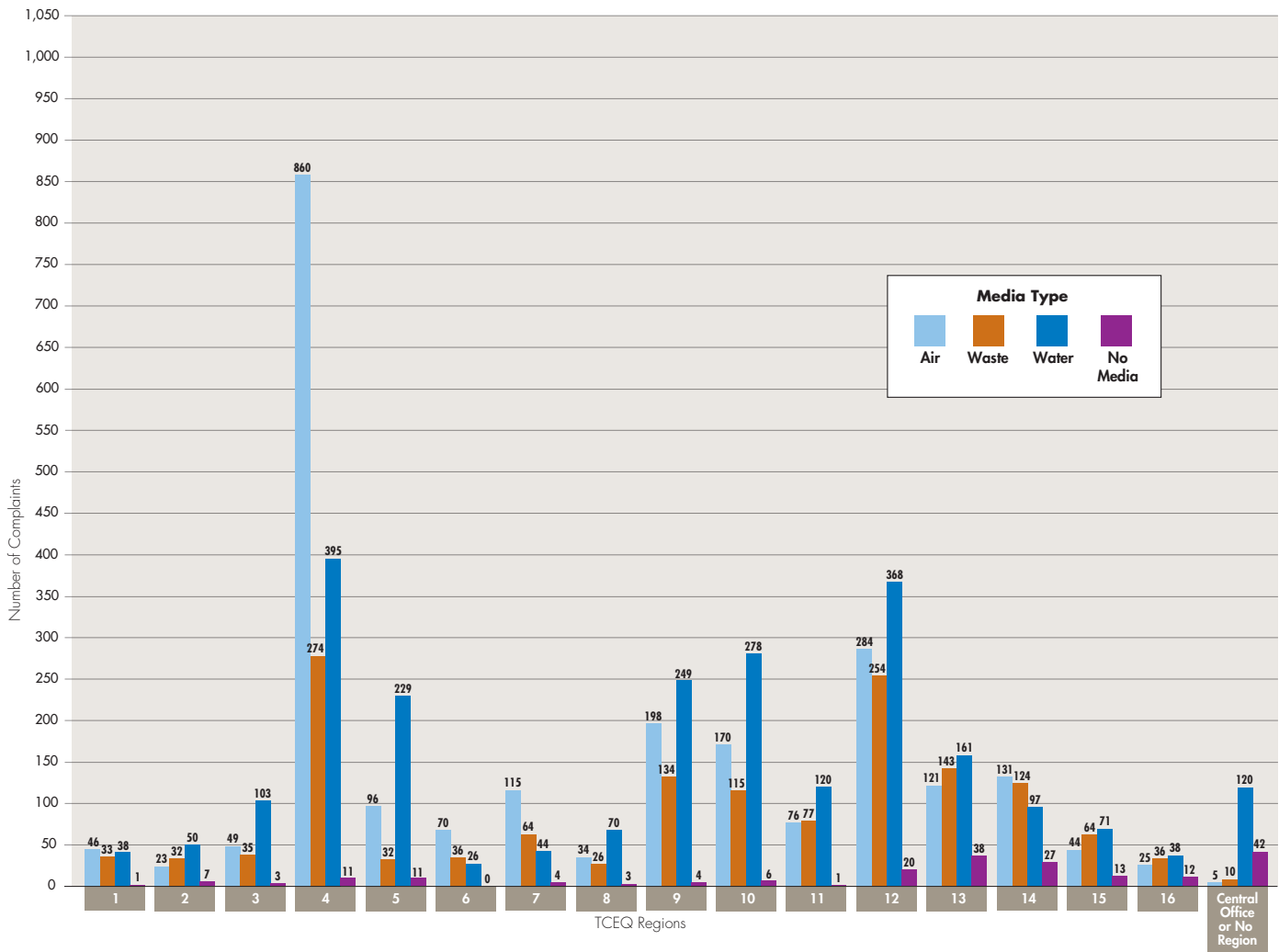
Another analysis is by the type of investigation conducted to address each complaint—the program type. In the CCEDS, air complaints are not subdivided by program type, but waste and water media each have several subcategories of programs.

The waste program types are dry cleaners, emergency response, petroleum storage tanks (including Stage II vapor recovery), industrial and hazardous waste, and municipal solid waste.

The water program types are animal-feeding operations, the Edwards Aquifer Protection Program, on-site sewage facilities, public water supply, water rights, and water quality. Water quality also comprises several program sub-types (sludge transporters, beneficial use, stormwater, and municipal and industrial wastewater treatment, and pretreatment); however, these sub-types are not listed separately in this analysis.

Figure A-9 shows the number of complaint investigations that were conducted in

Figure A-6
Complaints by Region & Media Type
FY 2012



Total Number of Air Complaints = 2,347 Total Number of Waste Complaints = 1,485 Total Number of Water Complaints = 2,457 Total Number of No Media Complaints = 203

Figure A-7
Complaints by Priority, Statewide

Priority	FY 2011	FY 2012
Other	73	74
Immediate	727	394
1 day	236	210
5 days	190	217
14 days	1,353	1,050
30 days	3,599	3,257
45 days	28	23
60 days	35	57
Refer	1,202	1,117

each program type. In fiscal 2011, 5,608 complaint investigations were conducted in response to the 7,443 complaints received. Another 1,202 complaints were prioritized for referral or no agency response (as indicated in Figure A-7). The remaining 633 complaints were either investigated in conjunction with other complaints, or were associated to investigations that were not yet approved in fiscal 2011.

In fiscal 2012, 3,943 investigations were conducted in response to 6,399 complaints received. Another 1,117 complaints were prioritized for referral or no response. The remaining 1,339 complaints were either investigated in conjunction with other complaints, or were associated with investiga-

tions that were not yet approved in fiscal 2012. In fiscal 2011, air complaint investigations made up 39 percent of the total; water complaint investigations, 39 percent; and waste investigations, 21 percent. In fiscal 2012, air investigations were 37 percent of the total; water investigations, 38 percent; and waste investigations, 23 percent.

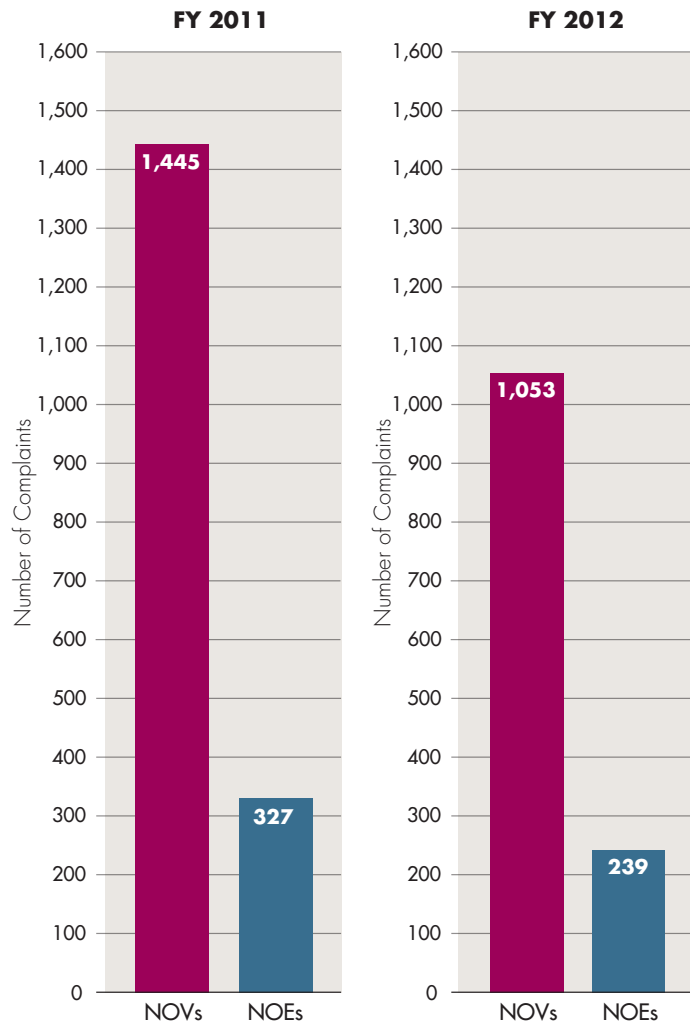
Typically, a small number of complaint investigations (about 1 percent in fiscal 2011, and less than 1 percent in fiscal 2012) do not fall under the specific program areas listed in this report.

Conclusions

The complaint data for fiscal 2011 and 2012 are typical of complaints received and 45

Figure A-8

Complaints Resulting in NOVs & NOEs, Statewide



investigated in previous years, with minor variations within some analysis categories.

The trend of an increasing percentage of complaints occurring in the water program continued through fiscal 2010, but has declined in fiscal 2011 and 2012. Fiscal 2011 saw a peak in complaints (primarily air related) in the North Central Texas Barnett Shale area—resulting in a slight increase in total complaints received,

and a more significant increase in air complaints received in that region. In response to this public concern, the TCEQ has undertaken a significant effort to monitor and characterize emissions and air quality related to these gas-production facilities, and to identify regulatory approaches to alleviating these concerns. (See description of Barnett Shale, page 6.)

Figure A-9

Complaint Investigations by Program Type

Program Type	FY 2011	FY 2012
Animal Feeding Operations	161	84
Air Quality	2,404	1,651
Dry Cleaners	2	0
Edwards Aquifer	28	16
Emergency Response	17	14
Industrial/Hazardous Waste	211	150
Municipal Solid Waste	715	499
On-Site Sewage Facilities	183	154
Petroleum Storage Tanks	202	154
Public Water Supply	863	511
Water Quality	759	694
Water Rights	117	70
Landscape Irrigator Operator Licensing	3	55
No Program Assigned*	88	7
Total	5,753**	4,059†

* "No Program Assigned" includes complaint investigations that cannot be categorized in the listed program areas, or complaints occurring at the end of the fiscal year that have not yet been assigned to a program area.

** The number of complaints investigated and approved in FY 2011 is 5,608. However, since some complaints are investigated by multiple programs, the total number of complaint investigations may appear greater.

† The number of complaints investigated and approved in FY 2012 is 3,943. However, since some complaints are investigated by multiple programs, the total number of complaint investigations may appear greater.

Finally, the analysis of complaint investigations by program type reflects the fact that the TCEQ places a high priority on investigating citizen complaints. All complaints received are reviewed by management, prioritized according to potential impact on public health or the environment, and either investigated in accordance with the assigned priority or, if not within the jurisdiction of this agency, referred to the appropriate authority.