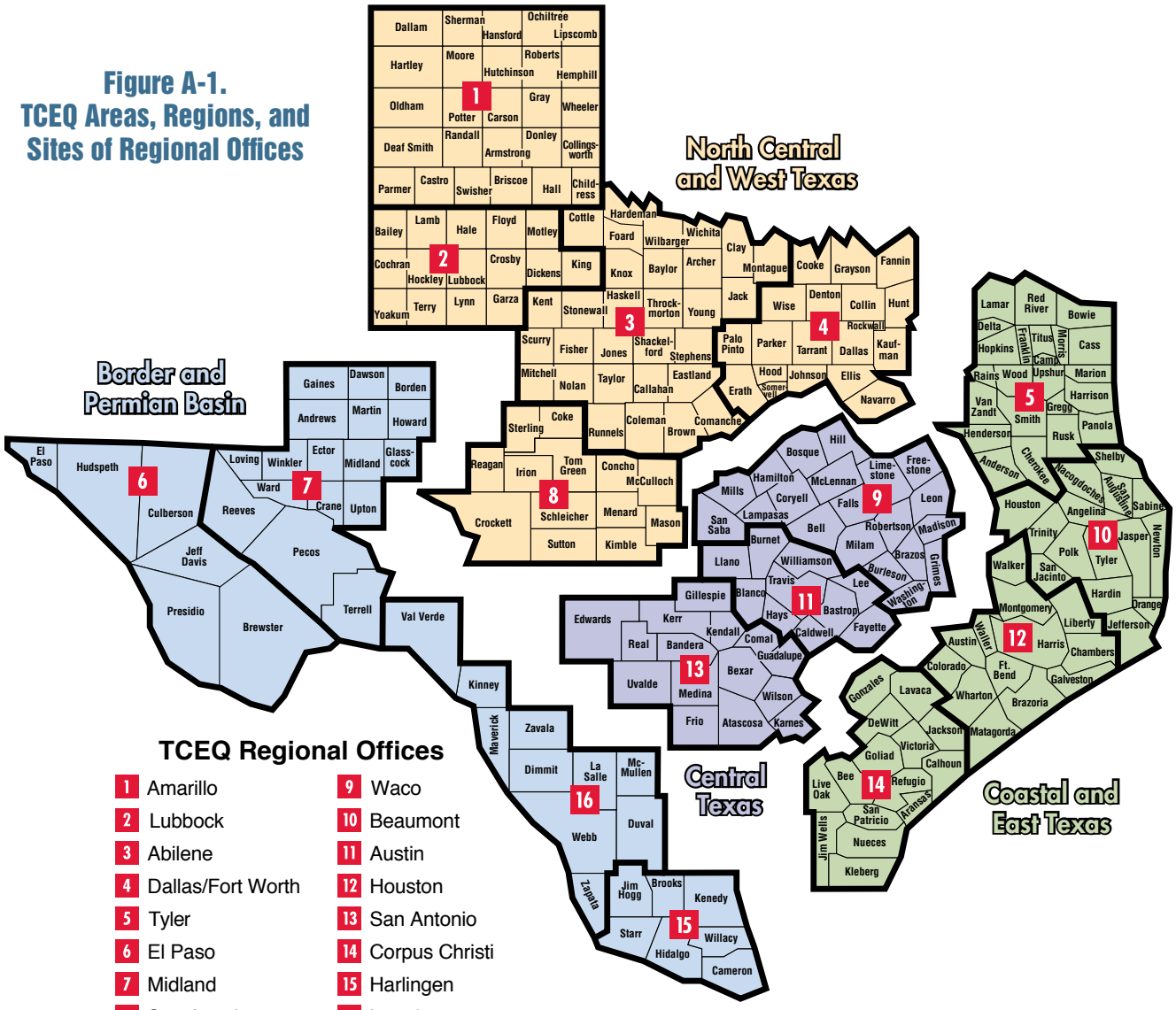
APPENDIX A

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. Complaints can be submitted to TCEQ online, or by phone, email, or letter to our central office or one of 16 regional offices for response. The agency maintains a 24-hour toll-free hotline (888-777-3186) for receiving such calls and a webpage providing an online form and email address.

Figure A-1. TCEQ Areas, Regions, and Sites of Regional Offices



TCEQ must review complaints received each year, including analysis by any of the following categories:

- region
- environmental media (air, waste, and water)
- priority classification
- enforcement action taken
- commission response
- trends by complaint type

TCEQ also must assess the impact of any changes made in our complaint policy. This analysis is conducted and reported as per Sections 5.1773 and 5.178 of the Texas Water Code.

Complaint Data Collection and Reporting

After the Office of Compliance and Enforcement receives an environmental complaint, the data related to the initial complaint are recorded in the Consolidated Compliance and Enforcement Data System (CCEDS). If an investigation is warranted, an investigator is assigned who enters investigation data into that data system. Management reviews, approves, and documents the investigation in CCEDS.

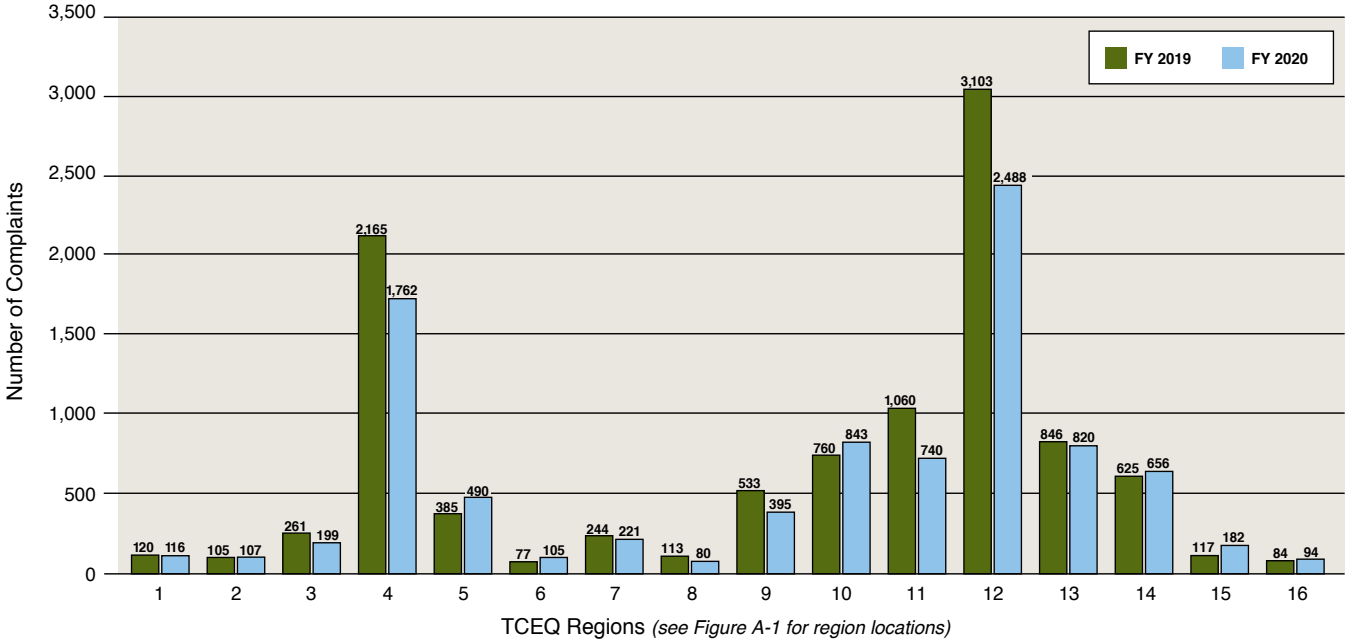
All the data summarized in this appendix is from CCEDS. This report reflects activity that occurred in the agency's 16 regions and at the central office during fiscal 2019 (Sept. 1, 2018, through Aug. 31, 2019) and fiscal 2020 (Sept. 1, 2019, through Aug. 31, 2020). The data are presented in Figures A-2 to A-7.

Complaints by Region

In fiscal 2019, TCEQ regions received a total of 10,598 complaints; in fiscal 2020, the total was 9,298. Figure A-2 shows the breakdown of these totals.

The number of complaints varies according to regional population. In fiscal 2019, 50 percent of all complaints came from the two largest metropolitan areas, the Dallas-Fort Worth region (20 percent) and the Houston region (29 percent). In fiscal 2020, 46 percent of complaints were by the Dallas-Fort Worth region (19 percent) and the Houston region (27 percent).

Figure A-2. Complaints by Region



Complaints Received by Environmental Media (Air, Waste, Water, Multimedia, and No Media)

Total complaints were analyzed by environmental media (air, waste, water, multimedia, and no media) statewide. "No media" refers to complaints that do not fit within one of the established medias (for example, noise). Most complaints in fiscal 2019 and 2020 were about water. *See* Figure A-3.

The increase in water complaints in fiscal 2019 is a result of an increasing number of wastewater treatment facilities being constructed, as well as aging water infrastructure systems with inadequate operation or maintenance and reinvestment into the systems. Areas of Texas have also experienced continued growth and development, which led to an increase in stormwater-related complaints.

In fiscal 2019 and 2020, air complaints increased, and primarily concerned odor and dust. There was an increase in odor complaints related to industrial operations in the Dallas-Fort Worth and coastal regions and poultry operations in the Tyler and Beaumont regions. Dust complaints were related to aggregate production operations and new construction in the Houston, Dallas-Fort Worth, El Paso, and San Antonio regions.

A decrease in landfill complaints in the Houston region resulted in considerably fewer waste complaints in both fiscal 2019 and 2020.

Figure A-3. Complaints by Media Type, Statewide

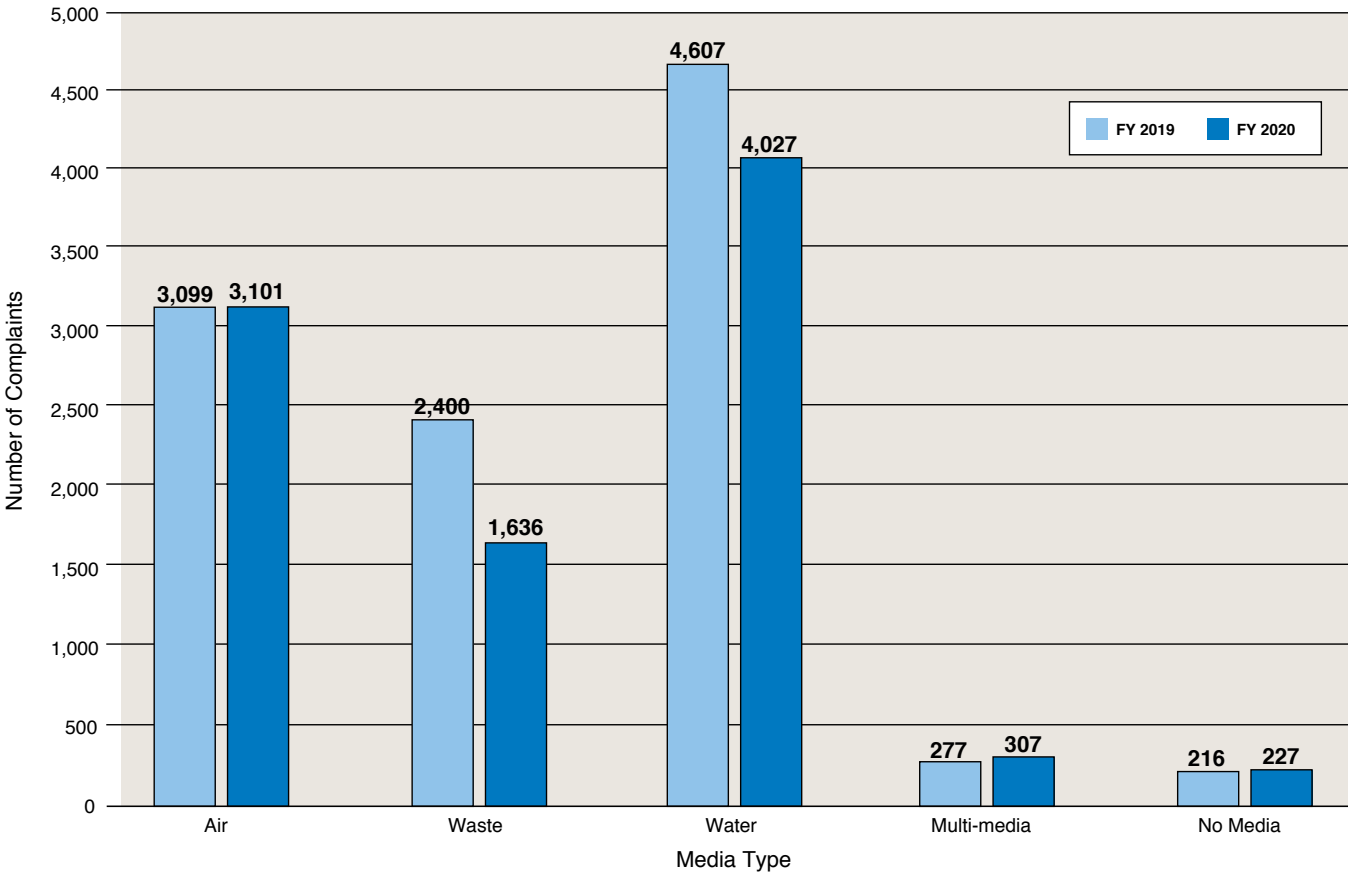
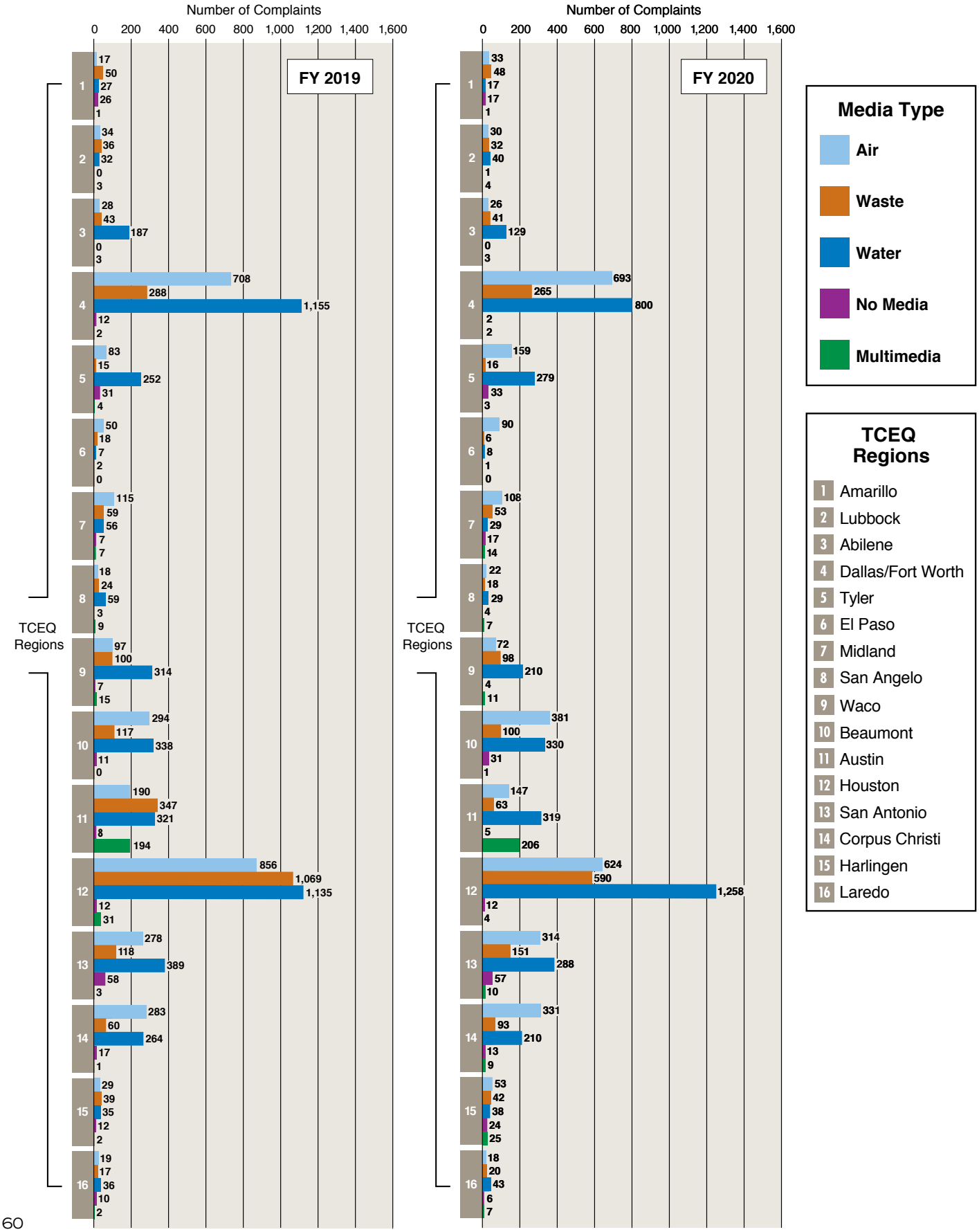


Figure A-4. Complaints by Region & Media Type



Complaints Received by Priority Level

Complaints received in regional offices are prioritized in the following categories, based on the relative threat to public health, safety, or the environment. Each priority level represents a prescribed response time. The priority levels are:

Immediate response required

Response time is as soon as possible, but no later than 24 hours from receipt. This classification also includes a category that requires a response within 18 hours for odor complaints involving certain types of poultry operations.

Respond within one working day

As soon as possible, but no later than one working day from receipt.

Respond within five working days

As soon as possible, but no later than five working days from receipt.

Respond within 14 calendar days

As soon as possible, but no later than 14 calendar days from receipt.

Respond within 30 calendar days

As soon as possible, but no later than 30 calendar days from receipt.

Refer or do not respond

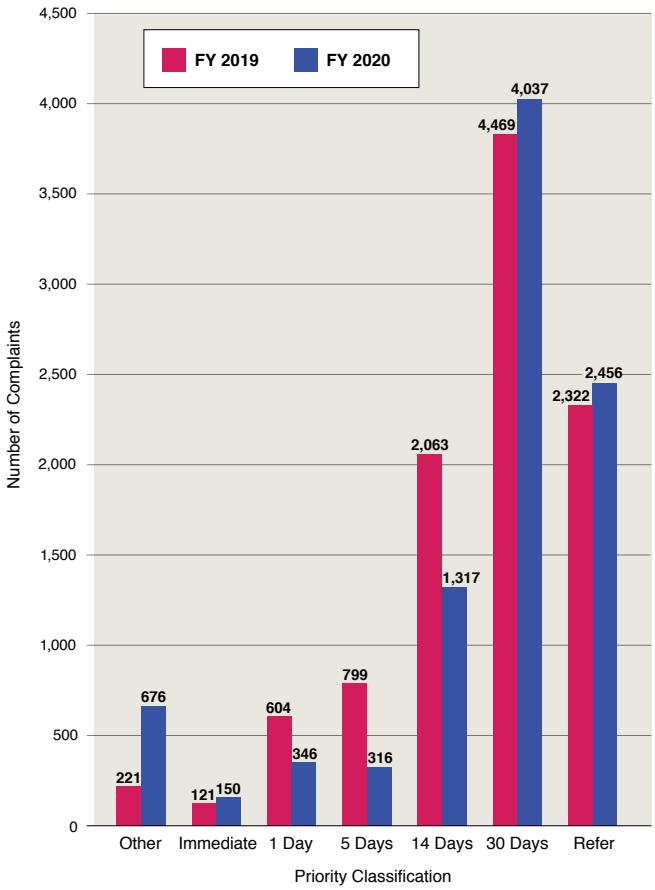
This classification is for complaints that, due to jurisdictional issues, are referred to other authorities, or for complaints that TCEQ does not routinely investigate but must track for special projects, as determined by management.

Other specified time frame

This classification is for special projects that occur as on-demand events and complaints in which the complainant or source is unavailable and region management has granted prior approval for extending an investigation. Response time is based on management's evaluation of the project and the overall staff workload.

The distribution of complaints is shown by priority classification statewide in Figure A-5. Approximately 71 percent of the complaints received during the last two years were classified as requiring an investigation in 30 calendar days or less.

Figure A-5.
Complaints by Priority, Statewide



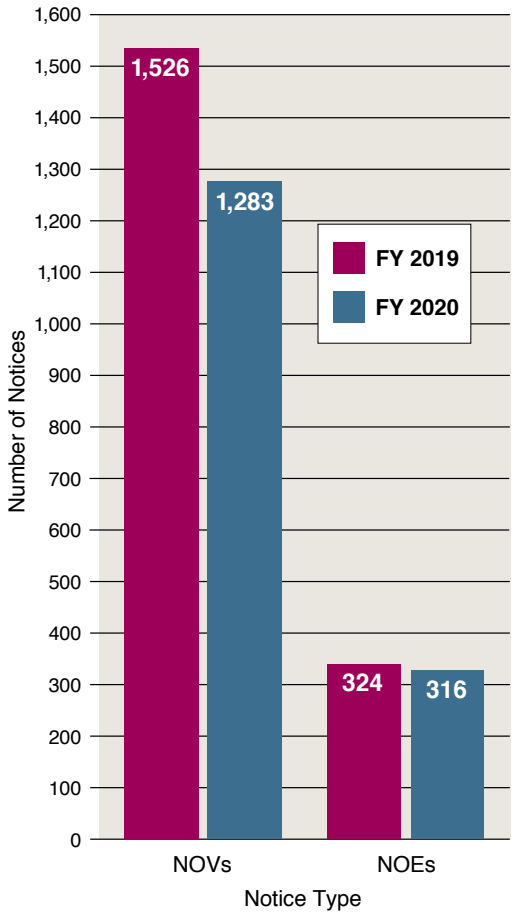
Complaint Investigations that Trigger Enforcement Action

All complaint investigations are conducted according to priority levels, as described above. Subsequent action depends on the outcome of the investigation. For approximately 64 percent of the complaints received during fiscal 2019 and 2020, no enforcement action was required. For the remainder, TCEQ took enforcement action in the form of a notice of violation (NOV) or a notice of enforcement (NOE) per TCEQ's enforcement initiation criteria.

An NOV is issued when TCEQ rules, state statutes, or permit requirements have been violated, but the violation is not considered serious enough to require an enforcement order. Violations are expected to be resolved within a time frame specified in the NOV.

An NOE is issued when a substantial violation has been documented and formal action is required. Typically, an NOE leads to the assessment of administrative penalties.

Figure A-6. Complaints Resulting in NOVs & NOEs, Statewide



Complaints Investigated by Program Type

TCEQ also analyzed complaint investigations by program type. Waste and water media each have several subcategories of programs. Air complaints are not further subdivided. If an investigation involves more than one type, it is classified as "multi-program."

The waste program types are:

- dry cleaners
- emergency response
- petroleum storage tanks
- industrial and hazardous waste
- municipal solid waste

The water program types are:

- animal feeding operations
- Edwards Aquifer Protection Program
- on-site sewage facilities
- public water supply
- water rights
- aggregate production operations
- landscape irrigation
- 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-7 shows the number of complaint investigations that were conducted in each program type. In fiscal 2019, 4,935 investigations were conducted. In fiscal 2020, 4,559 investigations were conducted. One investigation may be conducted for multiple complaints for the same or similar incidents or conditions.

In fiscal 2019, air complaint investigations made up 34 percent of the total; water complaint investigations, 50 percent; waste investigations, 14 percent; and multi-program complaint investigations, 2 percent. In fiscal 2020, air investigations were 39 percent of the total; water investigations, 46 percent, waste investigations, 13 percent; and multi-program complaint investigations, 3 percent.

Conclusions

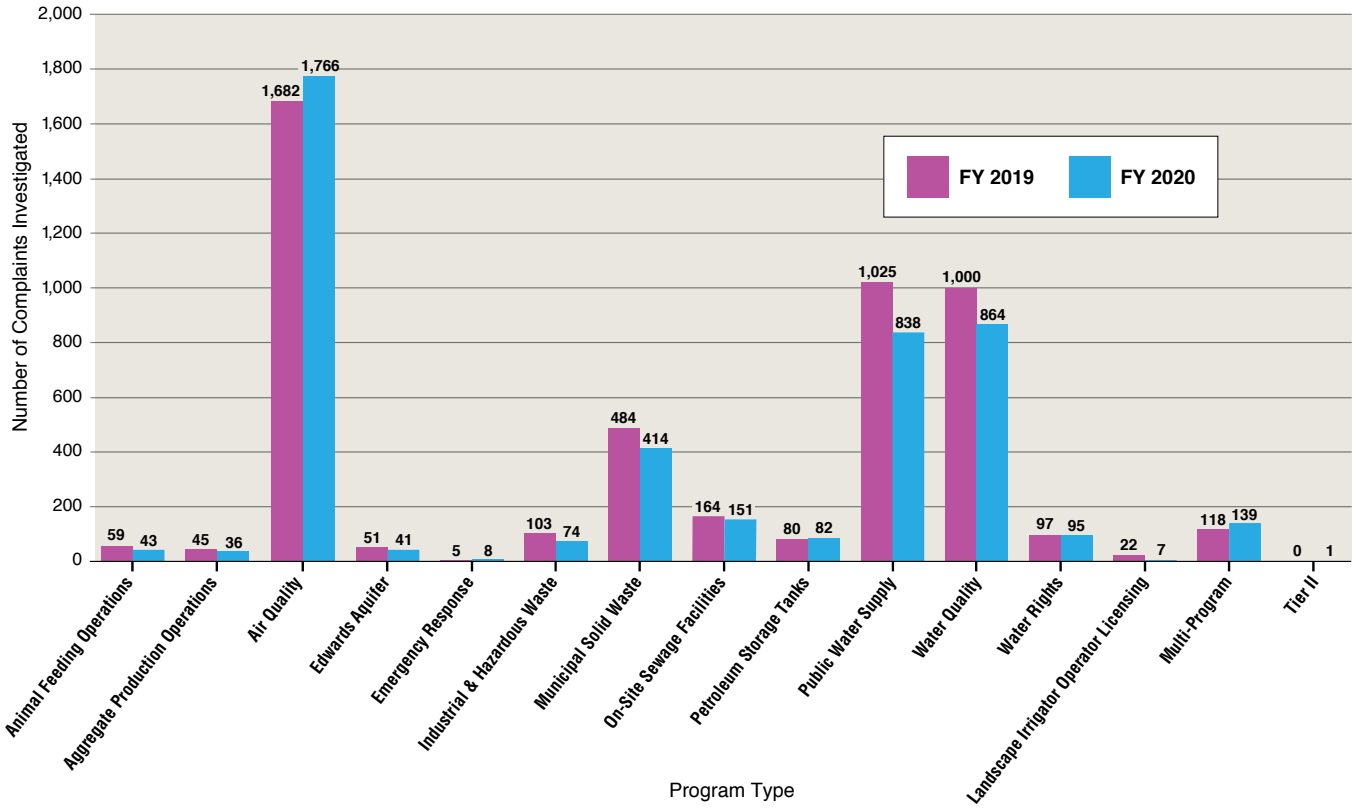
TCEQ experienced an overall decrease in complaints received for fiscal 2019 and 2020 compared to previously reported years, with the most significant decrease in waste complaints from fiscal 2018 to 2019. In fiscal 2017 and 2018, there was a marked increase in waste numbers resulting from complaints near landfills in the Houston area, however, this number has decreased considerably in fiscal 2019 and 2020. The number of waste complaints received in fiscal 2019 and 2020 appears to represent a return to previously reported waste-related complaint volumes.

Despite the overall decrease in the number of complaints, water complaints increased in fiscal 2019 due to aging water infrastructure in some areas of the state, as well as the construction of new wastewater treatment facilities in other areas. As Texas has continued to experience economic growth, this growth and development has also resulted in increased stormwater-related complaints.

A lower number of complaint investigations were conducted in fiscal 2020 compared to fiscal 2019 which correlates with a decrease in the number of complaints received. However, the total number of complaint investigations remains consistent with the number of complaint investigations in previous years.

When multiple complaints are related, they may be addressed collectively according to the agency's standard investigative procedures. Therefore, there is not

Figure A-7. Complaint Investigations by Program Type



a direct correlation between the number of complaints received and the number of investigations.

Finally, the analysis of complaint investigations by program type demonstrates that TCEQ places a high priority on investigating complaints. All complaints 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.