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# Texas Commission on Environmental Quality

## Annual Assessment of Complaints Received: Fiscal Year 2002

Prepared by:  
Field Operations Division

This report is published as required under the  
Texas Water Code, Section 5.1773, as passed by  
the 77th Texas Legislature in HB 2912

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# **Executive Summary**

The Texas Commission on Environmental Quality has taken steps to improve processes involving complaints and enforcement action. Goals of the initiative were to reduce complaint response times and increase public awareness and involvement in complaint-related activities. Projects initiated to achieve these goals include a 24-hour response time, a Citizen-Collected Evidence Program, and a complaints brochure for public outreach.

## **24-Hour Response Time**

In 2000, the TCEQ's Field Operations Division initiated a pilot project to establish a 24-hour complaint response system. In order to accomplish this objective, the TCEQ contracted with an after-hours answering service and established after-hours response rotations in the agency's 16 regional offices. The results of the pilot project were favorable, and the Field Operations Division recommended that the after-hours response program be continued.

Under the contract established with the answering service, all calls to the Field Operations Division outside of normal business hours, including holidays, are automatically routed to the answering service. Normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

Upon receipt of a call, the answering service notifies the appropriate Field Operations Division staff person who is scheduled to receive the calls, and a priority ranking is determined. Based on the priority ranking, an investigation assignment is made. The Field Operations Division continues to operate the 24-hour response initiative through a contract with an answering service vendor.

## **Citizen-Collected Evidence Program**

In January 2002, the TCEQ adopted a program to assist the public in gathering evidence on environmental violators. Educational sessions have been conducted statewide to illustrate how to collect and submit the evidence and to provide the TCEQ's information on the enforcement process. With this new program, the citizens of Texas can assist the agency by providing information on possible violations of environmental law that can be used to pursue enforcement.

## **Complaint Brochure**

In FY 2002, the Field Operations Division developed a brochure entitled *Do You Want to Report an Environmental Problem?* The brochure answers general questions the public might ask about how to report an environmental problem, and explains how to get detailed instructions on submitting information or evidence. The brochure, along with the complaints information provided on the TCEQ Web site, [www.tceq.state.tx.us](http://www.tceq.state.tx.us), has increased the level of public awareness about the TCEQ complaints process.

## **Purpose of This Report**

In 2001, the 77<sup>th</sup> Legislature directed the TCEQ to annually conduct a comprehensive analysis of the complaints it receives. The legislation also requires that this include analysis of complaints received by the following categories: air, water, waste, priority classification, region, commission response, enforcement action taken, and trends by complaint type. The directive appears in Article 1, Section 1.16, of HB 2912, enacted by the 77<sup>th</sup> Texas Legislature, amended Section 5.1773 of Subchapter E, Chapter 5, Texas Water Code.

Article 1, Section 1.17 of HB 2912 amended Section 5.178(b) of the Water Code to require that a summary of these analyses be included in the reports required each biennium by Section 26.0134(d) of the Water Code, and Section 5.02, Chapter 133, Acts of the 69<sup>th</sup> Legislature, Regular Session, 1985.

Complaints are received from the public by all areas of the TCEQ. However, the required data elements for analysis as defined in the above referenced legislation are specific to data tracked by the Field Operations Division. Therefore, the following report provides citizen complaint data received by the Field Operations Division for fiscal 2002. Because this is the first formal presentation of information of this nature, this report is intended to provide baseline data only. This fiscal 2002 report will become the basis for subsequent comparison with future complaints received.

The data in the report is organized by Strategic Environmental Regional Planning Areas (Figure 5). A listing of the alignment of TCEQ regional offices with the strategic environmental regional planning areas is also included for reference (Table 2).

## **Complaint Handling Process and Data Collection**

When the Texas Commission on Environmental Quality (formerly the Texas Natural Resource Conservation Commission, or TNRCC) began operation as the primary environmental agency for the state of Texas on September 1, 1993, the Field Operations Division implemented a complaints handling process which included procedures for the comprehensive management of all environmental complaints submitted by citizens. This included not only procedures for receipt, investigation, and closure of complaints by TCEQ regional offices, but also included a centralized data management system for logging, tracking, and reporting all environmental complaints received.

The complaints handling system was in use by all TCEQ regional offices through fiscal 2001. Beginning in the fall of 2001, the Field Operations Division initiated the implementation of a Consolidated Compliance and Enforcement Data System (CCEDS), which also includes data management for environmental complaints. The field procedures for receipt, investigation, and closure of complaints did not change significantly with the introduction of CCEDS. However, entry into the previous complaints handling data system was discontinued as each regional office was brought on-line with CCEDS. Therefore, the complaints data provided in this report is a combination of data from the original complaints handling system and the current CCEDS.

## **Complaint Handling Procedures**

A complaint can be received at the agency in a variety of formats: walk-in, telephone, e-mail, facsimile, petition, or letter. For a complaint to be processed appropriately, the following information is needed: nature of the complaint, media type, staff person receiving complaint, staff person assigned to respond, date received, time received, priority assigned, complainant information, company name and location, date occurred (if known), and the description of the initial problem.

In some cases, complainants prefer to remain anonymous. If an anonymous complaint is received it does not mean that the complaint will not be investigated. Some program areas may have regulations that prohibit investigations of anonymous complaints (for example, air nuisance odors); however, this is made clear to the complainant at the time the complaint is received.

The TCEQ provides basic information to the complainant, such as level of confidentiality, the time frame in which a complaint will be investigated, and the possibility of a referral. In some instances a complaint may not be within the TCEQ's jurisdiction and may be referred to another agency or local jurisdiction. After receipt of all necessary information from the complainant, the complaint is assigned to the appropriate program area and/or region.

Field Operations Division investigators receive a copy of the complaint information within one working day of being assigned the investigation. If a regulated source has been identified, the investigator conducts a file review before entering the field to continue the assignment. An investigator will review the information that has been collected regarding the complaint and check for other complaints for the same facility, the same complainant, and the type of complaint. An initial review of the data will assist the investigator in gathering necessary equipment to conduct the investigation.

If the situation is an immediate threat to public health or the environment, the TCEQ responds within 24 hours after receiving the complaint. After receiving the complaint, Field Operations Division investigators notify the complainant of actions taken, especially when investigations reveal violations that warrant subsequent enforcement actions. Actions can include formal enforcement, in which a commission order is issued to correct the problem and assess a fine, or a lawsuit that is filed against the violator. Other possible actions include written or verbal notice of violations (NOVs), in which a violator is put on notice to correct the problem within a specific period of time. These actions do not involve formal commission orders or penalties.

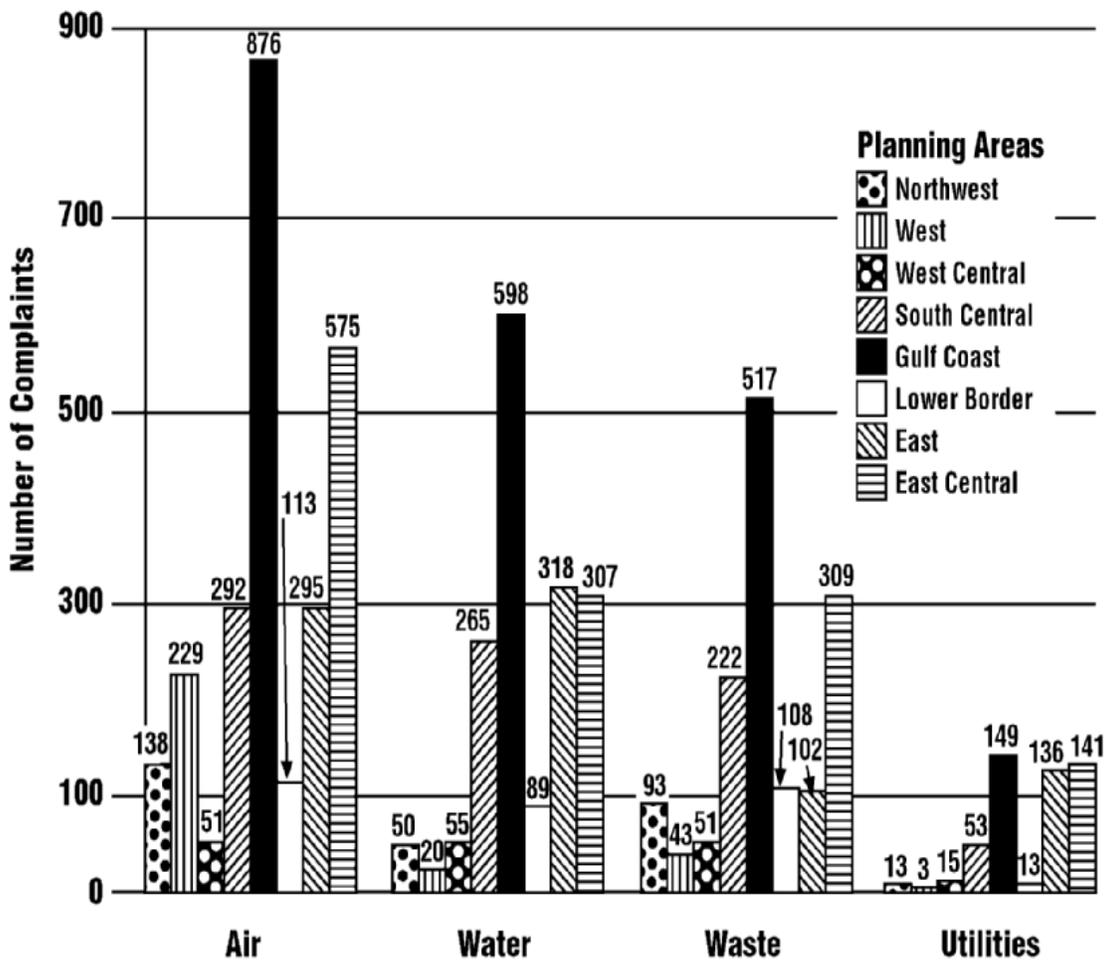
## **Data on Complaints**

The following graphs provide baseline data from complaints received in fiscal 2002.

## Complaints by Media Type

The graph below indicates the number of complaints received in each of the strategic planning areas in fiscal 2002 for the three environmental media (air, water and waste) and for utilities (water). The largest concentration of complaints received are in the Gulf Coast area in Air.

**Figure 1. Complaints Received by Media Type and Planning Area, FY 2002**



## Complaints by Strategic Environmental Planning Area

The graph below indicates the total number of complaints received for fiscal 2002, and is organized by strategic environmental planning area. In fiscal 2002, the TCEQ received 6,648 complaints throughout the state. Thirty-four percent of all complaints received were located in the Gulf Coast area.

**Figure 2. Complaints by Planning Area, FY 2002**

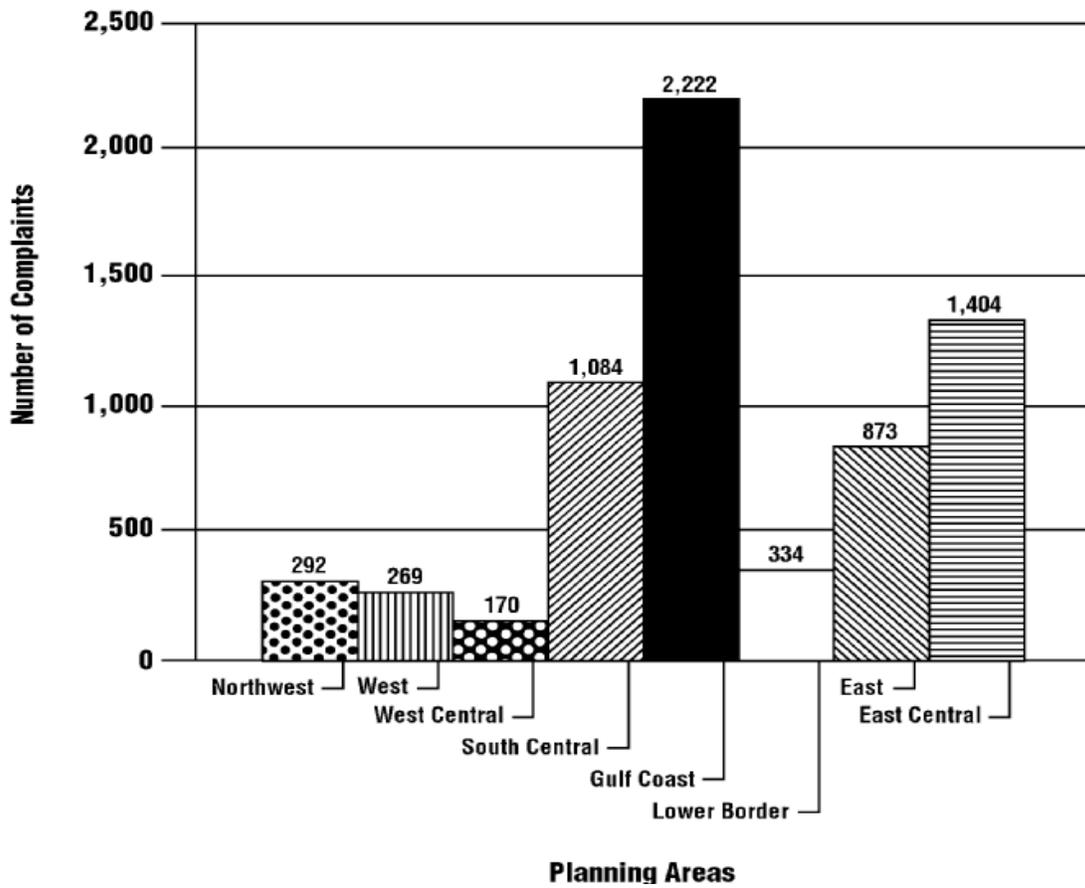


Table 1 that follows shows the number and percentage of complaints in each planning area.

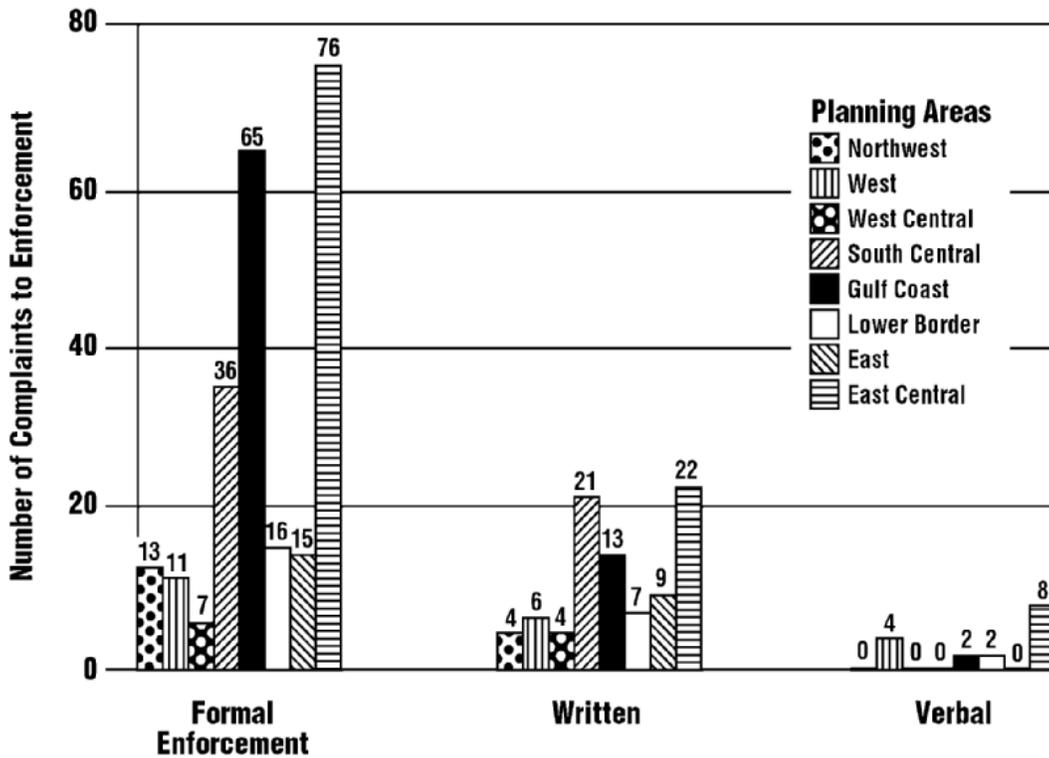
**Table 1. Percentage of Complaints by Planning Area**

<b>Planning Area</b>	<b>Complaints</b>	<b>% of Total</b>
<b>Northwest</b>	<b>292</b>	<b>4 %</b>
<b>West</b>	<b>269</b>	<b>4 %</b>
<b>West Central</b>	<b>170</b>	<b>3 %</b>
<b>South Central</b>	<b>1084</b>	<b>16 %</b>
<b>Gulf Coast</b>	<b>2222</b>	<b>34 %</b>
<b>Lower Border</b>	<b>334</b>	<b>5 %</b>
<b>East</b>	<b>873</b>	<b>13 %</b>
<b>East Central</b>	<b>1404</b>	<b>21 %</b>
<b>Total:</b>	<b>6648</b>	<b>100 %</b>

### Complaints Resulting in Enforcement Action

The diagram below indicates the number of complaints received that resulted in enforcement action taken by the TCEQ. In addition, the diagram shows the number of written and verbal notices of violations (NOVs) issued as a result of a complaint investigation.

**Figure 3. Complaints Received Involving Enforcement Action by Planning Area, FY 2002**



## **Complaint Response Time by Priority Level**

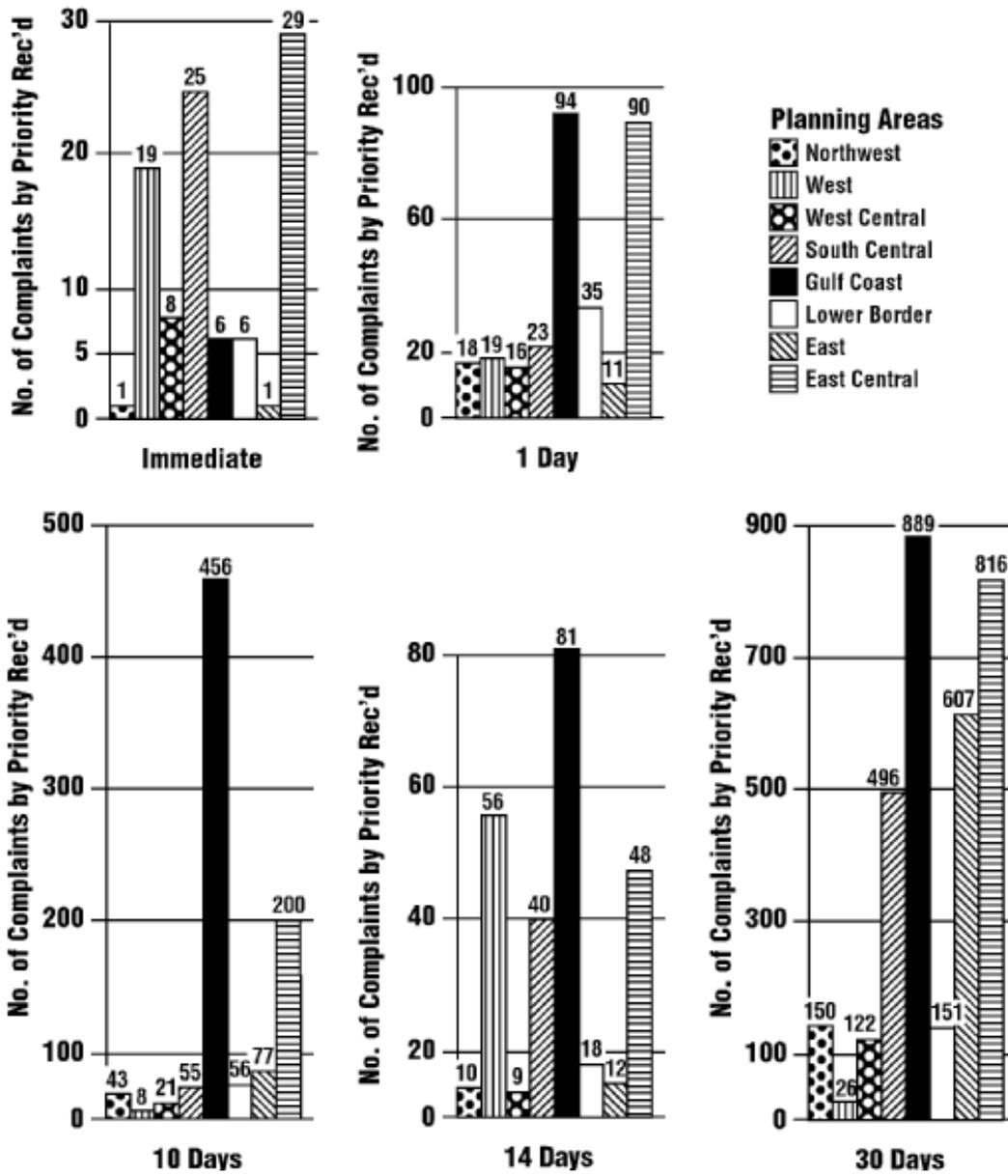
The Figure 4 graphs that follow indicate the number of days to investigate a complaint received, based on established TCEQ priority levels. Priority levels are assigned when the complaint is received. In order to appropriately reflect data from both the Complaint Handling System and from the Consolidated Compliance and Enforcement Data System, nine categories of priority levels are used. CCEDS has only seven priority levels.

Future analyses will refer only to the following response times:

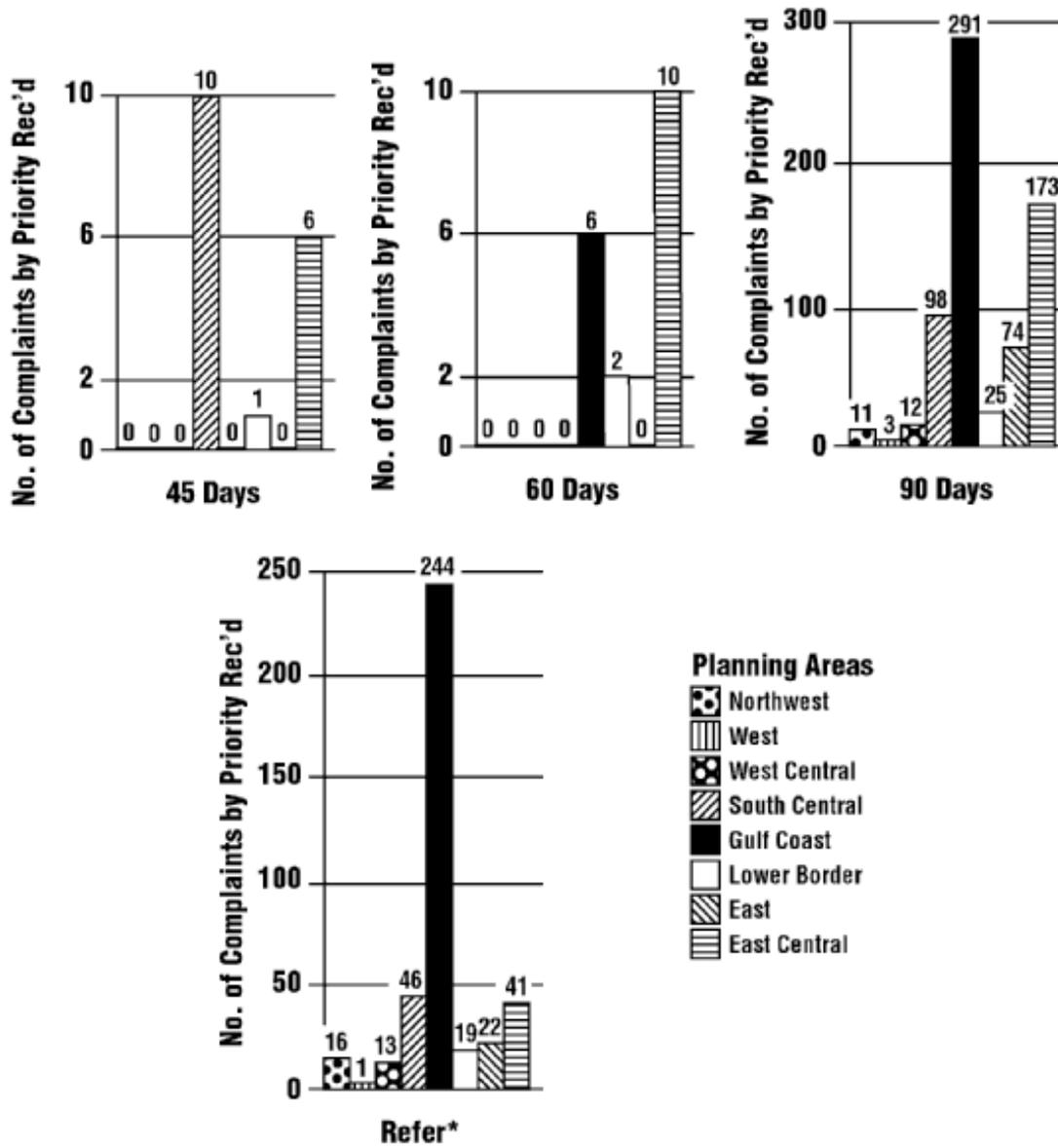
- **Immediate**
- **1 working day**
- **14 calendar days**
- **30 calendar days**
- **45 calendar days**
- **60 calendar days**
- **Refer**

Complaints outside of the TCEQ's jurisdiction are referred to the appropriate authority.

**Figure 4. Complaint Response Time by Priority and Planning Area, FY 2002**

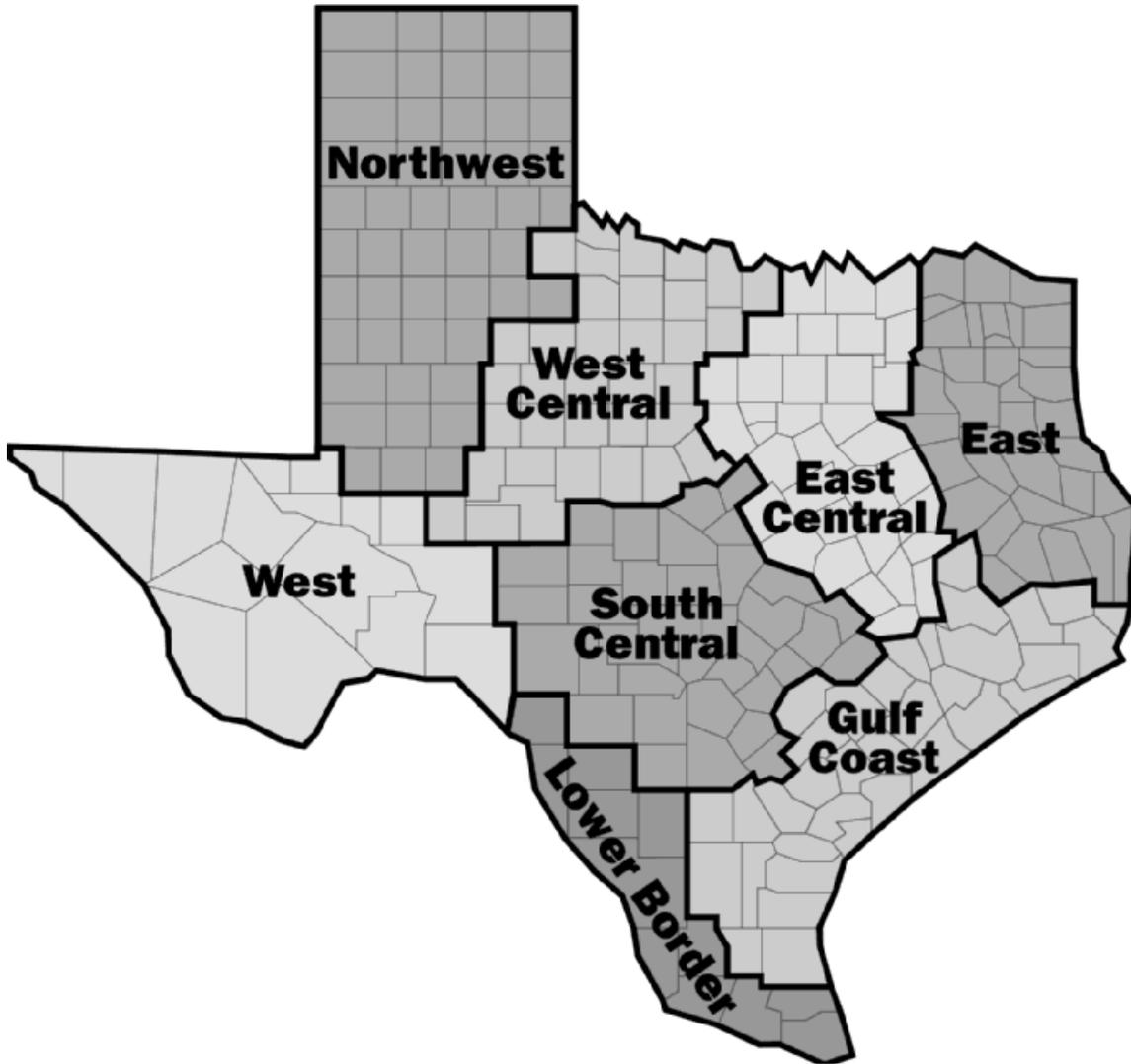


**Figure 4. Complaint Response Time by Priority and Planning Area, FY 2002**  
(continued)



\*Complaints outside of TCEQ's jurisdiction are referred to the appropriate authority.

Figure 5. Strategic Environmental Regional Planning Area Map



**Table 2. Strategic Planning Areas Associated to Regional Office Locations**

<b>Strategic Planning Area</b>	<b>Regional Office</b>
<b>Northwest</b>	<b>Amarillo, Lubbock, and Midland</b>
<b>West</b>	<b>El Paso, Midland, San Angelo, and Laredo</b>
<b>Lower Border</b>	<b>Harlingen and Laredo</b>
<b>Gulf Coast</b>	<b>Beaumont, Houston, Corpus Christi, Harlingen, and Laredo</b>
<b>East</b>	<b>Tyler and Beaumont</b>
<b>East Central</b>	<b>Dallas-Fort Worth, San Angelo and Waco</b>
<b>West Central</b>	<b>Abilene and San Angelo</b>
<b>South Central</b>	<b>San Angelo, Waco, Austin, and San Antonio</b>