Field Operations Investigations of Complaints Investigator Manual GI-602

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Document History

Date Update Approved/Effective	Section(s) Updated	Comments (if applicable)
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March, 2024	All	Rearranged information to limit redundancy, reformatted for accessibility. Addressed Senate Bill 471, sunset recommendation, and audit findings.
November, 2025	3.1, Appendix F	Added language to include guidance on contacting TXDOT prior to investigation and hyperlink to an Excel Sheet with the contacts list.

1.0 General Complaint Information

1.1 Definition of a Complaint

A complaint is a type of incident communicated orally, electronically, or in writing to the Texas Commission on Environmental Quality (TCEQ), reporting a situation or event that a complainant alleges is a possible environmental, health, and/or regulatory concern where the complainant also requests action to be taken by TCEQ. The subject of the complaint may or may not be under TCEQ's jurisdiction. The complainant may or may not be anonymous.

1.2 Confidentiality

1.2.1 Complainant Information

By law and as TCEQ policy, the Agency holds all complainant information confidential. To the extent possible, TCEQ will keep confidential the complainant's identity and all information that could lead to the identification of a complainant. Access to complainants' names and addresses will be generally limited to Agency personnel, but may be shared with other governmental entities, if needed, without waiving confidentiality. Complainant contact information will be documented in the "Contact Maintenance" tab of the Incident in Consolidated Compliance and Enforcement Data System (CCEDS) and on the Incident Data Entry Form but will not be released unless directed by the Office of the Attorney General (OAG) in response to an open records request. When conducting investigations resulting from a complaint, the assigned investigator and regional management will take reasonable measures to protect the identity of a complainant.

Some circumstances may occur in which revealing the complainant's identity is necessary. If the role of the complainant changes (e.g. from complainant to party to a hearing), the Agency cannot guarantee confidentiality. Additionally, if a complaint results in a formal legal proceeding, the court or administrative law judge may require the complainant's identity to be disclosed. Also, in order to substantiate any violations, the complainant's testimony at the legal proceeding may be necessary. The complainant may be required to testify when Citizen Collected Evidence (CCE) is used in a formal enforcement proceeding and they should be informed of this possibility at the time when this evidence is accepted.

Issues regarding confidentiality should be made clear to the complainant when obtaining their information. Only if the complainant wants to be anonymous and no record is kept of their identity can the Agency guarantee complete confidentiality. If programmatic issues exist regarding confidentiality and the investigation of a complaint, provide this information to the caller at the time of initial contact. For example, the Odor Complaint Investigation Procedures document states, "With regards to anonymous complaints, the investigator would not be able to confirm a nuisance condition but could still investigate the source of the odor." Complainants should be given information on the Web Access to Complaints Information (WACI) page on TCEQ's website. The complainant should also be provided the incident number, if available, and given instruction on how to navigate to WACI page to obtain information regarding the investigation of the complaint.

1.2.2 Tier II Community Right-to-Know Chemical Reporting Information

Before proceeding with a Tier II complaint, regional offices should refer to the section regarding Complaint Referrals (Section 2.4). By law, the Agency is required to hold all Tier II information under the Emergency Planning Community Right-to-Know Act as confidential. To the extent possible, TCEQ will hold as confidential the Tier II facility identity and all information that could lead to the identification and/or location of a Tier II facility. Access to a Tier II facility's name, location, or other identifiers will be generally limited to Agency personnel. Tier II facility information and identifiers may be documented in the "Incident Page," "Program Association," "Customer Role Maintenance," and "Incident Source Name" tabs of the Incident within all tabs of

the Investigation List in CCEDS and on the Incident Data Entry Form, but will not be released unless directed by the OAG in response to an open-records request. When completing investigations resulting from a Tier II complaint, the investigation report should be handled as if it was confidential, or the investigator and regional management will take reasonable measures to protect all identifying information of the Tier II facility, particularly in the narrative of the investigation report.

2.0 Initial Notification of a Complaint

2.1 Notification of a Complaint

The collection of any initial information is key in conducting an effective and efficient investigation. A complaint can be received by the Agency in a variety of formats, such as walk-in, telephone, petition, letter, fax, e-mail, or via online form submittal. Documentation of the information is the same for all of these contact methods. Regardless of the method for complaint intake, an incident must subsequently be generated in CCEDS utilizing the information received from the complainant so care should be taken to gather the minimum information needed to complete CCEDS entry without the need for additional contact. If a caller is content with technical assistance and does not request follow up actions from TCEQ, including an investigation, this should be indicated in the available technical assistance tracking mechanisms and an incident will not need to be created.

2.1.1 Online Complaint Submittal Form

In 2024, TCEQ created an online form for the submittal of complaints to streamline information flow to TCEQ. Additional jurisdictional information was added to the public webpage to assist customers that may be referred by TCEQ to other Agencies to address their concerns. The form has been generated for direct entry by the complainant to gather information relating to their concern. When possible, the applicable regional office should encourage the use of this form for ease of data entry and record management. Regional complaint coordinators or other staff responsible for taking complaints can also utilize this form when gathering information via phone on behalf of a complainant. Alternatively, relevant information from the example incident data entry form should be gathered during contact with complainants. You can access the new form at TCEQ's website, *Make an Environmental Complaint*[1].

2.1.2 Incident Data Entry Form

Each regional office should utilize an incident data entry form when taking information from the complainant when initially notified of a complaint. The format and appearance of the form may vary from the example; however, the form used must include all complaint information necessary for CCEDS data entry. An email or automated notification may contain the needed information and negate the need to create an additional form. A list of minimum required information and an example of an incident data entry form can be found in Appendix A.

2.1.3 Asking the Right Questions

Where is the alleged activity occurring? Try to get the precise location of both the site where the effect was experienced **and** the alleged source. It is important to get a valid street address including city, county, and ZIP code, or landmarks to locate rural locations (referring to mapping tools during the call may help the complainant describe the exact location).

When does it occur (late at night, only on weekends)? How long has this activity gone on? If the activity happened years ago, what recent occurrence prompted the call (e.g., former employee, illness)? Does this complaint fall into the category of complaints not routinely investigated by TCEQ (see Appendix B)?

What is the nature of the problem? Which media does it involve? What is the impact or effect? Does the occurrence constitute an imminent threat to the environment or public safety? Get specific details about what the complainant believes is the problem, including details about the materials, potential hazards, etc. See the checklist for determining appropriate prioritization when health effects are alleged in Appendix C. Has the complainant contacted another agency regarding this incident—e.g., Environmental Protection Agency (EPA), local government, Department of State

[1] www.tceq.texas.gov/compliance/complaints

Health Services (DSHS), Railroad Commission of Texas (RRC)? Did the complainant communicate with the media about the situation?

What company or other entity does the complainant think is responsible for the activity and why? What evidence or basis does the complainant have for believing this party to be responsible? Get specific details, including contact names, addresses and phone numbers if available, and the type of activity that may be the source of the problem.

Always confirm all information to ensure accuracy. Try to be clear in the questions asked of the complainant and in what is written down.

In the event the regional office believes that the situation meets the criteria for not requiring an investigation, as described in Texas Water Code (TWC) Section 5.176[2], or if the regional office has otherwise exhausted all efforts in responding to prior similar incidents, the regional office can request approval to not respond. See Appendix D for specific information on how to request approval for this.

2.1.4 Providing Basic Information to the Complainant and to the Subject(s) of the Complaint

The investigator must provide to the complainant and the subject(s) of the complaint information about the agency's complaint policies and procedures (TWC Section 5.177(a)). This can be accomplished through providing the link or directing the complainant and subject(s) of the complaint to TCEQ's website, *Make an Environmental Complaint[3].*

Note that TCEQ Publication GI-278: "Do You Want to Make an Environmental Complaint?"[4] may also be provided but does not satisfy the requirement to provide policies and procedures.

The investigator must provide this information before the completion of the complaint investigation and should attempt to provide this information to the complainant and to each subject of the complaint.

Programs have protocols for the handling of specific types of complaints (e.g., nuisance odor, water rights, etc.). See program specific investigator guidance and manuals for additional media-specific information. Information regarding these types of investigations should be provided as necessary for these programs.

In the event the complaint is filed anonymously, or the complainant provides inaccurate contact information, the investigator is not required to make contact and/or provide any updates to the complainant.

If the complainant is filing a repeat complaint as described in TWC Section 5.176(c)[5] or the Region has exhausted all reasonable efforts, see Appendix D for specific information regarding communication with the complainant.

2.1.5 Tier II Community Right-to-Know Chemical Reporting

For questions regarding Tier II chemical reporting, please contact the Tier II program area Team Leader in the Critical Infrastructure Division.

If an on-site investigation is needed for a complaint, then the complaint will be referred to the appropriate regional office for investigation. If an on-site investigation is needed for a complaint related to an Ammonium Nitrate Storage Facility, then the complaint will be investigated by Critical Infrastructure Division (CID). For assistance determining if a facility is listed as an Ammonium Nitrate Storage Facility, regional staff should send an email to Tier2Help@tceq.texas.gov.

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[2] statutes.capitol.texas.gov/Docs/WA/htm/WA.5.htm
[3] www.tceq.texas.gov/compliance/complaints
[4] www.tceq.texas.gov/downloads/publications/do-you-want-to-make-an-environmental-complaint-gi-278.pdf
[5] statutes.capitol.texas.gov/Docs/WA/htm/WA.5.htm

2.1.6 Resources for Translating Complainants in Languages Other than English

In the event that no one in the regional office speaks Spanish and/or is willing and available to translate, Spanish translation services are available through the External Relations Division (ERD). Follow these steps to request translation assistance:

1. Email a request to publish@tceq.texas.gov.
2. Indicate the date the translation is needed.
3. Include who the translator should send questions to if it is not the requestor.
4. Copy the section manager or regional director so that ERD can confirm that your management is aware of the request.
5. Attach the accessible word file. ERD may follow-up with a request to send a machine translation if the document is lengthy. For requests to assist in planned phone calls with no predetermined information to convey or script, no accessible word file is necessary.

If translation assistance is not available or needed for a language other than Spanish, coordinate with your regional director to evaluate available translation services.

2.1.7 Screening Complaints

2.1.7.1 Sites with Multiple Complaints

A single site can have multiple complaints filed with TCEQ. When TCEQ receives more than one complaint alleging the same or similar concern while an investigation is actively ongoing, the regional office should notify the concerned citizen that TCEQ is aware of the concern, and an investigation is imminent/pending. The regional office should make it clear to the complainant that regardless of the number of individual complaints received, the response will be the same. The region should request confirmation if they still wish to file a complaint, or if it would suffice to provide them with the active incident number and instructions for how to find updates relating to the ongoing investigation. An exception to this could be when the complainant(s) allege a health-based complaint (in accordance with Appendix C) that would otherwise require a response within one day. If the investigation is currently ongoing, the regional office may elect to respond as part of the same investigation and may not need to generate a new incident or investigation report.

The regional office should handle large-volume complaints by creating a single incident number (for up to 95 separate complaints) which documents each complainant, including their phone number and address, using the “CCEDS Incident Contact Maintenance” tab, and each communication, using the “CCEDS Incident Contact Communication Log Maintenance” tab. The “number of persons complaining” information must be updated in the “Incident Detail tab” in CCEDS to accurately reflect the number of complainants attached to the incident.

Please note that there are CCEDS data entry limitations when multiple complainants or multiple staff are associated to an incident. Please refer to Tools, Ideas, and Practices (TIPs) page for CCEDS limitations.

When TCEQ receives an elevated number of individual forms of contact regarding the same or similar complaint allegations within a 14-day calendar period for the same entity, and/or the regional director deems the situation as significant or worthy of specialized investigation tactics, regional management should contact the area director regarding the number of complaint allegations for situational awareness. At this point, management should establish a specific plan designed to investigate the complaint allegation(s) effectively, and efficiently notify the complainants of the results of the investigation. When appropriate, the regional office may provide any potential complainants with information on how to find status updates relating to the concern and confirm if they still wish to be added as a formal complainant as a review is already underway as noted above. These situations should not be a routine occurrence. Field/regional management has the option of specialized handling to adapt to unique situations as they arise. If the regional office continues to receive a high volume of complaints regarding the same incident, standard language provided below may be added as an auto-response or sent individually to the complainant

to acknowledge receipt and that the regional office is aware of the situation. If this template language does not speak exactly to the situation being addressed, the regional office may minimally edit and add to the text to be more appropriate. *Please also ensure hyperlinks and phone numbers are added where appropriate.*

> *The Texas Commission on Environmental Quality has received your complaint regarding the referenced condition on (DATE). [At this time, there is an open complaint regarding similar allegations for the entity in question that falls under the jurisdiction of TCEQ therefore, an investigation (will be/has been) conducted.]*
>
> *To access a copy of our complaint policies and procedures, or to track the complaint allegation using Complaint Tracking Number (#####), you may refer to our website at https://www.tceq.texas.gov/compliance/complaints.*
>
> *After reviewing the complaint allegation and status on our website, if you wish to receive updates regarding the investigation or if the conditions are persisting after the incident number above is in the closed status and the investigation information is available, please file a new complaint. To file your new complaint, please use our online form found here: [hyperlink to page]. You may also contact the regional office at the number listed below, or by calling us toll-free at (888) 777-3186. If you are satisfied with the details in the complaint tracking number listed above and do not wish to receive any further correspondence relating to this incident, then no further actions need to be taken at this time.*
>
> *We appreciate you bringing this matter to our attention. If we can be of further assistance, please contact the (Region City) Office at (Region phone number).*

One investigation may be conducted to address the multiple complaints received. If extensive response is required, a new investigation may be required to account for the extended duration of an event or multiple media impacts, at the direction of regional management. Multiple types of workplan events may be associated to one CCEDS investigation as appropriate. New complaints received for the same or similar ongoing allegations for the same regulated entity within a 14-day period of when a complaint has been investigated but before the report has been finalized in CCEDS, can be associated to the investigation as appropriate. If the complaint is received after the investigation is approved in CCEDS or after 14 calendar days of the investigation, a new investigation should be conducted. The region has discretion not to conduct a subsequent investigation if an alleged violation relating to the specific allegation has been cited within the previous investigation, remains outstanding, and/or is otherwise in the process of being addressed.

When determining how to notify all complainants of the final disposition of the complaint, the regional director may determine it is more effective and/or efficient to provide information to each complainant regarding how to access incident information in WACI, and this may suffice as a notification to complainants as required by TWC. The regional office may also elect to send to all complainants the language above that notifies them of the incident number and how to access information relating to investigation findings (bracketed language is optional and should be used only when appropriate). The region can include a generic letter and investigation report (with confidential information redacted as appropriate) as an attachment to an e-mail if they so choose. When contacting multiple complainants via a single e-mail, the email should be directed back to the region-appropriate e-mail box for recordkeeping purposes and all complainants should be added to the Bcc line only.

2.1.7.2 Repetitious and/or Redundant

TCEQ may not be required to respond to all complaints if it is determined to be an ineffective use of the Agency's resources. The regional office may request approval to not respond if a complainant is filing a repeat complaint when there is not a reasonable probability that the complaint can be substantiated, as described in TWC Section 5.176. Any such complaint must be either repetitious or redundant of other complaints concerning the same site investigated in the preceding 12 months that were not substantiated, or the complainant must have filed in the preceding seven years at least five complaints that were not substantiated. Additionally, a complaint may not be required to be investigated individually if that allegation will be addressed

during a routine investigation or other TCEQ activities that would otherwise occur within the following 12 months.

In the event the region believes the situation meets the criteria for no investigation as described in TWC Section 5.176 or if the regional office has otherwise exhausted all efforts, the regional office can request approval to not respond. See Section 3.4 and Appendix D for specific information on how to request approval.

2.2 Incident Assignment for Investigation

The program or division investigating the complaint will enter the initial complaint information into CCEDS as soon as possible, but no later than seven working days after the regional office receives the complaint. Entry may be conducted by a complaint coordinator, management, an administrative assistant, or an investigator based on the processes of the regional office. The "Received Date" located on the "CCEDS Incident Detail tab" is the initial date a complaint was received by TCEQ from a complainant or a referring agency. Information entered into the Incident Detail Tab in CCEDS is available to the public through the WACI web page. To improve data entry and to ensure complainant confidentiality, guidelines have been created for complaint incident data entry.

On occasion, TCEQ receives correspondence via email that is automatically generated and may resemble a complaint/allegation. In the comments, a STEERS incident report is referenced. These are often generated from a listserv. For correspondence received through CMPLAINT@tceq.texas.gov, Program Support and Environmental Assistance Division will send a standardized response and archive the correspondence. The original external emails will no longer be forwarded to the regional office for a response. If a regional office receives this type of correspondence directly, it is recommended they not enter the incident in CCEDS or respond. The region should forward the correspondence to CMPLAINT@tceq.texas.gov.

2.2.1 Complaint Prioritization

Complaints received by TCEQ are prioritized in CCEDS according to the individual characteristics of the event and its potential impact on human health, safety, and the environment (See Appendix C for additional information). Complaints should always be addressed as soon as possible, within the assigned priority deadlines. Investigators should prioritize complaints based on their alleged health effects.

A checklist has been developed and provided in Appendix C to ensure complaints that require an immediate response are appropriately prioritized. Correctly prioritizing complaints will help ensure resources can be utilized appropriately if an actual emergency response situation occurs.

Complaint response priority should be assigned in CCEDS using the criteria located in Appendix C.

2.2.2 Choosing the appropriate RN/CN

For many complaints, the regulated entity number (RN) or company/facility owner number (CN) will be specifically referenced. WACI has been updated so that open (not closed) incidents will not show the RN/CN. This allows the public to actively track the status of an incident without violating TCEQ's requirement to respond to complaints without notifying the regulated entity (RE) prior to response. Other times, this information may not be clear, or the site may not yet be known to TCEQ. In the event that a specific RN/CN is unknown at the time an incident is being created, a Generic Incident RN for the appropriate zip code can be used (there is one generic customer CN for statewide use). If during the complaint, a specific regulated entity is identified as the subject of the complaint, the RN/CN in the incident must be updated to reflect the specific entity.

In the event multiple complaints are received over time at a specific site that was later provided with an RN/CN, a data request may be completed to previously closed incidents to reference the actual RN/CN. This will be important in the event that complaints are identified as redundant or repetitious and the regional office requests to cease investigations as outlined in Appendix D. The incidents not updated with the correct RN/CN will not be pulled into relevant BOE reports.

2.3 Documentation

2.3.1 Communication

All communication related to the complaint incident should be documented in CCEDS. This includes documenting all phone calls, emails, and mail, including the final complaint letter, with the complainant on the incident side and with each subject of the complaint on the investigation side. The final complaint letter to the complainant also must be added to the communication maintenance window on the investigation side.

2.3.2 Record Retention of Complaint Information

The incident data entry form is considered confidential information and is not part of the public information file. The regional office shall maintain copies of all documents according to the Agency Records Retention Policies and Schedules. The Region should not file complaint information including the incident data entry form, notice to complainant or any other confidential information in the public files, but may retain the records, whether electronically or in the confidential section of the region's file room, according to the retention schedule. All complaint investigation reports related to Tier II Community Right-to-Know Chemical Reporting must be handled as confidential.

Information relating to chronic complainants, or an elevated number of complaints at a specific RE, so that triggers for TWC Section 5.176(c) may be substantiated by legacy data stored within CCEDS, if necessary, when investigations or complainant information from more than 5 years ago is necessary. As the database of record, CCEDS contains information for all complaint incidents, and may be referenced in the event the region has appropriately purged all records in compliance with the agency's record retention schedule.

2.4 Complaint Referrals

A citizen may contact TCEQ for assistance with an issue that is not within the agency's jurisdiction. Staff can provide technical assistance to the citizen by providing contact information, such as a phone number or how to find the complaint process/form, for another agency with jurisdiction over the issue. The contact is logged as technical assistance. See Appendix B for complaint referrals.

Examples of complaints typically referred include issues with drinking water rates under the jurisdiction of the Public Utilities Commission (PUC), issues with asbestos at demolition sites under the jurisdiction of DSHS, water in gasoline under the jurisdiction of the Texas Department of Licensing and Registration, etc. If a complaint is received that falls under the jurisdiction of the RRC, but the complainant is not concerned with preserving their anonymity, staff may suggest the complainant contact the RRC directly. The contact phone number for the appropriate RRC district office should be provided. For complaints that fall under the jurisdiction of the RRC, TCEQ to RRC complaint referral instructions and form that must be used is located in Appendix B or on FODWeb under Programs / All Investigations / Guidance.

If a complaint is received through email or mail, referred from another agency, or if the complainant understands that their allegation falls under another agency's jurisdiction and requests that TCEQ make a formal referral, the complaint is entered into CCEDS as an incident. When a complaint is referred, a CCEDS investigation is typically not created. When documenting a referred complaint in CCEDS, create an incident per agency protocol. Under the "Customer Role Maintenance tab" in the CCEDS Incident, the agency to which the complaint is referred should be added and the role should be changed to "Referred To." The priority selected should be "Refer or Do Not Respond." In the Incident Detail window tab, the status of the complaint should be changed from "Open" to "Referred." The activities in CCEDS should be performed within seven days of receipt of the incident.

A regional office may choose to formally refer a complaint to the appropriate jurisdiction by utilizing the *Referral Letter to Complainant* and the *Referral Letter to Referee*, which are located on FODWeb.

If, during an investigation, it is determined that a complaint is not within TCEQ's jurisdiction, then the complaint will be referred via the incident side of CCEDS. In this case, an incident will not be attached to the investigation, but the incident and referral will be documented in the narrative of the report.

There are instances in which the local, regional, or federal government has the authority and resources to conduct investigations of citizen complaints. These include city and local governments; Local Air Programs (LAP); Authorized Agents for On-Site Sewage Facilities (OSSF); local landscape irrigation programs; local government solid waste projects for which Councils of Government (COG) administer pass-through grants; and occupational health and safety complaints for which the United States Department of Labor Occupational Safety and Health Administration (OSHA) provides regulatory authority. There are also instances in which divisions other than regional offices will respond. For example, complaints regarding Tier II Ammonium Nitrate Storage Facilities will be referred to CID. All other Tier II investigations are conducted by the regional office. The regional office should make Tier II referrals through internal processes as early as possible, not to exceed three days, so that if a determination is made that an investigation is needed, it can be performed within the assigned prioritization timeframe. The complainant must also be notified of the referral and communication logged in the incident communication window.

2.4.1 Local Air Programs

In some regions, a local governmental authority has been delegated responsibility for responding to complaints within its jurisdiction. In areas that have local programs to investigate complaints, complaints should be referred to the controlling entity. Local programs will investigate and document complaints according to the guidance provided in this document. When referring the complaint to a contracted LAP, relay the information to the LAP and the LAP will enter it into CCEDS.

2.4.2 OSSF Authorized Agents

OSSF Authorized Agent authority is issued by an Agreed Order with the Agency. The Authorized Agents are responsible for responding to complaints within their areas of jurisdiction. The investigations conducted and actions taken by Authorized Agents are not tracked in CCEDS. For further information, refer to the OSSF Investigator Manual.

2.4.3 Local Government Solid Waste Program and COGs

The 74th Legislative session (1996) produced House Bill 3072[6] that directed TCEQ to allocate a portion of its solid waste fee appropriation for grants to local governments. In addition, the bill required the Agency to allocate the solid waste grant funds among the 24 COGs. The COGs administer pass-through grants for regional and local solid waste projects (i.e., illegal dumping, used oil, etc.). Each regional office maintains a list of local government contacts for complaint referrals.

2.4.4 Municipal Separate Storm Sewer Systems (MS4)

Permitted Phase I and traditional Phase II MS4s may adopt ordinances or other regulatory mechanisms that provide the permittee with the authority to implement enforcement actions within the boundaries of their MS4. The investigations conducted and actions taken by permitted MS4s are not tracked in CCEDS.

2.4.5 Regulated Asbestos Containing Materials

DSHS handles complaints concerning the removal and handling of regulated asbestos containing materials (RACM). Demolition of any commercial or public building requires notification of DSHS and an asbestos survey. The DSHS Asbestos Program strives to prevent unnecessary exposure of the public to asbestos in the workplace and buildings, and to assure proper disposal of asbestos. While TCEQ does require proper disposal of RACM and documentation of its disposal in a Type I

[6] capitol.texas.gov/tlodocs/74R/billtext/html/HB03072F.htm

municipal solid waste (MSW) landfill, the majority of RACM requirements fall under DSHS jurisdiction. Complaints concerning the removal and handling of RACM can be sent to the DSHS Asbestos Program at (512) 834-6747. More information on the DSHS Asbestos Program can be found on their website.

Per TCEQ's MSW regulations (30 TAC 330.171), RACM is a special waste, and its disposal is allowed in a Type I MSW landfill. The receiving facility (Type I MSW landfill) is required to dedicate a specific area or areas of the landfill to receive RACM and shall provide written notification of this to TCEQ. The receiving facility is required to maintain documentation of the locations of placement of RACM within its Type I landfill, for the life of its facility. More information can be found on TCEQ's Special Waste Disposal page.

2.4.6 Occupational Safety and Health Administration

Complaints can be received that are worker/occupational licensure related and may not involve any environmental impact(s). Employees and their representatives have the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard, or their employer is not following OSHA standards. When a complaint falls under the jurisdiction of OSHA, the complainant should be referred to the OSHA website for complaint filing options. If there is an emergency or if the reported hazard is immediately life-threatening, the complainant should contact the OSHA Regional or Area Office or call 1-800-321-OSHA. The OSHA Region 6 area offices in Texas can be located on their website.

2.4.7 Landscape Irrigation within certain municipalities and public water supplies

Municipalities with a population of 20,000 or more are required to adopt ordinances or other regulatory mechanisms that provide the authority to regulate and enforce landscape irrigation within their territorial limits or extraterritorial jurisdiction (30 TAC 344.24). Other political subdivisions of the state or public water suppliers that are not required to adopt rules or ordinances regulating landscape irrigation may adopt a landscape irrigation program by ordinance or rule. The investigations conducted and actions taken by these local jurisdictions are not tracked in CCEDS.

2.5 Complaints Not Routinely Investigated

There are categories of complaints that TCEQ does not routinely investigate. See Appendix B.

Occasionally, a complaint will be submitted that is not within TCEQ's jurisdiction, or which would be addressed through other Agency activities. In these instances, the complaint can be referred to the appropriate governing authority or closed with no response. The staff member assigned to the complaint will be required to enter the appropriate comments into CCEDS when referring or closing the incident within seven days of receipt. See Appendix B for additional information relating to complaints that are not routinely investigated.

3.0 Complaint Investigations

3.1 Preparation and the Pre-Investigation Process

To conduct an effective and efficient investigation, it is vital that the investigator prepares themselves prior to conducting field work. To prepare for a complaint investigation, refer to the Pre-Investigation section of the *Field Operations Standard Operating Procedures (FOSOP) Investigation Guidance* document.

Complaint investigations are unscheduled, on-demand, and do not require prior notice-of-investigation to the source/facility being investigated. However, notification should be made by the investigator to the complainant (if not anonymous) prior to the investigation, to inform the complainant that the complaint has been assigned an investigator. The investigator should not contact alleged sources, unless necessary for access. An example of this would be Texas Department of Transportation (TXDOT)[1] when investigating at active road construction sites and Texas Department of Criminal Justice (TDCJ) facilities, where prior notification would be necessary to obtain access and maximize TCEQ investigator safety. 24-hour notice should be provided due to safety constraints. This is the maximum amount of notice that should be provided prior to conducting a complaint investigation.

The goal of a complaint investigation is to replicate the complainant's experience. The most effective way to do this is to observe the alleged source during their normal routine operations without prior notice, if possible. Refer to the Scheduling section of the FOSOP Investigation Guidance document.

For complaints involving nuisance odors, refer to the Odor Complaint Investigation Procedures document.

For incidents prioritized as an Emergency Response, Immediate Response, or Expedited Response in accordance with the classifications listed in Appendix C, the assigned staff members must investigate the complaint either immediately or within one working day of being received. Investigators should contact the complainant if more information is needed to investigate the allegation; however, the initial contact from the complainant is sufficient to initiate the complaint investigation for these high-priority complaints.

For incidents that are not prioritized as discussed in the previous paragraph, the assigned staff member will contact the complainant within one business day of the complaint being assigned. Staff will notify the complainant their complaint has been received and assigned for investigation. During the notification, the complainant will be informed of the approximate date on which the complaint will be investigated, the investigation process, and the process for finalizing the complaint.

3.2 Conducting the Investigation

3.2.1 Complaint Site Investigation

The investigation should be conducted as outlined in the FOSOP Investigation Guidance document.

Refer to Field Operations program specific investigator guidance for media specific guidance. Refer to the Odor Complaint Investigation Procedures document for complaints involving nuisance odors.

[1] https://tceq.sharepoint.com/:x:/r/sites/oce/psead/pss/FOD/_layouts/15/Doc.aspx?sourcedoc=%7BD5AF4453-C1FE-433C-9B16-B0ECBA32A00A%7D&file=TXDOT_Contacts_Active_Road_Construction_Oct%202025.xlsx&action=default&mobileredirect=true

Entrance and exit interviews will be conducted as outlined in the FOSOP Investigation Guidance document.

There are instances when a received complaint alleges issues against multiple facilities. A CCEDS investigation report shall be generated for each of these facilities where violations are documented. In a case where the complaint is not substantiated, one investigation report may be generated under a Generic Zip RN/CN. Also note, a CCEDS complaint incident can only be associated to one investigation. Implications for future requests to cease responding to certain complaints should be considered when addressing multiple unsubstantiated allegations to one Generic Zip RN. See the CCEDS Complaint Manual.

Prior to conducting an investigation at any site, the staff shall be familiar with all applicable agency investigation and safety protocols including but not limited to:

- FOSOP Investigation Guidance.
- Odor Complaint Investigation Procedures.
- TCEQ Safety Manual.
- TCEQ OPP Chapter 6, Safety Section 6.08.
- Hydrogen Sulfide Investigation Guidance at Oil and Natural Gas Sites.

3.2.1.1 Oil and Gas/Flaring

For complaints alleging concerns from flaring at oil and natural gas production sites, it is recommended that GI-457, "Flaring at Oil and Natural Gas Production Sites," is made available and shared with the citizen to supplement investigation activities.

There may be instances during an investigation in which the Optical Gas Imaging Camera (OGIC) is utilized. A fact sheet has been developed that describes the use of the OGIC and provides contacts at TCEQ for obtaining more detailed information. The fact sheet and its protocol document are available to anyone interested in TCEQ activities associated with the OGIC and will be provided upon request. Additional information regarding OGIC protocol and the information sheet can be located on the OGIC FODWeb page.

3.2.1.2 Authority, Access, and Right of Entry

(Texas Water Code (TWC) 26.014, TWC 26.015, Texas Health & Safety Code 361.032, 382.015)

The members, employees, and agents of TCEQ have the power and authority to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to relevant regulated environmental conditions, or to enter and examine records, pursuant to a wide range of statutory authority. This includes investigating conditions related to:

- The quality of water in the state.
- Investigation or monitoring the release, or threatened release, of a hazardous waste.
- Solid waste facilities used or proposed to be used to store, process, or dispose of solid waste.
- Solid waste facilities under compliance with any rule, regulation, permit, or other order of the commission.
- Examining and copying records during regular business hours.

Agents or employees of TCEQ or commission contractors shall observe the establishment's rules on safety, internal security, and fire protection.

The FOSOP Investigation Guidance includes additional information on an investigator's authority and right-of-entry. Also included is information on what to do if the owner or operator interrupts, disrupts, impedes, denies, or otherwise interferes with the investigator entry into a site.

Investigations at isolated locations, unauthorized disposal sites, and investigations in confrontational situations pose particular investigator safety concerns. When investigating these situations, having additional field staff, law enforcement, or personnel from other agencies there to

accompany the investigator may be prudent and appropriate. The investigator should only continue the investigation if they feel confident with site conditions and have no health and/or safety concerns.

There may be instances when the location referenced in the complaint cannot be located and the complainant cannot be contacted to verify the complaint location. In these instances, the investigator will document the steps taken to locate the site in the investigation report and the incident will be closed.

Refer to the FOSOP Investigation Guidance for information on obtaining access to a site when the investigator is unable to make contact with the regulated entity.

3.2.2 In-House Complaint Investigations

The specific nature of a complaint may not necessitate a field response and it may be equally appropriate to respond to a complaint by performing a record review only. For these instances, the complaint process will be followed regarding incident intake, contacting the complainant, developing the report and letter, and follow-up, except all work will be performed administratively. Some of these instances include:

- **Nonaffected person**: The complainant is not located close enough to the entity that they would otherwise be considered an "affected party." In this situation, they may be alleging a regulated entity does not have any/all required operating permits or have very general concerns relating to noncompliance. *This does not pertain to anonymous complaints where specific information is provided that would necessitate a field response.*
- **Record keeping or citizen collected evidence-based complaints**: The complainant may be concerned that an entity is not maintaining complete/appropriate records or making appropriate public notices that may be confirmed through a request to submit records for evaluation. It is considered reasonable to evaluate operating records or notice issuance methods without a field response.

If an in-house evaluation is being performed and additional site-specific/operational questions arise, the investigation should be converted to an on-site evaluation. The investigator's direct supervisor should be consulted before determining if a record review investigation is most appropriate.

To reflect the in-house nature of the investigation in CCEDS, these should still be provided with the complaint workplan code; however, the type of investigation should be "compliance investigation file review." When an in-house investigation is performed and the concern is unsubstantiated, the investigator may utilize an abbreviated explanation for the investigation narrative, similar to the length and detail of the incident closure comments.

3.2.3 Citizen Collected Evidence

(Texas Water Code (TWC) 7.0025 and 30 Texas Administrative Code (TAC) 70.4)

The term "citizen collected evidence" is not defined in statute or rule but is used to describe information provided by a private individual to show a possible violation. Complainants may provide evidence during an investigation, such as odor logs, photographs (physical or digital), or video. This citizen-collected evidence may be used in the investigation in accordance with 30 TAC 70.4, Enforcement Action Using Information Provided by Private Individual. Citizen collected evidence may only be used as evidence of a violation if the individual who submitted it would be willing to testify to authenticate it at an enforcement proceeding. The individual must submit a notarized affidavit to certify this. Additional information is available on TCEQ's website on "Gathering and Preserving Information and Evidence Showing a Violation[7]."

Evidence that includes photo and video information should be submitted in accordance with RG-571, Citizen Collected Evidence Photo and Video Documentation Procedure. Use of the "TCEQ Photo Plate Example" in the guidance is the recommended format for photos but is not required. Receipt of citizen collected evidence should be documented using the "Citizens Collected Evidence – Acknowledgement Letter" template, available on FODWEB. If citizen collected evidence is submitted but not used, the complainant should be informed, and physical evidence should be returned. Digital information that is not used should be permanently deleted from the investigation file.

[7] www.tceq.texas.gov/compliance/complaints/protocols/evi_proto.html

3.3 Post Investigation

3.3.1 Updating CCEDS

After the investigation has been conducted, the incident should be updated, if necessary, and then be associated to the investigation (which automatically closes the incident). The incident should be associated to the investigation report within five calendar days after the on-site investigation, and no more than five calendar days after the end of the prioritization timeframe.

3.3.2 Complaint Investigation Report

The content of the complaint investigation report should include how and when the complaint was investigated, who investigated the complaint, the results/findings of the investigation, and how the complaint was addressed. Investigation findings shall be documented as outlined in the FOSOP Investigation Guidance document. Programs have protocols for the handling of specific types of complaints (e.g., nuisance odor, water rights, etc.). See program specific investigator guidance and manuals for additional information.

There should be no reference to the complainant (name, location, etc.) in the body of the report, nor any description that would identify the complainant. Peer review must ensure that any such information is removed from the report before supervisor approval in CCEDS. The complaint investigation report is to be approved in CCEDS within 60 days following the conclusion of the investigation. Extenuating circumstances relating to the investigation that cause the report to be approved after 60 days should be documented in the report as appropriate. A supervisor or senior level investigator must conduct quality assurance and quality control on the investigation prior to approval, including addition of any flag codes referenced in Appendix E.

3.3.3 Multi-media Complaints

Complaints may involve multiple program areas. Complaint information should be provided to the appropriate section for coordination and possible multi-media investigation.

There is no “multimedia” status or incident type in CCEDS; however, multiple programs may be chosen within the incident and investigation(s) when applicable.

3.3.4 Notification of Complaint Findings

The region shall maintain copies of all letters according to the Agency Records Retention Policies and Schedules (located on ShareNet).

3.3.4.1 Notice to Complainants

The region must notify each complainant of the results of the complaint investigation when the investigation is approved. This may be accomplished by sending one of the following: a letter, via hardcopy or email, with a copy of the report (except for those that may be deemed confidential); or in the event of bulk complaints, incident information so updates may be found in WACI. The standard letter to the complainant is located on FODWeb on ShareNet.

For complaints investigated under Tier II Community Right-to-Know Chemical Reporting provisions, a separate Tier II investigation letter (located on FODWeb or ShareNet) should be sent to the complainant. This letter should summarize the results of the investigation and should not include a copy of the confidential investigation report. All portions of the investigation packet remain confidential and are managed in Oracle Webcenter Content Database (WCC) as confidential.

If for any reason a regional office cannot notify the complainant, such as when the complaint is anonymous, inaccurate contact information was provided, or contact information was not provided; the regional investigator should document the reason(s) in the investigation report.

The region shall handle the notices to complainants as confidential documents due to the complainant information contained in the correspondence.

3.3.4.2 Notice to Respondents

The region must notify the subject of the complaint (the respondent) in writing of the results of the complaint investigation when the investigation is approved. This may be accomplished by sending an appropriate notice letter indicating the investigation findings and may include a General Compliance, Notice of Violation, or Notice of Enforcement letter.

3.3.4.3 Quarterly Updates

It is a statutory requirement (TWC Section 5.177(b)) that for every complaint received, the Agency must make quarterly notifications of the investigation status to the complainant(s) and the subject(s) of the complaint until the final disposition of the complaint. Final disposition includes verification of compliance or issuance of violation(s) and documentation in the CCEDS incident window. There are extenuating circumstances when an investigation may exceed the 60-day investigation deadline.

If a complainant and the subject(s) of a complaint have not been provided with notification of investigation findings within 90 days of filing the complaint, the regional office will be responsible for these notifications.

Any quarterly updates can be documented in the CCEDS Investigation Communication Maintenance tab when a file review is conducted to address the violation(s). However, by providing the complainant with instructions for accessing information through WACI, the notification requirements are considered to otherwise be met.

3.4 Procedure for Continuing Unconfirmed Complaints

3.4.1 Background and Authority

TCEQ has established a procedure to handle continuing, unconfirmed complaints when the regional office has taken all feasible actions and a complainant continues to contact the Agency to file complaints. As a result of the 2021-2023 Sunset review process (Recommendation 2.6[8]), this has been reevaluated for regional offices to more efficiently make a request to cease responding to a particular complaint/complainant in the interest of using our resources more effectively and efficiently. Additionally, Senate Bill 471[9] was passed in the 88th Legislative Session which outlines in TWC §5.176(c) when TCEQ is not required to investigate a complaint.

These situations include when the a complaint is filed by an individual but there is not a reasonable probability that the commission can substantiate the concern and the complaint is repetitious or redundant of other complaints concerning the same site investigated in the preceding 12 months that were likewise not substantiated by TCEQ, or a complainant has filed at least five complaints in the past seven years that were not substantiated by TCEQ.

Additionally, the statute allows regional offices to not respond to an incident if the concern will be addressed during other agency activities. When there is no direct impact to the environment or public health, the priority deadline will be set as “some other timeframe” and should be investigated through other activities within the following 12 months.

If regional staff determine that it is in the best interest of TCEQ’s resources to cease investigations at a particular site or postpone responding to a concern that will be addressed through other Agency activities outside of 12 months from the incident received date, the regional director or designated region representative, will prepare a memo recommending discontinuance of complaint investigations. The memo will be submitted to the area director for review and/or approval. The process to obtain approval to cease investigations in accordance with TWC Section 5.176(c) or the

[8] www.sunset.texas.gov/public/uploads/2023-08/Texas Commission on Environmental Quality Staff Report with Final Results_6-26-23.pdf
[9] capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00471F.pdf#navpanes=0

established processes, in addition to templates for relevant memos and letters, are provided in Appendix D.

3.4.2 Notification to Complainant

If the review process results in the decision to discontinue investigations because efforts have been exhausted, the regional director will notify the complainant(s) that the agency has expended all available resources under its jurisdiction and that it will no longer respond to that individual's complaints against that entity. Typically, this letter will include a commitment by the regional office to evaluate compliance as necessary with agency rules and regulations. A draft letter is available for reference in Appendix D.

If the regional office does not respond to a complaint because the triggers provided within TWC Section 5.176(c)(2) have been met, the investigator must enter the appropriate language in the CCEDS Incident, and the regional director will notify the complainant by phone using the language provided in Appendix D that no investigation will be conducted per the exception to notification rules in TWC Section 5.177(c).

If a specific regulated entity is identified, the approved Regional Recommendation Memo should be added to the facility's file. If a regulated entity is not identified, then the memo should be filed in the generic county file. Correspondence to the complainant should also be maintained according to record retention policies. If a complainant continues to file complaints, the regional office must create an incident in CCEDS and enter the following statement in the "Comments" field: "Based on criteria specified by Texas Water Code 5.176, relating to certain investigations not required to be investigated, this complaint does not meet the criteria for investigation." If conditions change, the regional office may re-assess this decision. Evaluating further investigation of the site will be determined by the Area Director and Regional Director.

3.5 Closure

For incidents that are closed without conducting an investigation, the appropriate comments and status must be completed within 30 days of the receipt of the incident unless otherwise directed. A complaint incident that results in an investigation is automatically placed in a "closed" status in CCEDS when it is associated to a CCEDS investigation. The complaint incident should be associated to an investigation within five days of completing the on-site or desktop evaluation.

This does not signify the finalization of a complaint. The finalization of a complaint occurs when the investigation report is approved in CCEDS. Investigation reports are typically approved and considered finalized when no further regional action is necessary, when the responsible party is implementing a plan of corrective action, the case has been referred to the Enforcement Division for formal enforcement, or the case has been referred to the Remediation Division for remediation and closure.

Complaint investigations will follow the investigation and completion deadlines as outlined in the FOSOP Investigation Guidance[10]. Please refer to the specific program investigator manuals for specific deadlines.

[10] tceq.sharepoint.com/sites/oce/psead/pss/FOD/sopeffective/investigation-guidance.pdf?csf=1

Appendix A

Incident Data Entry

Minimum Fields Required for Incident Creation

The Incident Data Entry form in this appendix is an example of a form that can be used by the regions for complaint intake. The use of a form is required but the regions have flexibility to change the form or format. The following fields have been determined to be minimum requirements on an incident data entry form utilized by the regions:

1. Received Date – The date the complaint is received by the TCEQ.
2. Complaint Contact Information
3. Complaint Allegation or Description – The information entered on the Incident Data Entry Form is the true allegation made by the complainant, which includes regulated entity names, locations, etc. The Description Field in CCEDS will not have the same information.
4. Priority – Use the information located Appendix C to determine correct priority.
5. Start and End Time
6. Effect
7. Nature
8. Duration
9. Frequency
10. Media and/or Program
11. Regulated Entity Information – Location for input of name/address
12. Incident Location or Directions

CCEDS Data Entry

Description Field

Prior to CCEDS entry, a supervisor or delegate must review the information to be entered into this incident field of CCEDS. Do not reveal the regulated entity, location of the regulated entity, complainant or suspected source of the information. If the complainant alleges Tier II Community Right-to-Know Chemical Reporting issues or is related to the Tier II program, the description cannot reveal this.

Comments Field

In the following scenarios you will find the text required to be entered into the relevant CCEDS Incident window and/or field.

Scenario 1: If an investigation will occur, enter the following statement:

> **More information will be available upon approval of the investigation report.**

Scenario 2: If an incident will be referred to another entity, enter the following statement:

> **This complaint has been referred to the Texas Department of State Health Services (example agency). Contact information for the agency is XXX-XXX-XXXX.**
>
> For complaints referred to the RRC, use the appropriate RRC District phone number and RRC-provided complaint form.

Scenario 3: If not investigated, enter the applicable statement from below:

This complaint is being addressed during another investigation and can be referenced in Investigation No. xxx.

OR

This complaint does not meet the necessary criteria for conducting a complaint investigation.

OR

This complaint does not meet necessary criteria for conducting a complaint investigation and the concerns outlined in this complaint will be addressed in an emissions event review.

OR

After consulting with the complainant, the allegations are no longer occurring. The complainant withdrew the complaint.

OR

This anonymous complaint did not include enough information to conduct an investigation.

OR

Based on criteria specified by Texas Water Code 5.176, relating to certain investigations not required to be investigated, this complaint does not meet the criteria for investigation.

Actions Taken Field

Scenario 1: If an investigation will occur, enter the following statement:

This complaint has been assigned and will be further investigated by an Environmental Investigator.

Scenario 2: If the complaint has been referred and the complainant is not anonymous:

The complainant has been contacted regarding the referral of this complaint.

Scenario 3: If the complainant wishes to remain anonymous and the complaint has been referred , follow the steps outlined in the TCEQ Complaint Referral Instructions located on FODWeb under Programs / All Investigations / Guidance, the following language is recommended:

On (insert date here), this matter was referred to the Railroad Commission of Texas (example Agency).

Scenario 4: If the complaint will not be investigated per SB 471:

The complainant was notified per Agency protocols that an investigation would not be conducted, and the matter is considered closed.

Scenario 5: In all other cases, leave blank.

Referring Incidents in CCEDS

After the complaint has been entered in CCEDS following protocol for complaints in the CCEDS manual and once confirmed that the complaint meets the necessary criteria to be referred:

- In the Incident Detail tab, status should be changed from “Open” to “Referred”
- In the Incident Detail tab, priority should be changed to “Refer or Do Not Respond”
- In the Action Taken tab, the following language is recommended: “On (insert date here), this matter was referred to (for example: the Railroad Commission of Texas)”.
- In the Customer tab, the CN#/Name should be changed to CN601065006 (CN for the RRC) when referring to RRC.

If the complainant is not concerned with preserving their anonymity, staff may offer the complainant the option of contacting the other authority directly, by providing a contact phone number to the appropriate authority (for instance, RRC district office). If the complainant prefers that the TCEQ make the referral, the following process will be used.

Prioritization

Effect of Complaint

CCEDS has a drop-down field labeled "Effect." This field is to report the primary effect of the problem that is being reported by the complainant. The choices on the drop-down list are as follows:

- Environmental: Use when the complainant alleges an environmental impact.
- Financial: Use when the complainant alleges a financial impact.
- General: Use when the complainant does not allege a specific impact.
- Health: Use when the complainant alleges a health impact. Refer to "Complain Prioritization Flow Chart in Appendix C.
- Property: Use when the complainant alleges property damage.
- Chronic: Do not use for a complaint incident.
- Oil and Gas: Use when complainant alleges impacts from oil and gas activities.
- Aggregate Production: Use when complaint refers to an aggregate production facility

Nature of Complaint

CCEDS has a drop-down field labeled "Nature" on the incident window. Choose the nature code that best fits the situation. The following are the choices on the drop-down list:

Tier II	Confined Animal Feeding Operations	Construction
Dust	Smoke	Edwards Aquifer
Industrial	Local Programs/Authorized Agent	Medical Waste
Municipal Non-Industrial	Odor	OSSF- Field Operations Only
Other	Outdoor Burning	Pipeline
Poultry	PST	Sludge Application/BLU
Stage II	Stormwater	Tires
Used Oil	Wastewater	Water Supply Quality
Water Supply Service	Low Distribution Pressure	Water Outage
Disinfectant Residual	Microbiological	Turbidity
Natural Disaster	Occupational Licensing	
PSEAD Only:		
Landscape Irrigators	OSSF	

Supervisor's Rights and Responsibilities - CCEDS Incident Data Changes

To preclude the compromising of data, anyone with a supervisor role in CCEDS is allowed to make changes in the complaint's incident status.

There may be instances where an incident in the "Referred" or "Closed" status requires data changes prior to association with an investigation. In these instances, anyone with a supervisor role in CCEDS can change the incident status to either Open, Closed, or Referred status, for quality assurance purposes. For an incident associated to an approved investigation, changes must be

made via a CCEDS Data Correction Form, available through Sharenet. Information Resources Division (IRD) will verify the requestor is associated with the investigation. Change request forms and completed requests are logged in a database that is shared with OCE.

In the event an incident is associated to a staff member who departs from the Agency prior to completing the complaint investigation, the supervisor should reassign the complaint to another staff member for investigation. The incident should be reassigned to be investigated within the priority deadlines or as soon as possible.

Closing Incidents

Incidents should be associated to an investigation five days after the last date of the investigation, which should be no later than 5 days after the priority deadline passes, or within 30 days of closure/referral outside of an investigation.

TCEQ REGION INCIDENT DATA ENTRY FORM

Region:	Incident Tracking #:	Received Date: Enter a date	Assigned To:	Taken By:
CONTACT (complainant confidential in				
Contact Name:		Organization Name:		Notification Initial
☐ UNKNOWN ☐ ANONYMOUS				
Type of Address: Choose an itenL	Address:	City:	State:	Zip Code:
Type of Phone: Choose an item.	Phone#:	Email Address:		
Communication Date:	Communication Time: (e.g., 1800 hours	Communication Method: Cl		
Ent r a dat		1seaie.		
P.ROGRAM/JURISDICTION				
Air Programs INCIDENT DETAIL Choose an item.	Water Programs Choose an item.	Waste Programs Choose an item.		
RN#:	Regulated Entity Name:			Significant Incident? NO
☐ GENERIC ZIP CODE				
Address:	City	Zip Code:		
Start Date: Enter a date	End Date: Enter a date	PRIORITY: Choose an item.	Nature: Choose an item	Receiving Water Body River Segment
Start Time: (e.g., 1800 hours)	End Time:	Effect: (✓one or more) ☐ Environmental	☐ Financial ☐ General	
Frequency:	Duration:	☐ Health	☐ Property ☐ Chronic	
CN#: Choose an item		☐ Oil and Gas	☐ Aggregate Production	
CONTACT (respondent) Choose an ite1IL	Customer Name:			
☐ GENERIC PRINCIPAL		Email Address:		Role: Choose an item.
Type of Address: Choose an item.	Address:	e by Public on	City:	State Zip Code:
Type of Phone: Choose an item.	Phone#:		Other:	

Description:

Action Taken: This complaint has been assigned and will be further investigated by an Environmental Investigator.
(or leave blank - if the complaint is being referred)

Comments: **CHOOSE ONE:**
More information will be available upon approval of the investigation report.
This complaint has been referred to the ____ .
An ongoing investigation is already addressing the complaint and can be referenced in Inv. # ____ _
This complaint does not meet the necessary criteria for conducting a complaint investigation.

Incident Location: *(Geographic location description, (e.g., ½ mile from the oak tree on Pleasant Lane)* **County:**

Complaint Allegation:

Appendix B

Referred or are Not Routinely Investigated

General

1. Continuing unconfirmed complaints which have met criteria to discontinue complaint investigations.
2. Complaints that do not fall under TCEQ statutory jurisdiction.
3. Complaints against facilities that have not begun regulated activities.
4. Complaints of stressed vegetation or sick animals without a report from a qualified expert (such as the county extension agent, a veterinarian, etc.) indicating a cause/effect relationship.
5. Complaints where the complainant has not first sought relief from the entity with primary jurisdiction (e.g., LAP, Authorized Agents, Local Government). In these instances, regional management will determine if these complaints will be investigated by the region or referred to another jurisdiction.
6. Complaints regarding Tier II Ammonium Nitrate Storage Facilities will be referred to CID. All other Tier II complaints are investigated by the region.
7. Complaints regarding Oil and Gas that fall under the jurisdiction of the RRC.
8. Complaints that are addressed during other TCEQ activities.
9. Complaints that are repetitious or redundant of other unsubstantiated complaints concerning the same site investigated in the preceding 12 months.
10. Complaints filed by an individual when there is not a reasonable probability that the TCEQ can substantiate the complaint.
11. Complaints from a complainant that has filed at least five unsubstantiated complaints within the preceding seven years. (Requires Area Director review/approval)

Air.

1. Complaints about odor from mobile sources. Refer to the Odor Complaint Investigations Procedures located on ShareNet.
2. Complaints of nuisance dust emissions from a public road that is not currently under construction (unless covered by 30 TAC §111.141).
3. Complaints of emissions which impacted the complainant while traveling on a public road, and for which health impacts were not alleged.
4. Anonymous nuisance complaints where an identifiable aggrieved party is necessary to substantiate confirmation of the alleged situation (Refer to the *Odor Complaint Investigations Procedures*[11] located on ShareNet).
5. Complaints regarding indoor air quality.

Water

1. Complaints involving private wells when there is no allegation of contamination from a specific off-site source.

[11] tceq.sharepoint.com/:w:/r/sites/oce/psead/pss/FOD/_layouts/15/Doc.aspx?sourcedoc=%7BCEC946D2-D19D-4F71-A591-AE899EDD499E%7D&file=inv-fido.docx&action=default&mobileredirect=true&DefaultItemOpen=1

2. Complaints that meet TWC §11.086 criteria regarding overflow caused by the diversion of water.
3. Complaints regarding issues with drinking water rates fall under the jurisdiction of the PUC.

Waste

1. Complaints of octane value, water content and other contaminants, distillation, vapor pressure, and ethanol content in gasoline; in diesel the flash point, water content and other contaminants, cetane index, and viscosity are referred to the Texas Department of Licensing and Regulation.
2. Complaints concerning the removal and handling of regulated asbestos containing RACM fall under the jurisdiction of the DSHS.

Complaint Referrals to the Railroad Commission of Texas

In accordance with the 30 TAC §7.117 Memorandum of Understanding between the Railroad Commission of Texas and the Texas Commission on Environmental Quality, the TCEQ to the Railroad Commission of Texas (RRC) will ensure effective coordination of actions and cooperative sharing of information. The referral process detailed below will allow for consistent documentation and routing of complaints determined to be under RRC jurisdiction.

Before proceeding with the guidance below, to determine if the RRC has primary regulatory jurisdiction over a complaint, please review the information found on the TCEQ webpage relating to Oil and Gas Activities[12].

TCEQ to RRC Complaint Referral Form

This form is to be filled out to formally document complaints received by the TCEQ that require referral to the RRC. The form can be located on FODWeb, under Programs/All Investigations.

The RRC does not have the same policy as TCEQ to hold complainant identity as confidential; therefore, the contact information for the complainant will not be provided. Once all fields have been entered, the form is to be emailed to the appropriate Railroad Commission district box below, with a cc to this email address for tracking purposes RRCRefer@tceq.texas.gov. The RRC has been asked to reply to both the sender and the RRCRefer mailbox to acknowledge receipt.

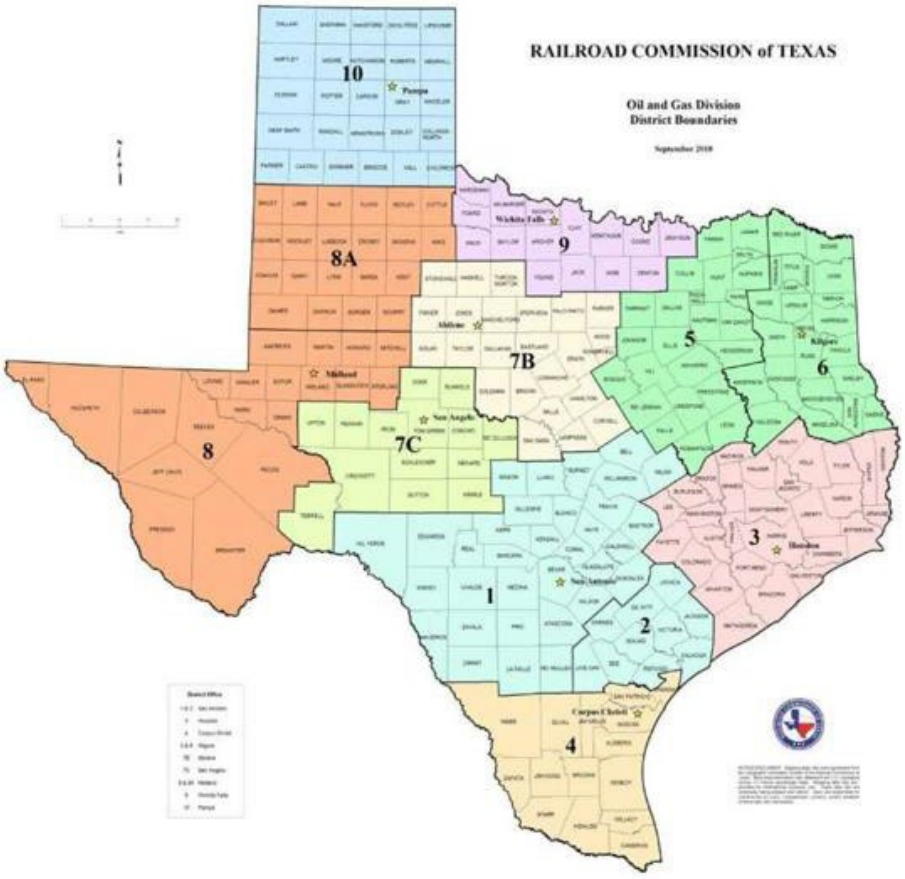
NOTE: this referral form does not replace the Incident Data Entry Form required for the initial collection of information, as described previously in this manual. The region should continue to complete those forms in accordance with established guidance.

Completed forms should be sent to the appropriate eRRC District Email Box and copy RRCRefer@tceq.texas.gov

District	Email Address
District 1 & 2	TCEQD1D2ReferralsorComplaints@rrc.texas.gov
District 3	TCEQD3ReferralsorComplaints@rrc.texas.gov
District 4	TCEQD4ReferralsorComplaints@rrc.texas.gov
District 5 & 6	TCEQD5D6ReferralsorComplaints@rrc.texas.gov
District 7B and 8A	TCEQD7BReferralsorComplaints@rrc.texas.gov
District 7C	TCEQD7CReferralsorComplaints@rrc.texas.gov

[12] www.tceq.texas.gov/assistance/industry/oil-and-gas

District 8	TCEQD8D8AReferralsorComplaints@rrc.texas.gov
District 9	TCEQD9ReferralsorComplaints@rrc.texas.gov
District 10	TCEQD10ReferralsorComplaints@rrc.texas.gov



Revised 2/28/2019

TCEQ to RRC Complaint Referral Form

TCEQ Received Date:		TCEQ Incident Number:
Description of Issue/Incident:		
Media (select one) ☐Air ☐Water ☐Waste ☐Multimedia	Frequency (select one) ☐Current (ongoing) ☐Intermittent (starts/stops unpredictably) ☐Past (not currently occurring) D Predictable (starts/stops predictably)	Effect (select all that apply) ☐Environmental (complainant alleges environmental impact) DFinancial (complainant alleges financial impact) ☐General (complainant did not allege specific impact) ☐Health (complainant alleges health impact) ☐Property (complainant alleges property impact)
Has TCEQ conducted investigation? ☐Yes ☐No		Has TCEQ collected evidence? ☐Yes ☐No
Referred by:		Referred Date:
Oil and Gas Site Owner/Operator Information		
Contact Number:		Contact Email:
Incident Location:		County:
Oil and Gas Site Owner/Operator Name (can be name or address):		Oil and Gas Site Owner/Operator Phone/Fax/Email:
Oil and Gas Site Owner/Operator Physical Address or Driving Instructions		
Oil and Gas Site Owner/Operator Mailing Address:		
Oil and Gas Site Owner/Operator Contact Name:		Oil and Gas Site Owner/Operator Contact Phone/Fax/Email:

RRC: Please acknowledge receipt of this referral via email to the TCEQ Regional and RRCRefer@tceq.texas.gov.

Appendix C –

Complaint Prioritization

Complaints received by the Agency are prioritized in CCEDS according to the individual characteristics of the event, and its potential impact on human health, safety, and the environment. Complaints should always be addressed as soon as possible, within the assigned priority deadlines. Incident response priority should be assigned in CCEDS using the following criteria. Virtually all complaints should be investigated in 30 days or less.

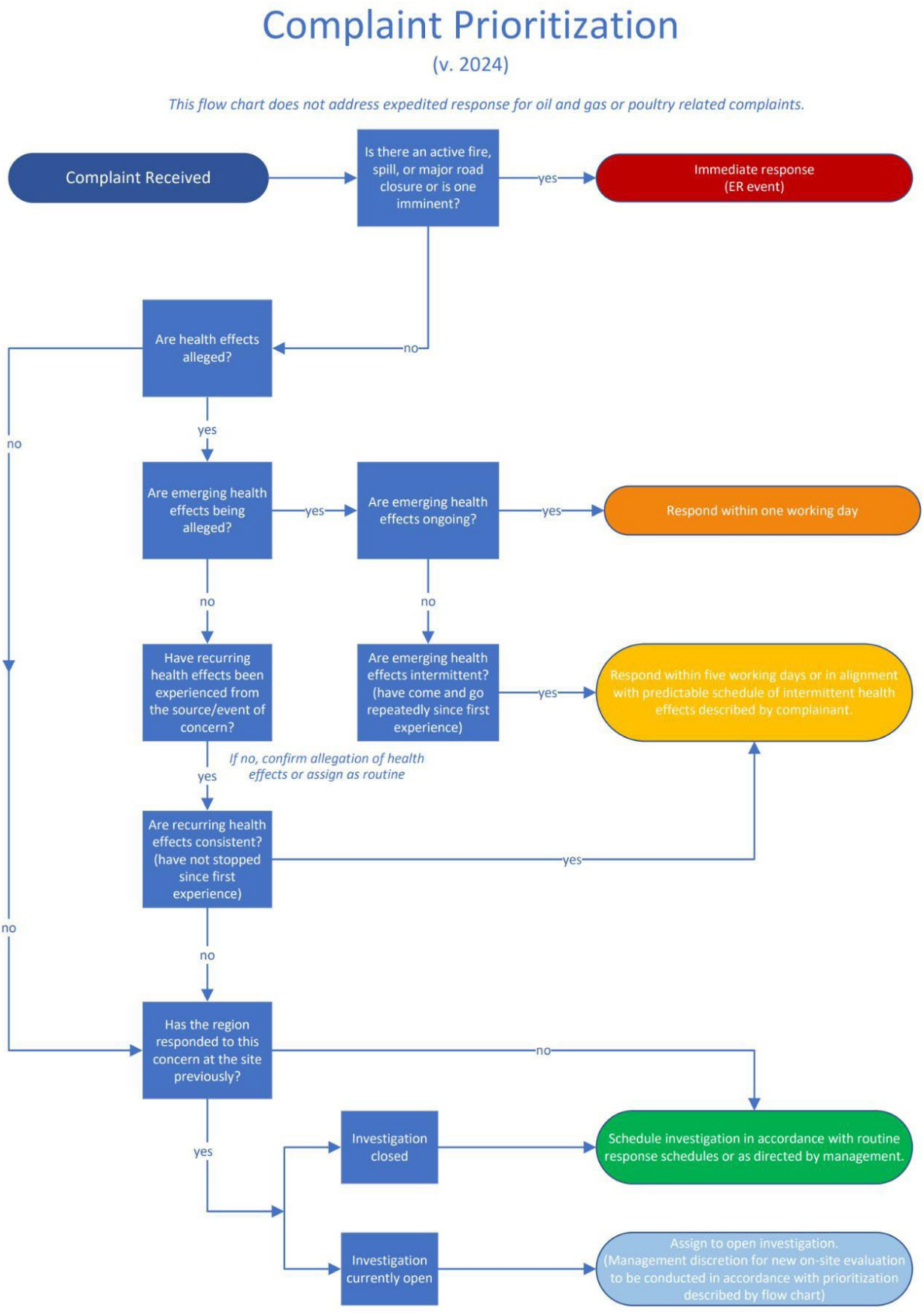
Based on Regional management discretion, assigned priority for all complaint responses, except emergency response, could be postponed due to weather or weekend/holiday consideration. Note that a complaint prioritization is based on the information given during the initial contact. The complaint priority can be changed based on clarifying information being received. Additionally, complaints where health effects are being alleged do not require a medical diagnosis tying the symptom to the perceived source to investigate or assign as an elevated priority. However, this should be discussed with the complainant during the course of the investigation.

- **Immediate Response:** Emergency Response incidents received which constitute an imminent threat to public health, safety, or the environment require an immediate emergency response. These events will be classified as emergency response incidents rather than complaint response incidents. Agency Emergency Response is conducted seven days a week, 24 hours a day, with Regional staff on-call to respond.
- **Within One Working Day:** Complaints received which do not require dispatch of Emergency Response personnel but are reporting current human health effects may require expedited response within one working day. To determine if this is the appropriate priority, see the table below. If no current acute health effects are being experienced, the region may assign a more appropriate timeframe. If none, or the region is currently investigating the same concern, this priority may not be required.
- **Expedited Response – Poultry Odor:** In accordance with Section 382.068 of the Texas Health and Safety Code and Sections 26.302, 23.304 & 26.305 of the Texas Water Code, complaints received concerning odor(s) associated with a poultry facility or the land application of poultry litter by the poultry facility require a response within 18 hours of receipt by the Region if one of the following conditions exists:
  - It is a second complaint against a poultry facility concerning odor associated with:
    - The facility, or
    - The application of poultry litter to land by the same poultry facility; or
  - A complaint concerning odor(s) from a poultry facility at which the agency has substantiated odor nuisance conditions in the previous 12 months.
- **Expedited Response – Oil and Gas Odor:** Complaints received concerning odor(s) associated with oil and natural gas activities statewide require an expedited response if the agency has substantiated odor nuisance conditions in the previous 12 months at the alleged source of the complaint. These complaints will be investigated within one (1) working day.
- **Response within five working days:** Complaints received which are not considered an imminent threat to human health, safety or the environment; are considered high profile incidents; or involve emerging, intermittent alleged health impacts. These complaints should be investigated as soon as possible but no later than five (5) working days from receipt by the Region.
- **Response within fourteen calendar days:** Complaints received which are not considered an imminent threat to human health, safety or the environment, but have some potential for negative impact on public health and safety require a response. These complaints should be

investigated as soon as possible but no later than fourteen (14) calendar days from receipt by the Region.

- **Response within thirty calendar days:** Complaints received which are not considered an imminent threat to human health, safety or the environment, but have some potential for negative impact on the environment require a response. These complaints should be investigated as soon as possible but no later than thirty (30) calendar days from receipt by the Region.
- **Response on other time frame:** If a complaint incident cannot be investigated within 30 days of receipt by the Region due to a source or complainant being unavailable, this category can be used to put the complaint "on hold" until an investigation can be conducted. The file should reflect the expected time frame for investigation. An example would be if the facility which is the subject of the complaint is shut down for over thirty days from the complaint received date. This category cannot be used without approval from Regional management.
- **Refer or Do Not Respond:** Complaints received that will be referred or which the agency will not investigate will not require a response. This includes complaints which are referred to another entity, and the incident status should be changed to "Referred." For complaints which TCEQ does not routinely investigate and continuing unconfirmed complaints for which a decision has been made to discontinue response, or respond in some other specified manner, the incident status should be changed to "Closed."

Prioritization Checklist for health-based complaints



Appendix D-

Requests to Cease Responding to Complaints

This Appendix includes information on the process to request approval to cease investigating complaints as outlined by either existing processes or as allowed by TWC §5.176(c) including:

1. Process Flow for Requests and Decisions
2. Template IOM for Requesting Approval
3. Notification to Complainant (RD phone call language)
4. Letter to complainant that investigations will no longer be conducted

Region staff should utilize the following flow charts and templates for making requests to cease responding to certain complaints as described in the following sections.

All forms and reports listed in the flow chart as necessary to make the requests can be found in the OCE Active Library in the "Request to Cease Complaints" folder and in the Incident folder in BOE. As mentioned in the manual body, occasionally additional attachments will be necessary for supporting the Region's request.

Note that the letter template for notifying the complainant of no complaint response will not be required when response is ceased per triggers outlined in TWC §5.176(c). The letter may however be required to be sent to the complainant if a determination is made to not respond because efforts have otherwise been exhausted in responding to prior/similar complaints.

Regional Recommendation Memo

The goal of the memo is to provide sufficient documentation to support the regional request. The regional recommendation memo should explain the complaints that have been reported and the region's response. A draft memo can be found in Appendix D-2.

The memo will contain basic information and be supported by attachments. The detail of supporting information needed to be attached to the memo will depend on if the reason for the request is if the number of unsubstantiated complaints filed either by a person or at a site meets the criteria outlined in TWC §5.176 or if the Region has exhausted all efforts but has not met these triggers.

The memo should always be accompanied by one or more of the following BOE reports:

- Frequent Complainant Contact Search
- RNs Complaint Summary Report

Additional attachments may be necessary, especially if the triggers outlined in TWC §5.176(c) for ceasing responding to complaints are not met. A succinct explanation of efforts and how region resources have been exhausted may also be required for approval, and should be submitted as a separate attachment to the memo. Relevant supporting information may include:

- Name(s) and contact information of complainant(s) and/or name and address of the complaint source
- The number of complaints received and description of the nature of the complaints
- Number of complaint investigations and information relating to any resulting enforcement activity related to these complaints where applicable
- Discussion of any additional or unusual actions by the region (samples, monitoring, after-hours investigations, etc.) or unusual circumstances regarding the complainant(s) or the complaint source that contributes to the conclusion that additional investigations are unwarranted
- Discussion of any coordination with General Law Division relating to limiting contact with the complainant.

- Other information as deemed necessary by the Region.

Routing the Request for Approval

The request should be routed for review through the Microsoft form found in the OCE Active Library in the "Request to Cease Complaint" folder.

The relevant questions should be answered and all supplemental information (i.e., BOE reports, narrative, investigation reports, etc.) the Region Office wants considered should be attached. The form will be routed through the RD to the Area Director for consideration. Once the Area Director has provided a response, an email will be sent to the Region Office.

Central Office Review

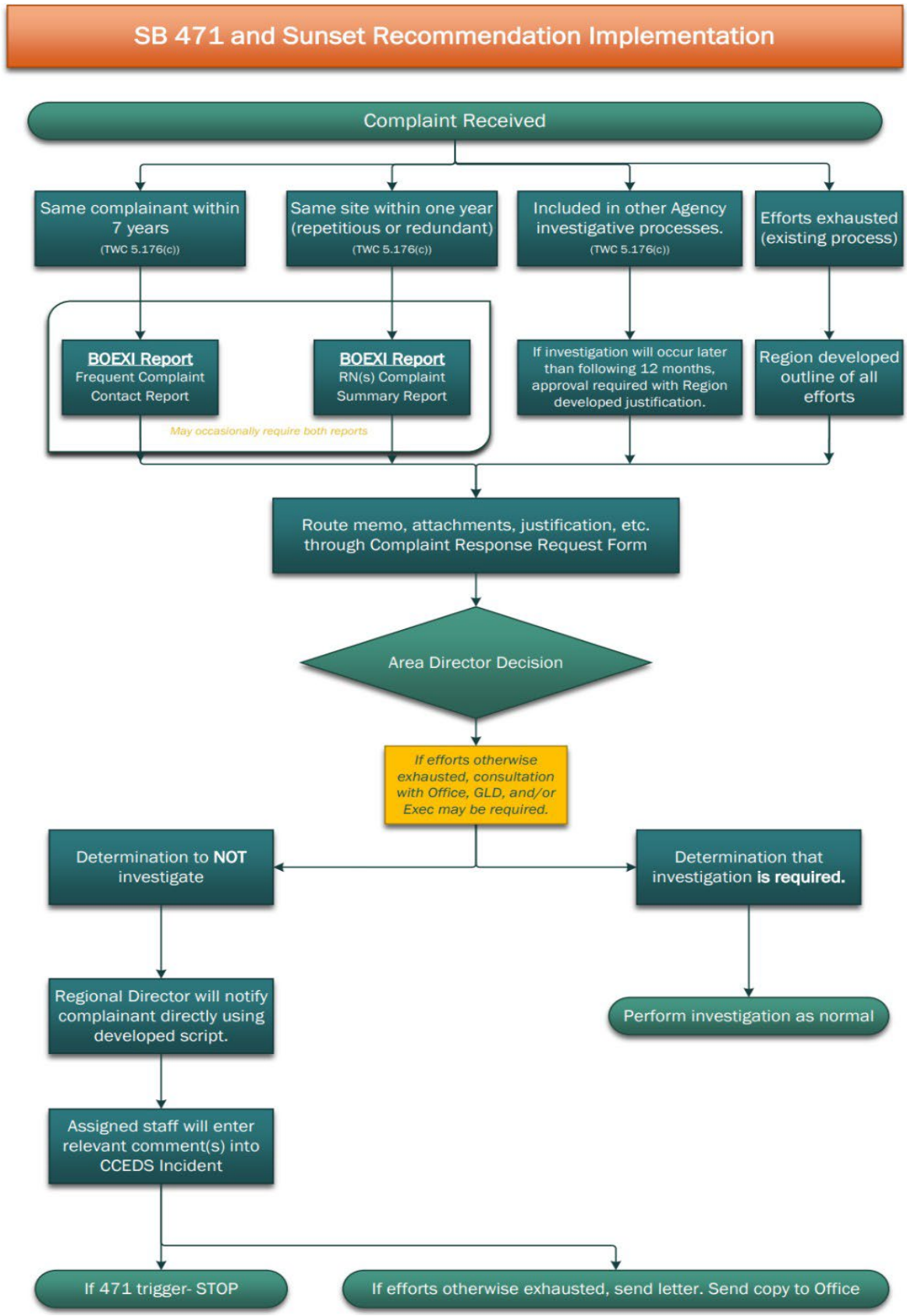
The Area Director will review the facts and reasons for the recommendation to cease complaint investigations. If the Area Director determines the region has taken all appropriate actions, and there is no benefit to continued investigations, the region will cease response to these complaints. The Area Director may solicit input from other parties such as Office of Legal Services, Enforcement Division, and any other source they deem necessary.

Additional Actions as Necessary

The individual routing the requests should pay special attention to ensuring all superseded draft/deliberative documents are managed appropriately, and the final versions of the request and supporting documentation are included in the approved request. The request approvers should ensure the final version of the request information in the spreadsheet is accurate, complete, and representative of the facts that directly led to the approval or disapproval of the request.

Upon the first subsequent contact from the complainant after being notified TCEQ is no longer responding, General Law Division (GLD) should be contacted for guidance. The Region should begin a log identifying the date and time of each contact. Contemporaneous notes relating to the contents of a call should also be taken. If the contact begins to pose a disruption to business activities, Management may need to contact the GLD and provide this referenced call log. A conversation may be necessary about appointing a single point of contact and/or limiting the communication between the complainant and the Agency.

D1: Process Flow for Requests and Decisions



D2 IOM for Requesting Approval

TCEQ Interoffice Memorandum

To: [NAME], Area Director, [Area] Area

Thru: [NAME], Region Director [City] Region Office

From: [NAME], Section Manager/Team Leader

Date: [DATE]

Subject: **Request for approval to cease responding to specific complaint(s)**

Description of Issue and Background

The [CITY] Region Office is requesting approval to cease responding to complaints (at [RE NAME]) OR (filed by [NAME]), in accordance with TCEQ policies and/or Texas Water Code (TWC) Chapter §5.176(c).

The Region's [SECTION/MEDIA] staff have exhausted efforts in attempts to address complaints (at [RE SITE]) OR (filed by [NAME]). Attached is the relevant incident history for consideration.

Approval

If approved, the Area Director concurs that efforts have been exhausted or criteria as outlined in TWC §5.176(c) have been met. The Region will contact the complainant to inform them that we will not be responding to their complaint, and the appropriate notation will be made in the CCEDS Incident screen.

Disapproval

If disapproved, the Area Director does not concur that all efforts have been exhausted or that criteria as outlined in TWC §5.176(c) have been met. The Region will subsequently perform an investigation in accordance with established policies and procedures.

D3 Notification Script

Regional Director Script for Unsubstantiated Complaints

The TCEQ [CITY] Region staff have thoroughly reviewed the complaints you submitted regarding the [FACILITY NAME] facility in [COUNTY]. The region has made every reasonable effort to address your complaints, including conducting multiple on-site investigations at the facility, but has been unable to substantiate your complaints or document violations of TCEQ rules or regulations. Accordingly, TCEQ has exhausted all efforts to address your complaints. In order to prioritize limited agency resources, the region is unable to continue responding directly to your complaints. However, TCEQ may continue to conduct periodic evaluations of the facility to ensure continued compliance with TCEQ rules and regulations.

We are requesting that you file any future complaints through the online form that is available on the TCEQ webpage. Please only submit complaints if the situation at the facility changes or if you have concerns relating to other environmental matters. Alternatively, you can contact us by mail at the following address:

Texas Commission on Environmental Quality
Attention: [REGIONAL DIRECTOR]
[CITY] Region Office
[MAILING ADDRESS]

We respectfully request your compliance with this directive and consider this matter closed.

D4 Letter to Impacted Complainant(s)

(Date here)

(Complainant Name)
(Complainant Address)
(Complainant City, State, Zip)

Re: Complaint Response for {nature of complaint} at:
{Regulated Entity Name or Facility or Respondent}, {Address}, {City}, {County}, Texas
Regulated Entity No.:

Dear {Mr./Ms.} {Complainant Last Name}:

The Texas Commission on Environmental Quality (TCEQ) has completed a review relating to {nature of complaint} at the above referenced facility. It is the consensus of the TCEQ that this matter has been evaluated thoroughly over the past {Period of Time – ex: 5 years} and that every reasonable effort has been made to address your allegation(s). {Add a brief history of investigations or referrals/actions taken by the TCEQ at the site/to assist the complainant} Therefore, the TCEQ will not respond to your complaint regarding {nature of complaint} at {facility name, respondent} at this time. We are aware that you may not be satisfied with the results of the agency's findings./; however, the TCEQ will continue to periodically monitor / conduct periodic investigations of this facility to ensure continued compliance.

To access a copy of our complaint policies and procedures or to view results of previously filed complaints, you may refer to our website at:
https://www.tceq.texas.gov/compliance/complaints.

We appreciate your concern in bringing this matter to our attention. If we can be of further assistance, please contact the {Region Office or Area Office} at (XXX) XXX-XXXX.

Sincerely,

{Regional Director or Area Director}
{Region or Area}
Texas Commission on Environmental Quality

{Regional Director or Area Director Initials}/{Author Initials}

cc: {Selected Regulated Entity Representatives (if applicable). Delete cc: if N/A.}

bcc: {TCEQ Section or Team (if applicable). Delete bcc: if N/A.}

Appendix E

Flag Codes

Below is a discussion of flag codes that may be appropriate to associate to a complaint investigation.

Alternative Energy (AE) Source Flag

SB 1290 was established in FY23 during the 88th Legislative Session and became effective June 18, 2023. The bill requires TCEQ to conduct a study of the effects of the installation, operation, removal, and disposal of solar, wind turbine, and energy storage equipment. Program Support has created an "AE" flag activity code, to be associated to any investigation type for any media where matters related to alternative energy sources were evaluated.

The following are examples of investigations which need to be flagged:

- Solar – investigations of solar panel farm, manufacturing, or disposal facilities
- Windmill – investigations of windmill farms, manufacturing, or disposal facilities
- Energy storage – investigations of facilities that manufacture, dispose of, or include batteries that store energy (e.g. electric vehicle batteries, batteries associated with solar installations, etc.)

This activity type is used solely for reporting purposes and does not count toward any commitment. Only one AE activity flag code should be associated to an investigation. The flag must be stacked with another activity code.

Poultry Odor

All poultry odor complaint investigations should be flagged in CCEDS using: **AFOPOUL**

This flag must be stacked with another activity code.

Oil and Gas

All oil and gas complaint investigations should be flagged in CCEDS using: **OG**

This flag must be stacked with another activity code.

Aggregate Production Operations

All APO complaint investigations should be flagged in CCEDS using: **APO**