



Annual Enforcement Report

Fiscal Year 2022

Prepared by
Office of Compliance and Enforcement

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY • PO BOX 13087 • AUSTIN, TX 78711-3087

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Introduction

The [Texas Commission on Environmental Quality](https://www.tceq.texas.gov)¹ (TCEQ) is the State's primary and comprehensive environmental regulatory agency. Its mission is to protect our State's precious human and natural resources consistent with sustainable economic development. The agency regulates approximately 764,000 public and private facilities or individuals in Texas that affect, or have the potential to significantly affect, the environment.

Pursuant to Texas Water Code (TWC) Section 5.126, the agency is required to prepare, by December 1 each year, a report of enforcement actions for each type of regulatory program. The report includes statistical indicators including the number of investigations, number of Notices of Violation issued, number of formal enforcement actions, type of enforcement actions, amount of penalties assessed, deferred, or collected; and any other information TCEQ determines is relevant. The report also includes a comparison of TCEQ's enforcement actions for the preceding five fiscal years.

Additionally, TCEQ must conduct a comparative analysis of data evaluating the agency's performance over time, and that of entities that TCEQ regulates, as well as assessments of Emissions Events (EEs) and actions in response to the EEs; registration and investigation activities of certain Aggregate Production Operations; and the Texas Tier II Chemical Reporting Program.

This report, the 26th of its kind, includes information from fiscal years 2017-2022. TCEQ's fiscal year (FY) begins September 1 and ends August 31 of the following year.

Environmental Toolbox

TCEQ approaches enforcement as a tool among many available to protect the environment and people while addressing key environmental issues. The agency pursues swift, fair, sensible, and responsive enforcement, used within an overall strategy for achieving timely compliance. TCEQ uses a broad range of tools to enable and require businesses and governments, large and small, to comply with environmental rules. These tools include on-site and off-site facility assistance, small business and local government assistance, general education events, regulatory workshops, publications and guidance documents, telephone hotlines, and the agency's expansive website, on-site, virtual, and desktop investigations, and civil and administrative enforcement.

Event Coordination and Education Activities

TCEQ provides educational opportunities and technical assistance through coordinated workshops, seminars, and educational events. In an ongoing response to the COVID-19 Pandemic, several events continued to be supported on a virtual platform. Other events, such as the Dam Safety Workshop, transitioned to a hybrid platform with options for virtual or in-person attendance, while the Environmental Trade Fair and Conference returned to a full in-person only event. During FY 2022, 33 agency-sponsored seminars provided technical information and assistance to over 8,600 attendees.

¹ www.tceq.texas.gov

TCEQ-Sponsored Seminars

- Emissions Inventory Seminar
- Dam Safety Seminar
- Environmental Trade Fair and Conference
- Public Drinking Water Conference
- Tier II Chemical Reporting Training

Additionally, TCEQ continues to sponsor the [Take Care of Texas](https://takecareoftexas.org)² program (TCOT), which provides Texans simple actionable tips to conserve water and keep it clean, keep the air clean, and reduce waste. During FY 2022, the program garnered more than 4,200 pledges to TCOT. The [TCOT Public Service Announcement 2022](https://www.youtube.com/c/TakeCareofTexas/featured)³ received over one million impressions across social media platforms and over six million impressions through digital advertisements.

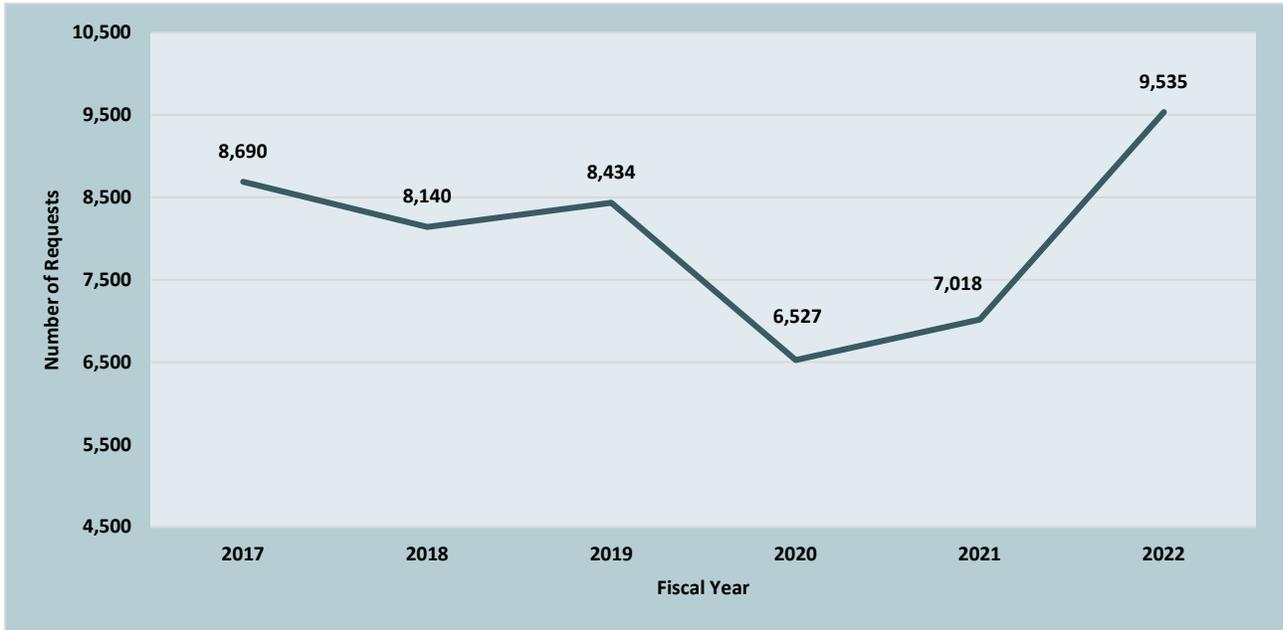
Assistance to Small Businesses and Local Governments

TCEQ annually reaches at least 66,000 Texas small businesses and local governments, keeping them informed about changes and trends in environmental regulations to help them comply. In FY 2022, this overall figure included 9,535 direct requests for assistance from small business and local government customers. TCEQ staff also presented compliance information to small businesses and local governments at webinars with 2,925 attendees. This assistance focuses on up-to-date information that ultimately helps the regulated community understand environmental rules and how to comply with them. The figure below represents the number of direct requests for assistance (RFAs) from small business and local government customers over the past six years.

² <https://takecareoftexas.org>

³ www.youtube.com/c/TakeCareofTexas/featured

Figure 1-Requests for Assistance from Small Businesses & Local Governments

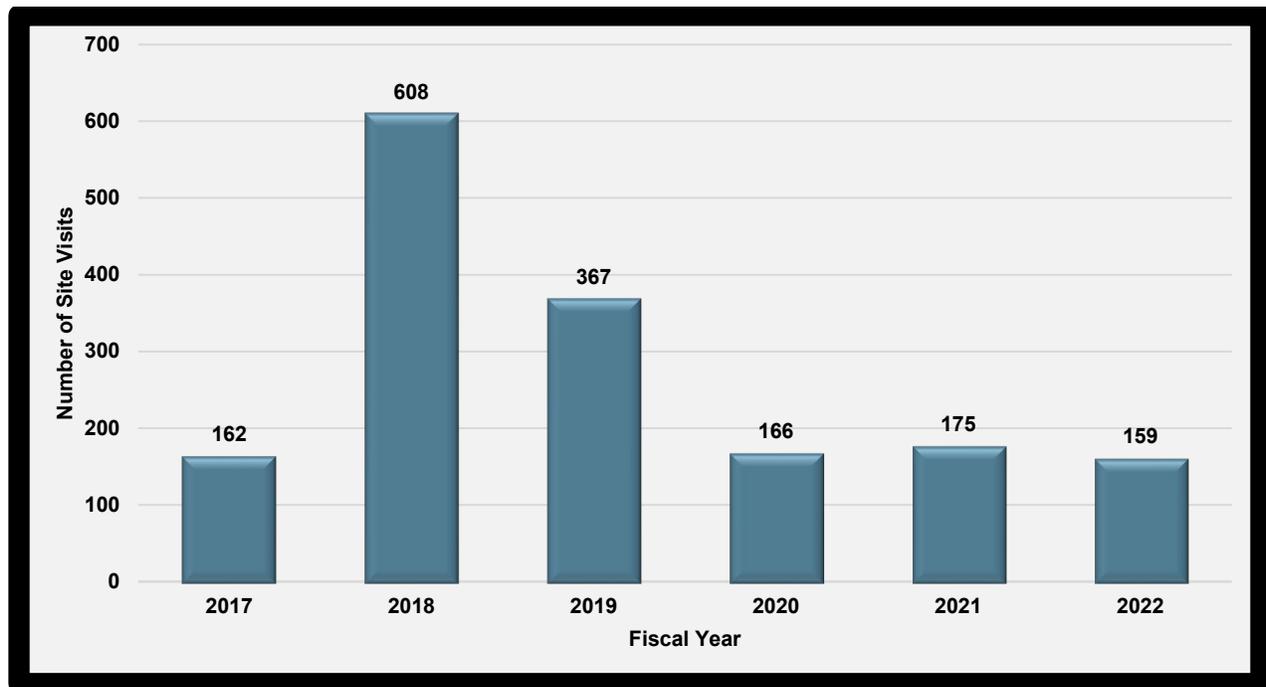


The increase in RFAs from FY 2021 to FY 2022 largely resulted from outreach to public water supply systems regarding new Emergency Preparedness Plan requirements that were implemented under Senate Bill 3, 87th Legislative Session. The Small Business and Local Government Assistance Program also handled a large volume of RFAs related to the renewal of the Multi-Sector General Permit.

TCEQ’s Site Visit program provides on-site visits to check on regulated entities’ compliance with all aspects of environmental regulations – air, water, and waste. The program largely supports the agency’s priority to meet the federal Energy Policy Act (EACT) of 2005 requirements for petroleum storage tank (PST) facilities. Utilizing a grant from the United States Environmental Protection Agency (EPA), the Site Visit program continued its work at potentially abandoned PST facilities in the counties impacted by Hurricane Harvey to determine whether a release had occurred. The program completed five site assessments and continued monitoring at another five facilities. Since FY 2019, 44 comprehensive assessments have been conducted, cleanups were initiated at 15 facilities, and remediation completed at 10 facilities.

During FY 2022, TCEQ continued its focus on EACT Abandoned sites. Under this project, TCEQ uses the Abandoned PST Screening process, developed in FY 2020, to establish when a PST can be considered abandoned and removed from the EACT mandatory investigation cycle. This process also provides guidance to other parts of the agency for determining what additional assistance or action may be necessary to mitigate risks that may be presented by these abandoned PSTs. In FY 2022, the Site Visit program conducted 159 site visits at potentially abandoned PST facilities.

The figure below represents the number of on-site visits for small business and local government customers over the past six years under TCEQ’s Site Visit program. The 2017 site visits were PST EACT focused. The 2018 visits were Hurricane Harvey Damage Assessments and PST pilot project site visits. The 2019 visits were Hurricane Harvey Damage Assessments and PST EACT focused. Site visits conducted 2020 through 2022 were PST EACT Abandoned site visits.

Figure 2—Number of Site Visits per Fiscal Year

TCEQ also has an [EnviroMentor](#)⁴ program that matches participating small businesses and local governments with dedicated environmental professionals who volunteer their time and expertise to help these small entities achieve compliance. In FY 2022, this group tallied 113 volunteer hours and helped six small businesses or governments.

Compliance and Enforcement Program

A strong enforcement program must ensure that enforcement mechanisms are applied and issued in an equitable manner. Equitable treatment means that violators of environmental requirements do not come out ahead economically to the disadvantage of those entities that spend substantial resources to comply with the law.

TCEQ continues to implement the provisions of the [Penalty Policy](#)⁵, which was last revised in January 2021. The cornerstone of this policy emphasizes compliance to protect our citizens and the environment from harm, coupled with ensuring consistent, just, and timely enforcement when environmental laws are violated.

TCEQ has the authority to levy penalties in 31 environmental program areas. Under TWC Chapter 7, penalties can be as much as \$25,000 per day, per violation for most administrative cases and \$25,000 per day, per violation for most civil judicial cases. There are specific statutory provisions for certain regulated program activities that authorize different administrative and civil penalty amounts. Some examples of these situations include, but are not limited to the following:

- Limiting the statutory maximum to \$1,000 for levees.
- Limiting the statutory maximum to \$5,000 (occupational licensees, on-site sewage disposal, public water supplies, public water utilities, used oil and filters, and water rights).

⁴ www.tceq.texas.gov/assistance/em

⁵ www.tceq.texas.gov/compliance/investigation/rg-253.html

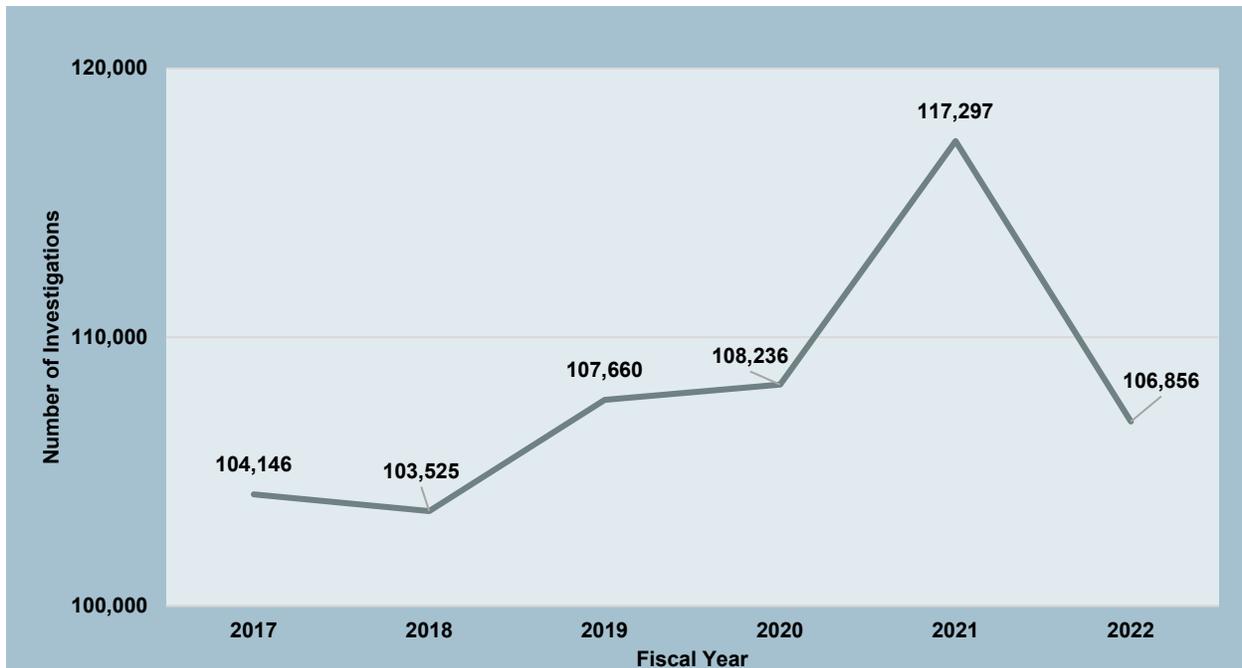
- Application of a minimum penalty of \$2,500 and maximum penalty of \$25,000 per violation (unauthorized discharges from quarries).
- Application of a strict penalty of \$10,000 per day per violation (with an exception), rather than defining a maximum (rock crusher or concrete plants that perform wet batching, dry batching, or central mixing and are operating without a permit).
- Application of a penalty based on the number of years an aggregate production operation has been operating without being registered and providing a maximum penalty.
- Providing different maximum penalty amounts based upon the specific violation cited (dry cleaners).
- Providing a particular penalty amount total per violation, as in some statutes, rather than per day (dry cleaners, computer equipment manufacturers).

When determining the penalty amount, TCEQ considers many factors including: the nature; circumstances; extent; duration and gravity of the violation; the severity of impacts to human health and the environment; compliance history; culpability; good faith efforts to comply; economic benefit; deterrence; and other factors as justice may require.

It is important to note that TCEQ’s enforcement activities originate primarily from on-site investigations and facility record reviews. Scientific, technical, and environmental specialists in the agency’s 16 regional offices are responsible for the majority of investigations conducted.

In FY 2022, TCEQ conducted over 106,000 investigations, of which over 67,000 of which were on-site investigations (see figure below).

Figure 3-Total Investigations by Fiscal Year

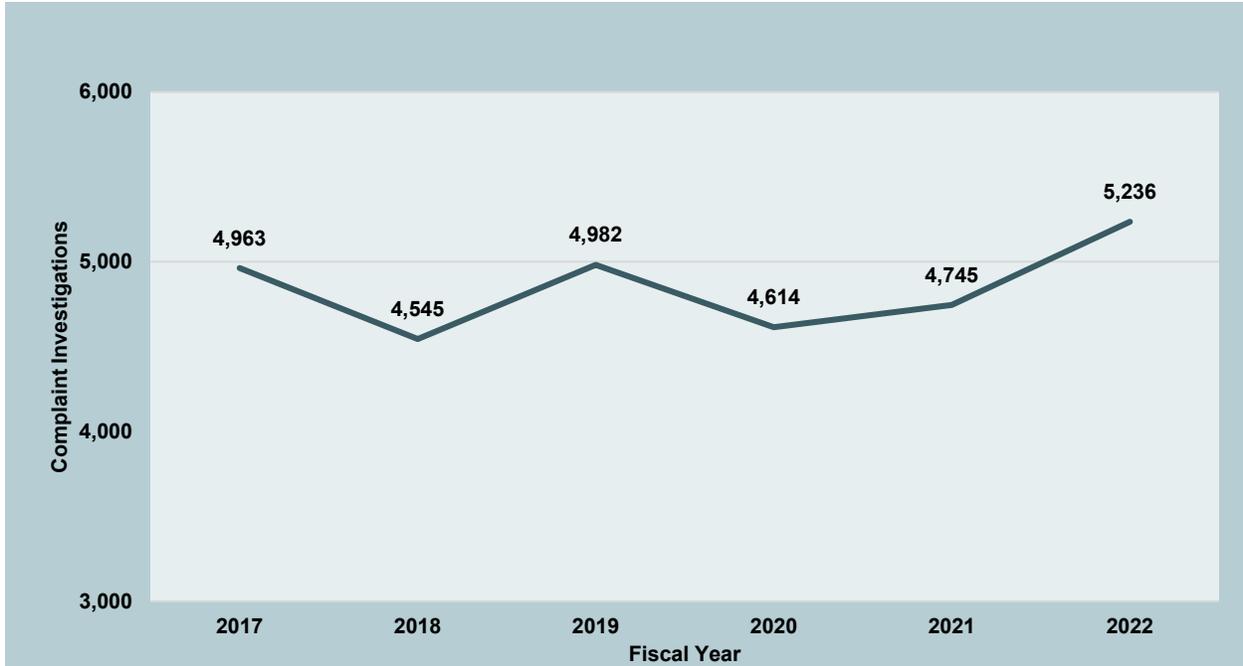


There was a decrease in total investigations from FY 2021 to FY 2022, primarily due to the rollback of restrictions that had been imposed due to the COVID-19 Pandemic. In FY 2021, investigators conducted off-site virtual and record review investigations, which allowed investigators to conduct more investigations with the same resources. In FY 2022, TCEQ resumed pre-COVID-19 Pandemic operations, in which investigators conducted more on-site

investigations. These types of investigations take significantly more time than the virtual investigations that were previously utilized in FY 2020 and FY 2021. Additionally, the number of investigations decreased due to significant staff turnover and challenges finding qualified candidates, which impacted investigation activities.

TCEQ regularly responds to [environmental complaints](#)⁶ that are within the agency’s jurisdiction. Overall, the number of complaint investigations increased in FY 2022 to over 5,200, as shown in the figure below.

Figure 4-Complaint Investigations by Fiscal Year



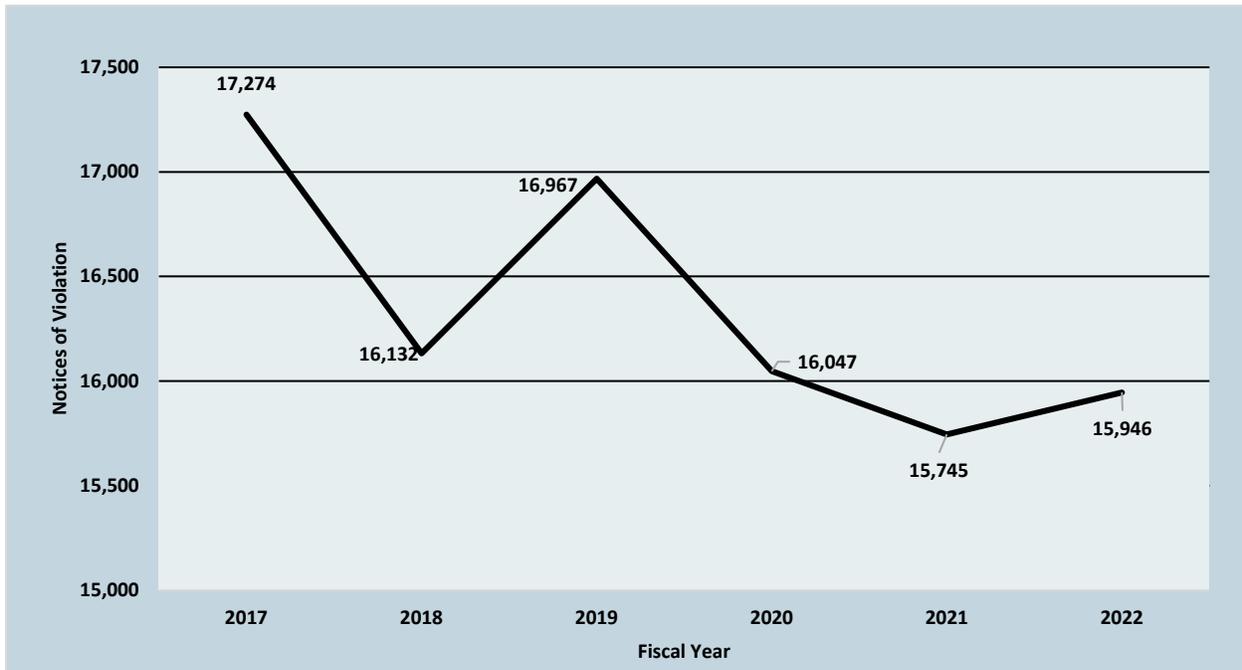
Advance notification of routine compliance investigations ensures that proper personnel and records will be available at the time of the investigation. The agency provided advance notice for 16,076 on-site investigations and conducted 51,110 unannounced on-site investigations. Seventy-one percent of the unannounced investigations were conducted in the [Watermaster Programs](#)⁷ to ensure compliance with water rights in Texas. A single notice may be given for an investigation that includes multiple activities that contribute to the total investigation count. Investigations that do not receive advance notification include those that are complaint related, enforcement follow-up investigations, or that otherwise warrant an unannounced investigation.

The most common tool TCEQ uses to ensure compliance with environmental laws is the Notice of Violation (NOV). A NOV is a letter that is sent to a regulated entity when it is determined that an environmental violation may have occurred. The NOV is a multi-purpose, flexible tool that is used thousands of times each year.

In many cases it is enough to compel timely compliance, thereby avoiding possible damage to the environment. In other cases, it can be the first step in a process that ultimately results in administrative enforcement, civil enforcement, or possible criminal charges for violation of environmental laws. As depicted in the figure below, TCEQ issued 15,946 NOVs in FY 2022.

⁶ www.tceq.texas.gov/compliance/complaints

⁷ www.tceq.texas.gov/permitting/water_rights/wmaster

Figure 5-Notices of Violation by Fiscal Year

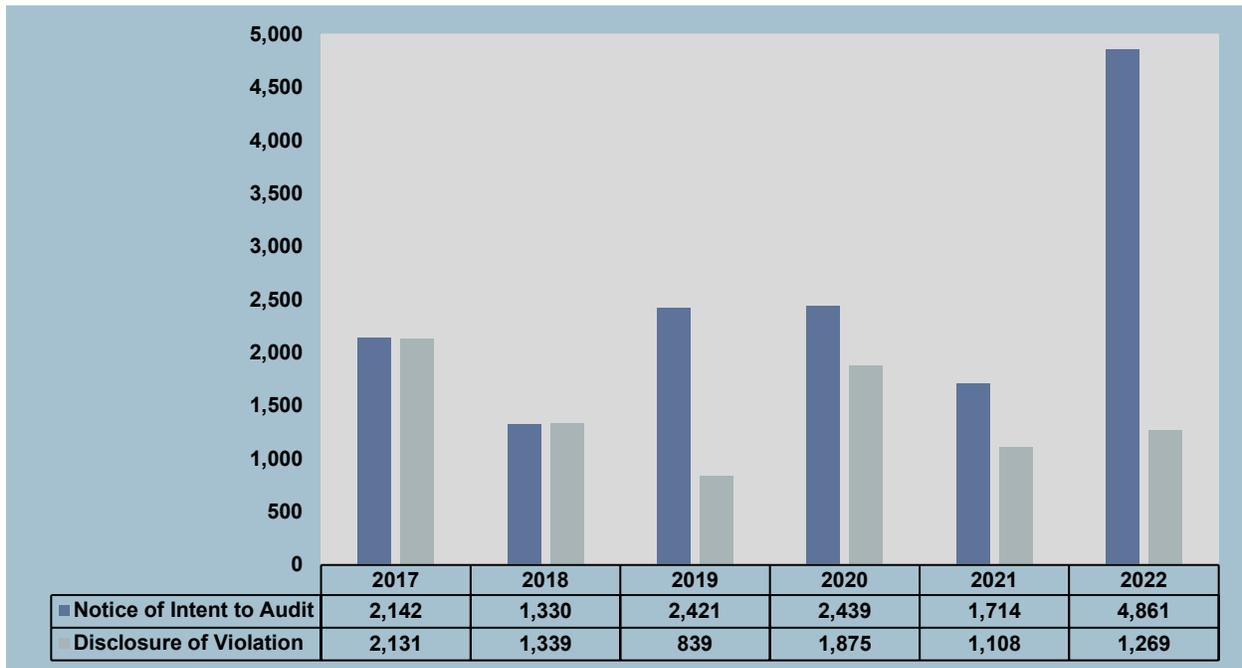
The number of NOVs has generally declined over the past six years, which is primarily attributable to higher compliance rates with the Revised Total Coliform and Lead and Copper rules. TCEQ's drinking water program continues to implement several strategies to address public water system non-compliance through extensive tracking, stakeholder outreach, education, training, and technical assistance activities which has resulted in an overall decrease in violations.

Texas Audit Act

TCEQ's enforcement efforts have been enhanced by voluntary environmental self-audits conducted at facilities under the [Texas Environmental, Health, and Safety Audit Privilege Act](#)⁸ (Audit Act). This law encourages businesses and governments subject to environmental regulation to perform comprehensive assessments of compliance with environmental laws, regulations, and permits for their own facilities. Organizations who participate in the Audit Act must notify TCEQ of their intent to self-audit and then fully disclose and resolve violations resulting from the audit. TCEQ ensures that all violations disclosed under this program are corrected and, provided that certain conditions of the Audit Act are complied with, the participants in this program may not be subject to civil and administrative penalties. The figure below depicts a summary of the Notices of Intent to Audit (NOAs) and Disclosures of Violation that TCEQ has received from FY 2017 through FY 2022.

⁸ www.tceq.texas.gov/downloads/rules/publications/rg-173.pdf

Figure 6-Texas Environmental Health & Safety Audit Privilege Act: Notices and Disclosures by Fiscal Year



The significant increase in NOAs in FY 2022 is attributed primarily to the oil and gas industry (approximately 80%), particularly in the Permian Basin. Companies in this industry tend to utilize the Audit Act to ensure that their oil and gas sites are compliant with the applicable environmental regulatory standards.

The success of TCEQ’s regulatory assistance through outreach, training, and the voluntary self-audit program, as well as consistent compliance monitoring and enforcement is revealed in the high percentages of compliance documented following investigations conducted by TCEQ. The table below depicts the compliance rates of facilities inspected from FY 2017 through FY 2022.

Table 1-Percent of Facilities Inspected in Compliance

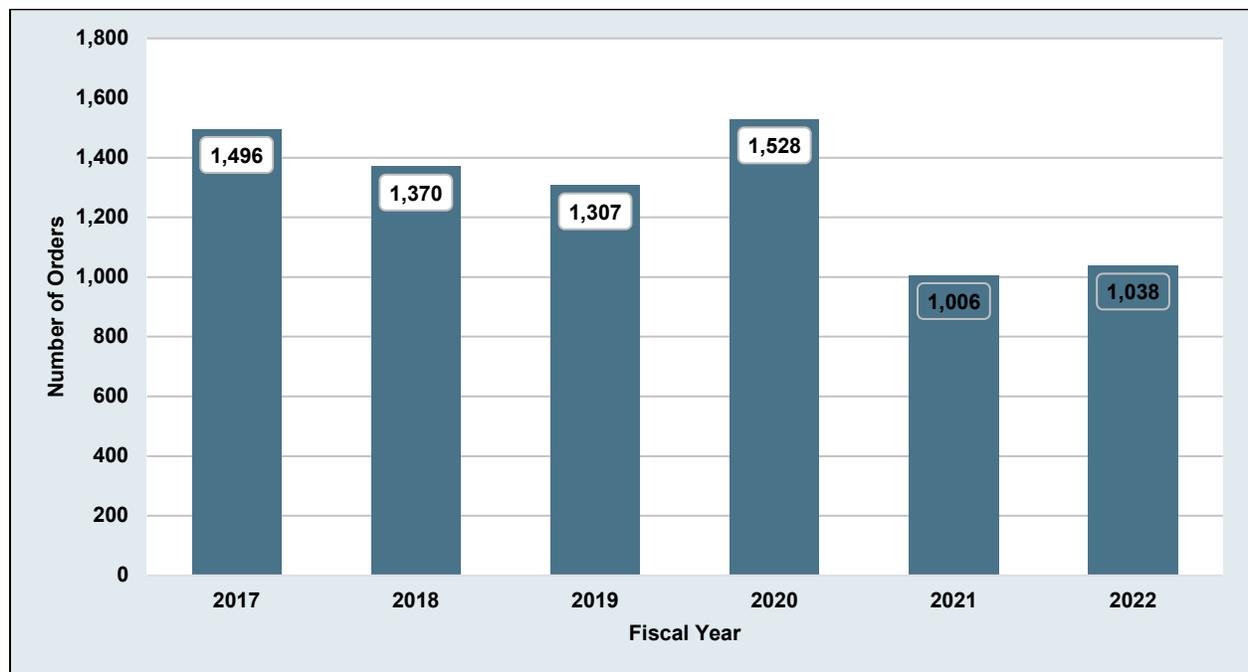
Facility Type	2017	2018	2019	2020	2021	2022
Air Facilities	97%	98%	97%	96%	94%	96%
Water Facilities	99%	99%	99%	99%	99%	99%
Waste Facilities	95%	96%	97%	97%	97%	97%

Formal Enforcement Actions

Administrative Enforcement

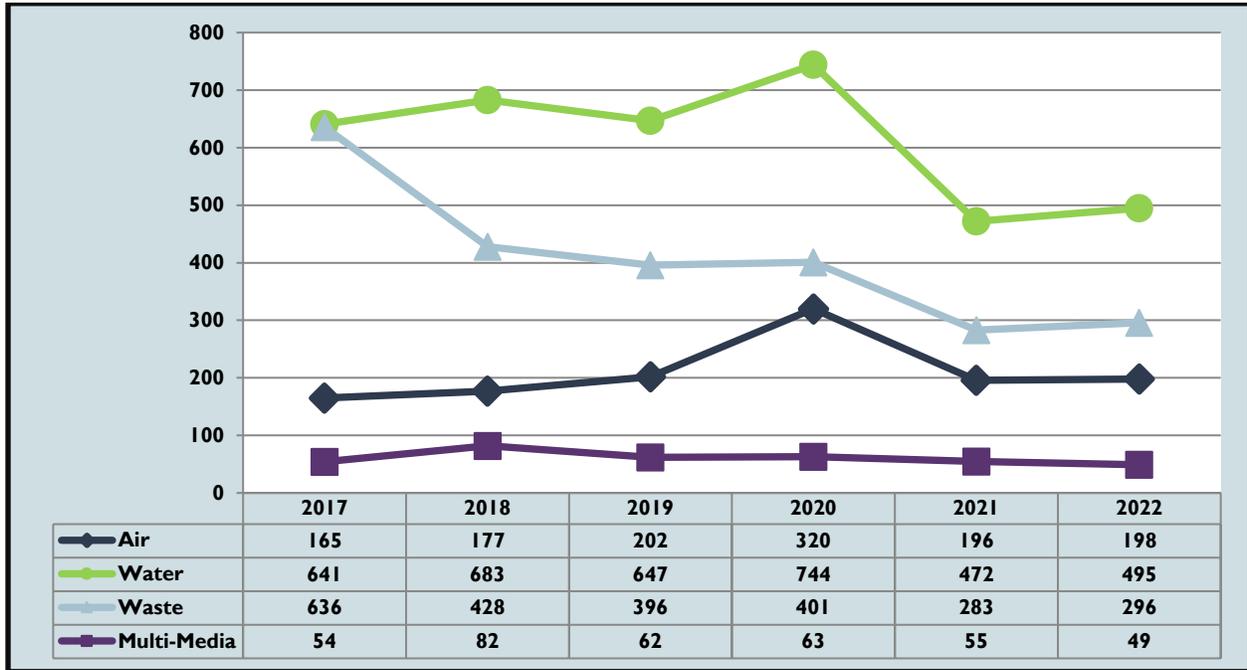
One of the most familiar indicators for the enforcement activities of a regulatory agency is penalties: How much money did the agency order to be paid in penalties? While familiar, this is not necessarily an indication that enforcement has been successful. The number of administrative orders issued by TCEQ varies each year and is dependent upon the violator's willingness to settle a case. If a violator refuses to settle a case, and requests a hearing, TCEQ must try the case through the administrative hearing process. This legal process is similar to trying a case in court and may extend the time it takes to obtain an order and reach compliance. TCEQ issued 1,038 administrative orders in FY 2022, as shown in the figure below.

Figure 7-Administrative Orders Issued by Fiscal Year



The number of administrative orders issued varies, depending on the enforcement referrals received, as well as the violators' willingness to settle a case. The number of administrative orders issued in FY 2022 continued to remain lower than prior years primarily due to significant staff turnover and vacancies and latent impacts of the COVID-19 Pandemic. The figure below summarizes the number of administrative orders issued by media for the last six years.

Figure 8-Administrative Orders Issued by Media per Fiscal Year



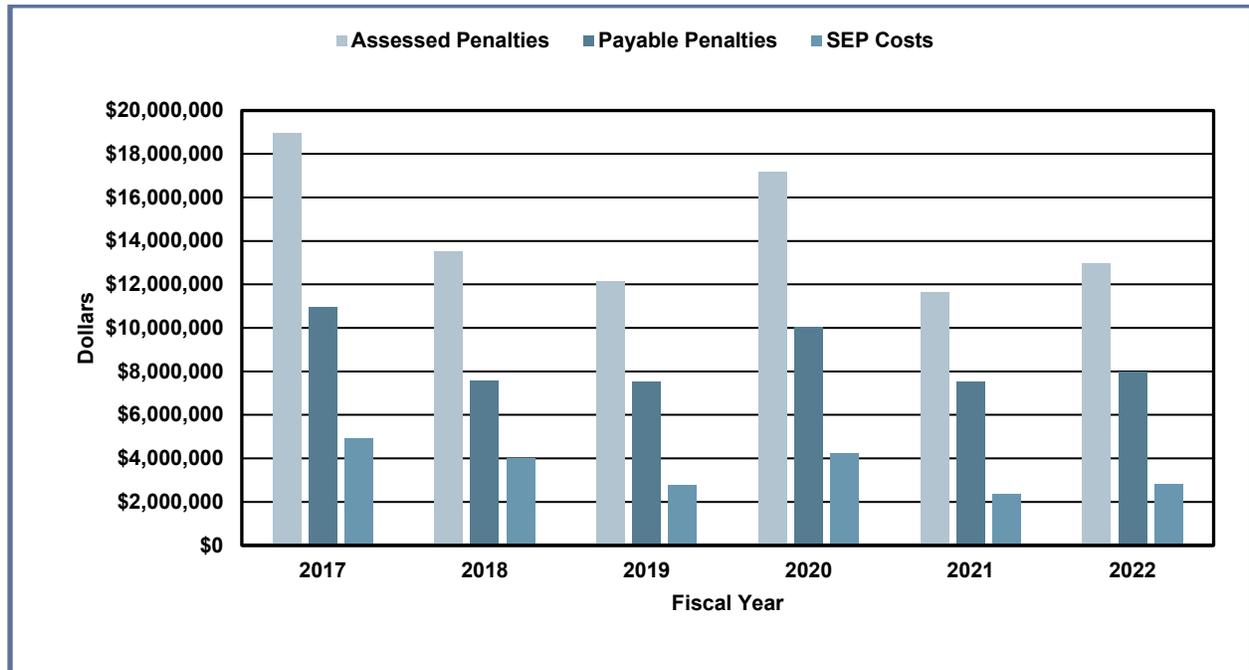
The 1,038 administrative orders issued in FY 2022 required payments of \$7,987,316 in penalties and an additional \$2,832,140 was required to be paid for [Supplemental Environmental Projects](#)⁹ (SEPs), as discussed below. The following table provides a summary of the penalties and SEPs associated with administrative orders over the past six years.

Table 2-Summary of Administrative Penalty Amounts and SEPs by Fiscal Year

Fiscal Year	Assessed Penalties	Deferred Penalties	Payable Penalties	SEP Costs	Number of Orders with SEPs
2017	\$18,941,687	\$3,065,484	\$10,931,597	\$4,944,366	166
2018	\$13,520,045	\$1,935,846	\$7,593,779	\$3,990,420	169
2019	\$12,123,643	\$1,805,296	\$7,535,227	\$2,783,120	153
2020	\$17,166,396	\$2,893,417	\$10,055,406	\$4,217,573	196
2021	\$11,662,395	\$1,767,074	\$7,511,772	\$2,383,549	139
2022	\$12,952,805	\$2,133,349	\$7,987,316	\$2,832,140	139

Assessed and payable penalties, as well as SEP costs, associated with administrative orders issued over the past six years are shown in the figure below.

⁹ www.tceq.texas.gov/compliance/enforcement/sep

Figure 9-Penalties and SEP Costs in Administrative Orders Issued by Fiscal Year

Supplemental Environmental Projects

SEPs are projects approved by the commission to benefit the local Texas communities where environmental laws and regulations have been violated. Violators are allowed to put a portion of their penalty dollars to work to benefit the environment in the community affected by the violations, rather than paying the entire penalty to the State's General Revenue Fund. In addition, TWC Section 7.067 allows certain local governments in an enforcement action to perform a SEP to come into compliance with environmental laws or to remediate the harm caused by those violations.

SEPs that have been approved include the following:

- Repair on structures or equipment that may be the cause of the violation
- Cleanups of abandoned illegal dump sites
- Community household hazardous waste and tire collections
- Air and water quality monitoring networks
- Wetlands and habitat restoration
- Establishment of nature preserves
- Erosion control
- Cleanups of bays and watersheds
- Placement of ozone air monitoring equipment in schools and local communities
- Installing and repairing on-site sewage facilities, municipal sewer lines, and potable water service for low-income households
- Retrofitting of diesel buses to "clean-technology" for school districts
- Energy efficient upgrades and retrofits for public buildings or low-income homeowners
- Purchasing alternative fueled equipment to replace diesel and gasoline powered equipment

Civil Enforcement

If administrative orders and penalties TCEQ issues do not achieve environmental compliance, or in instances where more immediate action is required, such as an emergency event, the agency may refer the matter to the Texas Office of the Attorney General (OAG) for civil enforcement. Under TWC Section 7.105, TCEQ has discretion to refer any matter to the OAG for civil enforcement. During FY 2022, the OAG obtained 24 judgments in cases referred from TCEQ and for which TCEQ was a necessary and indispensable party to enforcement initiated by another entity. These civil judgments resulted in \$6,845,268 to be paid in penalties. The table below shows a summary of the civil judgments that have been issued for the past six years.

Table 3-Civil Judgments Issued by Fiscal Year

Fiscal Year	Number of Civil Judgments	Civil Penalties Required to be Paid
2017	22	\$1,329,315
2018	34	\$3,816,814
2019	30	\$3,081,387
2020	18	\$2,314,630
2021	24	\$16,555,128
2022	24	\$6,845,268

A successful enforcement program, combined with a strong regulatory assistance program, ensures that the public and the environment receive the benefits of the protections embodied in environmental statutes, regulations, and permits.

The Criminal Element

Texas Environmental Enforcement Task Force (the “Task Force”)

Texas is a leader and national model in the investigation and prosecution of environmental crime. Created in 1991, the Task Force has included participants from more than 25 local, state, and federal agencies. TCEQ, and particularly the Environmental Crimes Unit (ECU), play a key investigative role and head the task force. Members of the Task Force include TCEQ, the Governor’s Office, the Texas Parks and Wildlife Department, the OAG, the Railroad Commission of Texas, and the General Land Office. These agencies coordinate activities with the EPA’s Criminal Investigation Division, the U.S. Attorney’s Office, the Federal Bureau of Investigation, and local district and county attorneys. Numerous other federal, state, and local agencies also participate in Task Force investigations. TCEQ ECU, with assistance from other members of the Task Force, also conducts environmental crimes enforcement training for local law enforcement officers.

Criminal Investigations

In FY 2022, the agency participated in three search warrants and obtained resolutions, which includes convictions, deferred adjudications, and pre-trial interventions on 17 cases. Pre-trial interventions included one corporation and two individuals. Convictions were obtained against 17 individuals and three corporations. The finalized cases included 14 felony counts and 13 misdemeanor counts (see following table).

Table 4-Summary of Criminal Investigation Information by Fiscal Year

Fiscal Year	Search Warrants	Cases Resulting in Resolutions	Convictions Against Individuals	Convictions Against Corporations	Total Convictions	Felony Counts	Misdemeanor Counts
2017	6	21	15	12	27	9	17
2018	7	18	19	5	24	18	17
2019	3	11	12	3	15	9	14
2020	6	9	10	3	13	9	8
2021	7	7	6	2	8	1	7
2022	3	17	17	3	20	14	13

These cases consist of unauthorized discharges, illegal dumping, storage of hazardous waste without a permit, negligent endangerment related to a release under the Clean Air Act, Tampering with a Governmental Record (vehicle emission testing, on-site sewage facility permits, and lead and copper testing related to public water supply), failure to properly use pollution control measures, improper importation of a Class II substance (freon), and theft of property from the elderly (related to crimes involving on-site sewage facility installations).

The case resolutions resulted in a total of \$3,317,650 in criminal fines, over 20 years of jail time, 11 years of deferred adjudication or disposition, 11 years and six months of probation, 172 hours of community service, \$24,580.79 of court ordered restitution, and a \$15,000 community service payment. The [FY 2022 Criminal Conviction Chart](#) lists the details of the cases that the ECU worked on this year.

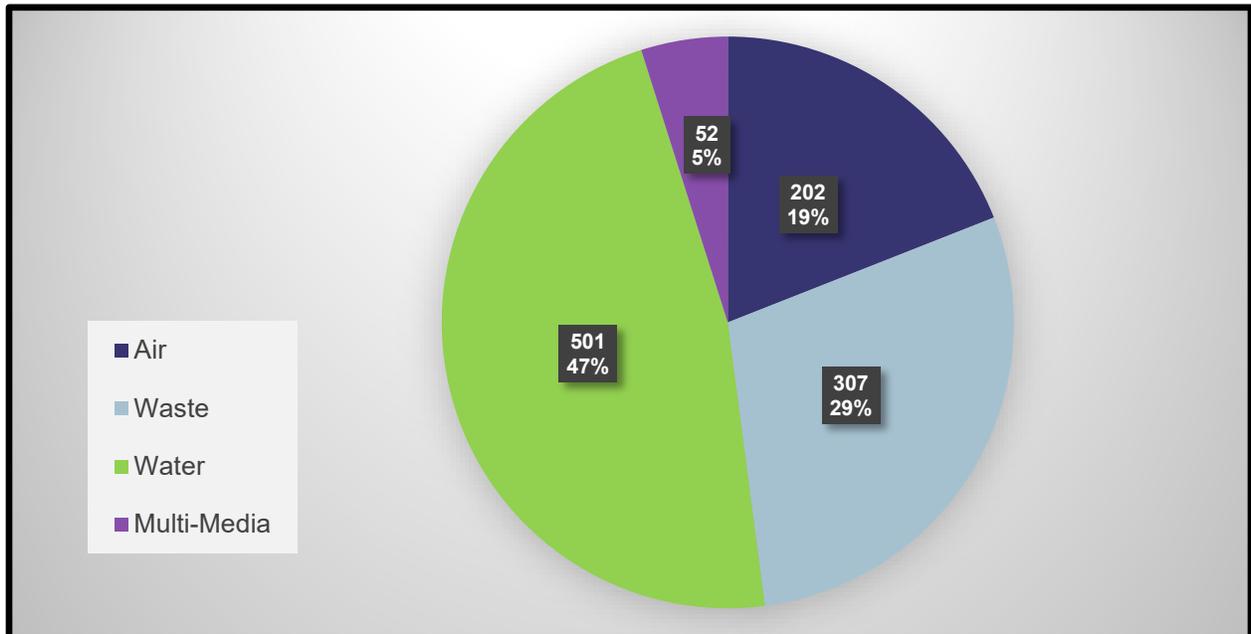
Comparative Analysis

Texas Water Code Section 5.756 requires that TCEQ evaluate performance, over time, of the agency and of entities regulated by the agency. This section of the report addresses the comparison of entities regulated by TCEQ. An analysis has been performed on the types of businesses for all orders issued, orders issued to regulated entities with prior orders, orders issued to regulated entities with the same or similar violations, the violations included in the orders, and the size of businesses or municipalities that had orders issued during the fiscal year.

Comparison of Orders Issued by Media Type

In FY 2022, TCEQ issued 1,038 administrative orders and assisted the OAG in obtaining 24 civil judgments. The figure below displays the number and percentage of orders issued during FY 2022 by media type (air, waste, water, and multi-media).

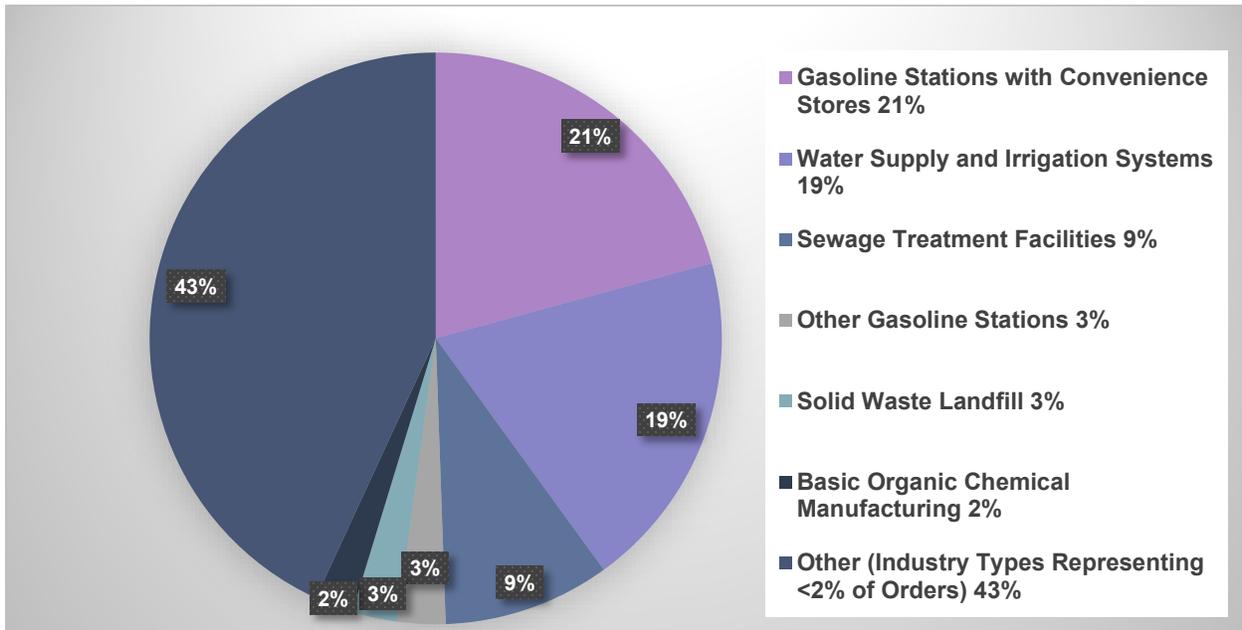
Figure 10-Number and Percent of Orders Issued in Fiscal Year 2022 by Media Type



Comparison of Orders by Industry Type

The percent of regulated entities with orders issued for FY 2022 based upon the North American Industrial Classification System (NAICS) are shown in the following figure. The industry types with the highest percentage of administrative orders and civil judgments issued in FY 2022 were Gasoline Stations with Convenience Stores, Water Supply and Irrigation Systems, and Sewage Treatment Facilities. Forty-three percent of the regulated entities with orders issued represented NAICS categories of less than two percent.

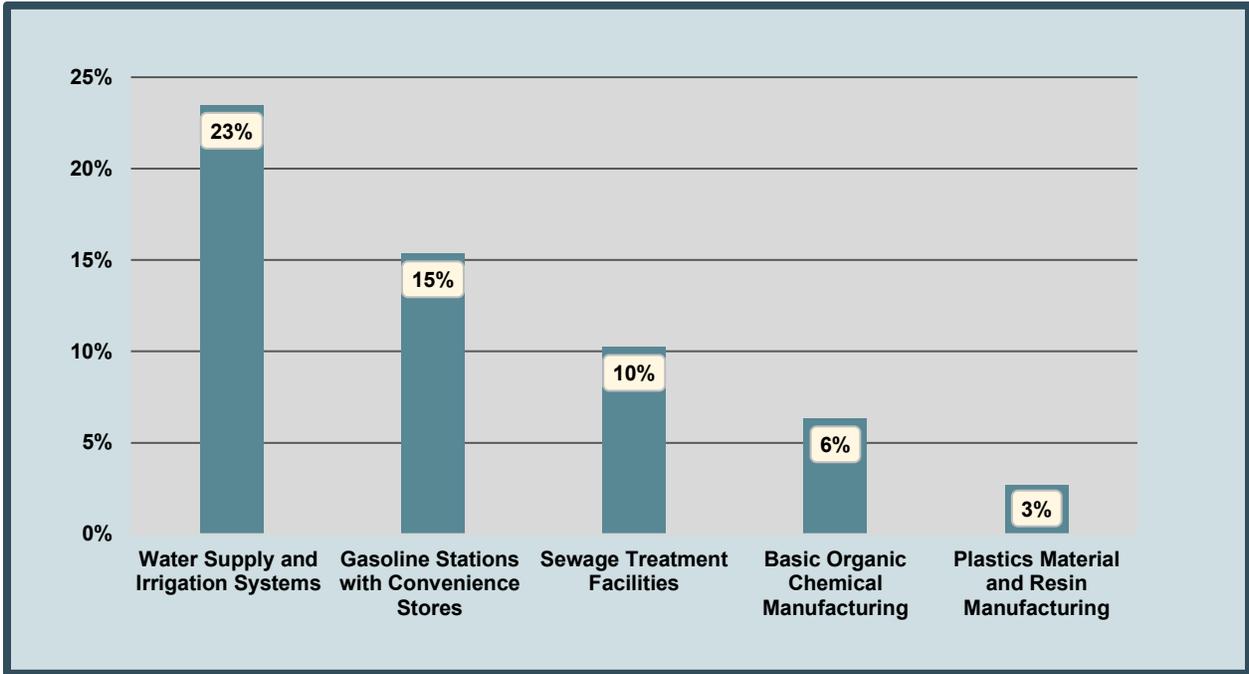
Figure 11-Percent of Industry Types with Orders Issued in Fiscal Year 2022



There were 1,064 regulated entities that were issued a total of 1,062 civil judicial and administrative orders in FY 2022. These numbers differ because it is not a one-to-one relationship. A single order may address violations at more than one regulated entity and more than one order may be issued to the same responsible party during the fiscal year.

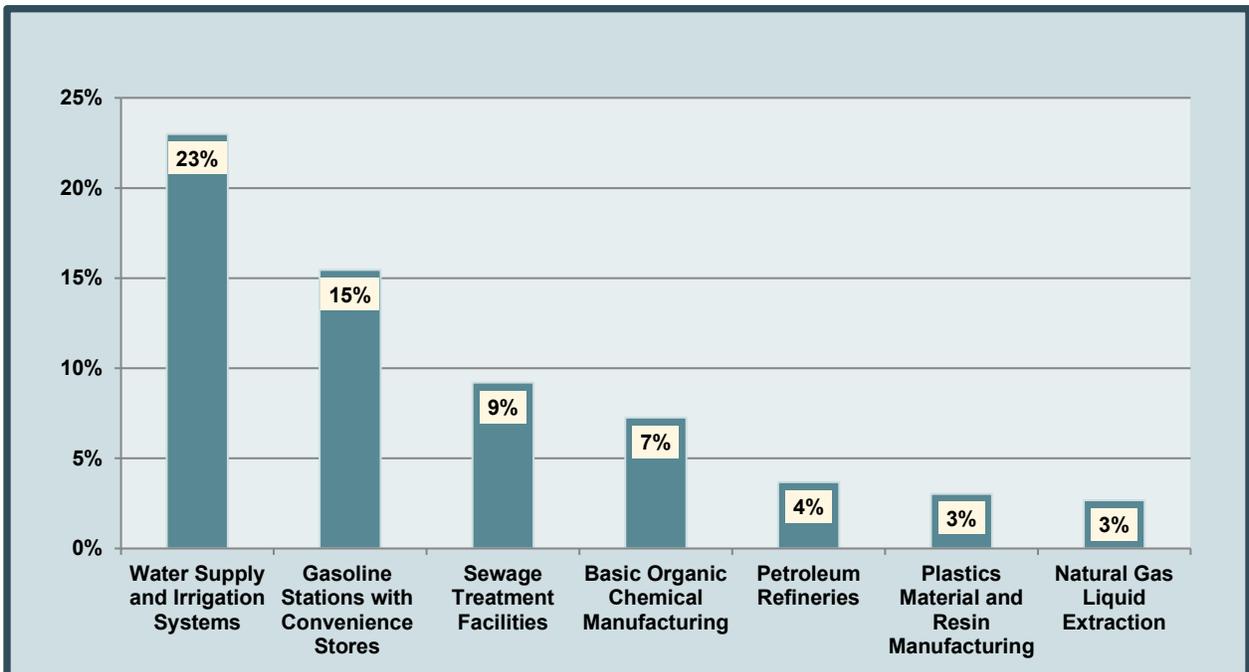
Of the regulated entities that were issued orders in FY 2022, 308 (29%) had previous enforcement orders and 337 (32%) were issued orders with violations that were the same or similar as those included in prior orders over the past five years. The highest percentage of industry types with previous orders issued included: Water Supply and Irrigation Systems, Gasoline Stations with Convenience Stores, Sewage Treatment Facilities, Basic Organic Chemical Manufacturing, and Plastics Material and Resin Manufacturing.

Figure 12-Percent of Industry Types with Previous Orders



The highest percentage of industry types for regulated entities with same or similar violations included in prior enforcement orders were as follows: Water Supply and Irrigation Systems, Gasoline Stations with Convenience Stores, Sewage Treatment Facilities, Basic Organic Chemical Manufacturing, Petroleum Refineries, Plastics Material and Resin Manufacturing, and Natural Gas Liquid Extraction.

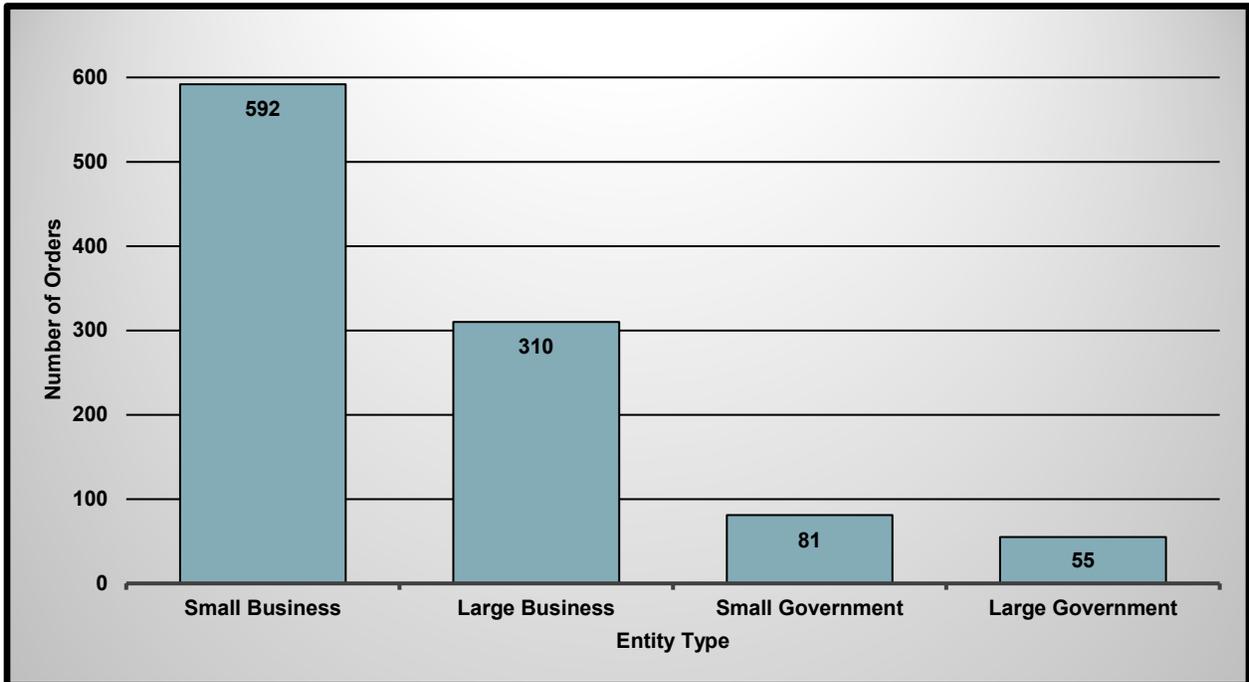
Figure 13-Percent of Orders with Same or Similar Violations



Comparison of Orders Issued by Legal Entity Size

Enforcement orders are issued to legal entities of varying sizes. For civil judicial and administrative orders issued in FY 2022, 57% were issued to small businesses, 30% were issued to large businesses, 8% were issued to small governments, and 5% were issued to large governments. The figure below depicts the breakdown of the size of business and local government with orders issued during FY 2022.

Figure 14-Size of Legal Entities with Orders and Judgments Issued in Fiscal Year 2022



A small business is defined as any person, firm, or business that employs fewer than 100 full-time employees. A small government is defined as a city with a population of less than 5,000 or a county with a population of less than 25,000.

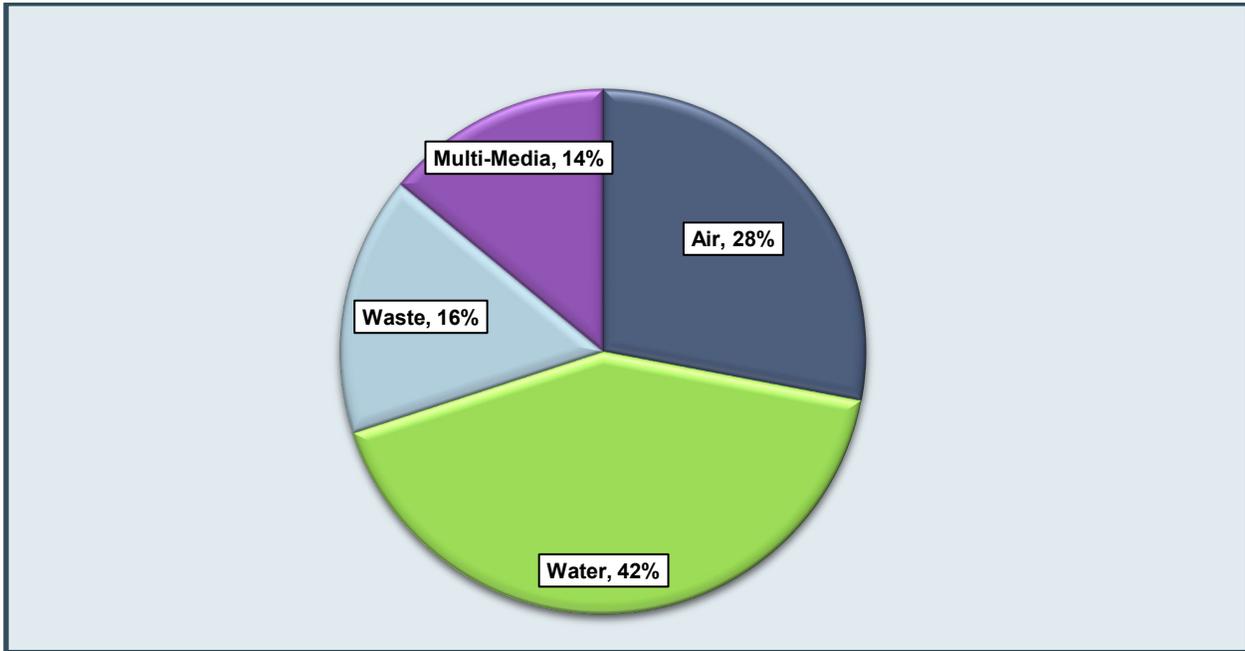
Comparison of Citations in Orders Issued

Of the 1,062 civil judgments and administrative orders issued in FY 2022, there were 3,456 violations alleged with 7,040 citations of rules, statutes, permits, or orders. Of all the citations documented, 78% were for violations of rules or statutes, 20% were for violations of permit provisions, and 2% were for violations of orders previously issued.

The following table lists the highest percentage of common rule or statutory citations included in orders issued in FY 2022. Citations of less than 1% frequency are not included. Figure 15 depicts the most frequently cited rules or statutes by media type for orders issued in FY 2022.

Table 5-Percent of Citations in Orders Issued in Fiscal Year 2022

Media	Section of Rule Cited	Percent
Air	THSC §382.085 - Unauthorized Emissions Prohibited	8%
Water	30 TAC §290.46 – Minimum Acceptable Operating Practices for Public Drinking Water Systems	8%
Multi-Media	30 TAC §305.125 – Consolidated Permits: Standard Permit Conditions	7%
Water	TWC §26.3475 – Release Detection Requirements; Spill and Overfill Prevention; Corrosion Protection	6%
Air	30 TAC §116.115 – General and Special Conditions of New Source Review Permits	5%
Air	30 TAC §122.143 – General Terms and Conditions of Permits	5%
Waste	30 TAC §334.50 - Release Detection	4%
Water	30 TAC §290.122 - Public Notification	4%
Water	30 TAC §290.117 – Regulation of Lead and Copper	4%
Multi-Media	TWC §7.101 – General Violations of Statutes, Rules, Orders, and Permits	4%
Water	30 TAC §290.110 – Disinfectant Residuals	3%
Water	TWC §26.121 – Unauthorized Discharges Prohibited	3%
Water	THSC §341.0315 – Public Drinking Water Supply System Requirements	2%
Water	30 TAC §290.106 - Inorganic Contaminants	2%
Air	30 TAC §101.20 - General Air Quality Rules	2%
Water	30 TAC §281.25 – Texas Pollutant Discharge Elimination System Permit Application Requirements	1%
Water	30 TAC §290.42 - Water Treatment	1%
Waste	30 TAC §334.49 – Corrosion Protection	1%
Water	30 TAC §290.115 - Stage 2 Disinfection Byproducts (TTHM and HAA5)	1%
Water	30 TAC §290.45 - Minimum Water System Capacity Requirements	1%
Air	30 TAC §101.201 – Emissions Event Reporting and Recordkeeping	1%
Waste	30 TAC §330.15 – Municipal Solid Waste General Prohibitions	1%

Figure 15-Percent of Most Frequent Cited Rules or Statutes by Media Types

Compliance History Program

Texas Water Code Chapter 5, Subchapter Q requires TCEQ to "develop standards for evaluating and using compliance history". This statute also requires the agency to track and consider the compliance history of businesses and industries.

Under the [Compliance History](#)¹⁰ program, each regulated entity along with the owner or operator are classified using a three-tiered rating system. "High" performers are those with an above-average compliance record. "Satisfactory" performers have generally complied with environmental regulations, and "Unsatisfactory" performers have a below-average record.

The Compliance History program sets up a point system for various violations, criminal convictions, and federal orders. These points may be offset by mitigating factors, such as implementation of a voluntary pollution-reduction program or voluntary disclosure of violations. The point system is based on several factors, including whether a documented violation of an applicable legal requirement is of major, moderate, or minor significance. TCEQ's rationale for categorizing the violations as either major, moderate, or minor, as defined in 30 TAC Section 60.2(d), is based on its experience in evaluating the severity of various violations and their impacts, or potential impacts, to human health and the environment. The figure below depicts the percentage of major, moderate, and minor violations included in orders issued in FY 2022. The most common violation types are those of moderate severity at 72%. Examples of violations based on compliance history category are depicted in the subsequent table.

¹⁰ www.tceq.texas.gov/compliance/enforcement/compliance-history

Figure 16-Severity of Violations Included in Orders Issued in Fiscal Year 2022

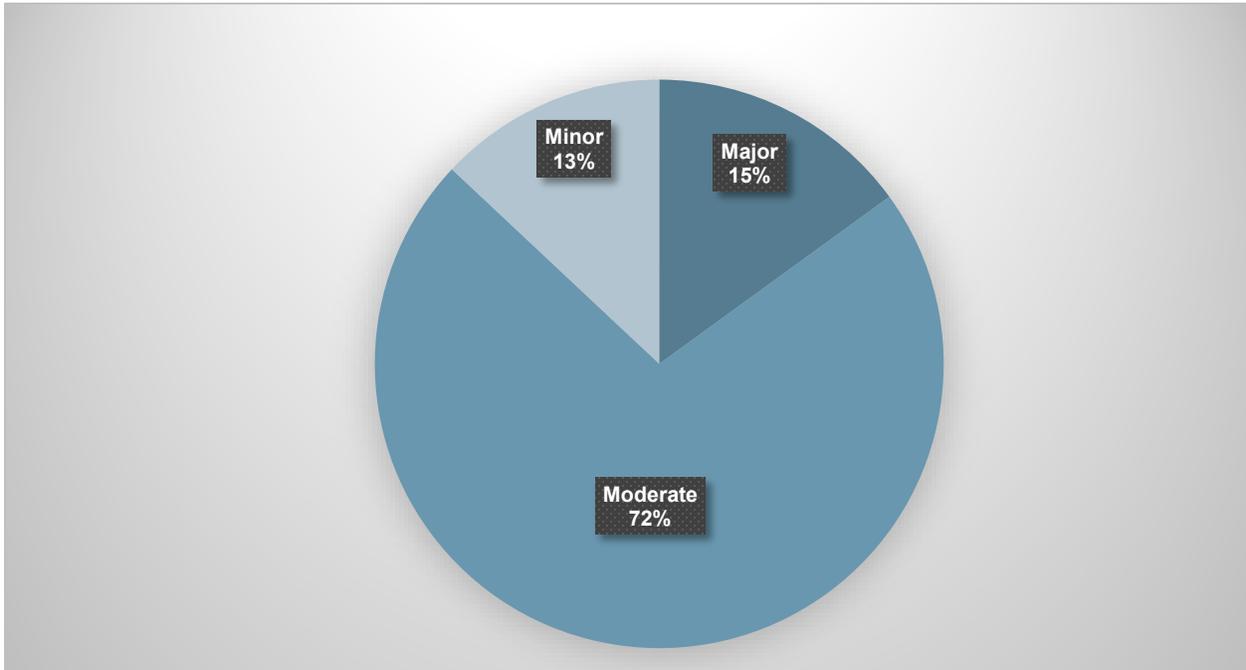


Table 6-Examples of Violations Based on Compliance History Categories

MAJOR
<ul style="list-style-type: none"> • A violation of a commission enforcement order, court order, or consent decree.
<ul style="list-style-type: none"> • Operating without required authorization or using a facility that does not possess required authorization.
<ul style="list-style-type: none"> • An unauthorized release, emission, or discharge of pollutants that caused, or occurred at levels or volumes sufficient to cause, adverse effects on human health, safety, or the environment.
MODERATE
<ul style="list-style-type: none"> • A complete or substantial failure to monitor, analyze, or test a release, emission, or discharge, as required by a commission rule or permit.
<ul style="list-style-type: none"> • A complete or substantial failure to submit or maintain records, as required by a commission rule or permit.
<ul style="list-style-type: none"> • Not having an operator whose level of license, certification, or other authorization is adequate to meet applicable rule requirements.
MINOR
<ul style="list-style-type: none"> • Performing most, but not all, of a monitoring or testing requirement, including required unit or facility inspections.
<ul style="list-style-type: none"> • Performing most, but not all, of a requirement addressing the submittal or maintenance of required data, documents, notifications, plans, or reports.

Compliance History Rule Update

As a result of several large emergency industrial accidents over the past few years that caused significant impacts to public health and the environment, the commission approved a revision to the compliance history rules. The TCEQ executive director may now initially designate a site's compliance history classification as "under review" and then later reclassify it to "suspended" if exigent circumstances exist due to a significant emergency event at the site. Exigent circumstances could include major explosions or fires that cause significant community disruption or commitment of emergency response resources by federal or state governmental authorities. The rule is codified in 30 TAC Section 60.4 and became effective on June 23, 2022.

Assessment Of Emission Events

The regulatory requirements relating to Emissions Events, excess opacity events, and scheduled Maintenance, Startup, and Shutdown (MSS) activities are contained in 30 TAC Chapter 101 Subchapter F. This rule incorporates the statutory requirements of Texas Health and Safety Code (THSC) Sections 382.0215 and 382.0216. Emissions Events (EEs) are air upset events or unscheduled MSS activities from a common cause that result in unauthorized emissions of air contaminants. Scheduled MSS activities are those activities performed by the regulated entity owner or operator that require prior notice and a final report per TCEQ rules. Excess opacity events occur when an opacity is equal to or exceeds 15% above an applicable opacity limit averaged over a six-minute period.

In FY 2022, TCEQ implemented changes to the EE program to ensure statewide consistency for investigations of EEs and consistent enforcement for violations related to them. These changes included the formation of a new EE Review Section within the Office of Compliance and Enforcement, Critical Infrastructure Division, for investigation of all emissions events reported to TCEQ, regardless of the facility location. The EE Review Section became effective September 1, 2022. Other changes, such as updating internal processes and improving external communication, will continue to be implemented through FY 2023.

Total Number of Reported Incidents

As shown in the figure below, the overall number of air incidents, including EEs (upsets and unscheduled MSS), scheduled MSS, and excess opacity events reported under 30 TAC Chapter 101, Subchapter F decreased by 26% from 3,541 in FY 2021 to 2,603 in FY 2022. The number of events reported is the lowest in recent history and may be attributable to TCEQ's focus and outreach to regulated entities on proper reporting, authorization, and enforcement. One outreach example is TCEQ's "Find It and Fix It" initiative for oil and gas operations in the Permian Basin that was initiated in FY 2021. Additionally, TCEQ has conducted outreach efforts to industry groups in the oil, gas, and pipeline sectors with an emphasis on properly authorizing predictable emissions. The following table provides the complete set of data by TCEQ regions related to the total number of reported incidents in FY 2022.

Figure 17-Total Number of Incidents Reported Statewide

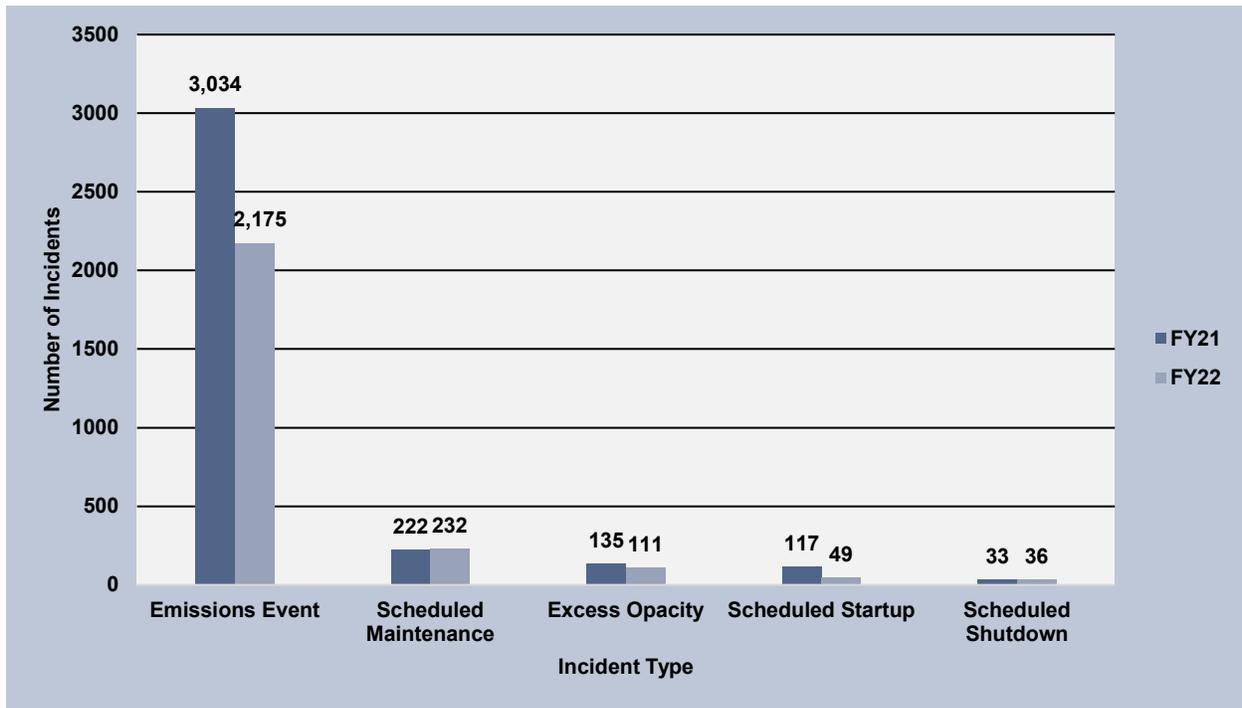


Table 7-Total Number of Incidents Reported Statewide

Region	Emissions Events	Scheduled Maintenance	Excess Opacity	Scheduled Startup	Scheduled Shutdown	Total
Region 01 - Amarillo	70	9	1	1	2	83
Region 02 - Lubbock	109	2	0	0	1	112
Region 03 - Abilene	20	8	1	0	0	29
Region 04 - DFW Metroplex	20	119	6	0	0	145
Region 05 - Tyler	37	1	27	0	0	65
Region 06 - El Paso	15	0	0	0	0	15
Region 07 - Midland	1,161	21	0	2	7	1,191
Region 08 - San Angelo	79	1	0	0	1	81
Region 09 - Waco	15	9	8	0	0	32
Region 10 - Beaumont	110	7	16	8	3	144
Region 11 - Austin	27	0	9	0	0	36
Region 12 - Houston	355	18	24	13	3	413
Region 13 - San Antonio	13	1	12	0	0	26
Region 14 - Corpus Christi	111	35	7	25	19	197
Region 15 - Harlingen	9	1	0	0	0	10
Region 16 - Laredo	24	0	0	0	0	24
Total	2,175	232	111	49	36	2,603

Total Quantity of Air Emissions

The total quantity of reported air emissions from EEs and scheduled MSS decreased from 52.3 million pounds in FY 2021 to 41.9 million pounds in FY 2022. Continued decreases in EEs can be partly attributed to TCEQ’s “Find It and Fix It” initiative and outreach efforts discussed previously. Most regions showed a decrease in the total quantity of reported emissions. However, TCEQ Region 10-Beaumont saw a significant increase from 2.5 million pounds in FY 2021 to 10.6 million pounds in FY 2022. The increase was due in part to two startups at a facility with a total of approximately 7 million pounds released. The figure below depicts the

total quantity of emissions in pounds reported to TCEQ regional offices in FY 2021 and FY 2022.

Figure 18-Total Quantity of Emissions (in pounds) Reported Statewide

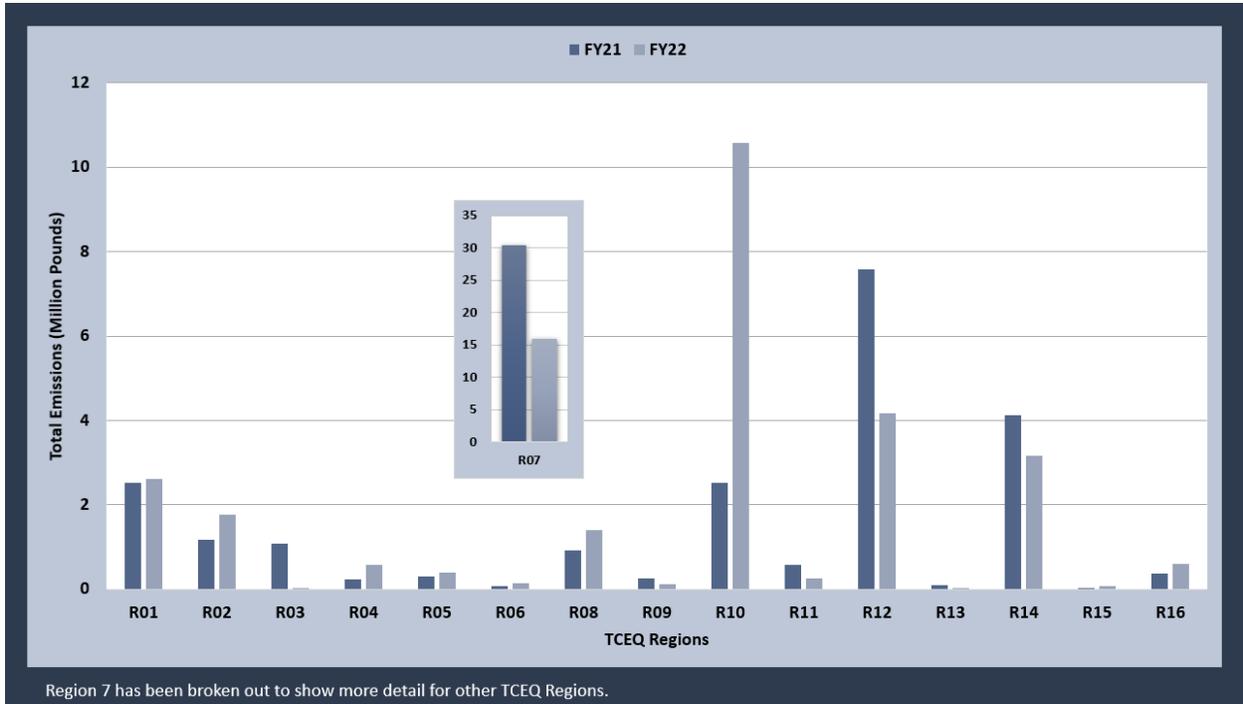


Table 8-Total Quantity of Emissions Reported Statewide under 30 TAC Chapter 101, Subchapter F

Region	Emissions Events	Scheduled Maintenance	Scheduled Startup	Scheduled Shutdown	Total
Region 01 - Amarillo	2,433,906	186,097	500	386	2,620,890
Region 02 - Lubbock	1,754,035	18,350	0	1,082	1,773,468
Region 03 - Abilene	24,419	3,118	0	0	27,537
Region 04 - DFW Metroplex	570,533	16,575	0	0	587,108
Region 05 - Tyler	394,459	6,140	0	0	400,599
Region 06 - El Paso	140,600	0	0	0	140,600
Region 07 - Midland	15,584,794	308,211	15,448	46,873	15,955,327
Region 08 - San Angelo	1,313,206	32,603	0	56,477	1,402,286
Region 09 - Waco	129,508	508	0	0	130,016
Region 10 - Beaumont	3,066,151	857	7,472,935	27,139	10,567,083
Region 11 - Austin	256,428	0	0	0	256,428
Region 12 - Houston	3,548,655	93,869	371,314	163,205	4,177,043
Region 13 - San Antonio	20,684	0	0	0	20,684
Region 14 - Corpus Christi	3,128,854	22,286	19,577	19	3,170,736
Region 15 - Harlingen	77,870	2,815	0	0	80,685
Region 16 - Laredo	606,166	0	0	0	606,166
Total	33,050,268	691,429	7,879,774	295,181	41,916,654

Note: The quantities of emissions are rounded to the nearest pound. Opacity events are not included as opacity is reported as a percentage.

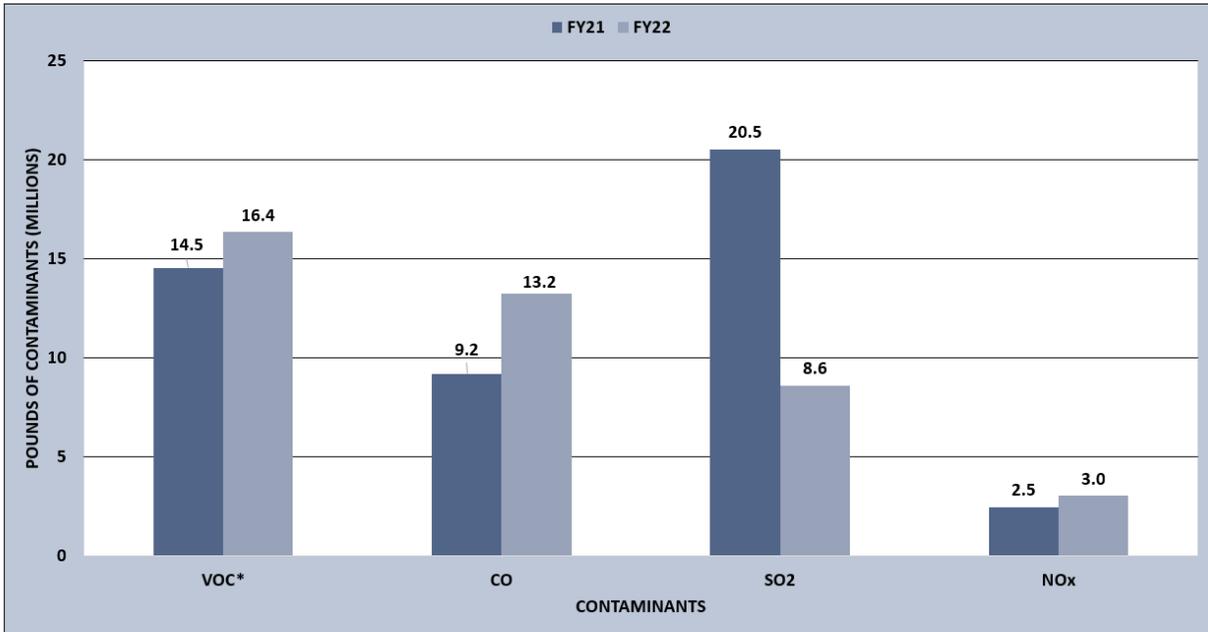
The table above represents the complete set of data related to pounds of contaminants emitted from regulated entities in each TCEQ region for FY 2022. Final reported quantities of air emissions are included in the totals, where available. Initially reported air emissions quantities are included where final reports were not available at the time this report was prepared.

Top Contributing Air Contaminants

The figure below displays the quantity of emissions by contaminant group for FY 2021 and FY 2022. Volatile Organic Compounds (VOC) had the highest reported quantity of the contaminants reported under 30 TAC Chapter 101, Subchapter F for FY 2022, with 16.4 million pounds, followed by carbon monoxide (CO) at 13.2 million pounds. There was a decrease in sulfur dioxide (SO₂), from 20.5 million pounds in FY 2021 to 8.6 million pounds in FY 2022. This is in part due to the continued impact of TCEQ's "Find It and Fix It" outreach efforts in the Permian Basin as previously described.

Total VOCs include propane, natural gas, and highly reactive volatile organic compounds (HRVOCs), in addition to all speciated VOCs as defined in 30 TAC Section 101.1. HRVOCs include the following groups of contaminants: butadiene, butene, ethylene, and propylene.

Figure 19-Top Contributing Air Contaminants (in pounds) Reported Statewide



*VOC includes Propane, Natural Gas, and HRVOC.
 Note: FY 2021 quantities were revised to reflect final reportable emissions.

Final reported quantities of emissions are included in the totals, where available. Initial reported quantities are included where final reports were not available at the time this report was prepared. The complete set of data related to the major contaminants released and reported in FY 2022 is in the table below.

Table 9-Total Quantity of Air Contaminants Reported Statewide

Contaminant Reported	Emissions Events	Scheduled Maintenance	Scheduled Startup	Scheduled Shutdown	Total
Volatile Organic Compounds (VOC)	15,539,291	379,329	345,083	86,388	16,350,091
Carbon monoxide (CO)	6,951,578	74,278	6,060,368	145,058	13,231,282
Sulfur dioxide (SO)	8,482,035	74,763	15,042	15,414	8,587,254
Nitrogen oxides (NO _x)	1,479,677	36,617	1,458,883	47,666	3,022,843

HRVOCs	Emissions Events	Scheduled Maintenance	Scheduled Startup	Scheduled Shutdown	Total
1,3-Butadienes	9,303	0	7,038	0	16,341
Butene	41,666	364	3,167	0	45,197
Ethylene	491,117	985	64,935	8,906	565,943
Propylene	132,212	10,477	7,795	0	150,484
HRVOC Total	674,298	11,826	82,935	8,906	777,965

Notes:

- HRVOCs are included in the VOC total
- The quantities of emissions are rounded to the nearest pound

Emissions Events by Industry Classification

The total quantity of emissions reported according to the NAICS of the regulated entity is displayed in the figure below. The top source category for reported contaminants statewide in FY 2022 was Natural Gas Liquid Extraction at 8.4 million pounds, which is 20% of the total air contaminants reported. The second largest quantity of reported contaminants was from Crude Petroleum and Natural Gas Extraction at 7.5 million pounds and was approximately 18% of the total air contaminants reported. Petroleum Refineries reported the third highest quantity at 4.2 million pounds and 10% of the total air contaminants reported.

Figure 20 -Total Quantity of Contaminants (in million pounds) by Industrial Classification

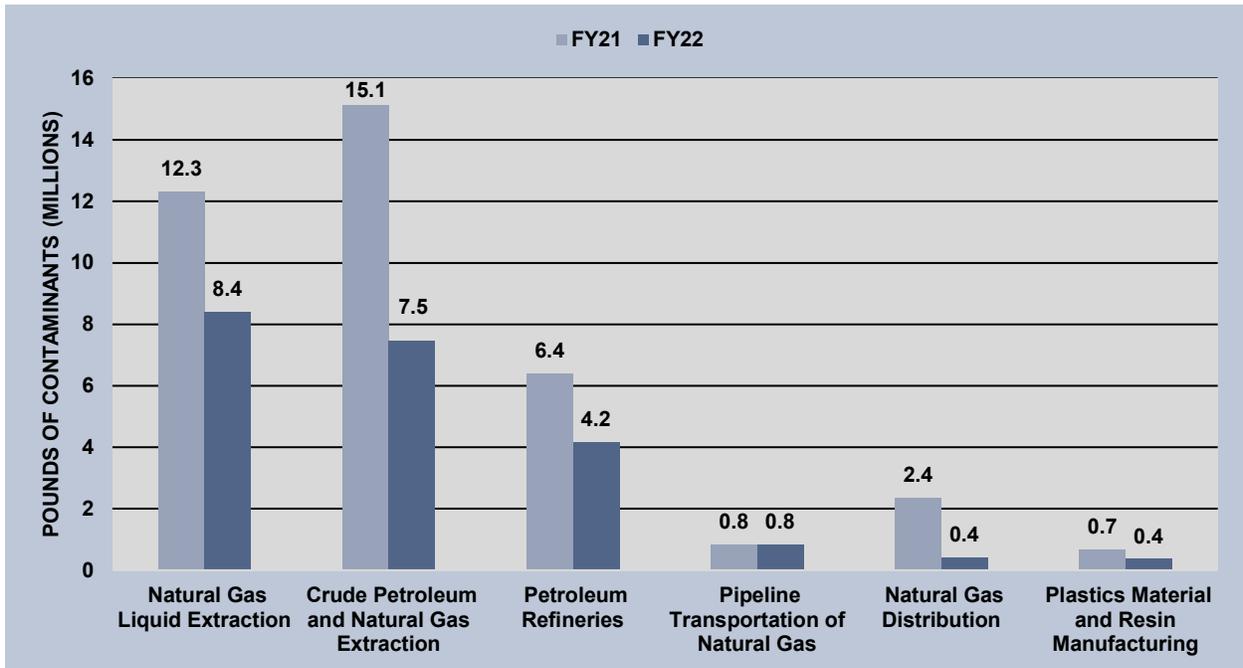


Table 10-Top Contributing Industrial Classifications by Number of Incidents

Industry Type	Emissions Events	Scheduled Maintenance	Excess Opacity	Scheduled Startup	Scheduled Shutdown	Total
211111: Crude Petroleum and Natural Gas Extraction	689	6	2	0	3	700
211112: Natural Gas Liquid Extraction	469	9	3	3	4	488
325199: Basic Organic Chemical Manufacturing	170	31	2	30	22	255
32411 and 324110: Petroleum Refineries	155	7	22	6	2	192
324122: Asphalt Shingle and Coatings Manufacturing	0	110	0	0	0	110
211120: Crude Petroleum Extraction	93	1	0	0	0	94
48621 and 486210: Pipeline Transportation of Natural Gas	43	17	0	0	0	60
221112: Fossil Fuel Electric Power Generation	10	6	39	0	0	55
221210: Natural Gas Distribution	35	0	0	9	1	45
325211: Plastics Material and Resin Manufacturing	34	1	1	0	0	36

The data in the table above represents the top ten industry types that reported the highest number of air incidents during FY 2022.

Table 11-Total Quantity of Contaminants by Industrial Classification

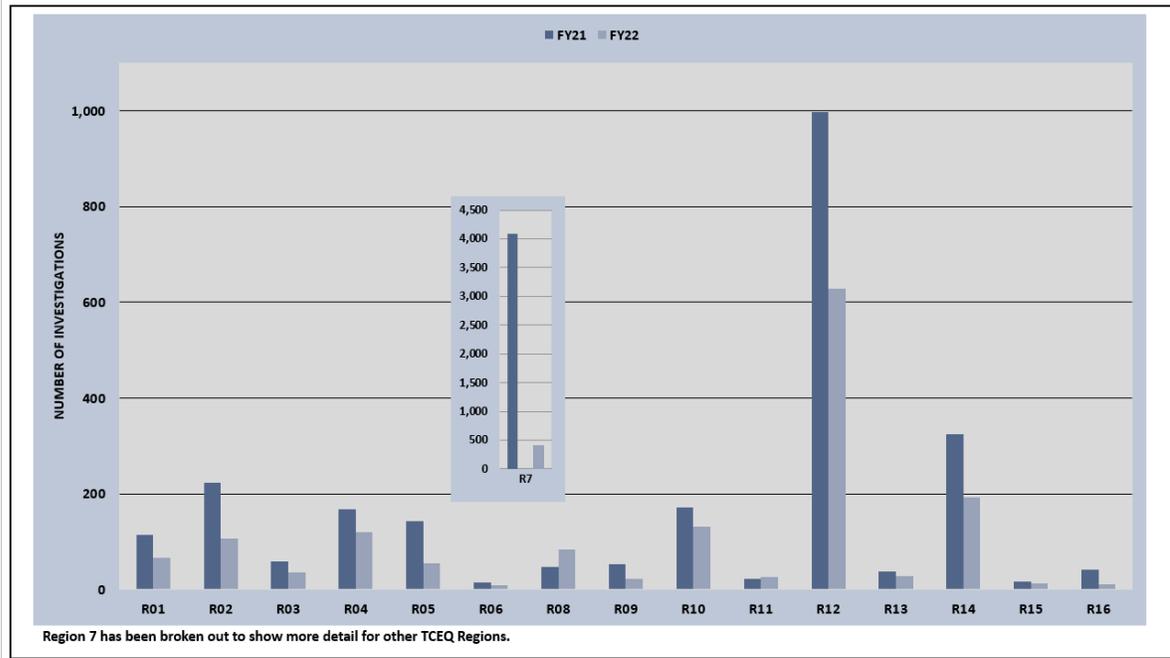
Industry Type	Emissions Events	Scheduled Maintenance	Scheduled Startup	Scheduled Shutdown	Total (pounds)
211111: Crude Petroleum and Natural Gas Extraction	8,220,912	123,260	29,075	17,337	8,390,584
221210: Natural Gas Distribution	7,351,096	15,059	0	86,314	7,452,470
211112: Natural Gas Liquid Extraction	3,672,402	122,890	358,066	403	4,153,761
32411 and 324110: Petroleum Refineries	731,610	101,902	0	0	833,512
48621 and 486210: Pipeline Transportation of Natural Gas	173,279	0	68,340	150,017	391,636
325211: Plastics Material and Resin Manufacturing	339,671	16,820	0	0	356,491

Information in the table above represents industrial classification types that reported the highest quantities of contaminants during FY 2022.

Emissions Events Investigations

Emissions event investigations are on-demand activities. Staff review every reported incident; however, investigations are not conducted until after the final report for the emissions event is submitted, which in some instances may occur in the following fiscal year. Some investigations include multiple incidents. Those incidents where air emissions exceeded the regulatory reportable quantity are investigated further. Incidents that are determined to have not exceeded a regulatory reportable quantity are closed after review. The figure below depicts the number of EE investigations by TCEQ regions in FY 2021 and FY 2022.

Figure 21-Emissions Event Investigations by Region



The total number of EE investigations decreased from 6,526 in FY 2021 to 1,928 in FY 2022. The higher total in FY 2021 is attributed to a continued effort to reduce the EE backlog, primarily in TCEQ Regions 7 and 12. Most EE investigations are conducted in-house; therefore, they were completed with COVID-19 Pandemic restrictions in place, while other on-site investigation types were limited.

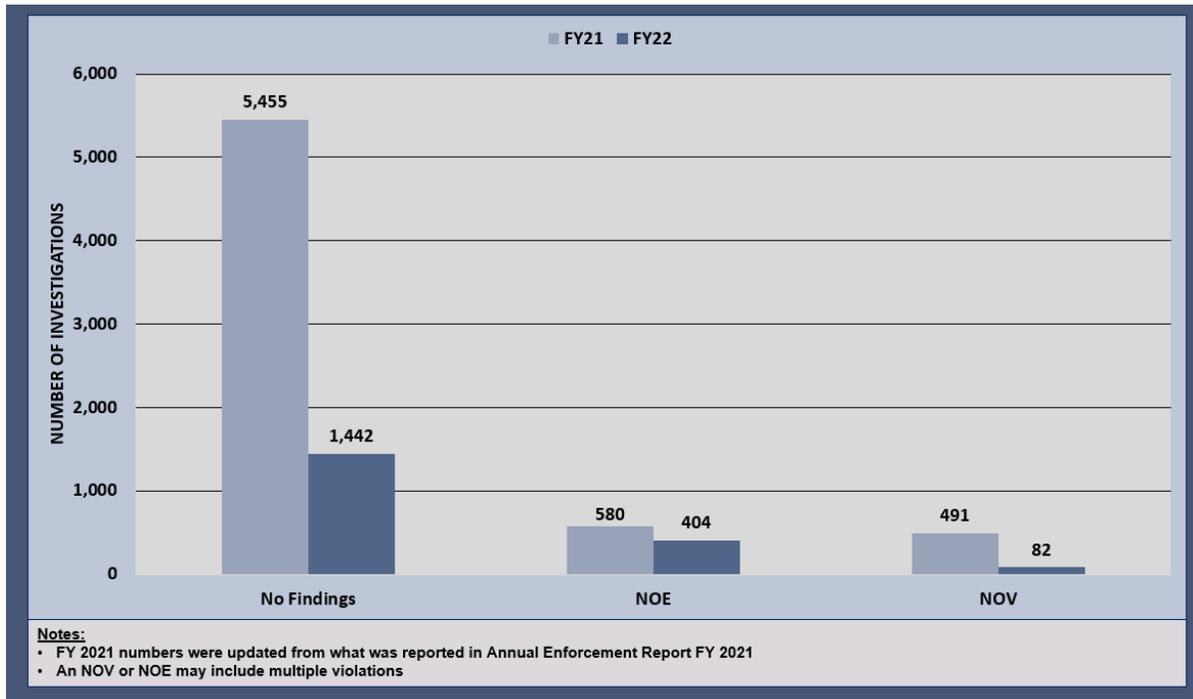
FY 2022 investigation numbers decreased from FY 2021 due to a decrease in the number of incidents reported. In addition, as noted earlier, a new EE Review Section was formed in FY 2022. In developing the new section, some investigations were delayed to ensure that incidents were evaluated consistently with new processes. Consolidating the program, studying the process, standardizing report intake and processing, and updating consistency guidance has resulted in a decrease in approved investigations for FY 2022. These investigations will be concluded in FY 2023. The table below represents the complete set of data for FY 2022 related to EE investigations.

Table 12-Emissions Event Investigations by Region

Region	Emissions Events	Scheduled Maintenance	Excess Opacity	Scheduled Startup	Scheduled Shutdown	Total
Region 01 - Amarillo	58	5	0	1	2	66
Region 02 - Lubbock	103	3	0	0	1	107
Region 03 - Abilene	28	6	1	0	0	35
Region 04 - DFW Metroplex	13	100	6	0	0	119
Region 05 - Tyler	36	1	17	0	0	54
Region 06 - El Paso	9	0	0	0	0	9
Region 07 - Midland	394	5	0	1	5	405
Region 08 - San Angelo	83	0	0	0	0	83
Region 09 - Waco	13	5	5	0	0	23
Region 10 - Beaumont	100	7	17	5	2	131
Region 11 - Austin	18	0	8	0	0	26
Region 12 - Houston	561	19	11	33	4	628
Region 13 - San Antonio	17	0	11	0	0	28
Region 14 - Corpus Christi	106	39	3	26	18	192
Region 15 - Harlingen	11	1	0	0	0	12
Region 16 - Laredo	8	2	0	0	0	10
Total	1,558	193	79	66	32	1,928

Of the investigations conducted, the number of NOEs decreased from 580 in FY 2021 (9% of all approved investigations) to 404 in FY 2022 (21% of all approved investigations) and the number of NOV's decreased from 491 in FY 2021 (8% of all approved investigations) to 82 in FY 2022 (4% of all approved investigations). While the total number of investigations was lower in FY 2022, the percentage of violations cited increased from 16% in FY 2021 to 25% in FY 2022 due to TCEQ's continued work on consistency and consolidation of the program. The figure below shows the results of EE investigations conducted in FY 2021 and FY 2022.

Figure 22-Emissions Event Investigation Results



The table below provides the complete data set for results related to investigations in response to Scheduled Maintenance, Scheduled Startups, Scheduled Shutdowns, EEs, and Excess Opacity events during FY 2022.

Table 13-Emissions Event Investigations by Incident Type

Incident Type	Investigations with No Findings	Investigations with NOEs	Investigations with NOVs
Emissions Events			70
Scheduled Maintenance	186	4	3
Excess Opacity	70	1	8
Scheduled Startup	57	8	1
Scheduled Shutdown	31	1	0
Total	1,442	404	82

Excessive Emissions Events

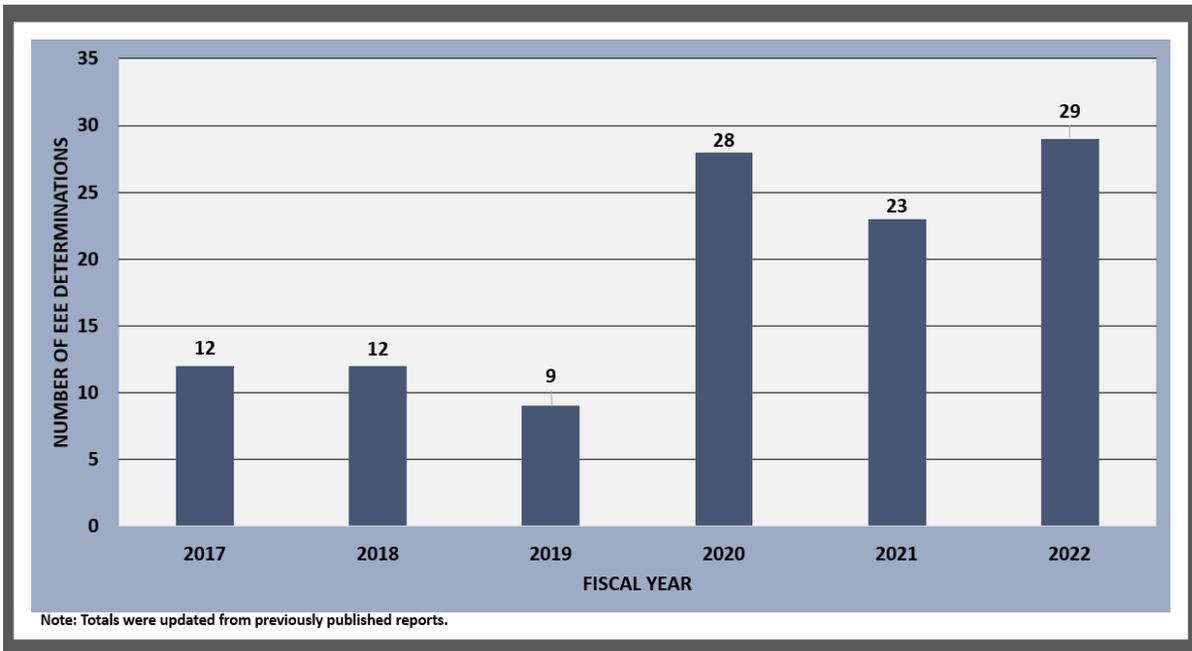
Emissions events are not authorized through the permitting process and are categorized as either an Excessive Emissions Event (EEE) or a Non-Excessive Emissions Event. Determining whether an EE is excessive or non-excessive is made by evaluating six criteria:

- The frequency of the facility’s (i.e., piece of equipment’s) EEs.
- The cause of the EE.

- The quantity and impact on human health or the environment of the EE.
- The duration of the EE.
- The percentage of a facility’s total annual operating hours during which EEs occur.
- The need for startup, shutdown, and maintenance activities.

The number of EEE determinations increased from 23 in FY 2021 to 29 in FY 2022. The total number of EEE determinations continues to be higher than in years prior to FY 2020, reflecting a continued focus on ensuring consistent EEE reviews across all TCEQ regions. The figure below represents the total number of EEE determinations that were approved each fiscal year over the past six years. Incidents associated with these determinations may have occurred in a year prior to the approval year. The 29 EEE determinations in FY 2022 were comprised of seven incidents that occurred in FY 2022, 12 that occurred in FY 2021, five that occurred in FY 2020, three that occurred in FY 2019, and two that occurred in FY 2018.

Figure 23-Excessive Emissions Events by Fiscal Year



If an EE is determined to be excessive, the owner or operator must submit a Corrective Action Plan (CAP) within 60 days of receiving notification of the EEE determination. The CAP must identify the following:

1. The cause or causes of the EE (including all contributing factors that led to the EE).
2. The control devices or other measures that are reasonably designed to prevent or minimize similar EEs in the future.
3. Operational changes the owner or operator will take to prevent or minimize similar EEs in the future.
4. Time frames within which the owner or operator will implement the components of the CAP.

Because owners and operators have 60-days to submit this information, some of the CAPs received by TCEQ in FY 2022 were related to EEE determinations made in FY 2021. The table below represents the distribution of EEE determinations and approved CAPs in FY 2022 by region.

Table 14-Fiscal Year 2022 Excessive Emissions Events Determinations

TCEQ Region	Excessive EE	Approved CAPs
Region 01 - Amarillo	--	--
Region 02 - Lubbock	--	--
Region 03 - Abilene	--	--
Region 04 - DFW Metroplex	--	--
Region 05 - Tyler	--	--
Region 06 - El Paso	--	--
Region 07 - Midland	--	--
Region 08 - San Angelo	--	--
Region 09 - Waco	--	--
Region 10 - Beaumont	1	--
Region 11 - Austin	--	--
Region 12 - Houston	25	24
Region 13 - San Antonio	--	--
Region 14 - Corpus Christi	3	2
Region 15 - Harlingen	--	--
Region 16 - Laredo	--	--
Total	29	26

Aggregate Production Operations

Texas Water Code Chapter 28A requires that TCEQ conduct an annual survey to identify all active [aggregate production operations](#)¹¹ (APOs) in the state and to ensure each active APO is registered. TCEQ must also report the results of the survey, the number and general location of the registered APOs, the number of investigators trained in multiple areas related to the investigations, the number of investigations conducted, and the results of them. Additionally, TCEQ must conduct routine on-site investigations.

Training Program

The statute requires that APO inspections be conducted by investigators trained in all applicable regulatory requirements. TCEQ has implemented a training curriculum specific to the performance of APO investigations, which a total of 125 investigators have completed.

Number and General Location of Registered Facilities

For FY 2022, 1,009 APOs have active registrations with TCEQ. The number of registered APOs per region is provided in the table below.

Table 15-Registered APOs per Region by Fiscal Year

Region	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Region 1 – Amarillo	24	19	27	26	28	26
Region 2 – Lubbock	22	18	17	19	19	18
Region 3 – Abilene	57	62	61	60	62	63
Region 4 – Dallas/Fort Worth	125	127	131	129	135	124
Region 5 – Tyler	30	36	37	40	37	37
Region 6 – El Paso	29	33	33	29	33	34
Region 7 – Midland	57	84	80	91	88	88
Region 8 – San Angelo	37	38	37	42	34	33
Region 9 – Waco	77	89	93	80	76	68
Region 10 – Beaumont	50	48	47	62	61	59
Region 11 – Austin	93	93	96	94	97	97
Region 12 – Houston	137	149	146	169	167	156
Region 13 – San Antonio	108	108	118	114	110	106
Region 14 – Corpus Christi	49	50	58	61	65	58
Region 15 – Harlingen	16	19	17	19	19	22
Region 16 – Laredo	17	21	19	21	18	20
Total	928	994	1,017	1,056	1,049	1,009

¹¹ www.tceq.texas.gov/assistance/industry/aggregate-production

Investigations and Results

In FY 2022, agency staff completed a total of 1,088 APO surveys and 433 Comprehensive Compliance Investigations (CCIs). The table below displays the breakdown of CCIs by TCEQ regional office.

Table 16-APO Comprehensive Compliance Investigations by Region

TCEQ Region	2018	2019	2020	2021	2022
Region 1 – Amarillo	6	18	7	8	13
Region 2 – Lubbock	10	8	10	3	9
Region 3 – Abilene	22	24	41	24	31
Region 4 – Dallas/Fort Worth	40	43	12	15	43
Region 5 – Tyler	13	13	13	31	16
Region 6 – El Paso	8	10	6	3	13
Region 7 – Midland	15	7	4	49	32
Region 8 – San Angelo	14	13	19	18	17
Region 9 – Waco	28	25	45	46	33
Region 10 – Beaumont	21	10	40	16	29
Region 11 – Austin	33	35	36	15	34
Region 12 – Houston	62	31	37	59	74
Region 13 – San Antonio	45	43	51	45	54
Region 14 – Corpus Christi	22	22	15	28	20
Region 15 – Harlingen	0	7	8	1	7
Region 16 – Laredo	8	9	9	9	8
Total	347	318	353	370	433

Data on FY 2017 is not available, as the agency did not begin reporting this information in the Annual Enforcement Report until FY 2018

In addition, there were 50 complaint investigations, six follow-up investigations, and 88 file reviews, for a total of 577 APO investigations. These surveys and investigations resulted in issuance of 100 NOVs and 42 NOEs. This includes investigations at APO facilities that resulted in either an NOV or NOE with one or more violations of a rule under TCEQ jurisdiction. However, violations cited may not be directly related to 30 TAC Chapter 342. In addition, nine administrative orders were issued in FY 2022, including five administrative orders with violations for failure to register or renew an existing registration. There was a total of \$91,264 in payable penalties associated with these orders. The following table lists surveys, investigations, and enforcement history for APOs for the past six years.

Table 17-APO Surveys, Investigations, and Enforcement¹²

Fiscal Year	Annual Surveys	Investigations	NOVs	NOEs	Administrative Orders Issued
2017	2,341	346	150	22	27
2018	1,264	468	188	20	12
2019	1,443	462	150	34	28
2020	1,288	611	150	25	27
2021	1,221	589	99	20	15
2022	1,088	577	100	42	9

Note: Updates were made to the data reported in this table for prior years.

Tier II Chemical Reporting

Texas Tier II Chemical Reporting Program

TCEQ oversees the Texas Tier II Chemical Reporting Program (Tier II Program) and is the state repository for hazardous chemical inventory reports (Texas Tier II Reports) that are required to be submitted under the Texas Health and Safety Code, Chapters 505, 506, and 507 ([Community Right-to-Know Act¹³](#)).

The Texas Tier II Report is an annual hazardous chemical inventory that provides detailed information on hazardous substances or chemicals stored at a facility, as well as emergency contact information for it. Texas Tier II Report information is used by emergency response personnel (fire, police, and Emergency Medical Services) in responding to accidents and other community emergencies and by Local Emergency Planning Committees (LEPCs), who use the information for developing community emergency response plans.

This fiscal year, the Tier II Program accomplished the following:

- Received 87,172 chemical inventory reports and collected over \$1.8 million in fees.
- Implemented improvements in the online reporting system, updated guidance documents and videos, and conducted webinar trainings for the regulated community.
- Completed the following support projects for LEPC and emergency personnel: (1) Released a new training and guidance documents designed specifically for LEPCs and other emergency personnel on accessing their online data; (2) Created a Tier II flyer for use by TCEQ, LEPCs,

¹² Information in Table 17 was corrected on January 11, 2023

¹³ www.tceq.texas.gov/permitting/tier2/laws-and-regulations.html

and other emergency planners; and (3) Collaborated with Dallas County LEPC on their geocoding project to assist with data improvement.

- Assisted customers with approximately 4,500 incoming and outgoing online help forms, phone calls, and emails.
- Reviewed 60,349 facility reports and initiated compliance actions with 2,752 facilities to correct report deficiencies.
- Conducted 204 on-site Tier II investigations, 16 on-site ammonium nitrate storage facility investigations and completed 102 record reviews.

On November 26, 2020, the Tier II rules (30 TAC Chapter 325, Hazardous Substance Inventory) were amended to provide consistency with federal rules and clarity to the definitions and guidance for submitting Texas Tier II Reports. The update also streamlined reporting requirements and restructured fee discounts to allow for conditional consolidated submission of fees for Texas Tier II Reports containing multiple facilities.

Local Emergency Planning Committee Grant Program

Under the Tier II Program, TCEQ is authorized to oversee the Texas LEPC Grant Program, which provides opportunities for the LEPCs to receive grant funds to help implement the requirements of the Community Right-to-Know Act. The Tier II Program has awarded over \$4.1 million in grant funding to LEPCs since 2017 and will be going into its third grant round in FY 2023, when it expects to award approximately \$420,000 to LEPCs.

Results Of Enforcement Actions

Since FY 1998, TCEQ has compiled statistical information to capture the results and environmental benefits of concluded enforcement actions initiated by TCEQ and from cases referred to the OAG. Once administrative and civil judicial orders are finalized, the Enforcement Division staff review each case and document if the enforcement action involved an impact or potential impact on Human Health Protection, Worker Protection, and Ecosystem Protection. These impacts can include compliance actions that address risks posed to human health or the environment, training or updates to operating procedures that reduce or eliminate the risk posed to workers, and compliance actions that prevent releases to the environment.

Following EPA's "Guide to Calculating Environmental Benefits from EPA Enforcement Cases: 2014 Update" and "Case Conclusion Data Sheet Training Booklet: November 2000", Enforcement Division staff classify the compliance actions of each enforcement case. A compliance action is any action that is taken by an entity in response to a formal enforcement order that helps to return the facility to compliance, reduce or eliminate current or future threats to human health or the environment, or improves management of environmental programs at the facility. Compliance actions are broken into the following categories:

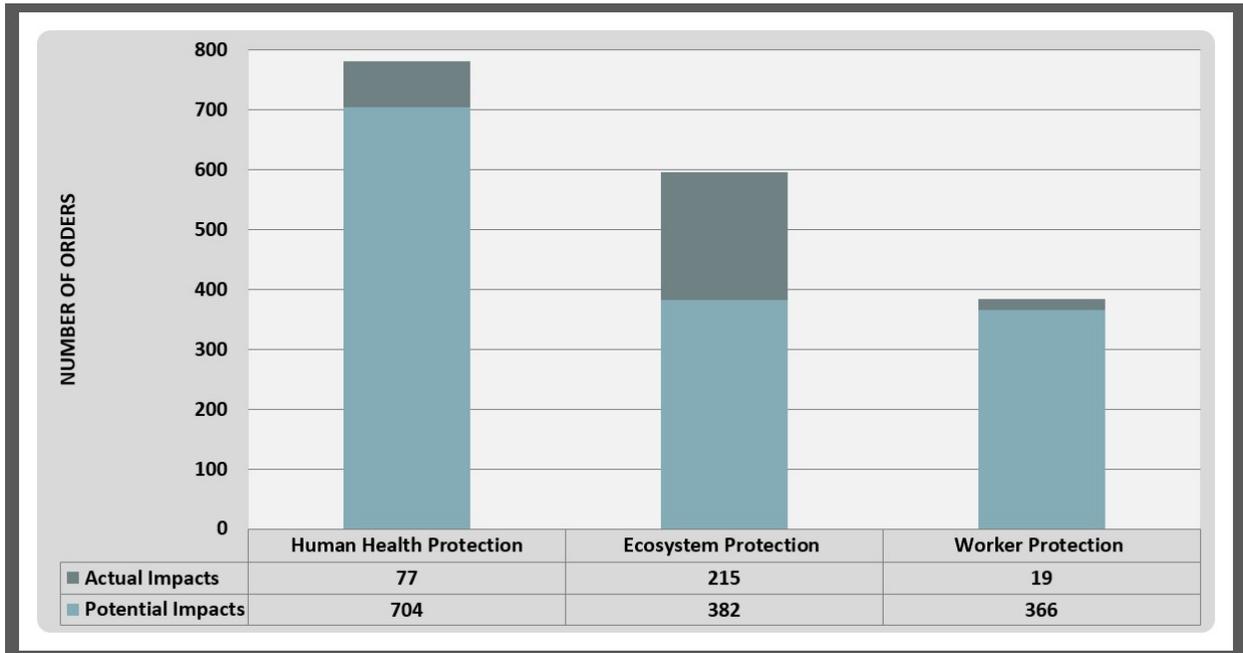
1. Pollution Reduction - actions that result in the reduction or elimination of pollutants.
2. Pollution Prevention - actions that result in preventing future releases of pollutants.
3. Work Practices - actions that result in work practices that generate an environmental benefit but cannot always be quantified.

It is important to note that an enforcement case can have more than one compliance action. The data represented in this section is not a one-to-one ratio but rather a compilation of all compliance actions for every enforcement case. Therefore, the total number of compliance

actions represented do not equal the total number of administrative orders and civil judgments for FY 2022.

In FY 2022, it was estimated that 74% of TCEQ enforcement orders and civil judgments involved an impact to Human Health Protection, 56% involved an impact to Ecosystem Protection, and 36% involved an impact to Worker Protection. Of these, there were actual impacts documented in 77 enforcement orders for Human Health Protection, 215 for Ecosystem Protection, and 19 for Worker Protection. There were also potential impacts documented in 704 enforcement orders for Human Health Protection, 382 for Ecosystem Protection, and 366 for Worker Protection (see figure below).

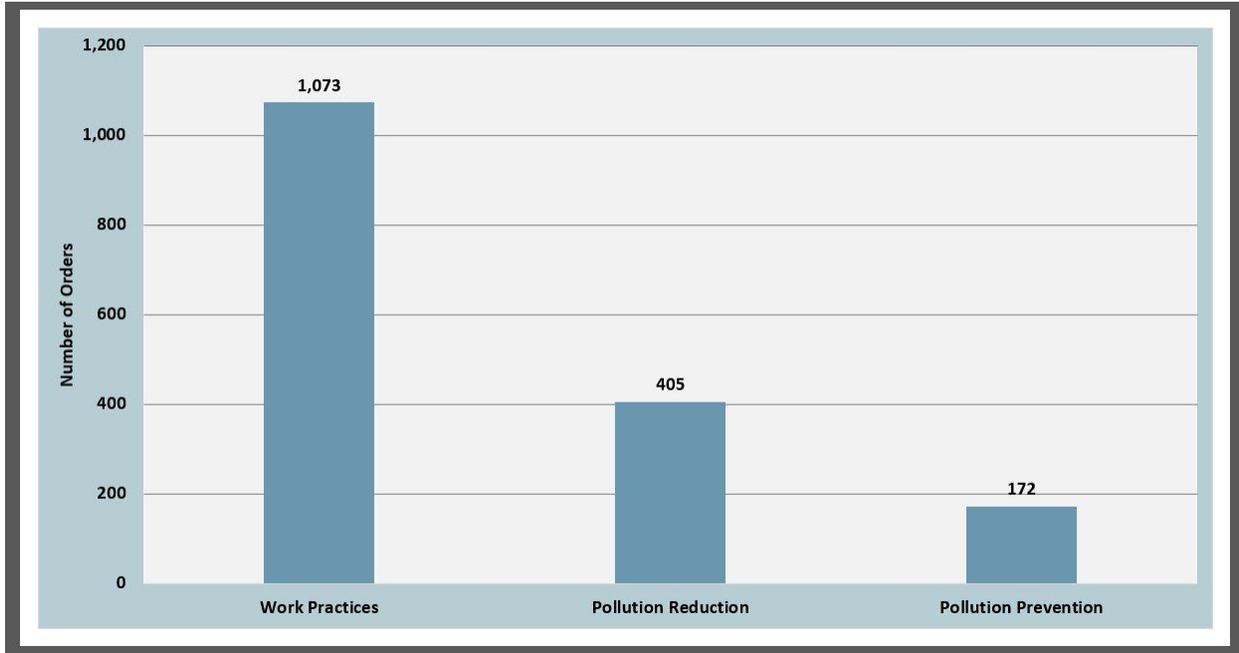
Figure 24-Impact Analysis of Orders and Judgments in Fiscal Year 2022 (Human Health and Environmental Protection)



Based on the estimated cost of compliance determined during penalty calculations, violators spent nearly \$44 million to correct violations and take necessary steps to protect the environment.

The following figure depicts the number of orders for each compliance action category addressed by administrative orders and civil judgments issued in FY 2022.

Figure 25-Impact Analysis of Orders and Judgments in Fiscal Year 2022 (Compliance Actions)



Work practices are actions that a facility conducts to better manage their environmental program and to inform TCEQ and the public of their discharges or emissions. Examples of work practice actions include: training, labeling, record-keeping, sampling, permitting, and reporting.

Pollution reduction actions are those that reduce or eliminate an on-going discharge, emission, or release of pollutants into the environment. Examples of pollution reduction actions include: implementing best management practices to stop a discharge, waste disposal changes, equipment repairs, and changes to pollution control technologies to reduce or eliminate emissions or discharges.

Pollution prevention actions apply to instances in which there is no current release of pollutants, but a release could occur in the future without the enforcement action. These compliance actions are intended to prevent future releases. Examples of pollution prevention actions include: proper waste containment, equipment maintenance and repair, and installation of leak and release detection equipment.

For pollution reduction compliance actions, TCEQ staff document the total quantity and type of pollutants that are reduced or expected to be reduced or eliminated in response to an enforcement order.

The following table provides a summary of the top pollutant reductions expected to occur through enforcement actions finalized in FY 2022. Overall, it is estimated that TCEQ final enforcement actions resulted in, or will result in, over 1.3 billion pounds of pollutants eliminated or reduced, or the routes of exposure reduced, in the environment. Estimations were based upon best educated predictions by TCEQ technical staff. In those cases where remediation was not yet completed, estimates of the contaminants to be removed were used. In those cases where emissions and discharges were reduced or eliminated by the enforcement action, the estimation was based upon an assumption that the violations would have continued at least for one year if TCEQ had not acted.

Table 18-Top 25 Estimated Pollutant Reductions from Orders Issued

POLLUTANT NAME	AMOUNT REDUCED (LBS)	MEDIUM
*CONSTRUCTION DEBRIS	521,402,786	LAND
WASTEWATER DISCHARGE, INDUSTRIAL AND MUNICIPAL	458,260,298	WATER
SULFUR DIOXIDE	215,974,239	AIR
INDUSTRIAL WASTE	21,396,440	LAND
*CEMENT (WET OR DRY)	12,225,750	LAND
MUNICIPAL SOLID WASTE	12,043,965	AIR, LAND
SCRAP TIRES	10,088,944	LAND
VOLATILE ORGANIC COMPOUNDS	5,416,045	AIR
*WOOD WASTE & TREE TRIMMINGS	3,585,297	LAND
NATURAL GAS	3,239,017	AIR
SEWAGE	2,400,411	WATER
CARBON MONOXIDE	1,440,642	AIR
*FERTILIZER BLEND	598,500	LAND
GASOLINE	509,998	LAND, WATER
PARTICULATE MATTER	492,632	AIR
*CEMENT DUST	220,000	AIR, LAND
*PAINT WASTE	216,006	LAND
TOTAL SUSPENDED SOLIDS	188,242	WATER
OIL AND GREASE	163,870	LAND, WATER
NITROGEN OXIDES	159,984	AIR
*ETHANOL	59,120	AIR
*MEDICAL WASTE	51,600	LAND
AMMONIA	32,201	AIR
HYDROGEN SULFIDE	27,719	AIR
WASTEWATER SLUDGE	25,052	LAND, WATER

*Pollutant total is attributed to only one or two orders.

Additional Information

[Glossary of Abbreviations](#)

Supporting Data Tables

[Total Investigations](#)

[On-Site Investigations](#)

[Complaint Investigations](#)

[Notices of Violation Issued \(Mailed\) Central Office](#)

[Notices of Violation Issued \(Mailed\) Regional](#)

[Summary of Administrative Orders Issued](#)

[Summary of Civil Judicial Orders Issued](#)

Texas Open Data Portal

Detailed information on Administrative Orders, Civil Judgments, and Supplemental Environmental Projects is available on the [Texas Open Data Portal](#).