



Annual Enforcement Report

Fiscal Year 2024

Prepared by
Office of Compliance and Enforcement

SFR-126/24
November 2024

Contents

List of Abbreviations	4
Introduction	5
Environmental Toolbox	5
<i>Event Coordination and Education Activities</i>	5
<i>Assistance to Small Businesses and Local Governments</i>	6
<i>Compliance and Enforcement Program</i>	8
<i>Investigations</i>	9
<i>Texas Audit Act</i>	10
<i>Compliance Monitoring</i>	10
<i>Notices of Violation (Informal Enforcement)</i>	11
Formal Enforcement Actions	12
<i>Administrative Enforcement</i>	12
<i>Supplemental Environmental Projects</i>	14
<i>Civil Enforcement</i>	15
Comparative Analysis	16
<i>Comparison of Orders and Judgments Issued by Media Type</i>	16
<i>Comparison of Orders and Judgments Issued by Industry Type</i>	16
<i>Comparison of Orders and Judgments Issued by Legal Entity Size</i>	19
<i>Comparison of Citations in Orders and Judgments Issued</i>	19
Compliance History Program	21
<i>Status of Compliance History Exigent Circumstances</i>	22
<i>Status of Compliance History Legislative Updates</i>	22
Criminal Enforcement	23
<i>Texas Environmental Enforcement Task Force</i>	23
<i>Criminal Investigations</i>	23
Environmental Complaints	24
<i>Complaint Data Collection and Reporting</i>	24
<i>Complaint Trends</i>	25
<i>Analysis by Environmental Media</i>	25
<i>Analysis by Region</i>	26
<i>Analysis by Nature of Complaint</i>	27
<i>TCEQ Response to Complaints Received</i>	27
<i>Analysis by Program</i>	29
<i>Results of Complaint Investigations</i>	29
<i>Effects of Changes to Complaint Policy</i>	30

Emissions Incidents	31
<i>Total Number of Reported Incidents</i>	31
<i>Total Quantity of Air Emissions</i>	34
<i>Top Contributing Air Contaminants</i>	35
<i>Emissions Incident Investigations</i>	37
<i>Excessive Emissions Events</i>	39
Aggregate Production Operations	41
<i>Training Program</i>	42
<i>Registered Facilities</i>	42
<i>Investigations and Results</i>	42
Tier II Chemical Reporting Program	44
<i>Tier II Program Investigations</i>	44
<i>Tier II Program Customer Assistance</i>	46
<i>Tier II Program Fees</i>	46
<i>Texas LEPC Grant Program</i>	47
Results of Enforcement Actions	47
Links to Appendices	50
Other Resources	51
<i>Annual Enforcement Reports for the Previous Five FYs</i>	51
<i>Texas Open Data Portal</i>	51

List of Abbreviations

AN	Ammonia Nitrate
APO	Aggregate Production Operation
CAP	Corrective Action Plan
CFR	Code of Federal Regulations
CO	Carbon monoxide
DOV	Disclosure of Violation
ECU	Environmental Crimes Unit
EEE	Excessive Emissions Event
EPA	Environmental Protection Agency
EPAct	Energy Policy Act
FY	Fiscal Year
HRVOC	Highly Reactive Volatile Organic Compound
LEPC	Local Emergency Planning Committee
MSS	Maintenance, Startup, and Shutdown
NAICS	North American Industrial Classification System
NOA	Notice of Audit
NOE	Notice of Enforcement
NOV	Notice of Violation
NOX	Nitrogen oxides
OAG	Office of the Attorney General
PST	Petroleum Storage Tank
RFA	Request for Assistance
SB	Senate Bill
SBLGA	Small Business and Local Government Assistance
SEP	Supplemental Environmental Project
SO ₂	Sulfur dioxide
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TCOT	Take Care of Texas
TERP	Texas Emissions Reduction Plan
THSC	Texas Health and Safety Code
TWC	Texas Water Code
VOC	Volatile Organic Compound

Introduction

The [Texas Commission on Environmental Quality](https://www.tceq.texas.gov)¹ (TCEQ) is the state's primary environmental regulatory agency. Its mission is to protect our state's human and natural resources consistent with sustainable economic development. The agency regulates over 811,000 public and private facilities and individuals in Texas that affect, or have the potential to significantly affect, the environment.

Pursuant to Texas Water Code (TWC), Section 5.126, by Dec. 1 each year, the agency is required to prepare a report of enforcement actions for the preceding fiscal year (FY), including a comparison of TCEQ's enforcement actions for the preceding five FYs. The report includes statistical indicators including the number of investigations; number of notices of violations; number of enforcement actions; type of enforcement actions; penalties assessed, deferred, or collected; and other information TCEQ determines is relevant.

The report also includes a comparative analysis of data evaluating the agency's performance over time, and that of entities that TCEQ regulates (pursuant to TWC Section 5.756); evaluations of complaints (pursuant to TWC Section 5.1773); emissions events (pursuant to Texas Health and Safety Code (THSC), Section 382.0215); aggregate production operations (pursuant to TWC Section 28A.054); and Tier II chemical reporting (pursuant to THSC Chapters 505-507).

This 28th edition of the report includes information from FY 2019-2024. TCEQ's FY begins Sept. 1 and ends on Aug. 31 of the following year.

Environmental Toolbox

TCEQ approaches enforcement as a tool among the many available to achieve its mission. The agency pursues swift, fair, sensible, and responsive enforcement, used within an overall strategy for achieving timely compliance. TCEQ uses a broad range of methods 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, [advisory and stakeholder groups and committees](https://www.tceq.texas.gov/agency/decisions/participation/advise)², general education events, regulatory workshops, publications and guidance documents, telephone hotlines, the agency's expansive website, on-site and record review 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. These include the agency's keystone event, the Environmental Trade Fair and Conference. During FY 2024, 25 agency-sponsored seminars provided technical information and assistance to over 8,100 attendees.

¹ www.tceq.texas.gov

² www.tceq.texas.gov/agency/decisions/participation/advise

TCEQ-Sponsored Seminars

- Water Quality/Stormwater Seminar
- Pollution Prevention Waste Management Workshop
- Emissions Inventory Seminar
- Dam Safety Seminar
- Environmental Trade Fair and Conference
- Public Drinking Water Conference
- Tier II Chemical Reporting Training (19 events)

Additionally, TCEQ continues to sponsor the [Take Care of Texas](https://www.takecareoftexas.org/)³ Program (TCOT), which provides Texans conservation, protection, and waste reduction tips that are simple and actionable. During FY 2024, the program garnered more than 4,000 pledges to TCOT and launched a tip series campaign, based on the [Take Care of Texas Tips](https://www.youtube.com/watch?v=7p0p0p0p0p)⁴ video featuring Chet Garner. This campaign aired across Texas PBS television stations and received over 800,000 impressions.

Assistance to Small Businesses and Local Governments

TCEQ annually reaches at least 110,000 Texas small businesses and local governments, keeping them informed about changes and trends in environmental regulations to help them comply. In FY 2024, the Small Business and Local Government Assistance Program (SBLGA) received 7,371 direct requests for assistance (RFAs) from customers. TCEQ staff presented compliance information to small businesses and local governments at events, workshops, and webinars with over 3,069 attendees. This assistance focused on up-to-date information that ultimately helps the regulated community understand environmental rules and how to comply with them. Figure 1 represents the number of direct RFAs received from small business and local government customers over the past six FYs.

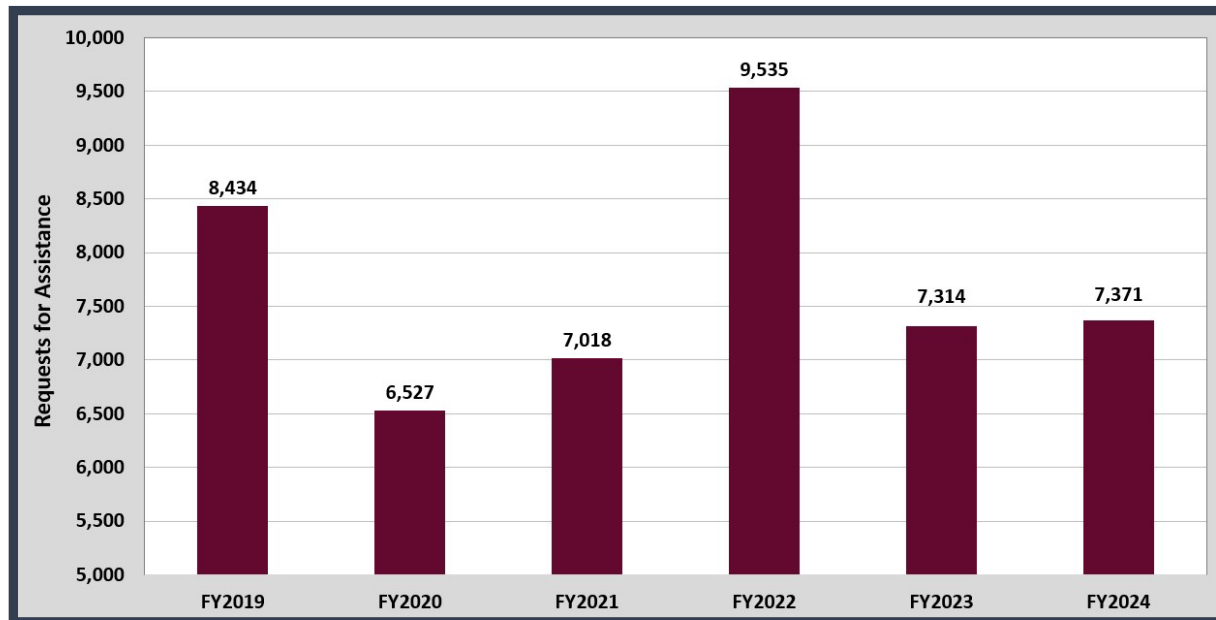


Figure 1 – Requests for Assistance from Small Businesses and Local Governments by FY

³ [takecareoftexas.org](https://www.takecareoftexas.org/)

⁴ www.youtube.com/c/TakeCareofTexas/featured

Other assistance includes TCEQ's Site Visit Program, which provides on-site visits to check on regulated entities' compliance with all aspects of environmental regulations—air, water, and waste. The Site Visit Program largely supports the agency's priority to meet the federal Energy Policy Act (EPA) of 2005 requirements (EPA, Sec. 1523) 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 releases had occurred at these facilities. Since FY 2019, 44 comprehensive assessments have been conducted, remediation has been initiated at 17 facilities, and remediation has been completed at 16 facilities. Of the 17 sites where remediation was initiated, 16 have received No Further Action letters and one has been referred to TCEQ's State Lead Program for remediation.

During FY 2024, TCEQ continued its focus on abandoned PST 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 EPA 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. As a result of these efforts, 100 facilities have been identified as Abandoned PST EPA Facilities, including 11 facilities that have been referred to TCEQ's Remediation Division for tank removal. An additional 199 facility registrations have been inactivated, either due to tank removal or research that resulted in the discovery of tank removal documentation.

Figure 2 represents the number of on-site visits for small business and local government customers over the past six FYs under TCEQ's Site Visit Program. The 2019 visits were Hurricane Harvey Damage Assessments and PST EPA-focused. Site visits conducted in 2020 through 2024 were Abandoned PST EPA site visits.

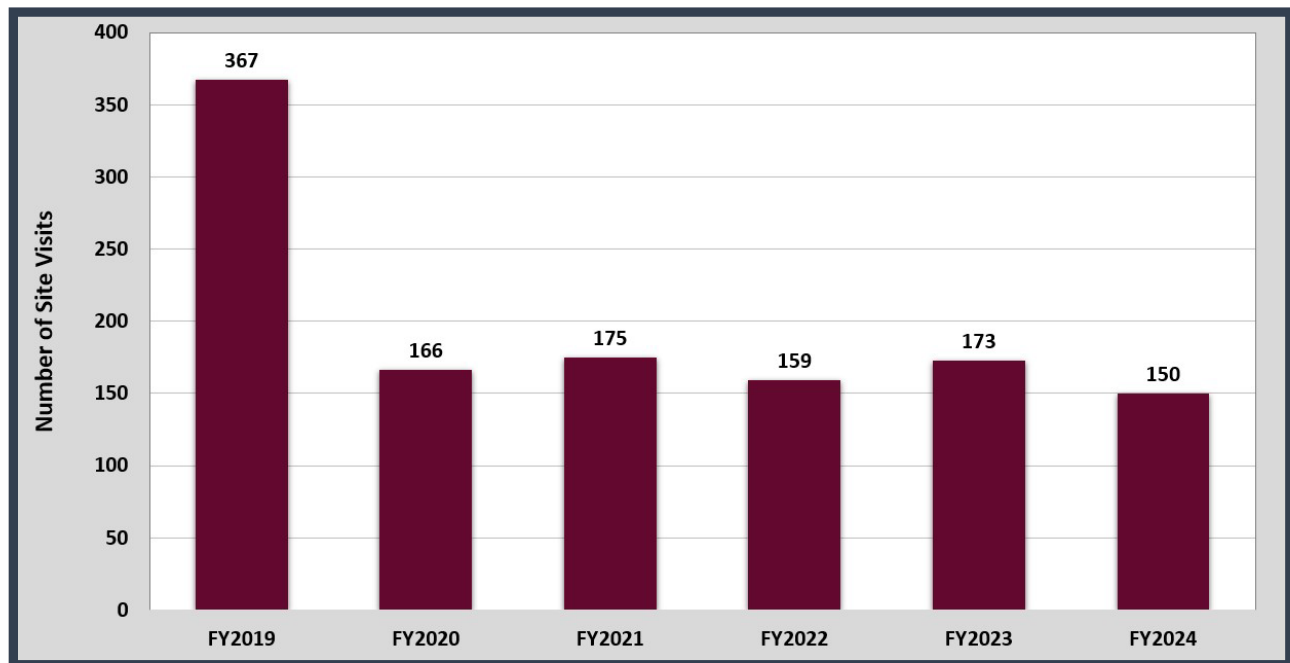


Figure 2 – Number of SBLGA Site Visits at Abandoned PST EPA Sites by FY

TCEQ also has an [EnviroMentor](#)⁵ 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 2024, this group tallied 409 volunteer hours and helped 15 small businesses and 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](#)⁶, 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. Compliance efforts often require significant costs from regulated entities above and beyond any penalties imposed by the agency.

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. Legislation passed during the 88th Legislative session increased the potential maximum administrative penalty to \$40,000 per day for certain specific violations [TWC Section 7.052(c)]. This statutory change was effective Sept. 1, 2023.

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 for occupational licensees, on-site sewage disposal, public water supplies, public water utilities, used oil and filters, and water rights.
- Applying a minimum penalty of \$2,500 and maximum penalty of \$25,000 per violation (unauthorized discharges from quarries).
- Applying 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).
- Applying 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 a 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 (TWC Section 7.053).

⁵ www.tceq.texas.gov/assistance/em

⁶ www.tceq.texas.gov/compliance/investigation/rg-253.html

Investigations

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 most investigations. In FY 2024, TCEQ conducted over 105,000 investigations, of which over 66,000 were on-site (see Figure 3).

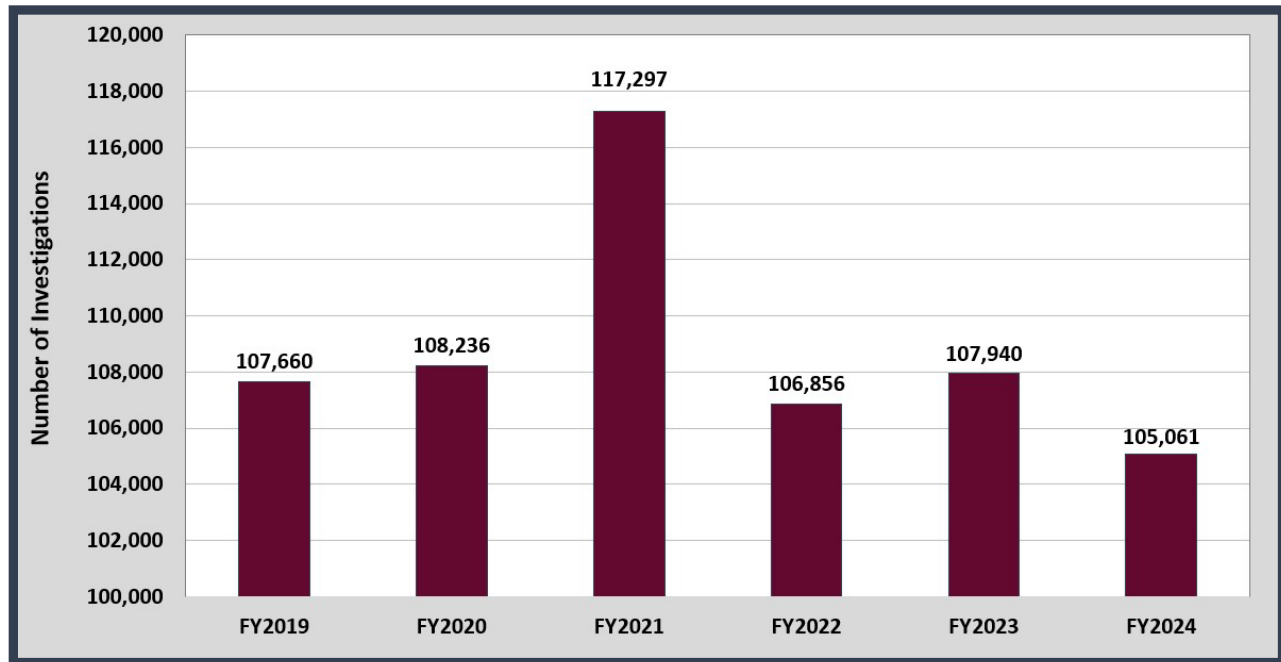


Figure 3 – Total Investigations by FY

The number of investigations in FY 2024 is similar to the average over the past six FYs (see [Appendix A \(Total Investigations\)](#)⁷ and [Appendix B \(On-Site Investigations\)](#)⁸ for six-year totals). In FY 2021, the number was higher due to restrictions imposed because of the COVID-19 pandemic. During this time, TCEQ was able to conduct more investigations with the same amount of resources using off-site virtual investigations and record reviews.

In FY 2022, TCEQ resumed pre-COVID-19 pandemic operations with on-site investigations, which take significantly more time than off-site virtual investigations or record reviews. The number of investigations since FY 2022 reflect typical workloads and reflect the current workforce climate that includes moderate turnover and a workforce with overall less experience than before the COVID-19 pandemic.

For routine, on-site compliance investigations, TCEQ typically provides advance notice to the entity. This ensures that proper personnel and records will be available at the time of the investigation. A single notice may be given when multiple activities contribute to the total investigation count. Investigations that do not receive advance notification include enforcement follow-up investigations, complaint-related investigations, emergency response activities, watermaster investigations, and investigations of sites classified as “Unsatisfactory” under the commission’s Compliance History rule (Title 30, Texas Administrative Code (30 TAC), Chapter 60).

In FY 2024 the agency provided advance notice for 13,474 on-site investigations and conducted 53,275 unannounced on-site investigations. Approximately 74% of the unannounced

⁷ www.tceq.texas.gov/fy2024-total-investigations

⁸ www.tceq.texas.gov/fy2024-onsite-investigations

investigations were conducted by the [Watermaster Programs](#)⁹ to ensure compliance with water rights in Texas.

Texas Audit Act

TCEQ's compliance efforts have been enhanced by voluntary environmental self-audits conducted at facilities under the [Texas Environmental, Health, and Safety Audit Privilege Act](#)¹⁰ (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. Figure 4 depicts a summary of the Notices of Intent to Audit (NOAs) and Disclosures of Violation (DOVs) that TCEQ has received from FY 2019 through FY 2024.

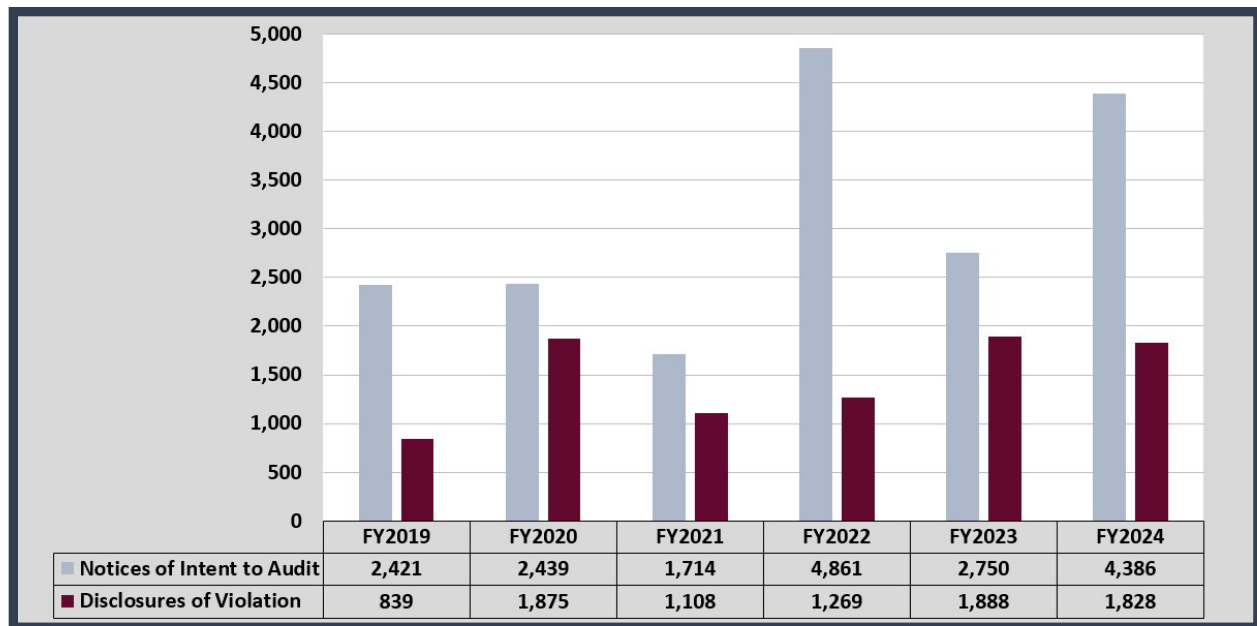


Figure 4 – Texas Environmental Health & Safety Audit Privilege Act: Notices and Disclosures by FY

In FY 2022, the increase in the number of NOAs received was attributed primarily to the oil and gas industry (approximately 80%), particularly in the Permian Basin. The increase in the number of NOAs for FY 2024 was the result of two separate companies listing over 500 sites in each of their multi-site NOAs. The higher number of DOVs in FY 2023 are the result of the increase in NOAs received from the previous FY.

Compliance Monitoring

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 completed investigations. Table 1 depicts the compliance rates of facilities inspected from FY 2019 through FY 2024.

⁹ www.tceq.texas.gov/permitting/water_rights/wmaster

¹⁰ www.tceq.texas.gov/downloads/rules/publications/rg-173.pdf

Table 1 – Percent of Facilities Inspected in Compliance

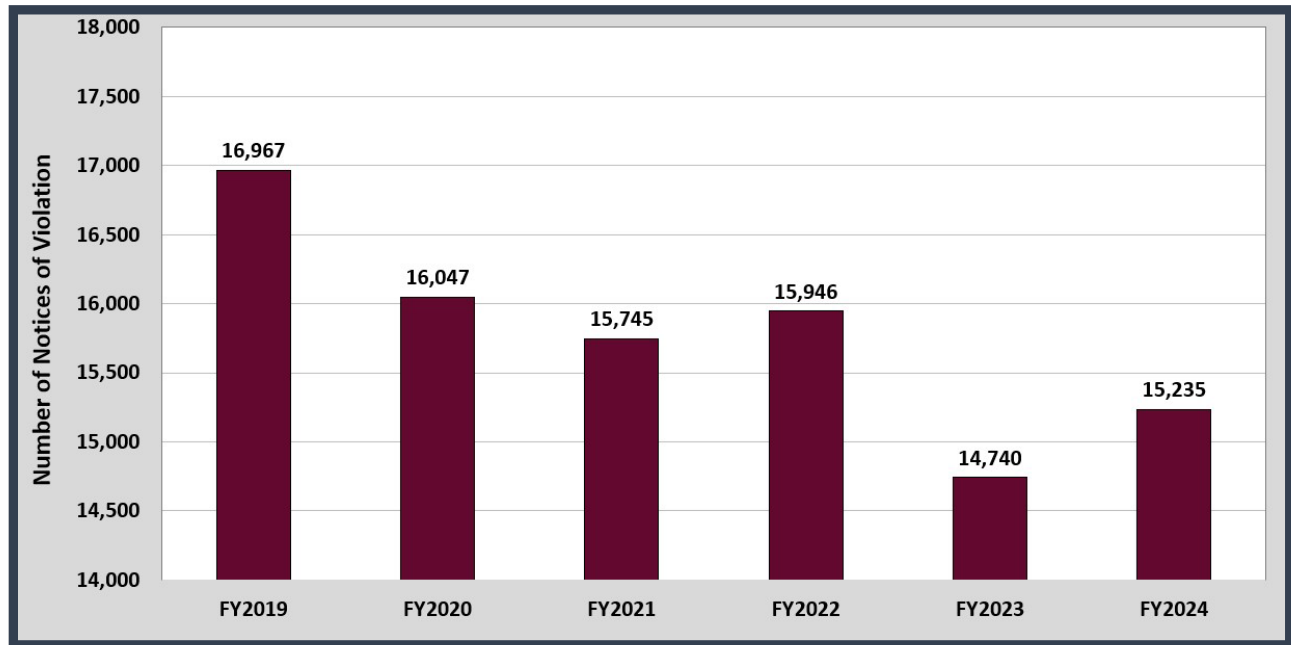
Facility Type	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Air Facilities	97%	96%	94%	96%	97%	96%
Water Facilities	99%	99%	99%	99%	99%	99%
Waste Facilities	97%	97%	97%	97%	96%	96%

The compliance rate is based on investigations resulting in violations that warranted formal enforcement action (e.g., administrative orders, civil judgments, or criminal investigations). Minor violations may have been documented during investigations that resulted in the issuance of a notice of violation (NOV), which achieved compliance.

Notices of Violation (Informal Enforcement)

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

In many cases, an NOV is enough to compel timely compliance. In other cases, it can be the first step in a process that ultimately results in formal administrative enforcement, civil enforcement, or possible criminal charges for violations of environmental laws. As depicted in Figure 5, TCEQ issued 15,235 NOVs in FY 2024.

**Figure 5 – Notices of Violation by FY**

Since FY 2019, TCEQ's Public Water System Supervision Program has continued to implement several strategies to address public water system noncompliance through extensive tracking, stakeholder outreach, education, training, and technical assistance activities which have resulted in an overall decrease in violations. Notices of violation issued for the past six FYs are located in [Appendix C \(Notices of Violation Issued – Central Office\)](#)¹¹ and [Appendix D \(Notices of Violation Issued – Regional Offices\)](#)¹².

Formal Enforcement Actions

Administrative Enforcement

The number of administrative orders issued by TCEQ varies each FY and is dependent upon each 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 1,083 administrative orders in FY 2024, as shown in Figure 6.

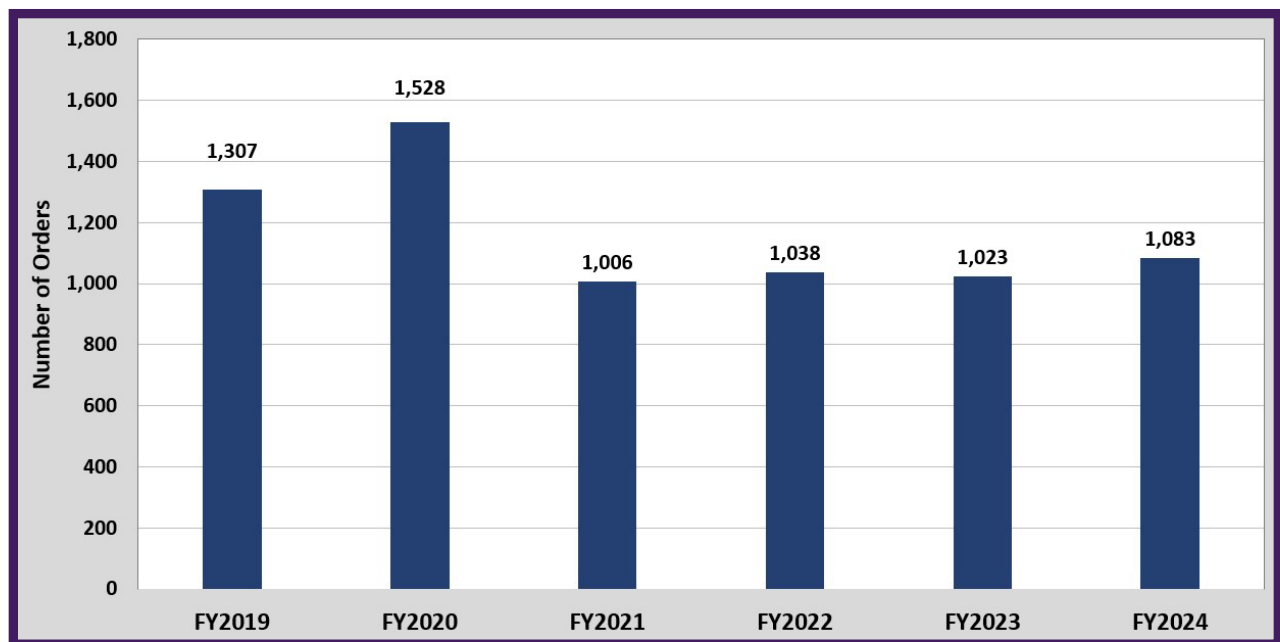


Figure 6 – Administrative Orders Issued by FY

The agency has consistently met its goal of issuing at least 1,000 administrative orders each FY. Figure 7 summarizes the number of administrative orders issued by media for the last six FYs.

¹¹ www.tceq.texas.gov/fy2024-novs-issued-central

¹² www.tceq.texas.gov/fy2024-novs-issued-regional

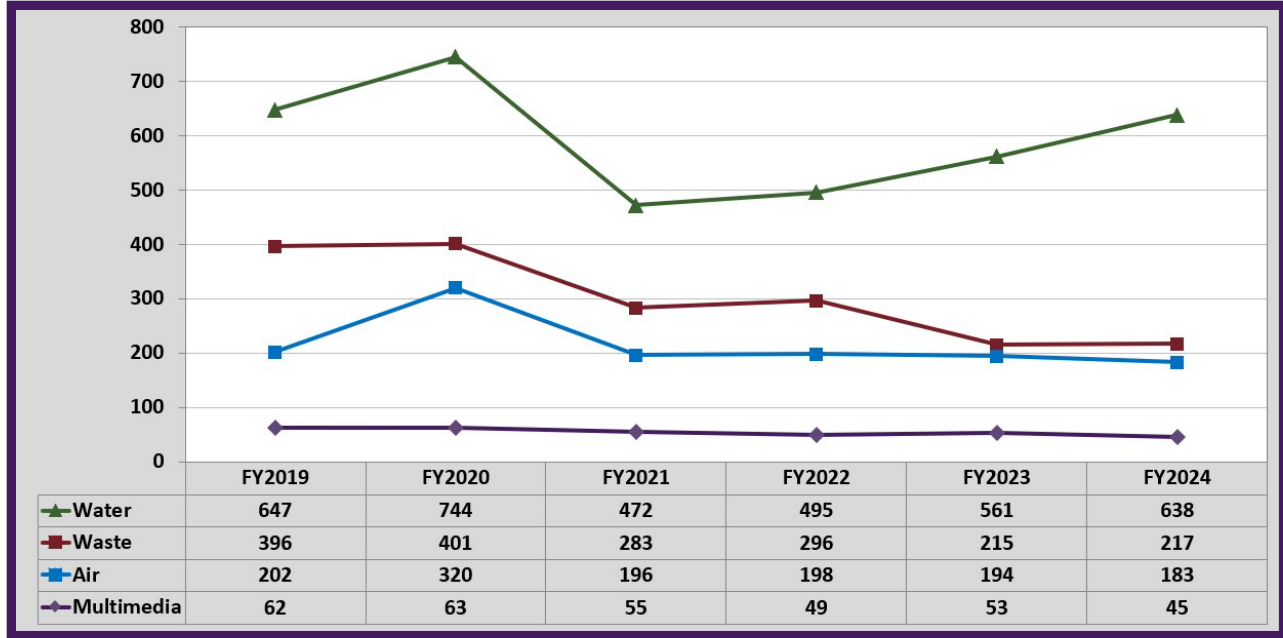


Figure 7 – Administrative Orders Issued by Media per FY

One of the most familiar indicators for the enforcement activities of a regulatory agency is penalties (the amount of money ordered to be paid). The administrative orders issued in FY 2024 required payments of \$9,522,697 in penalties and an additional \$7,057,712 required for [Supplemental Environmental Projects](#)¹³ (SEPs). While penalties are an important deterrent, NOVs, administrative orders, and judgments require compliance and often impose significant costs upon regulated entities. Table 2 provides a summary of the penalties and SEPs associated with administrative orders over the past six FYs.

Table 2 – Administrative Penalty Amounts and SEPs by FY

FY	Orders Issued	Assessed Penalties	Deferred Penalties	Payable Penalties	SEP Costs	Orders with SEPs
2019	1,307	\$12,123,643	\$1,805,296	\$7,535,227	\$2,783,120	153
2020	1,528	\$17,166,396	\$2,893,417	\$10,055,406	\$4,217,573	196
2021	1,006	\$11,662,395	\$1,767,074	\$7,511,772	\$2,383,549	139
2022	1,038	\$12,952,805	\$2,133,349	\$7,987,316	\$2,832,140	139
2023	1,023	\$13,963,289	\$1,946,522	\$8,424,234	\$3,592,533	144
2024	1,083	\$18,865,348	\$2,284,939	\$9,522,697	\$7,057,712	189

Assessed and payable penalties, as well as SEP costs, associated with administrative orders issued over the past six FYs are shown in Figure 8.

¹³ www.tceq.texas.gov/compliance/enforcement/sep

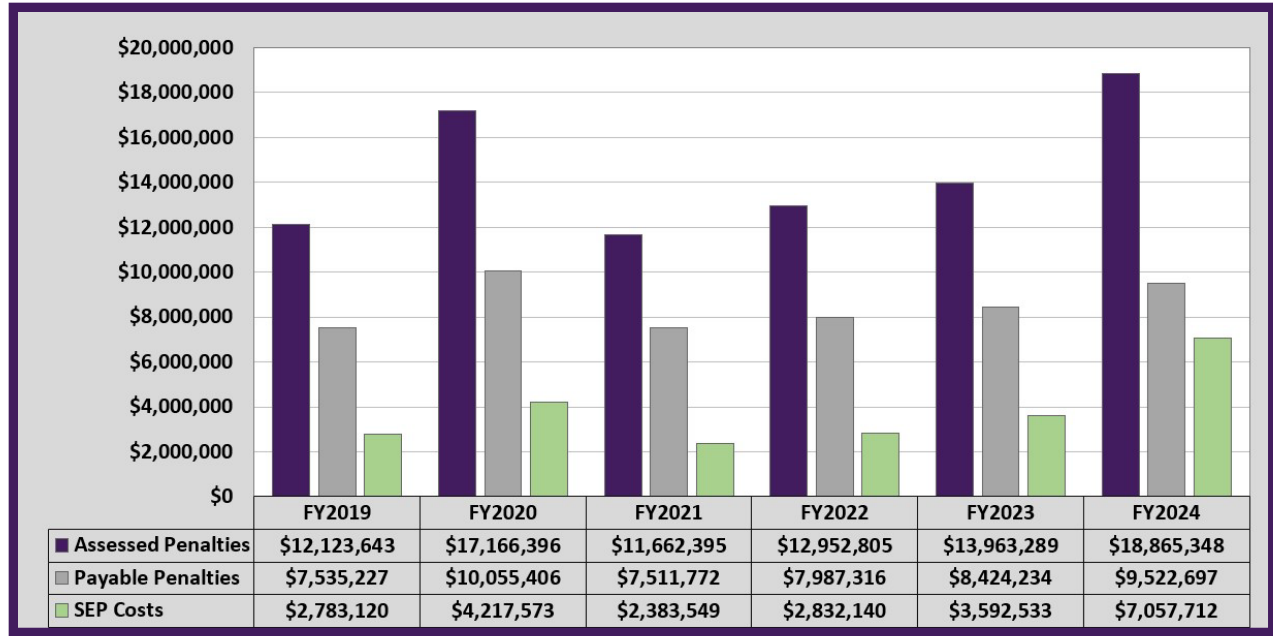


Figure 8 – Penalties and SEP Costs in Administrative Orders Issued by FY

Supplemental Environmental Projects

SEPs are projects approved by the commission to benefit local Texas communities where environmental laws and regulations have been violated. Respondents in enforcement actions can put a portion of their penalty dollars to work to benefit the environment in the community affected by their violations, rather than paying the entire penalty to the State's General Revenue Fund. Respondents can choose to perform a Custom SEP or contribute to a Pre-Approved SEP (Contribution SEP). Additionally, respondents that are local governments can perform a Compliance SEP to achieve compliance with environmental laws or to remediate the harm caused by those violations.

SEPs that have been approved during FY 2024 include the following:

- Repairs of structures or equipment that may be the cause of violations
- Cleanups of abandoned illegal dump sites
- Events for collecting community household hazardous waste and tires
- Air and water quality monitoring networks
- Wetlands and habitat restoration
- Establishment of nature preserves
- Cleanups of bays and watersheds
- Installing and repairing on-site sewage facilities, municipal sewer lines, and potable water service for low-income households
- Replacing diesel buses with "clean technology" for school districts
- Energy efficient upgrades and retrofits for public buildings or low-income homeowners
- Purchasing specialized vehicles for responding to emergencies to rescue and rehabilitate wildlife

Figure 9 provides the number of orders with SEPs by type per FY.

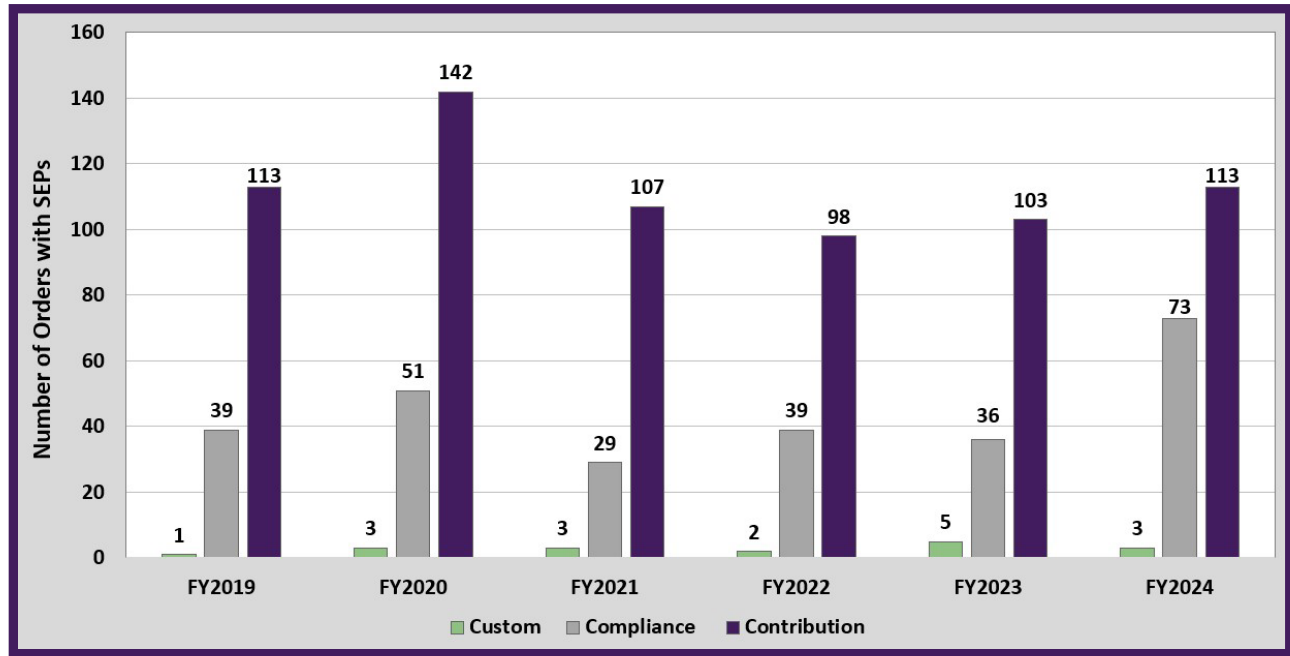


Figure 9 – Orders with SEPs by Type per FY

Civil Enforcement

In circumstances where compliance is not achieved through the agency's administrative process, or in instances where more immediate action is required, such as an emergency event, the agency may refer matters to the Texas Office of the Attorney General (OAG) for civil enforcement. Under TWC Section 7.105, TCEQ has discretion to refer any matter, and an obligation to refer certain matters, to the OAG for civil enforcement. During FY 2024, the OAG obtained 19 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 \$85,936,876 to be paid in penalties, including the judgment against Volkswagen Group of America, Inc., et al with \$75 million in civil penalties. Table 3 shows a summary of the civil judgments that have been issued for the past six FYs.

Table 3 – Civil Judgments Issued by FY

FY	Civil Judgments	Civil Penalties to be Paid
2019	30	\$3,081,387
2020	18	\$2,314,630
2021	24	\$16,555,128
2022	24	\$6,845,268
2023	19	\$5,572,592
2024	19	\$85,936,876

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.

Comparative Analysis

TWC Section 5.756 requires that TCEQ evaluate the 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 associated with orders and judgments issued, those issued to regulated entities with prior orders and judgments, orders and judgments issued to regulated entities with the same or similar violations, the violations included in the orders and judgments, and the size of businesses or municipalities that had orders and judgments issued during the FY.

Comparison of Orders and Judgments Issued by Media Type

In FY 2024, TCEQ issued 1,083 administrative orders and assisted the OAG in obtaining 19 civil judgments. Figure 10 displays the percentage of orders and judgments issued during FY 2024 by media type (air, waste, water, and multimedia).

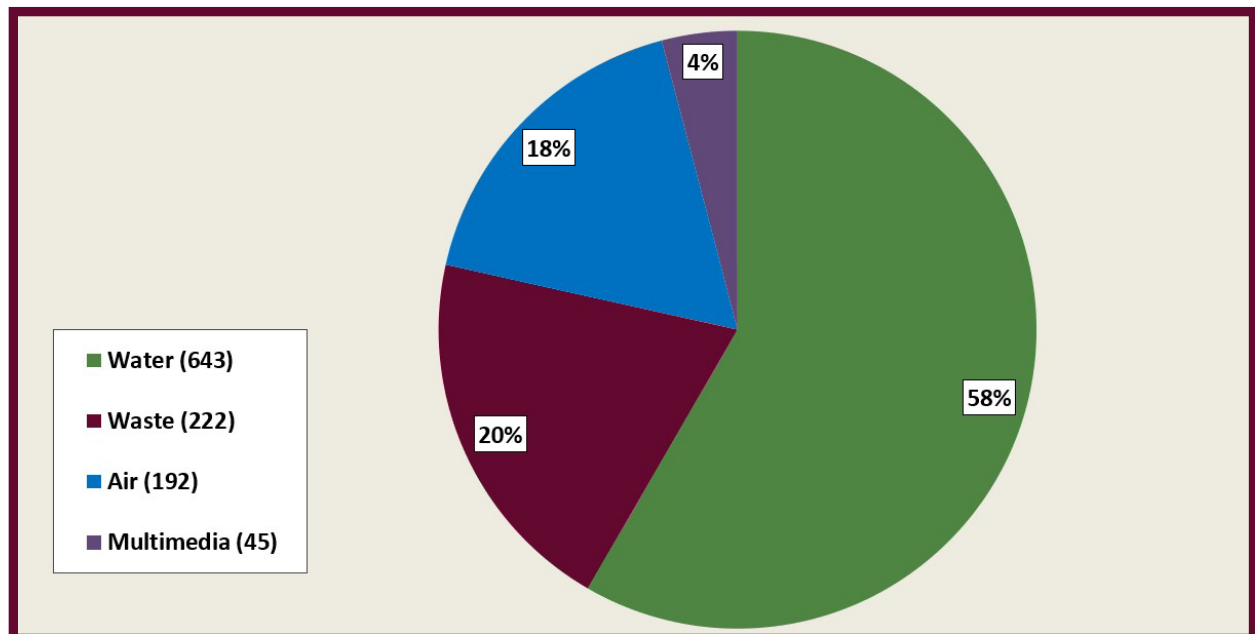


Figure 10 – Number and Percent of Orders and Judgments Issued in FY 2024 by Media Type

Comparison of Orders and Judgments Issued by Industry Type

The percent of regulated entities with orders and judgments issued for FY 2024 based upon the North American Industrial Classification System (NAICS) are shown in Figure 11. The industry types with the highest percentages were Water Supply and Irrigation Systems, Gasoline Stations with Convenience Stores, and Sewage Treatment Facilities. Approximately 38% of the regulated entities represented NAICS categories of less than two percent.

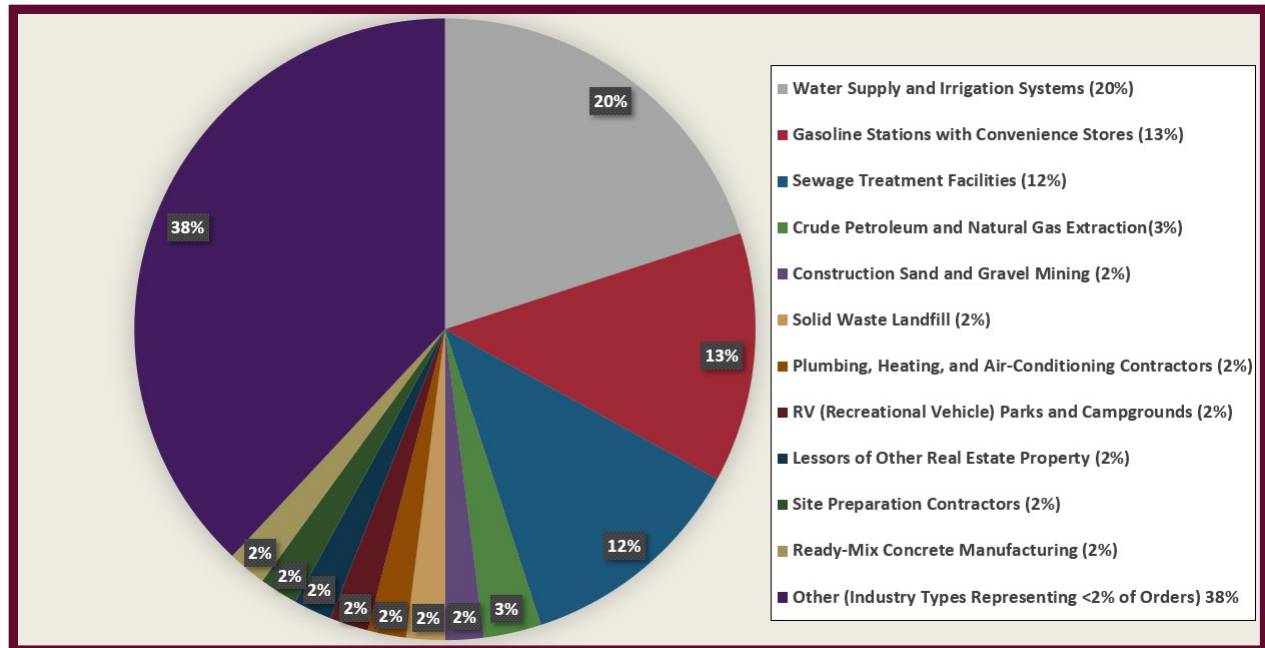


Figure 11 – Percent of Industry Types with Orders and Judgments Issued in FY 2024

In FY 2024, 1,072 regulated entities were issued a total of 1,102 administrative orders and civil judgments. These numbers differ because it is not a one-to-one relationship. A single order may address violations at more than one regulated site and more than one order may be issued to the same responsible party during the FY.

Of the regulated entities that were issued orders in FY 2024, 230 (22%) had previous enforcement orders or judgments and 278 (25%) of orders and judgments had violations that were the same or similar to those included in prior orders or judgments over the past five FYs. The highest percentage of industry types with prior orders and judgments included: Water Supply and Irrigation Systems, Sewage Treatment Facilities, Petroleum Refineries, Other Chemical and Allied Products Merchant Wholesalers, Petrochemical Manufacturing, Natural Gas Liquid Extraction, Gasoline Stations with Convenience Stores, and Miscellaneous Chemical Product Manufacturing, as shown in Figure 12.

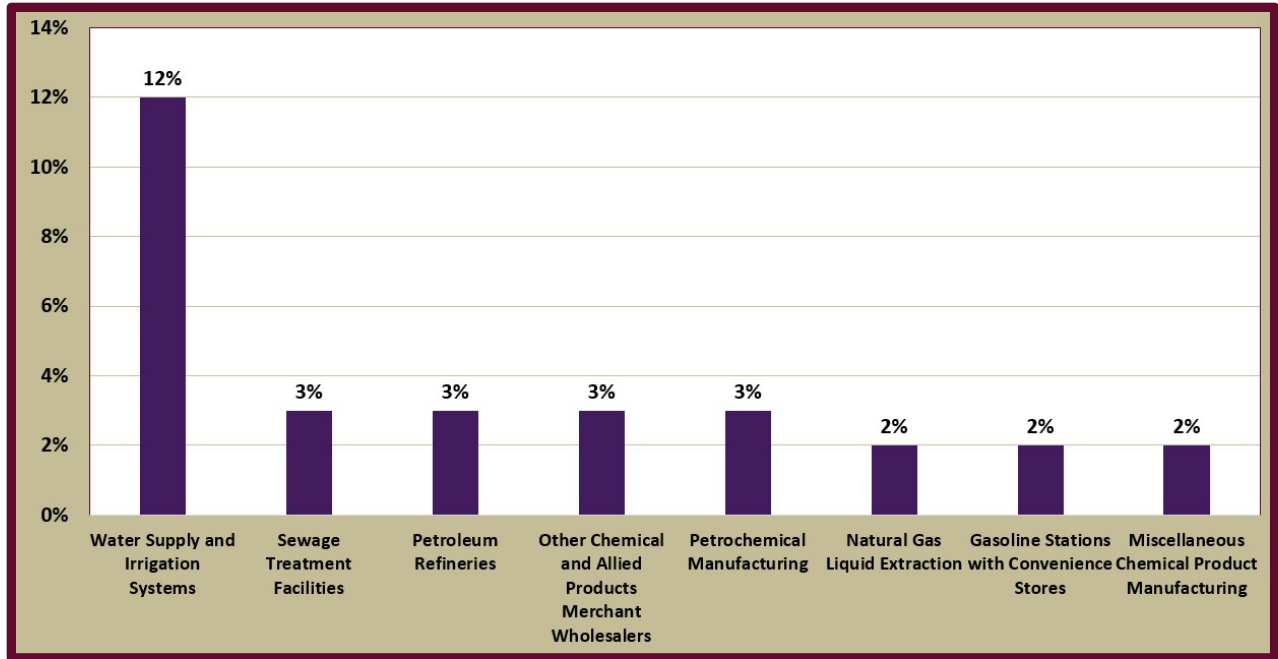


Figure 12 – Percent of Industry Types with Previous Orders and Judgments

The highest percentage of industry types for regulated entities with same or similar violations included in prior enforcement orders and judgments were as follows: Water Supply and Irrigation Systems, Sewage Treatment Facilities, Gasoline Stations with Convenience Stores, Petroleum Refineries, and Natural Gas Liquid Extraction, as shown in Figure 13.

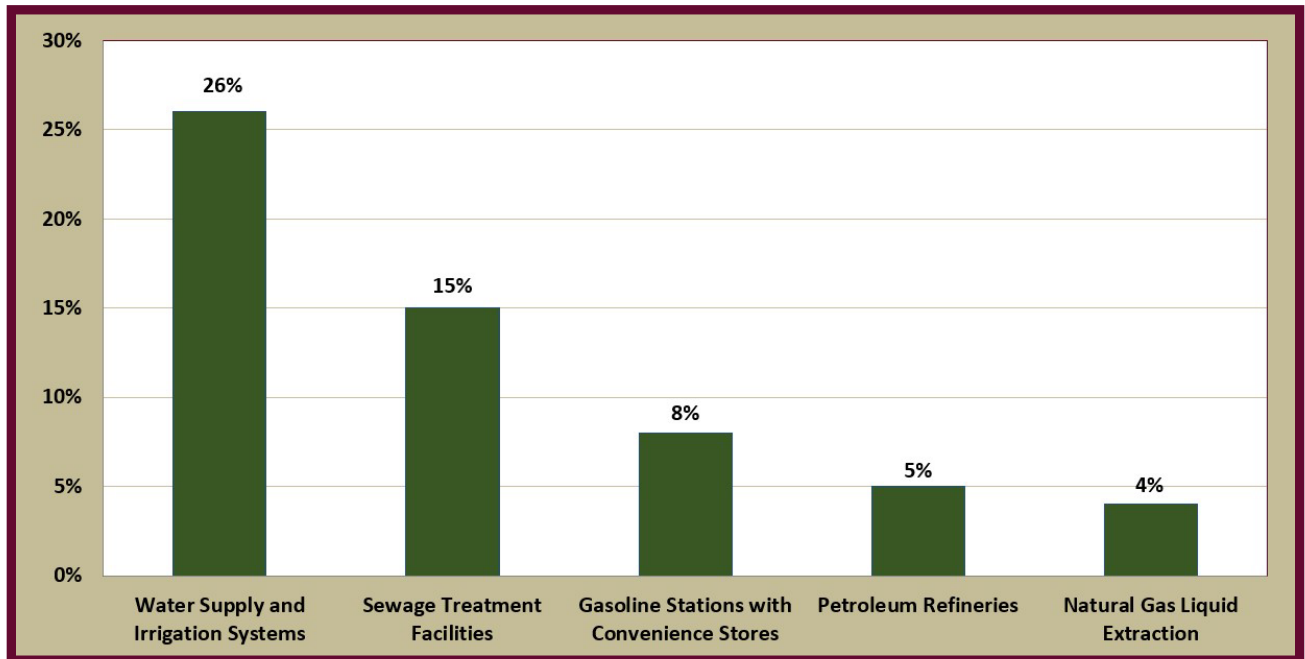


Figure 13 – Percent of Orders and Judgments with Same or Similar Violations

Comparison of Orders and Judgments Issued by Legal Entity Size

Enforcement orders and judgments are issued to legal entities of varying sizes. For orders and judgments issued in FY 2024, 57% were issued to small businesses, 31% were issued to large businesses, 7% were issued to small governments, and 5% were issued to large governments. Figure 14 depicts the number of orders and judgments issued based on the size of the business and local government. For purposes of this report, 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.

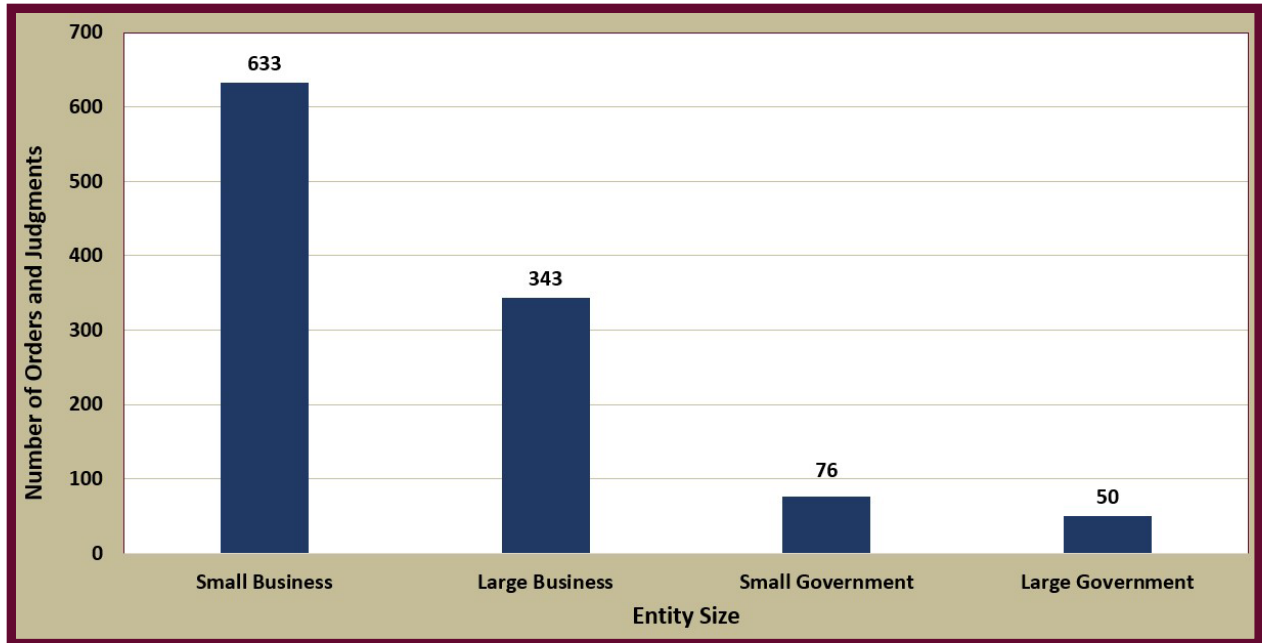


Figure 14 – Size of Legal Entities with Orders and Judgments Issued in FY 2024

Comparison of Citations in Orders and Judgments Issued

Of the 1,102 administrative orders and civil judgments issued in FY 2024, there were 3,018 violations alleged with 6,442 citations of rules, statutes, permits, or orders. Of all the citations documented, 77% were for violations of rules or statutes, 22% were for violations of permit provisions, and 1% were for violations of orders previously issued.

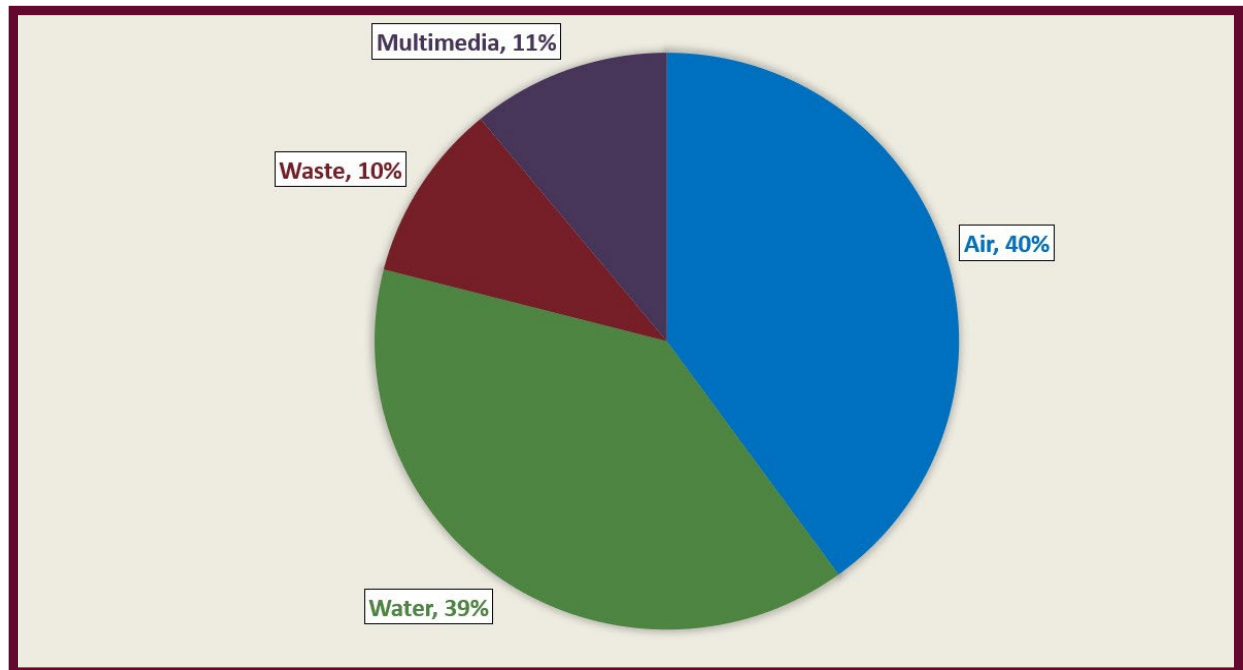
Table 4 lists the highest percentage of common rule or statutory citations included in orders and judgments issued in FY 2024. Citations of less than 1% frequency are not included.

Table 4 – Percent of Citations in Orders and Judgments Issued in FY 2024

Media	Section	Percent
AIR	THSC § 382.085 – Unauthorized Emissions Prohibited	11%
WATER	30 TAC § 290.46 – Minimum Acceptable Operating Practices for Public Drinking Water Systems	7%
AIR	30 TAC § 122.143 – General Terms and Conditions of Permits	6%
MULTIMEDIA	30 TAC § 305.125 – Consolidated Permits: Standard Permit Conditions	6%
AIR	30 TAC § 116.115 – General and Special Conditions of New Source Review Permits	6%
WATER	THSC § 341.0315 – Public Drinking Water Supply System Requirements	4%
WASTE	TWC § 26.3475 – Release Detection; Spill and Overfill Prevention; Corrosion Protection	4%
WATER	TWC § 26.121 – Unauthorized Discharges Prohibited	3%
WASTE	30 TAC § 334.50 – Release Detection	3%
WATER	30 TAC § 281.25 – Texas Pollutant Discharge Elimination System Permit Application Requirements	2%
WATER	30 TAC § 290.110 – Disinfectant Residuals	2%
AIR	30 TAC § 101.20 – Air Quality Rules	2%
AIR	30 TAC § 101.201 – Emissions Event Reporting and Recordkeeping	2%
WATER	30 TAC § 290.115 – Stage 2 Disinfection Byproducts (TTHM and HAA5)	2%
WATER	30 TAC § 290.42 – Water Treatment	2%
WATER	30 TAC § 290.117 – Regulation of Lead and Copper	2%
MULTIMEDIA	TWC § 7.101 – General Violations of Statutes, Rules, Orders, and Permits	2%
WATER	30 TAC § 290.106 – Inorganic Contaminants	1%
AIR	30 TAC § 116.615 – General Standard Air Permit Conditions	1%
WATER	30 TAC § 290.45 – Minimum Water System Capacity Requirements	1%
WATER	30 TAC § 290.41 – Water Sources	1%
WATER	40 CFR* § 122.26 – Storm Water Discharges	1%
WATER	30 TAC § 290.39 – General Public Drinking Water Provisions	1%
AIR	30 TAC § 116.715 – General and Special Conditions of Flexible Permits	1%
WASTE	30 TAC § 334.8 – Certification for Underground Storage Tanks and Systems	1%

*Code of Federal Regulations

Figure 15 depicts the most frequently cited rules or statutes by media type for orders and judgments issued in FY 2024.

**Figure 15 – Percentage of Most Frequently Cited Rules or Statutes by Media Types**

Compliance History Program

TWC 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](https://www.tceq.texas.gov/compliance/enforcement/compliance-history)¹⁴ Program, each regulated entity, along with its 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 the implementation of a voluntary pollution-reduction program or the 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 as defined in 30 TAC Subsection 60.2(d).

Figure 16 depicts the percentage of major, moderate, and minor violations included in all orders and judgments issued in FY 2024. The most common violation types are those of moderate severity (70% of violations). Examples of violations based on their compliance history category are depicted in Table 5.

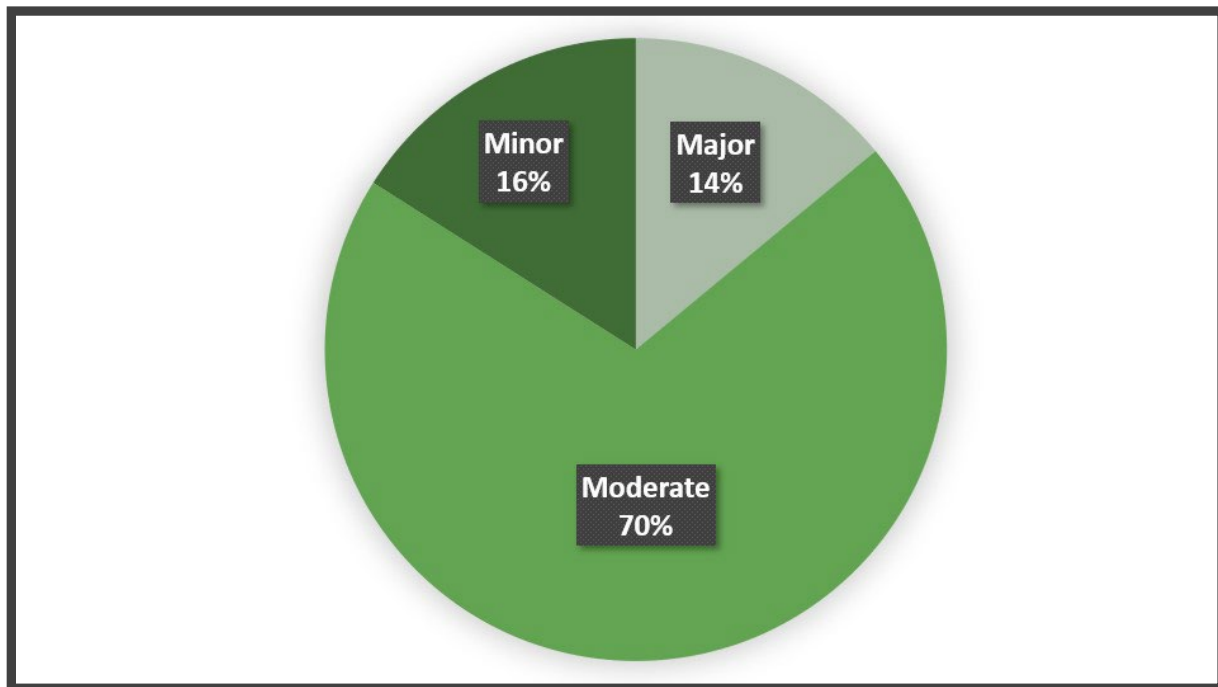


Figure 16 – Severity of Violations Included in Orders and Judgments Issued in FY 2024

¹⁴ www.tceq.texas.gov/compliance/enforcement/compliance-history

Table 5 – 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.

Status of Compliance History Exigent Circumstances

No sites were placed under review or reclassified as suspended under 30 TAC Section 60.4 during FY 2024.

Status of Compliance History Legislative Updates

Senate Bill (SB) 1397 (“Sunset Bill”), relating to the continuation and functions of TCEQ, passed in the 88th Texas Legislature in 2023. It amended TWC Section 5.754 and took effect on Sept. 1, 2023. Throughout FY 2024, TCEQ developed recommendations to implement this Sunset Bill and associated Sunset management actions. During FY 2025, TCEQ is taking the next step which is rulemaking to revise 30 TAC Chapter 60 relating to Compliance History to address the legislative directives.

Criminal Enforcement

Texas Environmental Enforcement Task Force

Texas is a leader and national model in investigating and prosecuting environmental crime. Created in 1991, the Texas Environmental Enforcement 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 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's 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 2024, the agency participated in eight search warrants and obtained resolutions on 13 cases, which included convictions, probation, and deferred adjudications. Convictions were obtained against 10 individuals and three corporations. The finalized cases include seven felony counts and seven misdemeanor counts (see Table 6).

Table 6 – Summary of Criminal Investigation Information by FY

FY	Search Warrants	Cases Resulting in Resolutions	Convictions against Individuals	Convictions against Corporations	Total Convictions	Felony Counts	Misdemeanor Counts
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
2023	7	11	14	4	18	5	60
2024	8	13	10	3	13	7	7

Many of these cases focused on conduct that negatively impacted the integrity of various TCEQ programs. These cases include theft of Texas Emissions Reduction Plan (TERP) grant funds, which resulted in felony convictions against two corporations and \$125,000 in restitution paid to TCEQ, and a case which involved the installation of malfunctioning on-site sewage facility equipment by an individual who was not properly licensed by TCEQ. Additionally, there were two cases involving tampering with governmental records. One case involved providing false records to a TCEQ administrative investigator and another case regarding the submission of falsified Leak Detection and Repair monitoring data to TCEQ.

Cases involving environmental offenses include a case regarding an unauthorized discharge from an oil and gas recycling facility, which resulted in a \$75,000 fine, and seven cases ECU worked with local law enforcement that involved illegal dumping. These seven cases resulted in sentences which included four years of deferred adjudication, one year of probation, 160 days in jail, \$5,681 in fines, and remediation of the affected properties.

The overall case resolutions in FY 2024 resulted in a total of \$82,681 in criminal fines, \$125,000 in restitution to TCEQ's TERP program, 10 years of deferred adjudication, one year of probation, and 160 days of jail time. [Appendix E \(FY 2024 Criminal Convictions\)](#)¹⁵ provides additional details for ECU's case resolutions.

Environmental Complaints

TCEQ receives approximately 10,000 complaints each FY from Texans concerned about a situation or event in which a possible environmental, health, or regulatory violation has occurred. TCEQ reviews each complaint and conducts investigations on those within agency jurisdiction as appropriate.

TCEQ must analyze complaints received based on:

- Environmental media (air, waste, or water)
- Regional jurisdiction
- Priority classification
- Enforcement action taken
- Commission response
- Complaint type

TWC Section 5.1773 requires that TCEQ annually conduct a comprehensive analysis of the complaints it receives and assess the impact of any changes made to the agency's complaint policy. This information is included in Appendix A of the [TCEQ Biennial Report to the Texas Legislature](#)¹⁶, which is completed by Dec. 1 of even-numbered years. In FY 2024 TCEQ updated its complaint procedures to satisfy Sunset Advisory Committee Recommendation 2.6 regarding nuisance complaints and SB 471, filed in the 88th Legislative Session [TWC Section 5.176(c)], which outlined criteria for not investigating certain complaints. These updates were incorporated into TCEQ's Complaint Investigation Manual.

Complaint Data Collection and Reporting

TCEQ receives complaints through direct notifications to the regional offices. Specifically, the public may report an environmental problem to TCEQ through an online form, available in [English](#)¹⁷ and [Spanish](#)¹⁸, a 24-hour toll-free hotline (888-777-3186), in person at a regional office, or by written correspondence. All complaints are handled per the [Complaint Investigation Manual](#)¹⁹, available on the TCEQ website. This manual reflects the agency's current complaint response policy and is revised when there are policy changes.

When TCEQ receives an environmental complaint, information about the complaint is typically recorded in the agency's database. When the complaint is determined to be more appropriately handled by another agency, it may be referred to an agency that has jurisdiction. Upon

¹⁵ www.tceq.texas.gov/fy2024-criminal-convictions

¹⁶ www.tceq.texas.gov/publications/sfr/tceq-biennial-report

¹⁷ www.surveymonkey.com/r/Environmental_Complaints

¹⁸ www.surveymonkey.com/r/Environmental_Complaints?lang=es_US

¹⁹ www.tceq.texas.gov/downloads/compliance/complaints/protocols/gi-602.pdf

completion of the complaint investigation, the findings will be documented in TCEQ's enforcement database. If violations are identified, the investigation could result in an enforcement action.

Complaint Trends

TCEQ analyzes complaints received and investigated using several different attributes. These include media (e.g., air, water, waste), region (e.g., Amarillo, Houston), program (e.g., drinking water, municipal solid waste), and the nature of complaint (e.g., odor, dust). The results of this analysis are included in the following sections.

Overall, the number of complaints received in FY 2024 was slightly lower than FY 2022 and FY 2023 but higher than FY 2020 and FY 2021. However, total complaints have not returned to pre-pandemic levels, with FY 2024 having 6% fewer complaints (10,163) than FY 2019 (10,805), as shown in Figure 17.

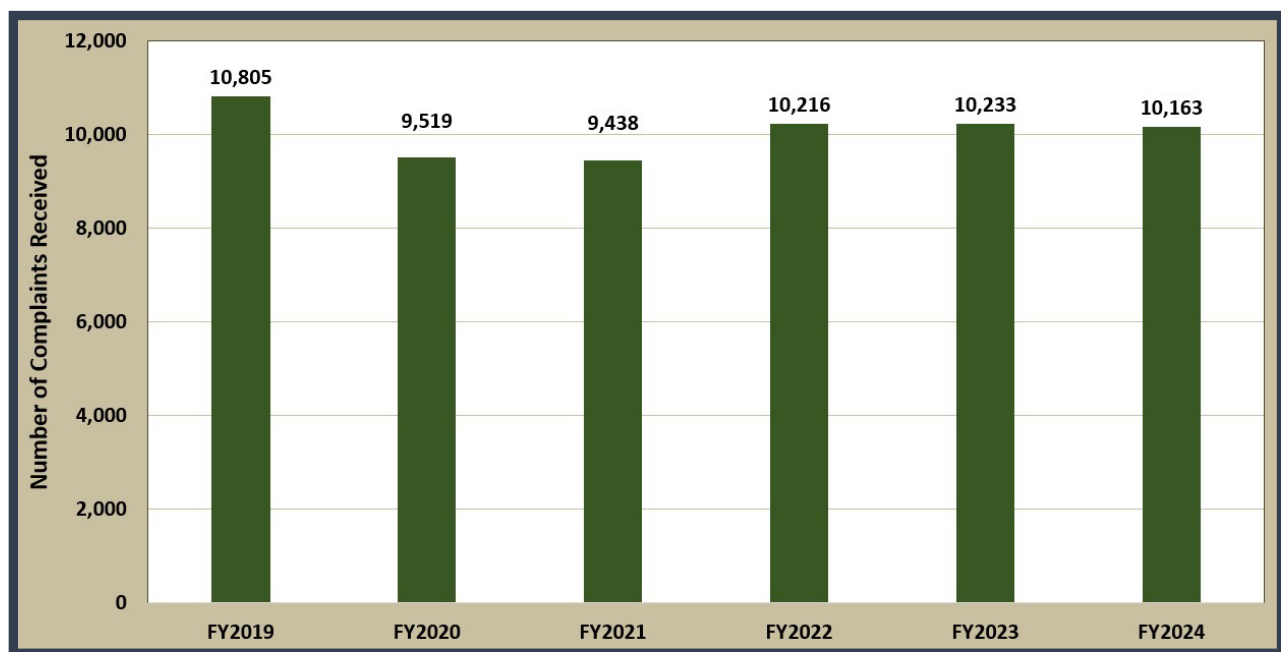


Figure 17 – Complaints Received by FY

Analysis by Environmental Media

Total complaints were analyzed by environmental media (air, waste, water, and no media) statewide, as shown in Figure 18. “No media” refers to complaints that do not fit within one of the established medias (for example, multimedia or referred complaints). The media with the most complaints in FY 2024 was water (48%), similar to the last FY. Air complaints made up 33% of all complaints received which is also similar to FY 2023. Waste complaints made up 18% of all complaints received remaining consistent with FY 2023.

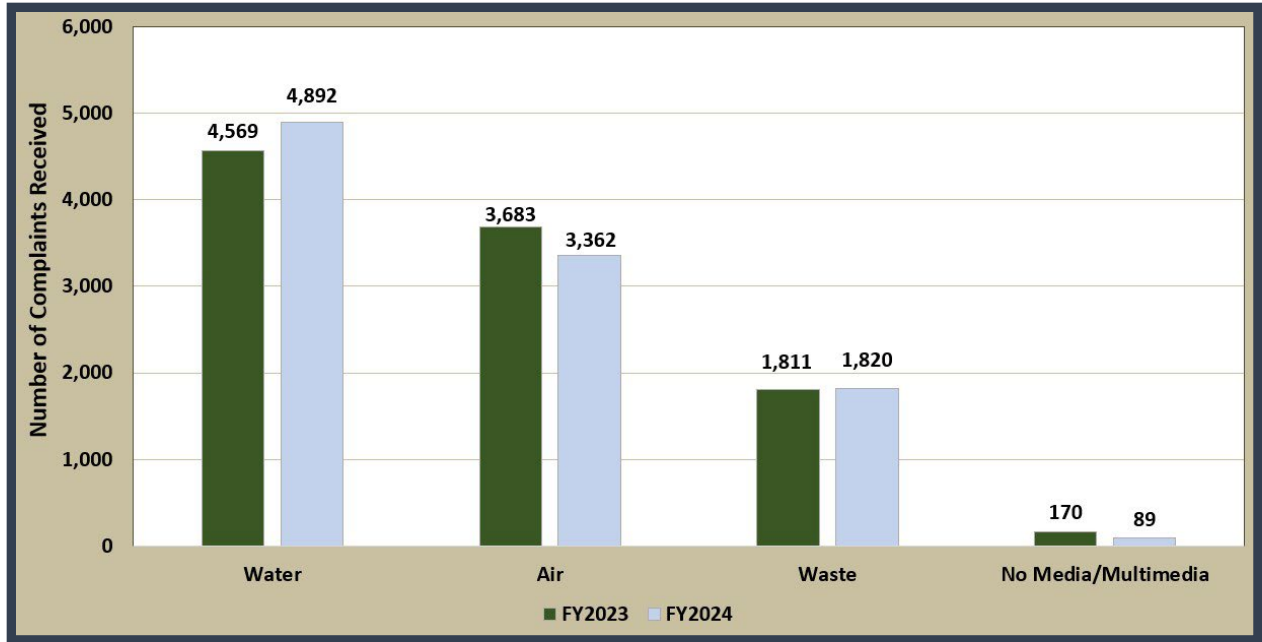


Figure 18 – Complaints Received by Media

Analysis by Region

The number of complaints varies according to regional population. In FY 2024, 43% of all complaints came from regions with the two largest metropolitan areas—the Dallas-Fort Worth region (22%) and the Houston region (21%), as shown in Figure 19.

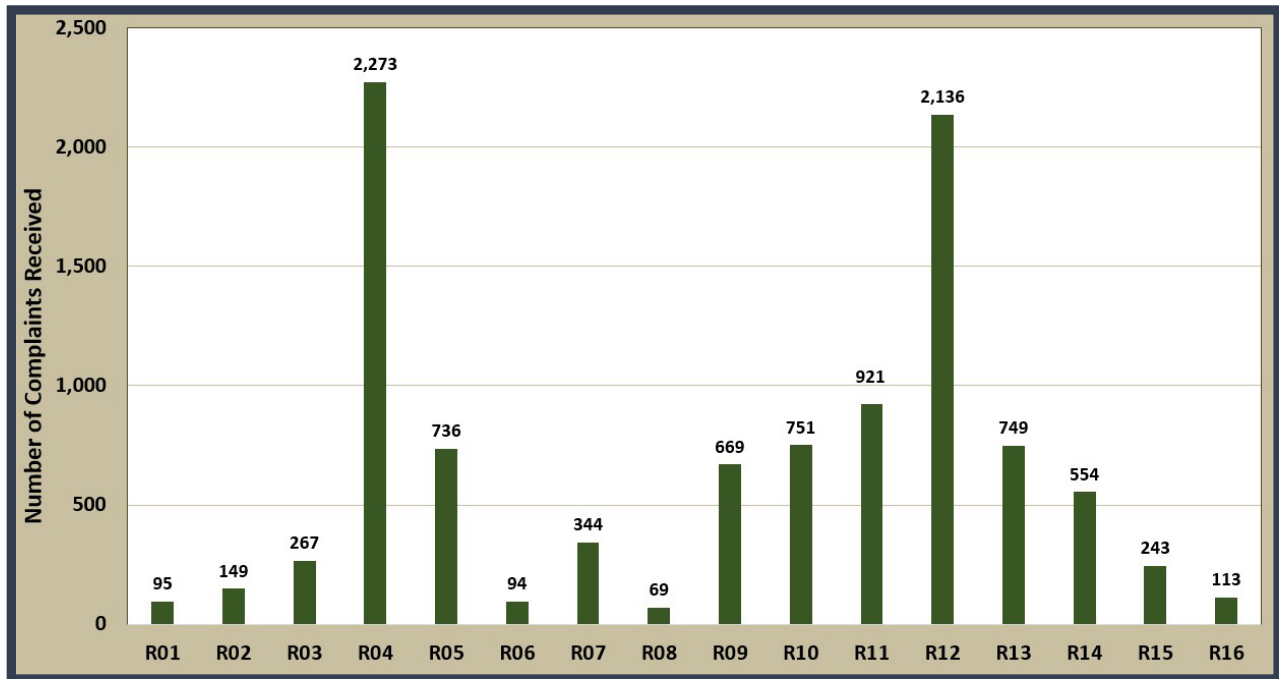


Figure 19 – Complaints Received by TCEQ Region

Analysis by Nature of Complaint

The nature of a complaint refers to the type of complaint, such as “odor” or “dust”. This is identified during intake of a complaint and is used to describe the incident. This classification allows TCEQ to assign the most appropriate investigator based on skill set. The two most reported complaint natures are odor (cited in 25% of complaints received) and wastewater (cited in 9% of complaints received). Odor complaints are generally related to allegations of nuisance conditions. Figure 20 depicts the number of complaints received by nature of complaint.

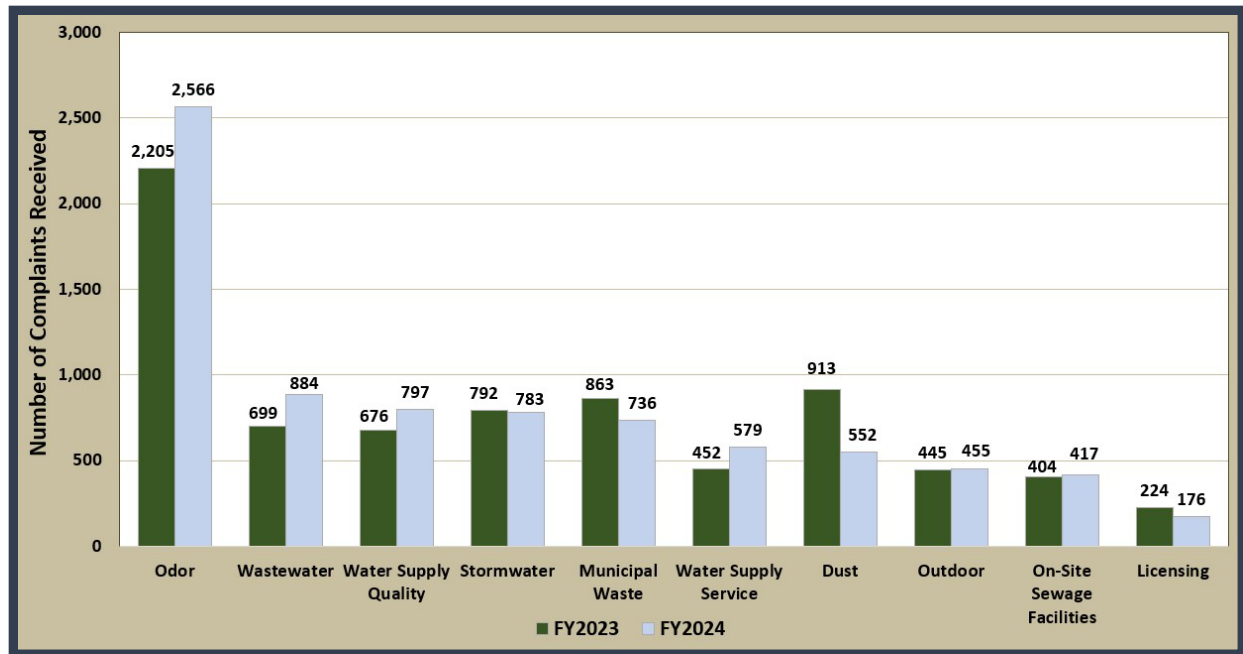


Figure 20 – Top 10 Complaints Received by Nature of Complaint

TCEQ Response to Complaints Received

Complaint investigations are prioritized based on a complaint’s relative threat to public health, safety, or the environment. Each assigned priority represents a prescribed response time. Of the complaints that were received in FY 2024, 3% required immediate response (one working day or less), 62% required response between 5 and 30 days, and 5% were assigned a response time of more than 30 calendar days. Of the complaints received, 30% were not investigated either because the complaint was not within TCEQ jurisdiction and was referred to another agency, including to a local government in which TCEQ has an agreement to refer such complaints, or because there was inadequate information to investigate the complaint. Figure 21 depicts TCEQ’s response to received complaints.

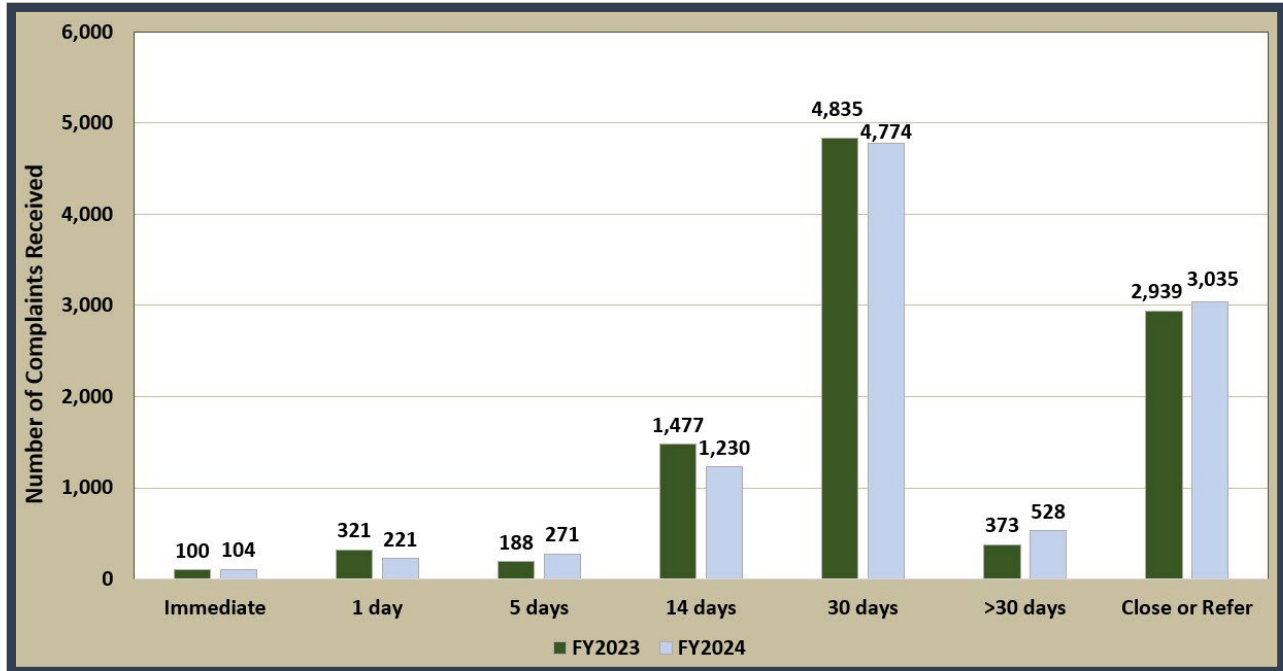


Figure 21 – TCEQ Response to Complaints Received

Figure 22 provides a summary of the number of investigations conducted by TCEQ in response to complaints received. When multiple complaints are received for the same or similar issue, they may be addressed in a single investigation. A copy of the final investigation report is provided to each non-anonymous complainant. The number of complaint investigations decreased by 8% from 4,982 in FY 2019 to 4,607 in FY 2024.

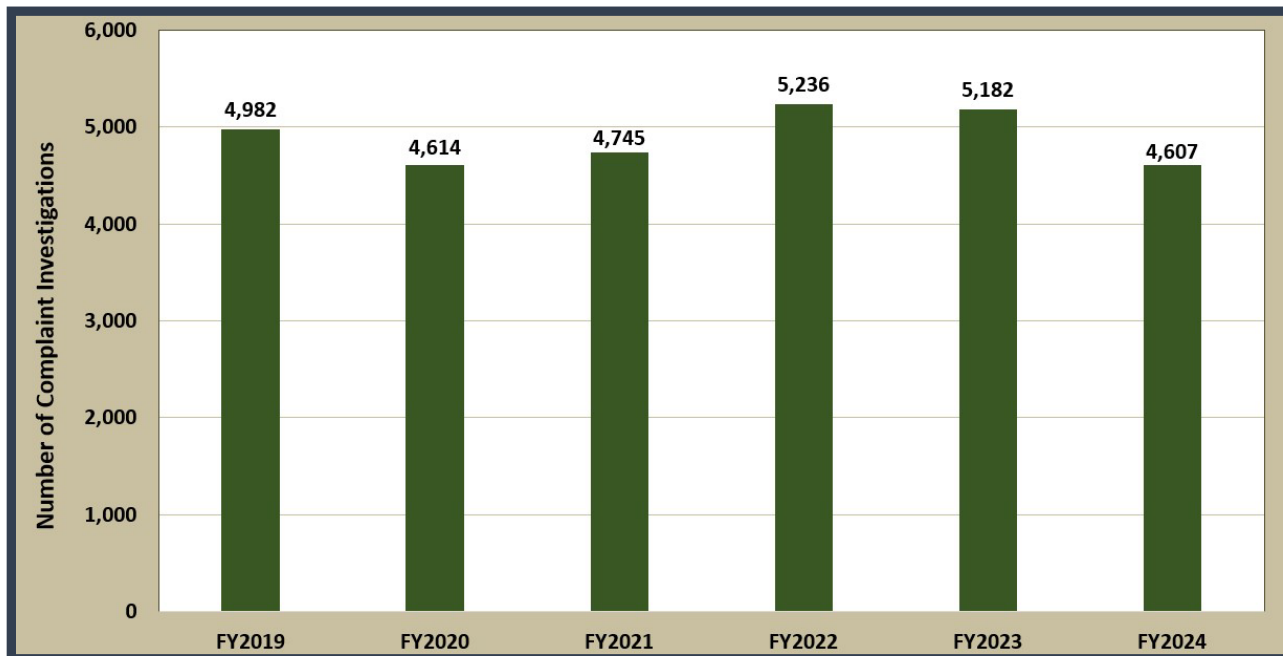


Figure 22 – Complaint Investigations by FY

Analysis by Program

The program for a complaint investigation refers to a specific group of regulatory requirements that apply to the complaint, such as “wastewater”, “industrial and hazardous waste”, or “emergency response.” The applicable program(s) is identified during the investigation. Figure 23 shows the number of complaint investigations for the most common programs. The 419 complaint investigations not shown in Figure 23 are associated with other miscellaneous programs.

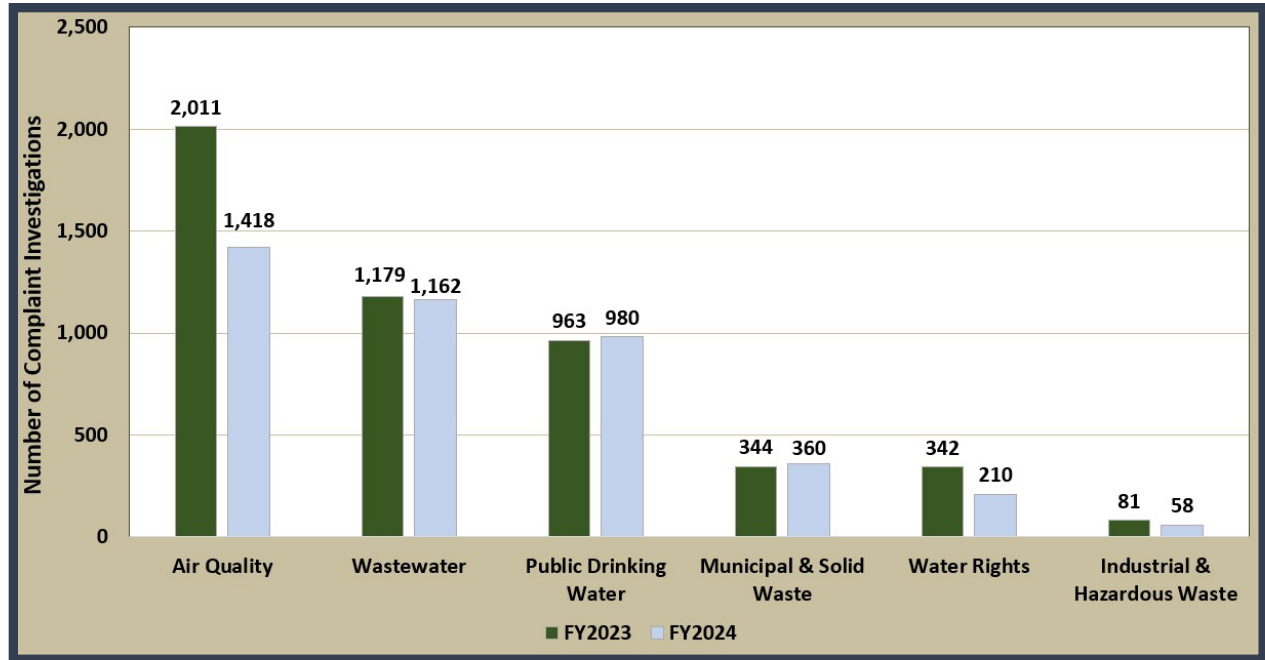


Figure 23 – Most Common Programs for Complaint Investigations

Results of Complaint Investigations

Complaint investigations can result in violations that may or may not be directly related to the allegation described in the complaint. In FY 2024, 41% of complaint investigations cited at least one violation. Approximately 35% of those complaint investigations resulted in an NOV and approximately 6% resulted in a notice of enforcement (NOE). Approximately 59% of complaint investigations resulted in “no findings,” which means that the complaint allegation or other violations could not be substantiated. Figure 24 depicts the results of complaint investigations conducted in FY 2023 and FY 2024.

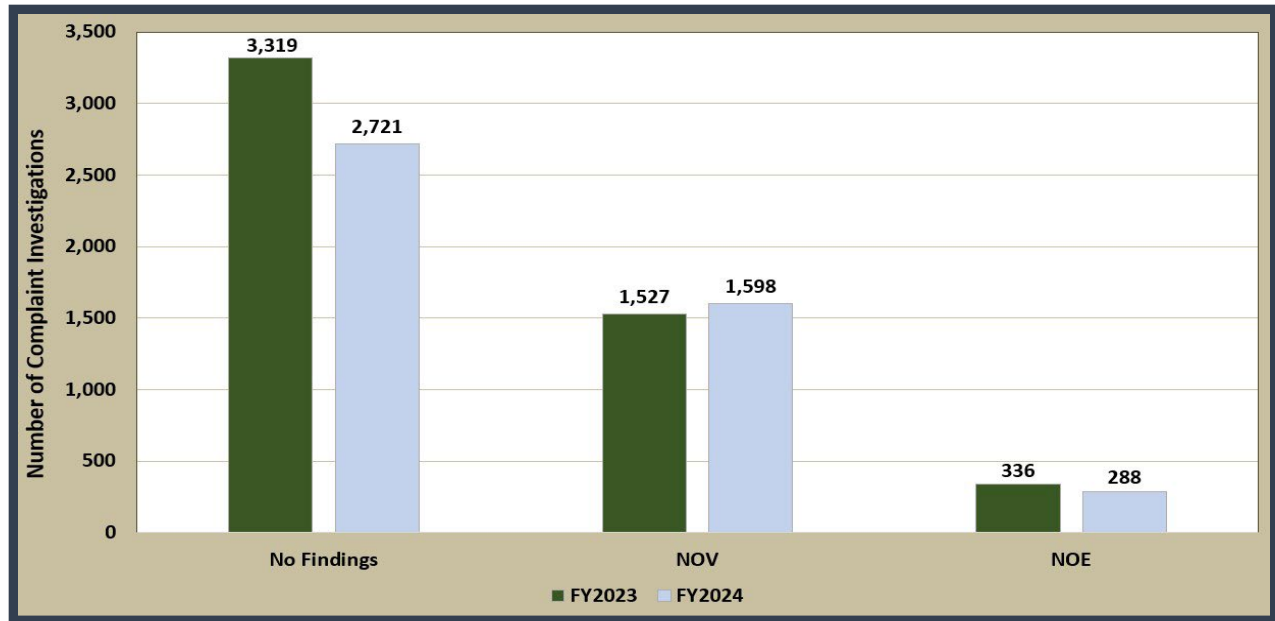


Figure 24 – Results of Complaint Investigations

Effects of Changes to Complaint Policy

When there are changes to the complaint policy, the effect of these changes is evaluated for effectiveness. For example, since an alternate language option was added for the complaint form in June 2023, TCEQ has tracked the number of complaints submitted in Spanish as shown in Figure 25.

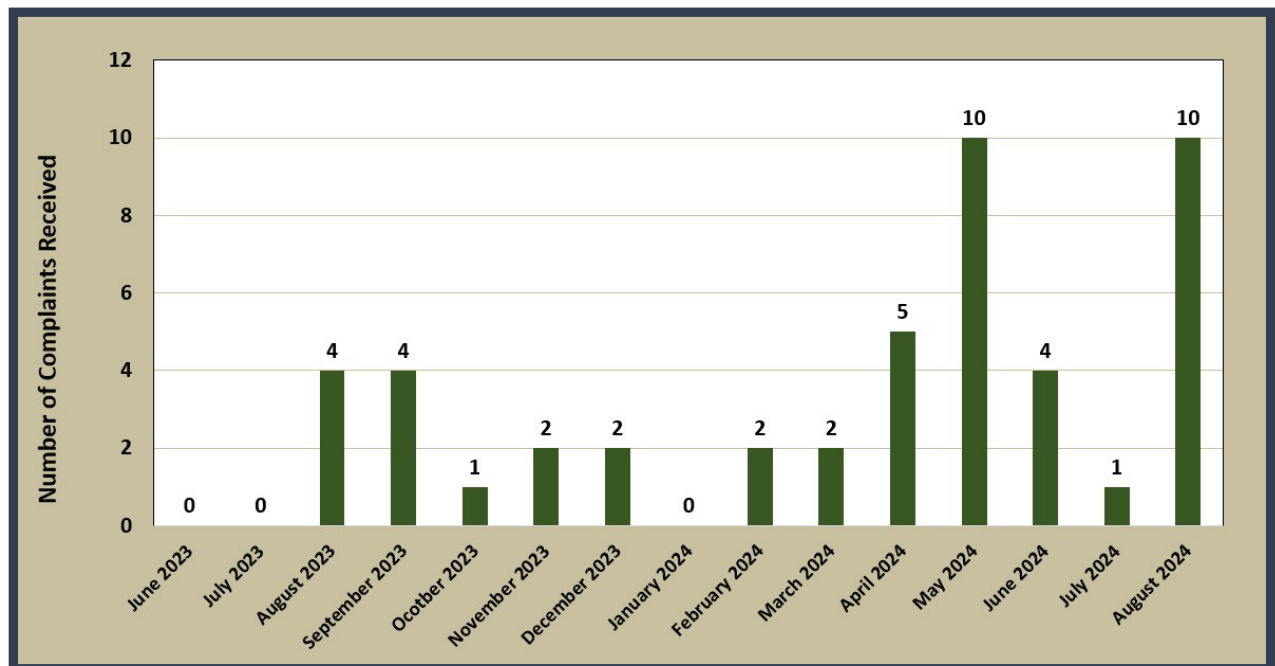


Figure 25 – Complaints Received in Spanish

Emissions Incidents

Certain incidents that result in unauthorized emissions, as defined in 30 TAC Chapter 101, Subchapter F, are required to be recorded or reported to TCEQ. This includes:

- Emissions events – Air upset events or unscheduled maintenance, startup, and shutdown (MSS) activities from a common cause that result in unauthorized emissions of air contaminants.
- Scheduled MSS – Activities performed by a regulated entity owner or operator that require prior notice and a final report per TCEQ rules.
- Excess opacity events – An event that occurs when an opacity reading is equal to or exceeds 15% above an applicable opacity limit averaged over a six-minute period.

Effective Sept. 1, 2022, TCEQ formed the Emissions Event Review Section, a central section for the assessment of emissions incidents within the Office of Compliance and Enforcement's Critical Infrastructure Division. Centralizing the Emissions Incidents Program ensures statewide consistency for investigations of incidents and consistent enforcement of violations related to them. The Emissions Event Review Section conducts investigations of all emissions incidents reported to TCEQ, regardless of the incident location. During FY 2024, internal processes were assessed to determine areas where enhancements could be made to improve consistency in the review of emissions incidents across the state. The section enhanced external communications regarding emissions incident reporting requirements and affirmative defense demonstrations. Additionally, the Emissions Event Review Section developed two documents, [Affirmative Defense Questions Guidance](#)²⁰ and [Emissions Events Commonly Asked Questions](#)²¹, to provide additional information to the public, available on TCEQ's website. Additionally, in FY 2024 TCEQ fulfilled the Sunset Implementation Action Item for creating affirmative defense guidance and a centralized committee (Sunset Recommendation 2.5) as approved in SB 1397 from the 88th Regular Legislative Session in 2023. Recommendation 2.5 directed TCEQ to develop and implement clear guidance to evaluate affirmative defense requests for air emissions and to establish a centralized committee of agency staff authorized to review and approve all applications for an affirmative defense.

Total Number of Reported Incidents

As shown in Figure 26, the overall number of emissions incidents reported under 30 TAC Chapter 101, Subchapter F, decreased by 6% from 2,226 in FY 2023 to 2,088 in FY 2024.

²⁰ www.tceq.texas.gov/goto/affirmative-defense-questions-guidance

²¹ www.tceq.texas.gov/goto/emissions-events-commonly-asked-questions

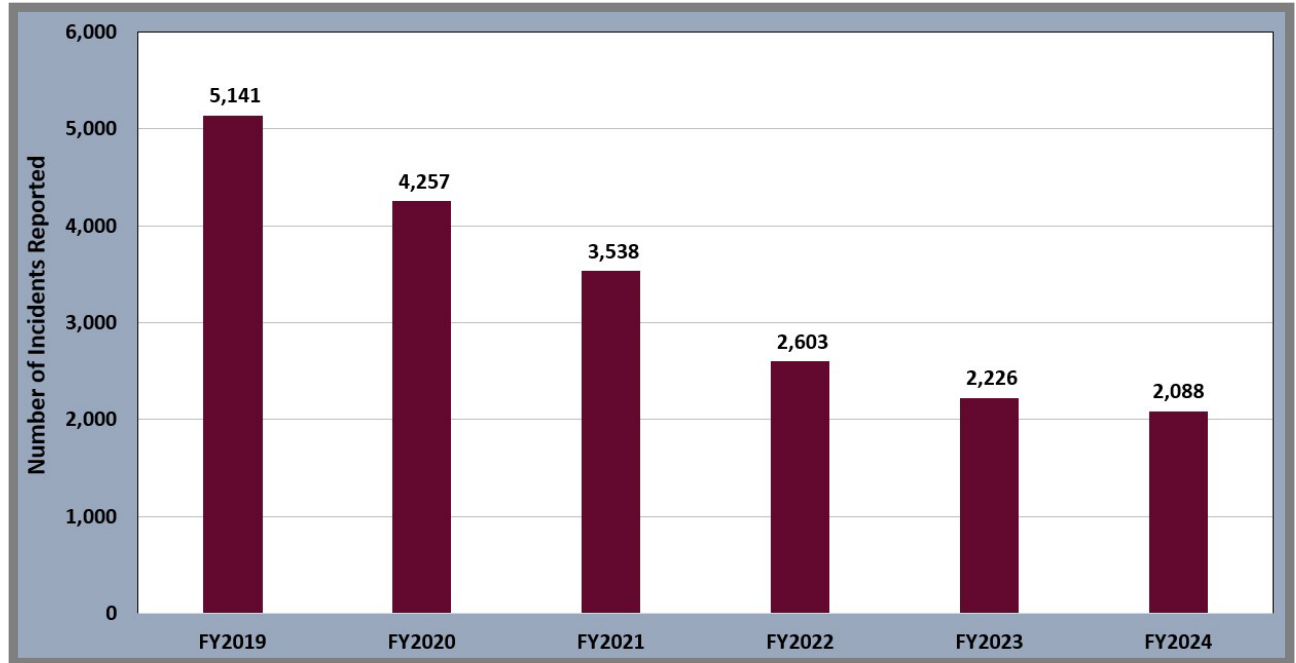


Figure 26 – Total Incidents Reported Statewide by FY

The total number of emissions incidents reported has decreased over the last five FYs, which may be attributed 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, initiated in FY 2021 and concluded in FY 2024. Additionally, TCEQ conducted outreach to industry groups in the oil, gas, and pipeline sectors with an emphasis on properly authorizing, minimizing, and controlling predictable emissions. The Emissions Event Review Section also participated in multiple meetings with industry groups and met individually with companies across all sectors to discuss reporting requirements and authorizations. The total number of emissions incidents includes emissions events, scheduled MSS activities, and excess opacity events as shown Figure 27.

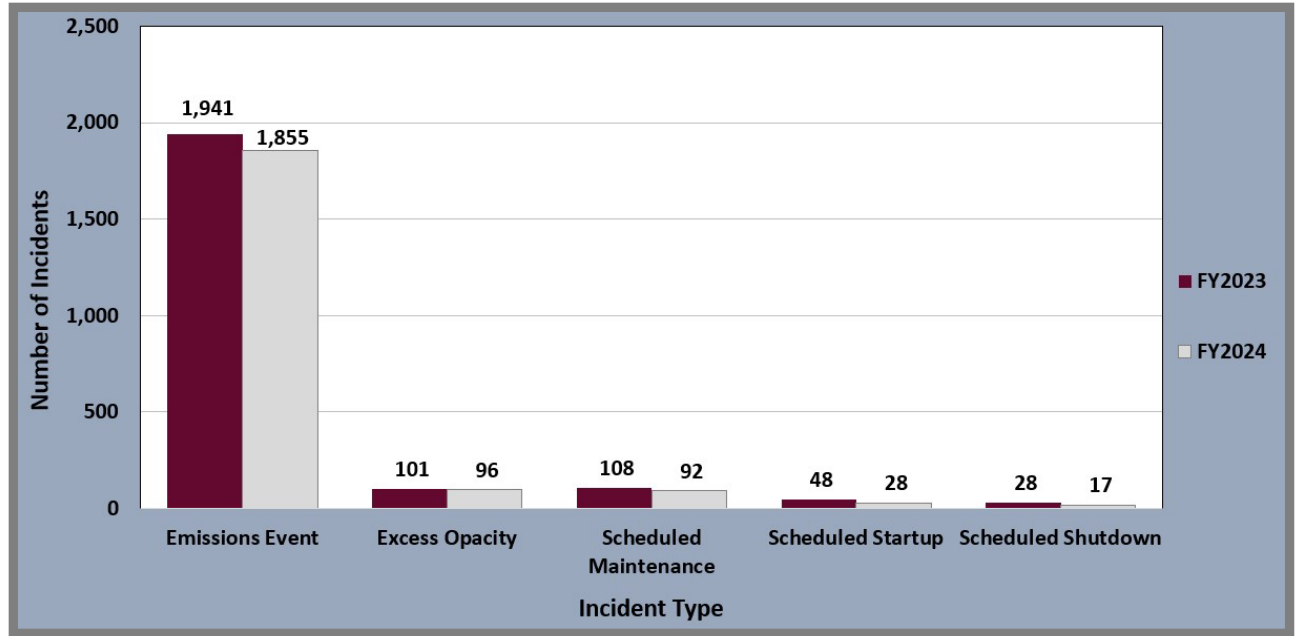


Figure 27 – Total Incidents Reported Statewide by Type

FY 2023 total was revised to reflect final total reported.

Table 7 provides the complete set of data from TCEQ regions related to the total number of reported incidents in FY 2023 and FY 2024. Note that TCEQ regions listed in the Emissions Incidents section of this report are based on where the facility is, not the location of the investigator reviewing the incident.

Table 7 – Total Incidents Reported Statewide per TCEQ Region

Region	FY2023	FY2024
Region 01 - Amarillo	94	101
Region 02 - Lubbock	54	43
Region 03 - Abilene	25	22
Region 04 - DFW Metroplex	49	54
Region 05 - Tyler	62	50
Region 06 - El Paso	23	33
Region 07 - Midland	1,049	1,000
Region 08 - San Angelo	32	39
Region 09 - Waco	30	21
Region 10 - Beaumont	136	118
Region 11 - Austin	44	16
Region 12 - Houston	415	402
Region 13 - San Antonio	40	22
Region 14 - Corpus Christi	159	152
Region 15 - Harlingen	1	3
Region 16 - Laredo	13	12
Total	2,226	2,088

Total Quantity of Air Emissions

The total quantity of reported emissions incidents decreased from 61.3 million pounds in FY 2023 to 37.8 million pounds in FY 2024. Quantities released in each region fluctuate year to year based on the presence or absence of large emissions incidents. One large emissions incident can result in a noticeable spike when comparing two FYs, but the overall trend across multiple FYs has remained consistent. For example, two large quantity emissions incidents in TCEQ Region 7 - Midland accounted for 3.4 million pounds of emissions, 15% of the reported total for that region in FY 2024. Additionally, in TCEQ Region 2-Lubbock an emissions incident was reported at the end of FY 2024 for approximately 16.5 million pounds released from January 2022 through February 2024 (3,491,384 pounds in 2022; 12,266,294 pounds in 2023; and 778,828 pounds in 2024). Figure 28 depicts the total quantity of emissions in pounds reported to TCEQ.

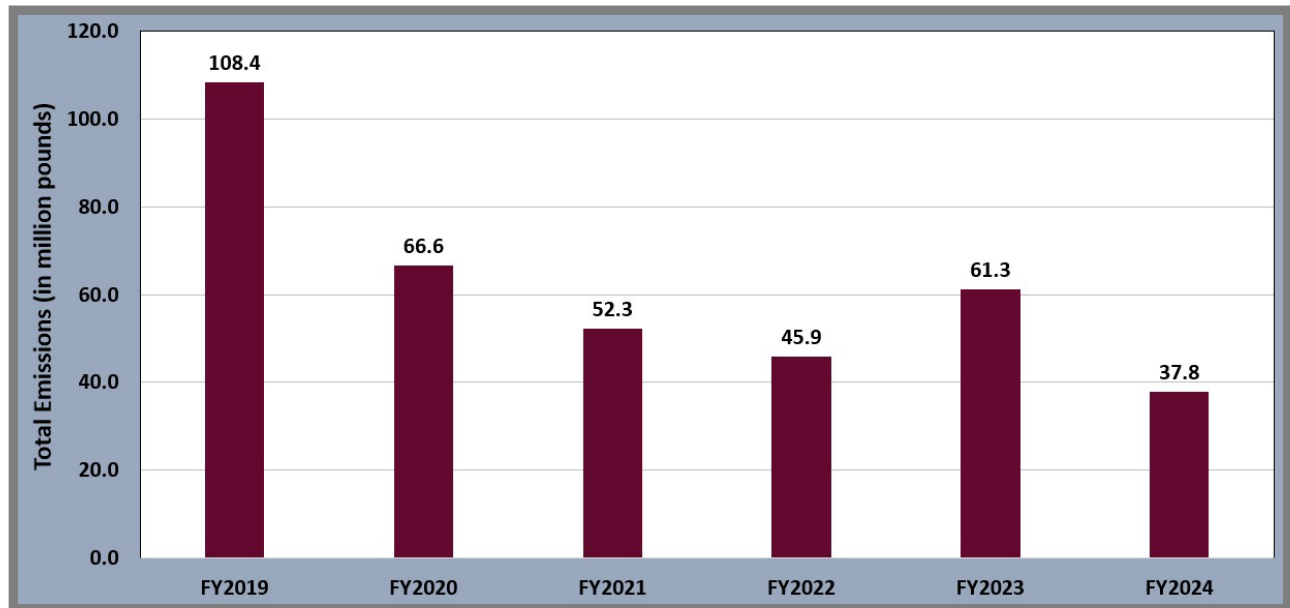


Figure 28 – Total Quantity of Emissions Reported Statewide by FY

FY 2022 and FY 2023 quantities were revised to reflect final reportable emissions, including the multi-year release of 16.5 million pounds reported to TCEQ the last week of August 2024.

Table 8 depicts the total quantity of emissions in pounds per TCEQ region.

Table 8 – Total Quantity of Emissions Reported Statewide under 30 TAC Chapter 101, Subchapter F, per TCEQ Region

TCEQ Region	FY2023	FY2024
Region 01 – Amarillo	2,248,791	1,528,927
Region 02 – Lubbock	14,580,248	1,784,847
Region 03 – Abilene	3,135,780	35,506
Region 04 – DFW Metroplex	538,162	250,186
Region 05 – Tyler	303,185	193,462
Region 06 – El Paso	294,789	224,537
Region 07 – Midland	18,796,499	23,118,838
Region 08 – San Angelo	2,620,534	997,486
Region 09 – Waco	105,760	93,071
Region 10 – Beaumont	6,841,968	3,175,841
Region 11 – Austin	182,974	11,430
Region 12 – Houston	7,965,601	5,062,183
Region 13 – San Antonio	355,982	63,523
Region 14 – Corpus Christi	3,141,687	1,181,024
Region 15 – Harlingen	37,824	11,191
Region 16 – Laredo	109,185	56,963
Total	61,258,969	37,789,015

FY 2023 quantities were revised to reflect final reportable emissions, including the multi-year release of 16.5 million pounds reported to TCEQ the last week of August 2024.

The quantities of emissions are rounded to the nearest pound.

Opacity events are not included as opacity is reported as a percentage.

Top Contributing Air Contaminants

Figure 29 displays the quantity of emissions by contaminant group for FY 2023 and FY 2024. Volatile Organic Compounds (VOCs) had the highest reported quantity of the contaminants reported under 30 TAC Chapter 101, Subchapter F, for FY 2024, with 15.4 million pounds, followed by sulfur dioxide at 9.3 million pounds. There was a decrease in the total amount of each contaminant released between FY 2023 and FY 2024. Overall, there has been a downward trend in the pounds of contaminants released for the last five FYs. 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 VOCs as defined in 30 TAC Section 101.1. HRVOCs include the following groups of contaminants: 1,3-butadiene, butene, ethylene, and propylene.

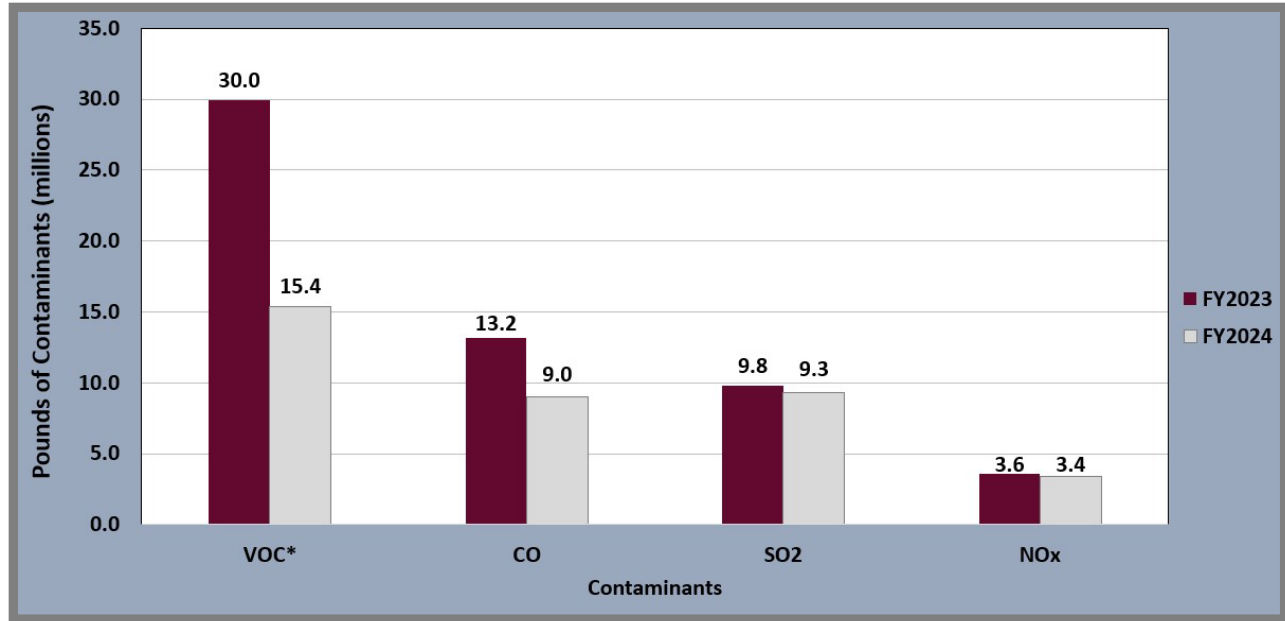


Figure 29 – Top Contributing Air Contaminants Reported Statewide by Pollutant

* VOC includes propane, natural gas, and HRVOC.

FY 2023 quantities were revised to reflect final reportable emissions, including the multi-year release of 16.5 million pounds reported to TCEQ the last week of August 2024.

The 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 2024 is recorded in Table 9.

Table 9 – Total Quantity of Air Contaminants Reported Statewide by Pollutant

Contaminant Reported	Emissions Events	Scheduled Maintenance	Scheduled Startup	Scheduled Shutdown	Total
Volatile Organic Compounds (VOC)	14,575,042	431,073	365,469	11,442	15,383,026
Carbon monoxide (CO)	7,519,349	706,930	550,010	217,637	8,993,926
Sulfur dioxide (SO ₂)	5,958,692	1,454,847	1,853,639	8,502	9,275,680
Nitrogen oxides (NOX)	3,021,647	204,554	160,574	37,282	3,424,057
HRVOCs	Emissions Events	Scheduled Maintenance	Scheduled Startup	Scheduled Shutdown	Total
1,3 Butadienes	58,563	0	18,289	0	76,852
Butenes	105,805	0	4,383	0	110,188
Ethylene	864,873	7,559	210,970	0	1,083,402
Propylene	161,854	0	13,861	0	175,715
HRVOCs Total	1,191,095	7,559	247,503	0	1,446,157

HRVOCs are included in the VOC total.

The quantities of emissions are rounded to the nearest pound.

Emissions Incident Investigations

All emissions incidents that are reported to TCEQ are reviewed and evaluated. If a regulated entity claims an affirmative defense and the incident is not an Excessive Emissions Event (discussed further in the Excessive Emissions Events section), this review will also include an evaluation of the affirmative defense criteria in 30 TAC Section 101.222. In general, all emissions incidents that are above the reportable quantity for any constituent are investigated to determine root cause, review response activities, identify patterns of similar emissions incidents, and review preventive and corrective actions.

Figure 30, ordered by FY, depicts the number of emissions incident investigations that include a review of the affirmative defense criteria. Investigations are not conducted until after the final report for the emissions incident is submitted, which in some instances may occur in the following FY. Some investigations include multiple incidents.

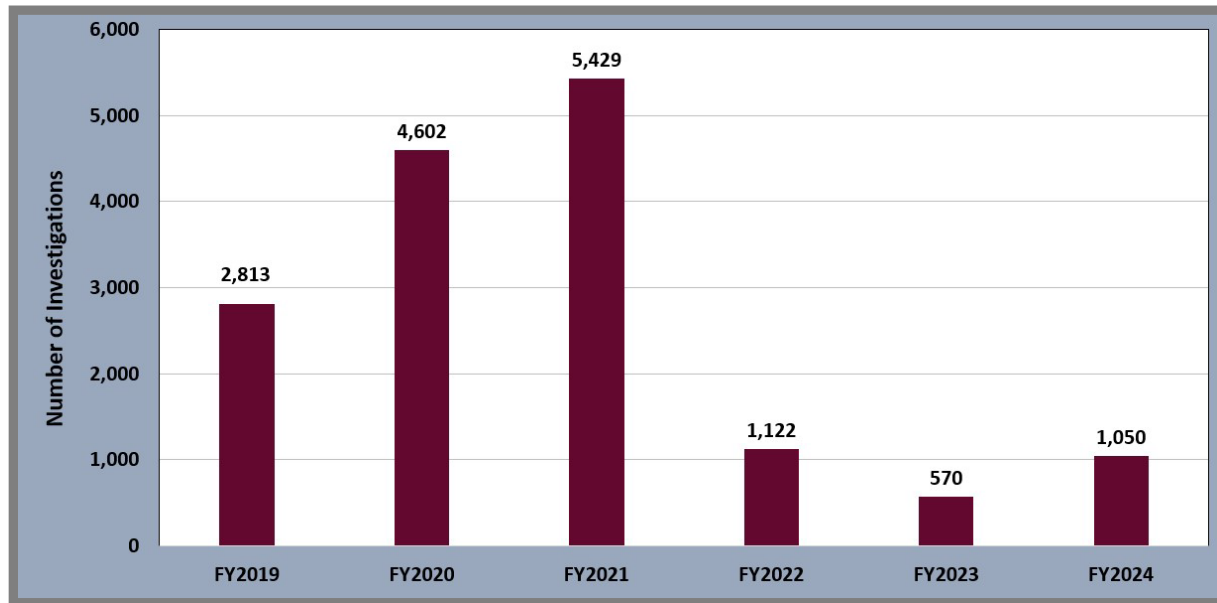


Figure 30 – Emissions Incident Investigations by FY

The total number of emissions incident investigations increased from 570 in FY 2023 to 1,050 in FY 2024. More investigations were conducted in FY 2024 as a result of the new Emissions Event Review Section developing new processes and being fully staffed. However, the investigation numbers have been lower from FY 2022 through FY 2024 than in previous FYs for various reasons:

- Reorganization of the program.
- The “Find It and Fix It” initiative.
- Elimination of investigation backlogs in prior FYs.
- A decrease in the number of emissions incidents reported.

Emissions incidents received that were nonreportable were excluded from data for FY 2022-2024 though they had been included in previous reports. A nonreportable incident is one that is below the reportable quantity or one that does not meet the definition (30 TAC Section 101.1) of an unauthorized emissions event, unplanned MSS activity, or excess opacity event. There were 600 investigations conducted to close received incidents that were later determined to be nonreportable incidents. Table 10 breaks down the number of emissions incident investigations per TCEQ region in FY 2023 and FY 2024.

Table 10 – Emissions Incident Investigations per TCEQ Region

TCEQ Region	FY2023	FY2024
Region 01 – Amarillo	29	66
Region 02 – Lubbock	5	22
Region 03 – Abilene	11	7
Region 04 – DFW Metroplex	7	25
Region 05 – Tyler	33	34
Region 06 – El Paso	5	20
Region 07 – Midland	106	395
Region 08 – San Angelo	0	30
Region 09 – Waco	19	12
Region 10 – Beaumont	56	79
Region 11 – Austin	18	26
Region 12 – Houston	214	223
Region 13 – San Antonio	6	9
Region 14 – Corpus Christi	44	90
Region 15 – Harlingen	2	0
Region 16 – Laredo	15	12
Total	570	1,050

Of the investigations conducted to review affirmative defense claims, NOEs increased from 224 in FY 2023 (39% of all approved investigations) to 273 in FY 2024 (26% of all approved investigations) and NOV's increased from 52 in FY 2023 (9% of all approved investigations) to 152 in FY 2024 (14% of all approved investigations).

The total number of incidents meeting the affirmative defense criteria increased from 52% in FY 2023 to 60% in FY 2024. Figure 31 shows the results of emissions incident investigations conducted in FY 2023 and FY 2024.

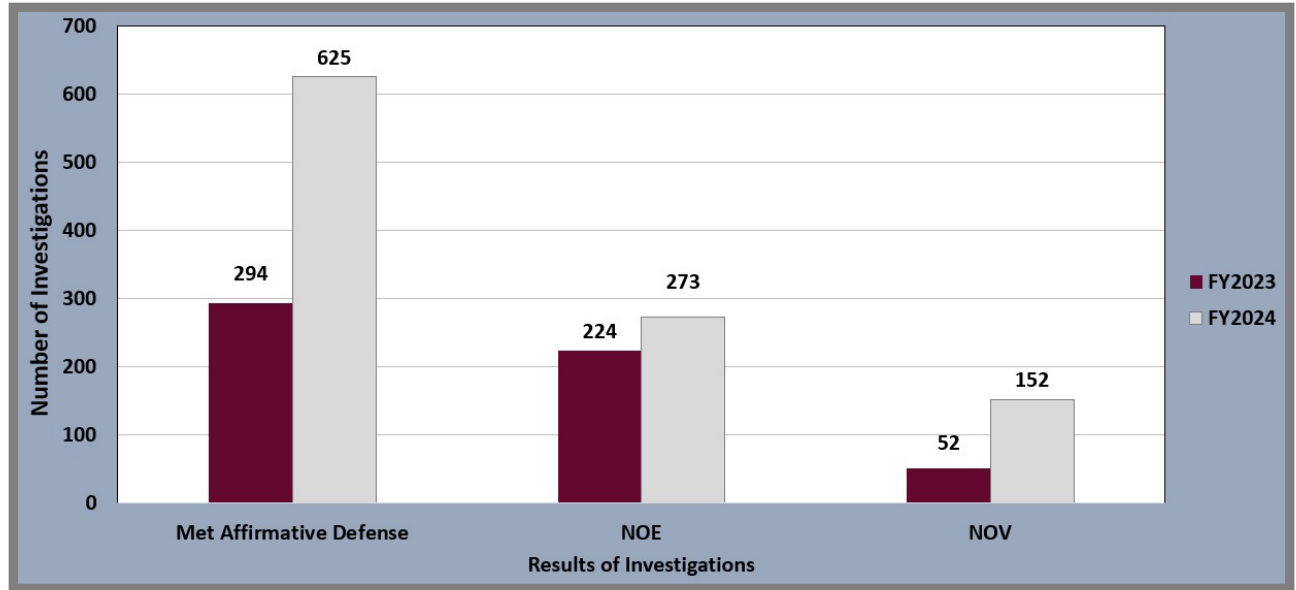


Figure 31 – Emissions Incident Investigation Results

An NOV or NOE may include multiple violations.

Table 11 provides the complete data set for results related to investigations in response to emissions events, scheduled MSS activities, and excess opacity events during FY 2024.

Table 11 – Emissions Incident Investigation Results by Incident Type

Incident Type	Met Affirmative Defense	NOE	NOV	Total Investigations
Emissions Events	551	268	143	962
Excess Opacity	52	3	6	61
Scheduled Maintenance	13	1	3	17
Scheduled Startup	7	1	0	8
Scheduled Shutdown	2	0	0	2
Total	625	273	152	1,050

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 emissions incident is excessive or non-excessive is made by evaluating six criteria:

- The frequency of the facility's (i.e., piece of equipment's) emissions incidents.
- The cause of the emissions incident.
- The quantity and impact on human health or the environment of the emissions incident.
- The duration of the emissions incident.
- The percentage of a facility's total annual operating hours during which emissions incidents occur.
- The need for MSS activities.

The number of EEE determinations increased from 15 in FY 2023 to 21 in FY 2024, though it is still slightly lower than previous FYs. Figure 32 represents the total EEE determinations that were approved each FY over the past six FYs. Incidents associated with these determinations

may have occurred in FYs prior to the FY in which the determination was made. The 21 EEE determinations in FY 2024 were comprised of 8 incidents that occurred in FY 2022, 9 incidents in FY 2023, and 4 incidents in FY 2024.

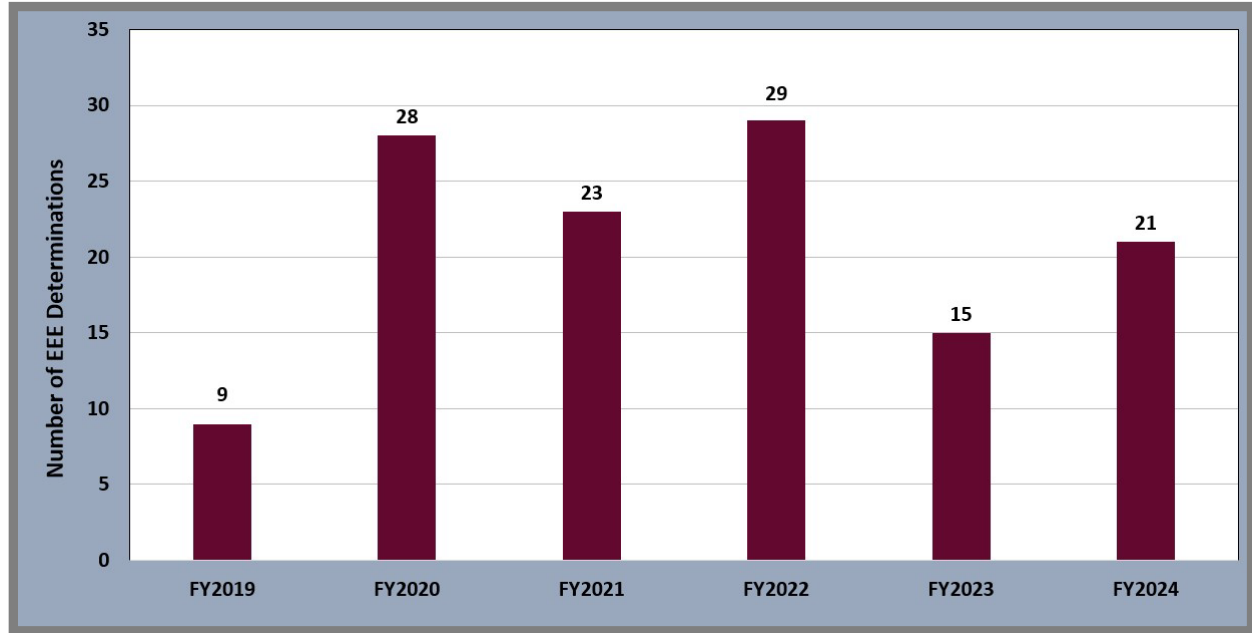


Figure 32 – Excessive Emissions Events by FY

Table 12 records the distribution of EEE determinations per TCEQ region for the last six FYs.

Table 12 – EEE Determinations Approved per TCEQ Region by FY

TCEQ Region	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Region 01 – Amarillo	0	0	0	0	2	1
Region 02 – Lubbock	0	0	0	1	1	0
Region 03 – Abilene	0	0	0	0	1	1
Region 04 – DFW Metroplex	0	0	0	0	0	1
Region 05 – Tyler	1	0	2	0	1	1
Region 06 – El Paso	0	0	0	0	0	0
Region 07 – Midland	0	1	0	0	1	6
Region 08 – San Angelo	0	0	0	0	0	0
Region 09 – Waco	0	0	0	0	0	0
Region 10 – Beaumont	0	5	2	1	1	1
Region 11 – Austin	0	0	0	0	0	0
Region 12 – Houston	7	21	14	25	8	8
Region 13 – San Antonio	0	1	1	0	0	0
Region 14 – Corpus Christi	1	0	4	2	0	2
Region 15 – Harlingen	0	0	0	0	0	0
Region 16 – Laredo	0	0	0	0	0	0
Total	9	28	23	29	15	21

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

Aggregate Production Operations

TWC Chapter 28A requires that TCEQ conduct an annual survey to identify all active [aggregate production operations](#)²² (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.

²² www.tceq.texas.gov/assistance/industry/aggregate-production

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. In FY 2024 a total of 49 active investigators completed the required training and 16 active investigators were in the process of completing their training.

Registered Facilities

For FY 2024, 1,028 APOs have active registrations with TCEQ. The number of registered APOs per region is provided in Table 13.

Table 13 – Registered APOs per TCEQ Region by FY

TCEQ Region	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Region 01 – Amarillo	27	26	28	26	21	29
Region 02 – Lubbock	17	19	19	18	20	15
Region 03 – Abilene	61	60	62	63	66	59
Region 04 – DFW Metroplex	131	129	135	124	131	146
Region 05 – Tyler	37	40	37	37	29	30
Region 06 – El Paso	33	29	33	34	34	28
Region 07 – Midland	80	91	88	88	102	108
Region 08 – San Angelo	37	42	34	33	33	26
Region 09 – Waco	93	80	76	68	77	69
Region 10 – Beaumont	47	62	61	59	59	55
Region 11 – Austin	96	94	97	97	93	95
Region 12 – Houston	146	169	167	156	164	162
Region 13 – San Antonio	118	114	110	106	109	102
Region 14 – Corpus Christi	58	61	65	58	63	57
Region 15 – Harlingen	17	19	19	22	22	24
Region 16 – Laredo	19	21	18	20	15	23
Total	1,017	1,056	1,049	1,009	1,038	1,028

Investigations and Results

TCEQ conducted a survey of the state to identify all active APOs and to ensure that each active APO is registered with the commission. This survey utilized tools such as aerial imagery, contracted helicopter flyovers, and a review of TCEQ registration databases including the 1,028 active registrations. If an APO site's operational and registration status were unable to be determined, on-site investigations were conducted. APO sites that had expired, cancelled, or withdrawn registration statuses were reviewed to confirm each site's operational status. A total of 21 active sites were identified that either were not registered or had an expired registration.

A total of 1,140 APO investigations were conducted in FY 2024 including 514 comprehensive investigations to meet statutory frequency requirements and 626 other survey activities and investigations, including complaints, reviews of unregistered sites, violation follow-ups, and other on-demand investigations. Table 14 displays the breakdown of comprehensive investigations by TCEQ regional office.

Table 14 – APO Comprehensive Investigations per TCEQ Region by FY

TCEQ Region	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Region 01 – Amarillo	18	7	8	13	8	14
Region 02 – Lubbock	8	10	3	9	9	7
Region 03 – Abilene	24	41	24	31	32	34
Region 04 – DFW Metroplex	43	12	15	43	38	63
Region 05 – Tyler	13	13	31	16	15	22
Region 06 – El Paso	10	6	3	13	15	16
Region 07 – Midland	7	4	49	32	22	46
Region 08 – San Angelo	13	19	18	17	12	17
Region 09 – Waco	25	45	46	33	33	38
Region 10 – Beaumont	10	40	16	29	29	26
Region 11 – Austin	35	36	15	34	43	44
Region 12 – Houston	31	37	59	74	64	81
Region 13 – San Antonio	43	51	45	54	49	48
Region 14 – Corpus Christi	22	15	28	20	28	36
Region 15 – Harlingen	7	8	1	7	5	12
Region 16 – Laredo	9	9	9	8	5	10
Total	318	353	370	433	407	514

These investigations resulted in 88 NOVs and 22 NOEs. This includes investigations at APO facilities that resulted in either an NOV or an NOE with one or more violations of a rule under TCEQ jurisdiction. However, violations cited may include other programs not directly related to 30 TAC Chapter 342.

In addition, 38 administrative orders were issued in FY 2024, including 21 administrative orders with violations for failure to register or renew an existing registration. There was a total of \$455,960 in assessed penalties associated with these orders. Table 15 lists the enforcement history for APOs for the past six FYs.

Table 15 – Enforcement by FY

FY	NOVs	NOEs	Administrative Orders Issued
2019	150	34	28
2020	150	25	27
2021	99	20	15
2022	100	42	9
2023	140	37	25
2024	88	22	38

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 THSC Chapters 505, 506, and 507 ([Community Right-to-Know Act](#)²³).

Texas Tier II Reports are inventories that provide detailed information on hazardous substances or chemicals stored at a facility, as well as emergency contact information. 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.

Four types of Tier II Reports may be required when meeting or exceeding chemical thresholds:

1. **Tier II Annual Reports** - Must be submitted between Jan. 1 and Mar. 1 annually and include information on hazardous substances or chemicals stored at a facility during the previous calendar year.
2. **Tier II Update Reports** - Required when information has changed on a previously submitted Tier II Report.
3. **Tier II Initial Reports** - Required when new hazardous substances or chemicals are added at an existing facility, or a new facility begins storing hazardous substances or chemicals.
4. **Tier II Deficiency Correction Reports** - Required when program area staff find noncompliance issues on a submitted Tier II Report that needs to be corrected.

Tier II Program Investigations

On average, TCEQ receives over 100,000 Tier II Reports each FY. In FY 2024, the agency received 121,945 reports from 87,011 facilities. Figure 33 summarizes the number of Tier II Reports received by FY. The total number of Tier II Reports is higher than the number of unique facilities with Tier II Reports because some facilities submit more than just their annual report (e.g., Update, Initial, or Deficiency Correction reports).

²³ www.tceq.texas.gov/permitting/tier2/laws-and-regulations.html

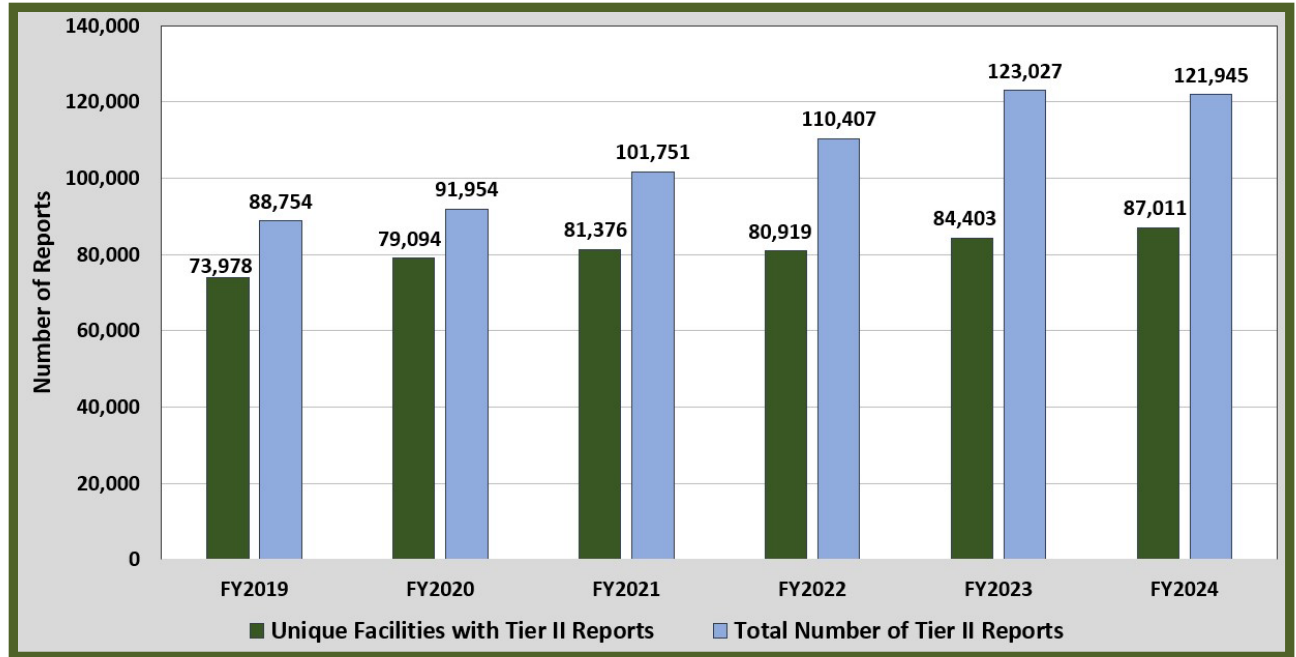


Figure 33 – Tier II Reports Received by FY

Tier II staff reviewed over 63% of all submitted reports and found deficiencies in approximately 4% of reports. The amount of reviewed reports by staff varies annually depending on time spent on other projects and priorities. The figure below compares the number of Tier II Reports reviewed by FY to the percentage found to be deficient.

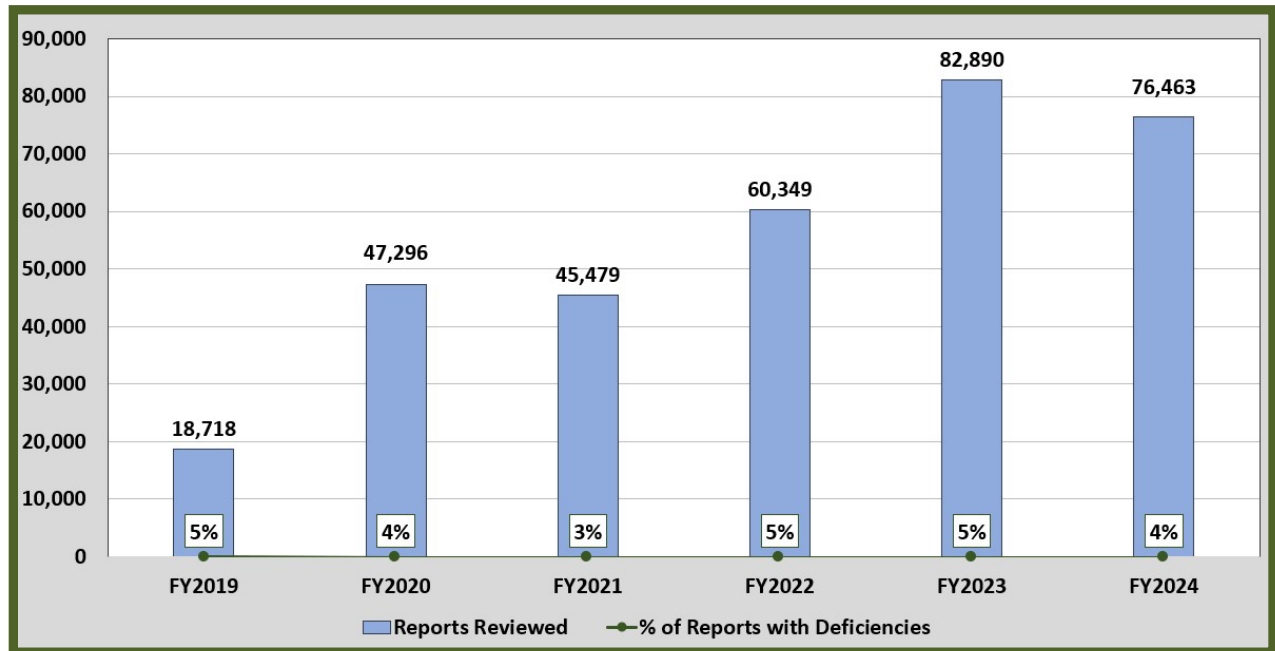


Figure 34 – Tier II Reviews by FY

TCEQ also conducts on-site investigations at Tier II facilities. In FY 2024, TCEQ conducted 64 on-site Tier II investigations and performed 26 Tier II record review investigations. Additionally, TCEQ conducted nine on-site investigations at ammonium nitrate (AN) facilities. The AN storage

facility designation is specific to facilities meeting the requirements in [Texas Agriculture Code, Section 63.151](#)²⁴, and does not include all facilities reporting AN in Texas.

Tier II Program Customer Assistance

The Tier II Program also provides support to customers via email, phone calls, and online help forms to support the program. Figure 35 shows the number of customer contacts (emails, phone calls, and online help forms) received from customers by FY.

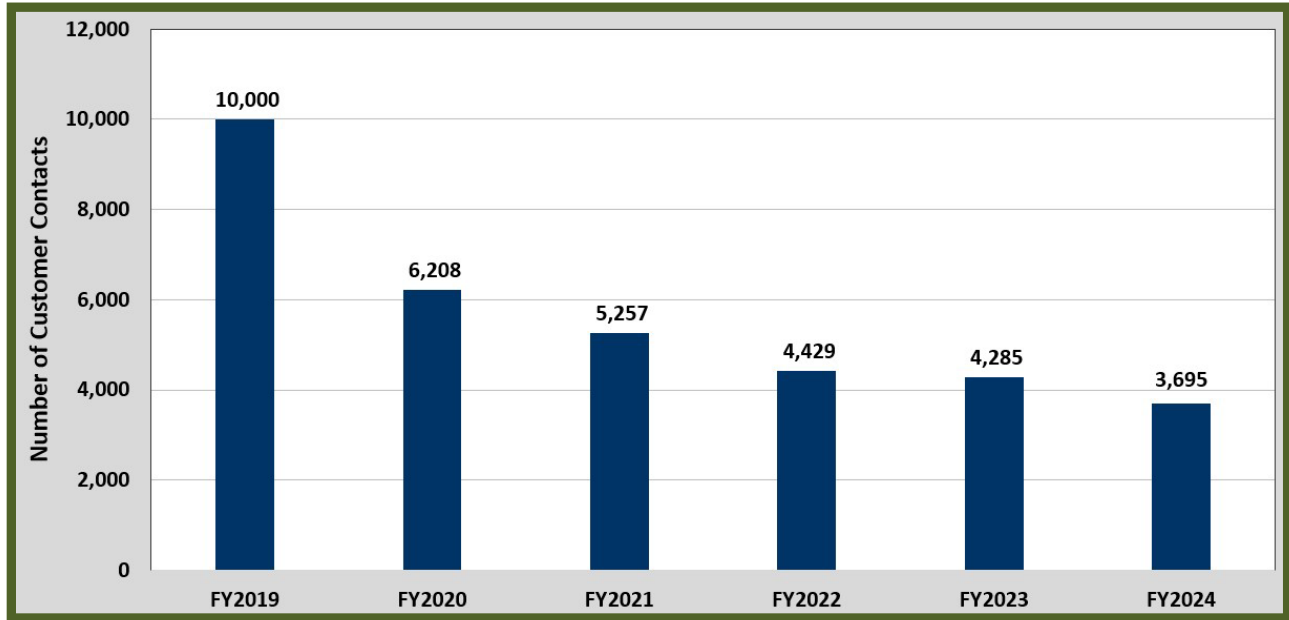


Figure 35 – Tier II Customer Contacts by FY

Numbers for FY 2019 were estimated. The Tier II Program implemented a formal tracking system for customer contacts in FY 2020.

Tier II Program Fees

The statutes under the Texas Community Right to Know Act require a fee to be submitted with each Tier II Report. These fees are used to fund the Tier II Program and provide grants for LEPCs. In FY 2024, TCEQ received over \$1.9 million in fees (see Figure 36). The increase in revenues starting in FY 2021 was due to a restructuring of fee discounts that went into effect in November 2020 when amendments were adopted to the Tier II Rules in 30 TAC Chapter 325.

²⁴ statutes.capitol.texas.gov/Docs/AG/htm/AG.63.htm

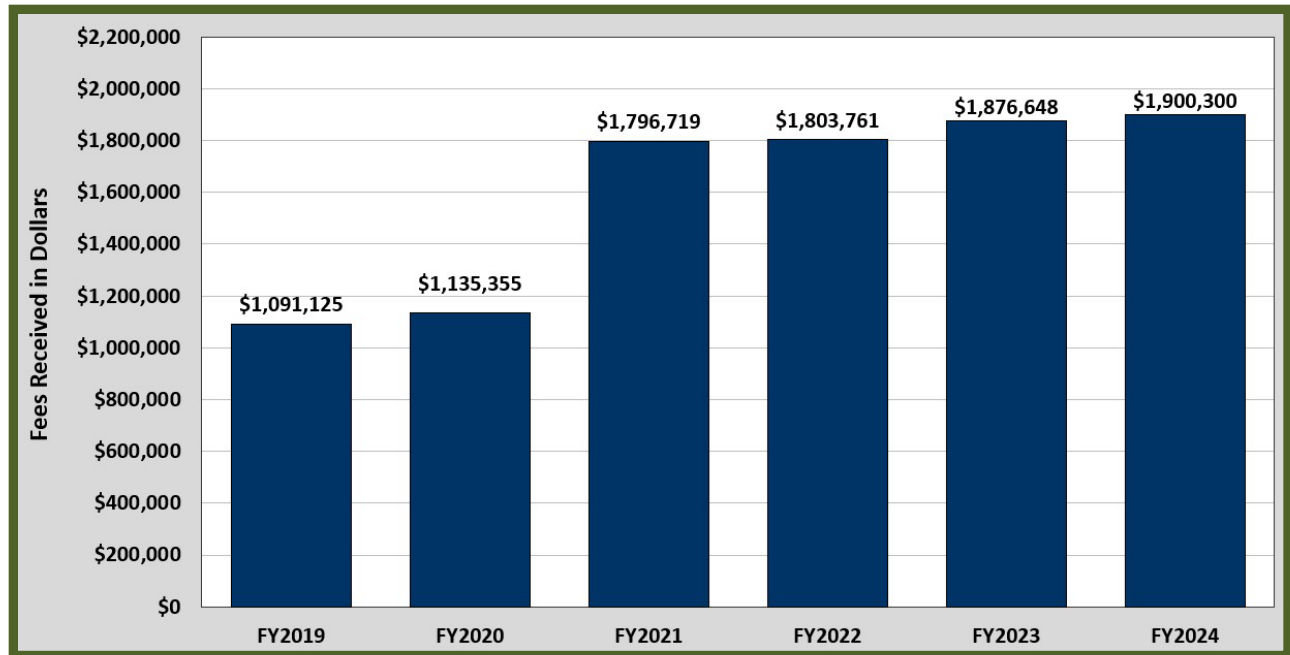


Figure 36 – Tier II Fees Received by FY

A summary of all Tier II program activities for the last six FYs is located in [Appendix F \(Summary of Tier II Activities by FY\)](#)²⁵.

Texas LEPC Grant Program

Under the Tier II Program, TCEQ is authorized to oversee the Texas LEPC Grant Program. LEPCs are largely unfunded, and the THSC authorizes up to 20% of chemical reporting fees to be awarded as grants to LEPCs to assist them in fulfilling their responsibilities under the Emergency Planning and Community Right-to-Know Act. The Tier II Program has awarded over \$4.8 million in grant funding to LEPCs since 2017 and will be going into its fourth grant round in FY 2025, with \$475,000 available for reward.

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 orders and civil judgments are finalized, each case is analyzed to document if the enforcement action involved an impact or potential impact on human health protection, worker protection, or 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.

EPA's *Guide to Calculating Environmental Benefits from EPA Enforcement Cases: 2014 Update* and *Case Conclusion Data Sheet Training Booklet: November 2000* are used to classify the compliance actions of each enforcement case. A compliance action is any action that is taken by an entity in response to an issued administrative order or civil judgment that helps to return the facility to compliance, reduce or eliminate current or future threats to human health or the

²⁵ www.tceq.texas.gov/fy2024-summary-tier-ii-activities

environment, or improves management of environmental programs at the facility. Compliance actions are broken into the following categories:

- **Pollution Reduction** – Actions that result in the reduction or elimination of pollutants.
- **Pollution Prevention** – Actions that result in preventing future releases of pollutants.
- **Work Practices** – Actions that result in work practices that generate an environmental benefit that cannot always be quantified.

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 2024.

In FY 2024, approximately 48% of administrative orders and civil judgments involved an impact to Human Health Protection, 36% involved an impact to Ecosystem Protection, and 16% involved an impact to Worker Protection.

Of these, there were **actual impacts** documented in orders and judgments:

- 59 for Human Health Protection
- 215 for Ecosystem Protection
- 13 for Worker Protection

There were also **potential impacts** documented in orders and judgments:

- 591 for Human Health Protection
- 282 for Ecosystem Protection
- 207 for Worker Protection

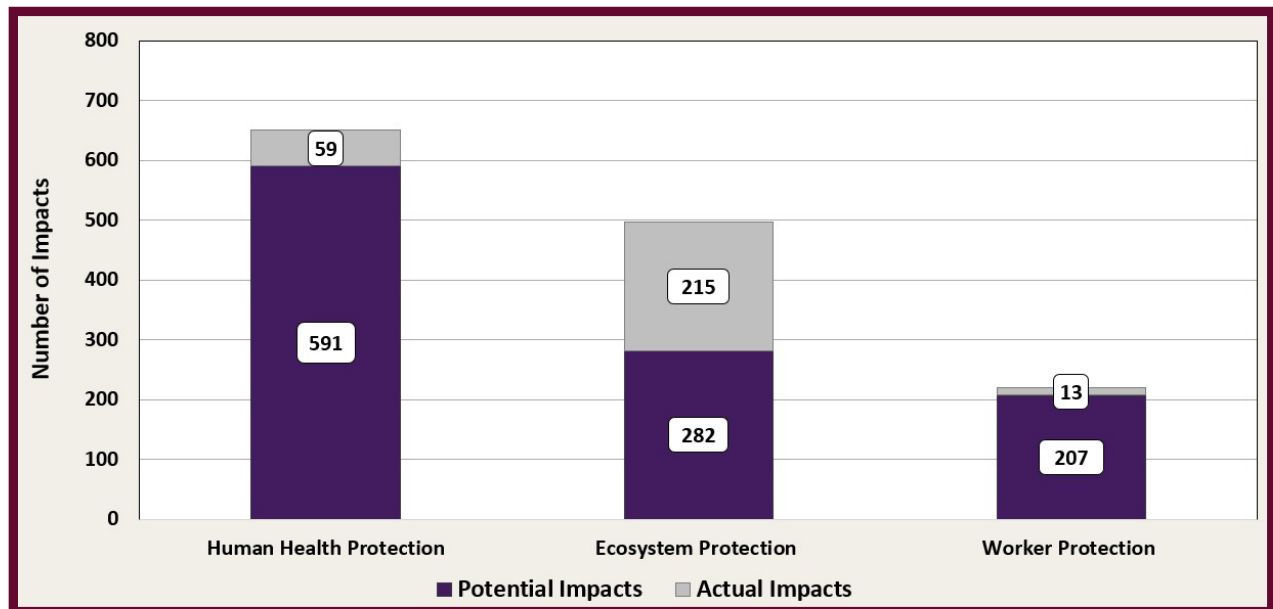


Figure 37 – Impact Analysis of Orders and Judgments in FY 2024 (Human Health and Environmental Protection)

Figure 38 depicts the number of orders and judgments for each compliance action category addressed by enforcement cases in FY 2024.

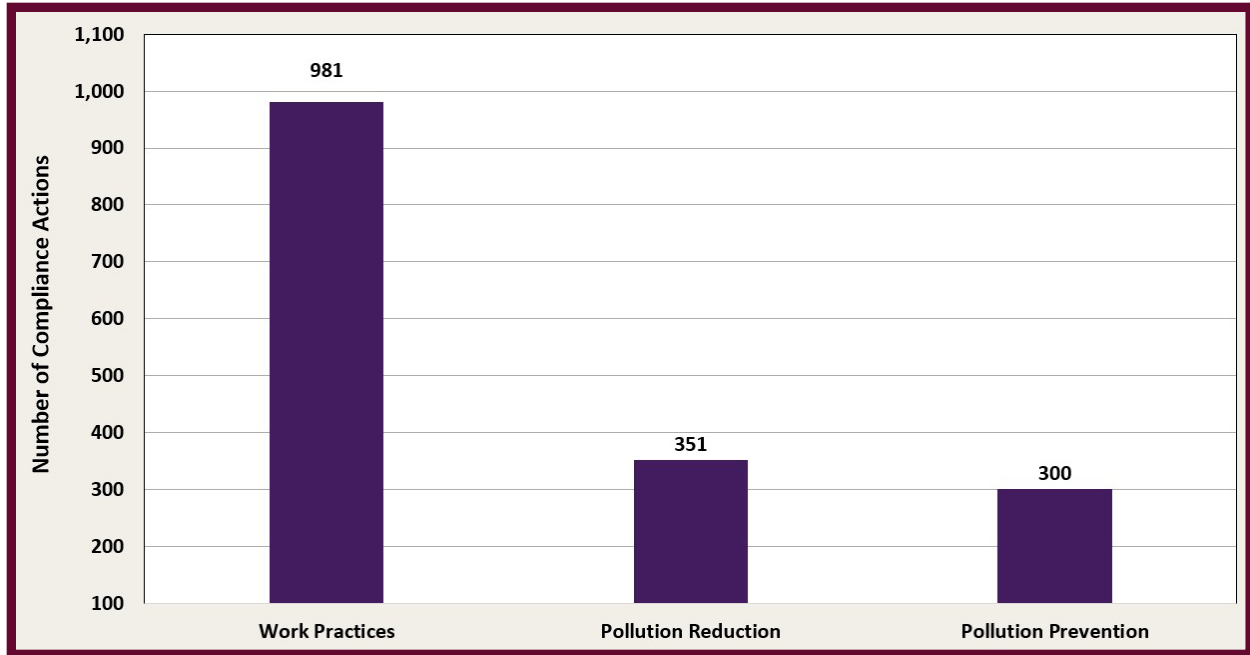


Figure 38 – Impact Analysis of Orders and Judgments in FY 2024 (Compliance Actions)

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 where 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 the installation of leak and release detection equipment.

For pollution reduction compliance actions, TCEQ documents the total quantity and type of pollutants that are reduced, expected to be reduced, or eliminated in response to an order or judgment. Table 16 provides a summary of the top pollutant reductions expected to occur through enforcement actions finalized in FY 2024. Overall, it is generally estimated that TCEQ final enforcement actions resulted in, or will result in, over 10 billion pounds of pollutants eliminated or reduced, or the routes of exposure reduced, in the environment. 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 16 – Top 10 Estimated Pollutant Reductions from Orders and Judgments Issued

POLLUTANT NAME	AMOUNT REDUCED (LBS)	MEDIUM
Wastewater Discharge (Industrial and Municipal)	10,079,580,767	LAND, WATER
Municipal Solid Waste	26,820,170	AIR, LAND
Volatile Organic Compounds	4,095,959	AIR
Sulfur dioxide	2,728,646	AIR
Carbon Monoxide	2,582,957	AIR
Sand	2,145,760	WATER
Scrap Tires	1,650,882	LAND
Methanol	1,536,007	AIR, LAND
Mulch	1,500,000	LAND
Agricultural Waste	1,001,850	WATER

Links to Appendices

- **[Appendix A: Total Investigations](http://www.tceq.texas.gov/fy2024-total-investigations)**
www.tceq.texas.gov/fy2024-total-investigations
- **[Appendix B: On-Site Investigations](http://www.tceq.texas.gov/fy2024-onsite-investigations)**
www.tceq.texas.gov/fy2024-onsite-investigations
- **[Appendix C: Notices of Violation Issued—Central Office](http://www.tceq.texas.gov/fy2024-novs-issued-central)**
www.tceq.texas.gov/fy2024-novs-issued-central
- **[Appendix D: Notices of Violation Issued—Regional Offices](http://www.tceq.texas.gov/fy2024-novs-issued-regional)**
www.tceq.texas.gov/fy2024-novs-issued-regional
- **[Appendix E: FY 2024 Criminal Convictions](http://www.tceq.texas.gov/fy2024-criminal-convictions)**
www.tceq.texas.gov/fy2024-criminal-convictions
- **[Appendix F: Summary of Tier II Activities by FY](http://www.tceq.texas.gov/fy2024-summary-tier-ii-activities)**
www.tceq.texas.gov/fy2024-summary-tier-ii-activities

Other Resources

Annual Enforcement Reports for the Previous Five FYs

[2023](#)²⁶ | [2022](#)²⁷ | [2021](#)²⁸ | [2020](#)²⁹ | [2019](#)³⁰

Texas Open Data Portal

Visit the [Texas Open Data Portal](#)³¹ for datasets pertaining to:

- Administrative Orders Issued
- Civil Judgments Issued
- Supplemental Environmental Projects
- Compliance History
- Complaints

²⁶ www.tceq.texas.gov/goto/enforcement-report-2023

²⁷ www.tceq.texas.gov/goto/enforcement-report-2022

²⁸ www.tceq.texas.gov/goto/enforcement-report-2021

²⁹ www.tceq.texas.gov/goto/enforcement-report-2020

³⁰ www.tceq.texas.gov/goto/enforcement-report-2019

³¹ data.texas.gov/stories/s/frip-h998