



Complaint/Investigation Process

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Overview

- Role of Region
- Complaint Information
- Investigation Process
- Enforcement

Austin Region Covers 10 Counties



Role of Region

- Conduct investigations to ensure facilities maintain compliance with permits, rules and regulations
 - Complaint
 - Scheduled
- Conduct site assessments for pending authorizations
- Respond to emergencies related to TCEQ regulated entities



Region Organization

- Air/Waste Section – 15 staff
- Water Section – 15 staff
- Edwards Aquifer Protection Program – 19 staff
- Small Business and Local Government Assistance

Air/Waste Section

Section has 10 Investigators that oversee:

- Title V facilities – 30, inspected every year
- APOs (rock crushers, quarries)
- PST Energy Act – over 200 per year!
- Landfills – Have 4 Type I and 1 Type IV
- Complaints! Odors, dust, etc!



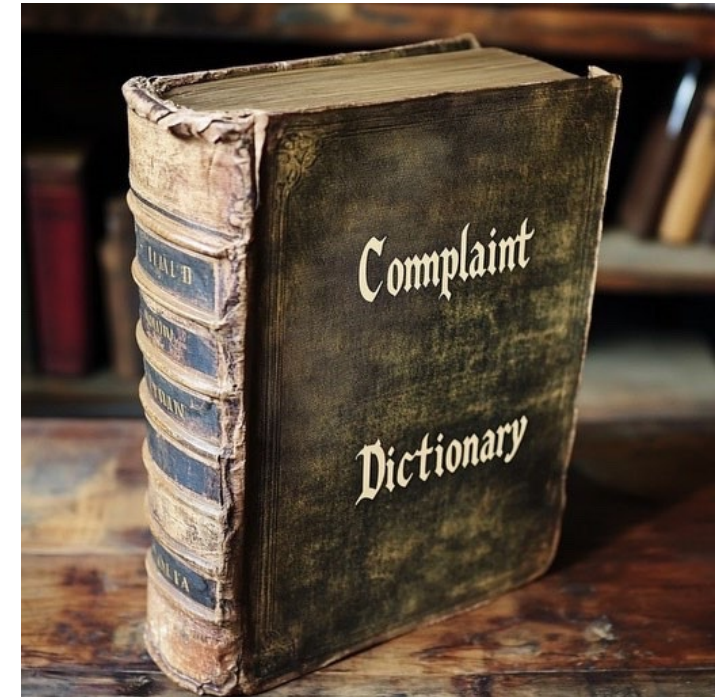
Challenges to Complaint Process

- Proximity of people to facilities
- Number of potential sources in the area
- Weather patterns influence odors
- Rural areas, will need property access
- Facility must be constructed to file a complaint and for Region to investigate

Fiscal Year	Complaint Investigations Conducted by Austin Region
FY24	333
FY23	298
FY22	287
FY21	304
FY20	207

Complaint Definition

- An incident communicated orally, electronically, or in writing to the TCEQ, reporting on a situation or event that:
 - Alleges an Environmental, Health, and/or Regulatory Concern
 - Requests action to be taken by the TCEQ
 - May or may not be under TCEQ Jurisdiction
- Common complaints received by the agency include complaints of unauthorized discharges, dust, odors, unauthorized disposal, unauthorized operation, unlicensed operators, poor drinking water quality, leaks in drinking water lines, air emissions, spills, water rights, and lack of stormwater control.



How to File a Complaint

- Contact Region at 512-339-2929
- Survey Monkey Form
- <https://www.tceq.texas.gov/compliance/complaints>






[Investigations, Compliance, and Enforcement Home](#)

[Make an Environmental Complaint](#)

[Investigations and Compliance Assistance](#)

[Enforcement Process and Actions](#)

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Make an Environmental Complaint

We are available 24 hours every day to receive complaints under our jurisdiction.

How TCEQ Can Help You

Read this page to make sure filing a complaint is the right action for you.

When you see or experience an environmental, health, or regulatory concern, the best way to request TCEQ action is for you to submit an environmental complaint using the QR code or online form link at the bottom of this page.

Some concerns may not be within our jurisdiction or there may be a local, regional, or federal organization with the authority and resources to address your concern. To determine where to submit your complaint see our webpage [Who Can Help With Your Environmental Complaint](#).

Citizen Involvement and Citizen Collected Evidence

When you make an environmental complaint, it is beneficial to you and to TCEQ that you remain an active participant in the investigation process. This could mean answering investigator requests for additional information, allowing access to your property, and submitting documentation called Citizen Collected Evidence.

Types of evidence we commonly accept include:

- Photographs
- Videos
- Written Impact Statements
- Odor Logs

Questions or Comments:
complaint@tceq.texas.gov

Utility Complaints

For complaints about **water utility rates; certificates of convenience and necessity; or the sale, transfer and merger of water and wastewater utilities, contact the Public Utility Commission** [↗](#).

TCEQ Enforcement

Track Complaints and Enforcement

Track the status of complaints and pending enforcements actions.

The Enforcement Process: From Violations to Actions

Explains the various phases of action that can occur when environmental violations are found. Includes discussion of notices of violation, notices of enforcement, agreed orders.

- Water Samples
- Soil Samples

TCEQ appreciates receiving your evidence as part of our compliance investigation and in the case of nuisance allegations may require that evidence to document violations. You live in the affected community and will have more frequent opportunities to make observations. To evaluate the strength of evidence received, we will use the following criteria:

- If you're filing a complaint you must submit a notarized affidavit attesting to the facts that constitute the environmental concern and be willing to testify in any formal enforcement hearing in regards to the affidavit. Anonymity cannot be guaranteed if your evidence is used.
- Physical or sampling information must be scientifically reliable and legally defensible and must be gathered according to relevant agency protocols.
- Information gathered illegally will not be considered. Under Texas Government Code 423, drone footage is classified as illegally gathered evidence and will not be considered.

- **Gathering and Preserving Evidence Showing a Violation**

After You Submit a Complaint

After we've received your complaint, here are the usual steps we take.

1. Unless you have chosen to remain anonymous, an investigator will be in touch with you to discuss your complaint and any information you have. If you want to have further contact with your investigator, be sure to write down their name and your complaint number.
2. In most cases, an on-site investigation will be conducted to see if any environmental regulations have been violated. If your allegations are primarily nuisance-based, access to your property and the submittal of a written impact statement may be required at this stage
3. If the investigation reveals a violation, we will take appropriate action to ensure that the violation is corrected. Actions could include issuing a violation requiring the violator to correct the problem within a specified time frame or, in the case of serious or continuing violations, assessing a fine against the violator by referring the case for an enforcement action.

- **The Violation Process and Enforcement Actions**

Filing an Environmental Complaint

Thank you for reviewing the critical information above before submitting your complaint. To file a complaint scan the QR code or fill out our **online form** [↗](#).

- Learn more about our [📄 complaint process](#), including frequently asked questions.
- Download our [📄 complaint manual](#) for a full copy of our complaint policies and procedures.
- Track the **status of your complaint**.
- Prefer to submit your complaint by phone? Use our **Regional Directory** to find contact information for your Regional Office.

The best way to report an environmental problem to TCEQ is by using our new online complaint form.

Submit a Complaint in English [↗](#)



Submit a Complaint in Spanish [↗](#)



Complaint Process at TCEQ

Complaint Investigation Manual, GI-602



**Field Operations Investigations of
Complaints Investigator Manual
GI-602**

Confidentiality

- The Agency is required to keep all complainant information confidential.
- Certain circumstances might limit ability
 - Open records request
 - A complainant becomes a party to a hearing
 - If a complaint results in a formal legal proceeding, the complainant's identity may be required to be disclosed
 - If Citizen Collected Evidence is used in a formal enforcement proceeding

TOP
SECRET

Citizen Collected Evidence

- It may only be used as evidence of a violation if the individual who submitted it would be willing to testify to authenticate it at an enforcement proceeding.
- The individual must submit a notarized affidavit. Additional information is available on TCEQ's website on "Gathering and Preserving Information and Evidence Showing a Violation."



Complaint Anonymous?

- You can file anonymous complaint, but the agency cannot confirm a nuisance without your information
- Region can only review permit conditions and applicable rules

Odor Logs

- Public can assist us in documenting odors
- Odor logs available at <https://www.tceq.texas.gov/compliance/complaints/odor-complaint>

Odor Logs

Evaluating Odor Complaints

The Texas Commission on Environmental Quality (TCEQ) evaluates outdoor odor-related complaints to determine if nuisance conditions exist. In order to better evaluate each occurrence, the information listed below is intended to partially standardize how information is provided.

If you wish to file a complaint regarding outdoor odors, the accompanying odor log may be submitted to the appropriate [TCEQ Region Office](#). **If an outdoor odor is creating a health effect, contact the appropriate TCEQ Region Office by phone at or near the time you're experiencing these effects.** The information you provide will be used in conjunction with information gathered by the investigator to evaluate your concerns. In addition, you may submit a signed written statement documenting how you are being impacted by the alleged odor. In the event nuisance conditions are confirmed by the investigator, a signed written statement or notarized affidavit is required to proceed with citing a nuisance odor violation. You will need to provide your name and contact information, including address, to the agency. If you do not wish to provide your name and contact information, we may still investigate your complaint but may be unable to issue a nuisance violation. Your contact information will be handled as confidential but please be advised that you must be willing to testify in any formal enforcement hearing in regards to your written statement. If you have additional evidence to submit, you may find information on the TCEQ's webpage for [Gathering and Preserving Information and Evidence Showing a Violation](#).

Documenting Odors on the Odor Log

This log is intended to document how often an outdoor odor occurs and how long it lasts. You may also provide additional details about the nature of the odor, impact of the odor and weather conditions. This will assist the investigator in scheduling their investigation and assessing nuisance conditions.

- List the date and time of each time you smell the odor of concern. Please note a.m. or p.m.
- State how long the odor lasted in hours and minutes, and note whether the odor was intermittent. For odors that lasted longer than you were outside, be sure to document whether the odor was constant each time you went outside.
- Describe the strength of the odor.
- Weather conditions such as temperature, wind direction, and wind speed may be estimated.
- Under comments, describe the nature of the odor. What does it smell like? You may also list where you think the odor may be coming from.

Revised January 20, 2015

Odor Logs

Texas Commission on Environmental Quality Odor Log

Date	Time(s) (a.m. or p.m.)	How long did the odor last (hours and minutes)?	Was the odor constant or intermittent?	Weather Conditions			Effects/Comments/Concerns
				Wind direction	Rain (Y/N)	Temperature (°F)	
							Please provide additional information as necessary: What does the odor smell like? Describe the strength of the odor. Where do you think the odor is coming from? How is the odor impacting you? Where were you when you detected the odor? If multiple people in a household are completing this form, please indicate the individuals name next to each entry.

Person(s) Completing Log		Alleged Source of the Odor
Name(s):		
Contact Number(s):		
Address:		

Revised January 20, 2015

After Hours

- Odors observed during specific days/times?
- Make us aware of that on the complaint form
- Region can investigate during weekends/evenings/mornings

Complaint – Referrals

- Technical assistance - providing contact information or how to find the complaint process/form, for another agency with jurisdiction.
- Examples of complaints typically referred include issues with
 - On-Site Sewage Facilities – authorized agent, ex. county
 - Private water wells – Groundwater Conservation District, Lost Pines for Lee County
 - TWDB info on sampling private water wells -
<https://www.twdb.texas.gov/groundwater/data/privwwsamp.asp>
 - Flooding concerns – local city or county officials or local Floodplain Admin.
 - Noise or light pollution – local officials if there are regulations
 - Traffic – TCEQ only regulates trackout

Pre-Investigation

- Contact the complainant to inform them the complaint has been assigned and gather any additional information or clarifications as needed.
- Complaint investigations are typically unscheduled and prior notice of investigation to the source/facility being investigated is not provided
- Research previous investigations, rules, permit conditions
- Be prepared for safety issues and any potential necessary sampling that may be required
- Sampling equipment needed will depend on the complaint but can include RAE, Summa canister, Jerome H2S Analyzer, Optical Gas Imaging Camera, Drones (need landowner permission), Pressure gauge/recorder, Colorimeter, Multi-probe, DO meter, pH meter, and Flow meter.



Investigation

- Can include on site and review of facility records
- For compost facilities
 - Turnover Rate
 - Financial Assurance
 - Records
 - Compliance with rules (Chapters 332 and 328)
 - Review site for any signs of discharge or nuisance odors
 - Nuisance Odor follows FIDO process
- Conduct an Exit Interview – verbal and written



Texas Commission on Environmental Quality

ODOR COMPLAINT INVESTIGATION

PROCEDURES

This document was prepared by the TCEQ for trained investigators who perform odor complaint investigations on behalf of the TCEQ. It is intended to be used only after qualified training has been provided. Members of the public who would like to submit information related to an odor complaint should use the Odor Log located on the TCEQ webpage. For additional information, please contact the TCEQ Office of Compliance and Enforcement. The following document updates and supersedes the previous version of this document dated September 18, 2007.

DEFINITIONS

Odor:

Odor is defined in Title 5, Subtitle C, Texas Health and Safety Code (THSC), Chapter 382.003(2) as an air contaminant. "Air contaminant" means particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor, including any combination of those items, produced by processes other than natural.

Nuisance:

Nuisance is defined in Title 30 of the Texas Administrative Code (TAC), Chapter 101.4, which states that a discharge from any source whatsoever of one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

DETECTION OF ODOR AND INITIAL RESPONSE

Detection

An odor may be detected by a citizen and reported to a Texas Commission on Environmental Quality (TCEQ) regional office as a citizen complaint, or detected by an investigator without a citizen complaint as the initiating factor. In either case, the regional office should promptly make a determination regarding the appropriate action based on the guidelines below. If an investigation is appropriate, the investigation should be conducted according to the procedures specified in this document.

FIDO – Frequency Intensity Duration Offensiveness

- Nuisance is defined in 30 TAC Chapter 101.4 which states that a discharge from any source whatsoever of one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.
- Cannot confirm nuisance without your identity
- FIDO Chart is a method to determine nuisance and describe odors
 - Frequency – How often
 - Intensity – Very Light to Very Strong
 - Duration – How long odor lasts
 - Offensiveness – Compost is Offensive

FIDO CHART

ODORS CHARACTERIZED AS **HIGHLY OFFENSIVE**

DURATION	FREQUENCY				
	Single Occurrence	Quarterly	Monthly	Weekly	Daily
1 minute	NA	NA	VS	S	M
10 minutes	NA	VS	S	M	L
1 hour	VS	S	M	L	VL
4 hours	S	M	L	VL	VL
12 hours+	M	L	VL	VL	VL

ODORS CHARACTERIZED AS **OFFENSIVE**

DURATION	FREQUENCY				
	Single Occurrence	Quarterly	Monthly	Weekly	Daily
1 minute	NA	NA	NA	VS	S
10 minutes	NA	NA	VS	S	M
1 hour	NA	VS	S	M	L
4 hours	VS	S	M	L	VL
12 hours+	S	M	L	VL	VL

ODORS CHARACTERIZED AS **UNPLEASANT**

DURATION	FREQUENCY				
	Single Occurrence	Quarterly	Monthly	Weekly	Daily
1 minute	NA	NA	NA	NA	VS
10 minutes	NA	NA	NA	VS	S
1 hour	NA	NA	VS	S	M
4 hours	NA	VS	S	M	L
12 hours+	VS	S	M	L	VL

ODORS CHARACTERIZED AS **NOT UNPLEASANT**

DURATION	FREQUENCY				
	Single Occurrence	Quarterly	Monthly	Weekly	Daily
1 minute	NA	NA	NA	NA	NA
10 minutes	NA	NA	NA	NA	NA
1 hour	NA	NA	NA	NA	VS
4 hours	NA	NA	NA	VS	S
12 hours+	NA	NA	VS	S	M

Intensity Legend
VS
Very Strong
S
Strong
M
Moderate
L
Light
VL
Very Light

Post Investigation




- Write up Investigation Findings
- Complaint investigation report will include how and when the complaint was investigated, who investigated the complaint, the results/findings of the investigation, and how the complaint was addressed.
- The region notifies each complainant (unless anonymous) of the results of the approved complaint investigation and will provide the report

Enforcement Process

- If violations discovered, a 'Notice of Violation' is issued
- If violations are serious or continuing, business or person received 'Notice of Enforcement'
 - Administrative Order issued by TCEQ
 - Referral of case to OAG
 - Both routes have potential penalties

Austin Region Contacts

- Contact Region at 512-339-2929
- Survey Monkey Form 
- <https://www.tceq.texas.gov/compliance/complaints>

