

## II. Key Functions and Performance

### A. Provide an overview of your agency's mission, objectives, and key functions.

Texas Commission on Environmental Quality (TCEQ) strives to protect the state's public health and natural resources consistent with sustainable economic development. The agency's goal is clean air, clean water, and safe management of waste.

To help accomplish this mission, the agency pursues the following objectives:

- Base decisions on the law, common sense, sound science, and fiscal responsibility
- Ensure regulations are necessary, effective, and current with federal requirements
- Apply regulations clearly and consistently
- Ensure consistent, just, and timely enforcement when environmental laws are violated
- Ensure meaningful public participation in the decision-making process
- Promote and foster voluntary compliance with environmental laws and provide flexibility in achieving environmental goals
- Attract, develop, and retain a high-quality, diverse workforce

The agency performs the following key functions:

- Protecting public health and the environment through monitoring, assessment, licensing, permitting, enforcement, remedial actions, and on-demand emergency response operations
- Generating environmental data through planning, assessment, analysis, and reporting
- Implementing programs in coordination with various public, private, local, state, federal and/or international interests
- Developing regulations and policies in accordance with state and federal statutes
- Providing effective customer service and outreach to customers which include the public, industry, other governmental entities, and public officials
- Managing environmental grants, funds, contracts, and fees
- Administering and supporting agency operations

### B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

TCEQ is charged with protecting the state's air, water, land resources, and public health. The agency's key functions represent a comprehensive program of managing and protecting the environment and public health in Texas. Elimination of these functions will result in the inevitable degradation of Texas' natural resources, backsliding of compliance with state regulations and federal programs delegated to the state, and endangerment to public health in the event of a lack of regulatory controls for a number of contaminants currently regulated by TCEQ.

### C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

The agency's key functions continue to serve a clear and ongoing purpose.

**D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?**

The agency's enabling law correctly reflects the mission, objectives, and approach to performing its key functions.

**E. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.**

**85R Legislative Session**

TCEQ recommended revising statutory public notice requirements for air permits to provide for explicit authority to consolidate two notices, the Notice of Receipt of Application and Intent to Obtain Permit and the Notice of Application and Preliminary Decision. This recommendation was adopted by Senate Bill (SB) 1045 effective September 1, 2017. Under the enacted bill, these notices may be consolidated if the commission determines an application to be administratively complete not later than 15 days after application receipt, and the preliminary decision and draft-permit are available at the time the air permit application is determined to be administratively complete. TCEQ adopted rules implementing SB 1045 on May 9, 2018.

TCEQ recommended repeal of Texas Water Code (TWC) Section 26.0285 which required, to the greatest extent practicable, all Texas Pollutant Discharge Elimination System permits within a single watershed contain the same expiration date, otherwise known as basin permitting. Basin permitting resulted in issuance of water quality permits for shorter durations than the five years allowed by United States Environmental Protection Agency (EPA) regulations. Imposing short durations on the terms of these permits resulted in unnecessary resource impacts to the regulated community and TCEQ. This recommendation was adopted by House Bill (HB) 3618 effective September 1, 2017.

TCEQ recommended transfer of Used Oil Recycling Account 146 activities to Water Resource Management Account 153, including the fee revenue on automotive oil sales, the existing fund balance, and program costs, with the intent to stabilize Water Resource Management Account 153 and to fund activities to ensure protection of Texas' water resources. This recommendation was adopted by SB 1105 effective September 1, 2017.

**86R Legislative Session**

TCEQ recommended a statutory revision to provide for use of surcharge revenue to cover all costs relating to processing expedited air applications, including costs of agency employees dedicated solely to those applications. Additionally, TCEQ recommended revisions to the rider in the General Appropriations Act (Rider 29, 85R Legislature) to allow employees processing expedited air applications to be compensated at twice the hourly rate for time worked over their regularly scheduled work hours. This recommendation was adopted by SB 698 effective September 1, 2019. TCEQ adopted rules implementing SB 698 on May 6, 2020.

TCEQ recommended TWC Chapters 49 and 54 be revised to allow the executive director to approve uncontested applications for water district dissolutions and district conversions without holding a hearing. This recommendation was adopted by HB 2914 effective September 1, 2019. TCEQ adopted rules implementing HB 2914 on October 7, 2020.

TCEQ recommended TWC Section 11.122 be amended to allow the agency to process simple water rights amendments without notice and technical review. This recommendation was adopted by HB 1964 effective June 10, 2019. TCEQ adopted rules implementing HB 1964 on May 6, 2020.

### **87R Legislative Session**

The agency did not recommend any legislative changes in the 87R Legislative Session.

#### **F. Do any of your agency's functions overlap or duplicate those of another local, state, or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?**

TCEQ is charged by the legislature with primary responsibility for conservation of resources and protection of Texas' environment. TCEQ's authorizing statutes provide a framework clearly defining its jurisdiction, which helps to ensure against overlap or duplication by other agencies. While several TCEQ functions may appear to overlap with powers or responsibilities of another local, state, or federal entity or agency, TCEQ strives to carry out its responsibilities and duties in a manner to avoid overlap or duplication.

TCEQ, its partner agencies, and local governments operate within a complementary regulatory framework outlining distinct responsibilities supported through development of written Memorandums of Agreement, Memorandums of Understanding, Letters of Agreement, or informal agreements. These documents, in addition to regular phone calls and email exchanges between relevant agency personnel, help to prevent regulatory crossover and duplication of effort. Section VII, responses to Questions H, I, and J provide a more detailed discussion of the agreements between TCEQ and other agencies and a description of how agencies coordinate activities to avoid duplication or conflict.

#### **G. In general, how do other states carry out similar functions?**

Most states maintain environmental agencies with similar responsibilities and authority by enforcing delegated federal programs, supported in part by federal funding, as well as implementing state environmental regulations supported by state fee funds. Although organizational structure varies from state to state, most state environmental agencies are organized along the lines of air, water, solid waste, and hazardous waste, which reflects the organization of federal programs delegated to states.

#### **H. What key obstacles impair your agency's ability to achieve its objectives?**

TCEQ faces a variety of challenges and obstacles impacting the agency's ability to achieve its objectives.

### **Federal / State Relationship**

TCEQ experiences a variety of challenges and obstacles in its interactions with EPA which impact the agency's ability to achieve its objectives. Those obstacles include inadequate funding, changing positions regarding use of funds, delays in approvals, changing mandates, and lengthy negotiations to update implementation documents to reflect changes in mandates. The following are examples of these obstacles and challenges:

On an annual basis, EPA outlines national priorities that drive development and expansion of program requirements to meet those priorities. When a change in federal administration takes place, those priorities can also change. Instituting one-size-fits-all mandates for states with unique differences such as

population, industry, geography, etc., creates challenges for state program implementation. Given Texas' large regulated universe compared to other states, Texas is often not granted sufficient federal resources to fully implement program expansions. The federal Energy Policy Act of 2005 (eAct) is an example of how national priorities become unfunded mandates for Texas. The eAct requires states to investigate petroleum storage tank (PST) facilities on a three-year cycle, however, federal funding was not provided commensurate with the level of effort required of TCEQ to meet the investigation frequency for Texas' more than 18,000 existing PST facilities. Additionally, over the years, federal funding for this program has dwindled.

TCEQ receives EPA funding through performance partnership grants for implementation of certain activities to support delegated programs. For almost twenty years, TCEQ utilized a portion of the grant funds to reimburse third-party contractors for collection of routine public water system compliance samples. TCEQ disclosed this use of grant funds in workplans submitted annually to and approved by EPA. However, in 2021, EPA summarily notified TCEQ that this use of funds is not an allowable cost under the grant. TCEQ disagrees with EPA's determination since such use of grant funds is not expressly prohibited by federal statute or regulation and, in fact, has resulted in a high degree of efficiency in data collection from Texas' more than 7,000 public water systems. However, TCEQ agrees to cease using grant funds in this manner after FY 2021. Due to EPA's unexpected change in position regarding TCEQ's use of grant funds, the agency faces a budgetary challenge since contractual obligations to third-parties remain in effect.

The federal Clean Water Act (CWA) requires states to submit adopted surface water quality standards for EPA approval. Every three years, TCEQ reviews and revises the standards as appropriate. EPA is required to approve the standards within 60 days or disapprove within 90 days. Portions of the 2010, 2014, and 2018 revisions are still pending EPA review, including site-specific standards and other provisions.

Some federal laws, such as the Federal Clean Air Act, require EPA to re-assess certain existing federal rules to ensure continued protection of public health. These reassessments can result in additional or revised federal rules requiring states to evaluate and implement those changes. Updates to delegated programs and expanding mandates often require negotiations with EPA which result in significant time and resources to negotiate implementation details. TCEQ actively engages with EPA to identify the most effective program modifications.

### **Resource Demands**

The ability to provide incentives to attract and retain a highly advanced and educated workforce across the state requires adequate resources. In many cases, TCEQ salaries are not competitive with other state agencies. This creates difficulty in recovering from vacancies due to turnover and economic changes.

Prolonged response efforts by staff for natural and industrial disasters, along with increased demand for providing real-time data related to those events, increases potential for backlogs of routine workload duties and investigations for participating regions and programs. Additionally, these events can often result in staff exhaustion when only a limited number of program staff possess technical skills and expertise necessary to support the event.

TCEQ is required by TWC to respond to all complaints received, including repeated unsubstantiated complaints. Responding to these complaints diverts resources from routine investigations.

TCEQ is managing a growing volume of data dependent upon agency expertise and research to ensure data can be collected, managed, and utilized in a manner supporting the agency's science-based decision making. TCEQ's technology resources need to match increased data demand to keep pace with increased customer expectations concerning data exchange and to capitalize on technological advances designed to promote efficiency.

### **Population Increase and Public Outreach**

Growth in population and the economy have placed increasing demands on Texas' limited natural resources. According to the 2022 State Water Plan, population in Texas is projected to increase 73% between 2020 and 2070, from 29.71 million to 51.5 million people. As the population increases, so will the number of regulated entities, as well as unauthorized activities, all of which increase risk of additional pollutants entering the environment. Additionally, as more people move to Texas, to foster public engagement, a greater number of citizens will need to be educated about TCEQ's public participation process and the role of the agency.

**I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).**

### **Changes to Federal Regulations**

EPA's current trend of increasing technical and regulatory complexity with extensive qualitative reviews will continue to impact TCEQ's implementation of delegated programs, particularly because funding from EPA has not kept pace with the increased burden on the agency. Federal rule revisions require agency time and staff resources to hire or develop expertise and skills necessary to understand and implement rules. This trend also results in an increased reliance on state regulators by the regulated community to provide education and outreach to aid in understanding how to achieve compliance.

An example of a considerable impact resulting from increased regulatory complexity is revisions to the Safe Drinking Water Act (SDWA). EPA is currently revising its regulations under SDWA for the Lead and Copper Rule (LCR) and has also announced potential revisions to the Microbial and Disinfection Byproduct Rules, as well as development of new regulations for contaminants, such as, per- and polyfluoroalkyl (PFAS). If the LCR is finalized in December 2021 as proposed, efforts to ensure public water systems are complying with the rule will significantly exceed TCEQ's available staff resources. The current LCR is one of the most complex and challenging regulations to understand and execute for delegated agencies and regulated entities. TCEQ did receive additional staff resources and funding in the 87R legislative session to support current efforts. However, the proposed revisions once again increase the complexity of regulations requiring substantial interaction between delegated agencies and public water systems to ensure and enhance protection of public health through reduction of lead exposure. EPA has not indicated availability of funding for state implementation of SDWA revisions. Time and resources will be required to develop the technical expertise and skills necessary to understand and manage the rule and to provide outreach, training, and technical assistance to help regulated entities understand and comply with the revised regulations.

On July 30, 2021, EPA and the U.S. Army Corp of Engineers (USACE) announced an intent to publish a rule to restore the pre-2015 version of the "Waters of the United States" (WOTUS) definition by the end of 2021 and initiate a second rulemaking to develop a new WOTUS definition at a later date. The anticipated federal rulemaking will be the third attempt to revise the definition since 2015. The ongoing rulemaking

activities at the federal level have created confusion among stakeholders and the public. EPA and USACE developed tools to facilitate implementation of the rule; however, the tools are for internal use only, or, where publicly available, may not contain detailed information for all areas of interest.

In the May 30, 2018, issue of the *Federal Register* (83 FR 24664), EPA revised existing hazardous secondary material recycling regulations associated with the definition of “solid waste” under Resource Conservation and Recovery Act (RCRA) regulations to comply with the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacatur. To comply with the court’s ruling, the 2018 final rule: 1) vacated parts of the 2015 verified recycler exclusion and reinstated the 2008 transfer-based exclusion; 2) upheld the 2015 containment and emergency preparedness provisions for the reinstated transfer-based exclusion; and 3) vacated the fourth factor of the 2015 definition of legitimate recycling and reinstated the 2008 version of the fourth factor. The commission adopted the 2015 Definition of Solid Waste Rule January 2, 2015 (40 TexReg 77). On July 14, 2021, TCEQ proposed a rule in Title 30 Texas Administrative Code (30 TAC), Chapter 335 to address the federal changes. This rule, which is scheduled to be adopted in January 2022, will affect permitting, registration, and reporting requirements; compliance monitoring; and enforcement procedures. The agency has discussed the proposed rule at several agency Trade Fair events and other external conferences and continues to answer related stakeholder questions. Additionally, TCEQ held a stakeholder meeting to collect informal comments prior to proposal and will hold a public hearing during the formal public comment period. Upon rule adoption, TCEQ will provide outreach through conferences and newsletters. Because the revisions provide some flexibility for recyclers, the impact on the number and review of permit applications and recycling notifications is expected to be minimal.

In May 2021, EPA announced its plan to develop a proposed rule to reduce methane and other pollutants from existing sources in the oil and natural gas industry. EPA requested input from the public through the end of July in a pre-proposal docket. TCEQ and RRC submitted joint comments. A formal rulemaking process is expected to commence in September.

The Nuclear Regulatory Commission (NRC) has stated that revisions will be proposed for 10 Code of Federal Regulations (CFR) Part 61 but these revisions have not yet been published. The proposed rule changes may impact how a performance assessment is conducted and reviewed. The performance assessment for low-level radioactive waste disposal facilities is a quantitative analysis used in connection with demonstrating compliance with the 10 CFR Part 61 post-closure performance objective governing radiological protection of the public. The revised requirements may result in an increase in TCEQ’s workload associated with conducting the performance assessment and will require agency rulemaking.

The NRC has stated that revisions will be proposed for 10 CFR Part 40 but these have not yet been published. The revised requirements, which will require the agency to do rulemaking, may result in an increase in TCEQ’s workload associated with performing additional groundwater reviews for uranium recovery facilities.

## **Potential Changes to National Programs**

### **Department of Energy (DOE)**

Several years of a depressed uranium market prompted the federal government to propose the establishment of a United States strategic uranium reserve to purchase US-mined uranium from domestic producers. This new federal program will be managed by DOE’s Office of Nuclear Energy. Once executed,

this action will stimulate domestic production of uranium and will result in a significant increase in workload for TCEQ's Radioactive Materials and Underground Injection Control programs.

### **National Dam Safety Program**

There is a national effort to identify low head dams (i.e., where water flows continuously over a structure that spans the width of a waterway) due to fatalities associated with these structures. These structures which do not meet TCEQ's definition of a dam are not regulated by the agency and are not included in the state's Inventory of Dams database. The Association of State Dam Safety Officials (ASDSO) requested TCEQ's assistance with developing an inventory of these structures to present to the United States Congress. If TCEQ participates in the development of the inventory for Texas, the agency would need additional staff resources to identify these structures and perform any other necessary activities requested by ASDSO.

The State Auditor's Office (SAO) refers to Federal Emergency Management Agency's (FEMA) *Model Dam Safety Program Guidelines* during audits of TCEQ's Dam Safety program and makes recommendations based on this document. The FEMA guidelines are currently under federal review with consideration being given to expanding national program responsibilities. ASDSO strongly recommends that states follow FEMA guidelines although not required. SAO conducted an audit of TCEQ's Dam Safety program in 2020; therefore, the next audit will be based on the revised guidelines. Any recommendations to expand the agency's program would lengthen the inspection process and require more resources to maintain the inspection schedule required under Legislative Budget Board (LBB) performance measures.

### **Clean Power Plan/Affordable Clean Energy Rules**

EPA originally published its Clean Power Plan (CPP) on October 13, 2015, which required states to develop plans requiring extensive emission reductions from electric generating facilities to control carbon dioxide emissions (based on authority in the Federal Clean Air Act (FCAA), Section 111(d)). The CPP was based on an expansive interpretation of EPA's authority to require Best System of Emission Reduction (BSER) controls beyond the plant boundaries, which Texas opposed. When EPA finalized the Affordable Clean Energy (ACE) rule, which narrowed EPA's interpretation of BSER, litigation over the CPP was dismissed. Under the ACE rule, states are to develop plans requiring less extensive emission reductions to control carbon dioxide emissions, in conjunction with a repeal of the CPP. TCEQ obligations under the state plan requirements in Section 111(d) and 40 CFR Part 60 could be significant depending on how much flexibility EPA allows states in their development of revised greenhouse gas emission standards for existing coal plants and on the outcome of the pending appeal to the U.S. Supreme Court.

### **Decided Court Cases**

**Tex. Comm'n on Environmental Quality v. Tex. Farm Bureau, 460 S.W.3d 264 (Tex. App. – Corpus Christi 2015) (rev. denied 2016)** - The 82R Legislature passed House Bill 2694, which added TWC Section 11.053 related to emergency orders concerning water rights. TCEQ adopted rules at 30 TAC Chapter 36 to implement the new statute. The Texas Farm Bureau filed a declaratory judgment action in Travis County District Court on December 14, 2012, challenging TCEQ's authority to adopt these rules. In April 2015, Texas' 13th Court of Appeals upheld the priority doctrine and declared the rule invalid. Water rights have priority dates which indicate the seniority of one water right over another, known as the priority doctrine, or "first in time, first in right." In times of drought, those with the earliest priority dates have the right to get water under their water right before those with later priority dates. TCEQ's Petition for Review was

denied by the Texas Supreme Court. As a result, TCEQ's ability to manage water rights in a manner that considers concerns regarding public health, safety, or welfare will be severely compromised. If TCEQ receives a priority call for surface water use, the agency may be required to curtail municipal uses for public drinking water or power generation if those water rights are junior to the priority date associated with the call.

### **Pending Court Cases**

**Texas v. EPA, Case No. 16-60118, 5th Circuit Court of Appeals** - On February 29, 2016, Texas filed suit concerning EPA's partial disapproval of Texas' Regional Haze State Implementation Plan (SIP) Revision for the first planning period (2009-2018), partial Federal Implementation Plan (FIP), and disapproval of interstate visibility transport for National Ambient Air Quality Standards. In late 2016, EPA sought a voluntary remand of its 2016 action, which was granted in March of 2017. Since that time, EPA has filed several status reports with the court that evidence EPA's intent to "consider its options for addressing the remand in conjunction with the process of reviewing [the 2021 Regional Haze SIP Revision] from Texas, which may obviate the need" for the FIP. The Regional Haze SIP Revision for the second planning period (2019-2028) was submitted to EPA by TCEQ in July 2021. If implemented by EPA, TCEQ may need to consider whether to incorporate any control measures included in a FIP into the Texas SIP for Regional Haze. The FIP would be withdrawn by EPA if the revised SIP were then approved by EPA.

**Startup/Shutdown/Malfunction (SSM) SIP Litigation** - On June 12, 2015, EPA published its final action responding to a petition filed by Sierra Club regarding, among other things, the use of an affirmative defense in enforcement cases for certain excess emissions. Specifically, EPA rescinded its interpretation that the Federal Clean Air Act (FCAA) allows states to elect to create narrowly tailored affirmative defense provisions in SIPs. Instead, EPA promulgated its new interpretation of FCAA as prohibiting affirmative defense provisions in SIPs. In the final action, EPA issued a SIP Call for 36 states, including Texas, finding that SIP provisions regarding certain excess emissions due to SSM are substantially inadequate to meet FCAA requirements. In response to the 2015 SSM SIP Call, on November 2, 2016, TCEQ adopted: 30 TAC Section 101.222(k), which clarifies that the affirmative defense provisions for certain excess emissions are not intended to limit a federal court's ability to determine appropriate remedies; and 30 TAC Section 101.222(l), which delayed applicability of section (k) until all appeals on the 2015 SSM SIP Call have ended and there is a final and non-appealable court decision that upholds the SIP Call. On February 7, 2020, EPA published final action finding that Texas's affirmative defense provisions are consistent with FCAA requirements. Accordingly, EPA Region 6 withdrew the SIP Call issued to Texas. On March 19, 2021, the D.C. Circuit ordered the SSM case held in abeyance pending EPA's reconsideration of the withdrawal action. The outcome of this case could impact the implementation of the emissions event program with a potential increase in volume of enforcement actions. TCEQ receives and reviews approximately 4,000 emissions, excess opacity, and scheduled SSM events per year.

**Pape Partners, Ltd, Glenn R. Pape and Kenneth W. Pape v. DRR Family Properties, LP and Louise W. Champagne; Cause No. 10-17-00180-C** - After two entities, Pape Partners, Ltd. (Pape Partners) and DRR Family Properties, LP (DRR) claimed the same water right, TCEQ allocated the water right among the three entities based upon review of ownership documentation. After a motion to overturn was overruled by operation of law, Pape Partners failed to appeal the agency decision and filed a civil suit in McLennan County District Court, seeking a declaratory judgment as to Pape Partners' exclusive ownership of the water right. The trial court granted DRR's motion to dismiss based on failure to exhaust administrative remedies. Pape Partners appealed and the Waco Court of Appeals affirmed the trial court decision, opining that TCEQ has exclusive jurisdiction to determine ownership of water rights.

TCEQ requested Attorney General's Office representation to file an amicus brief because TCEQ's role in tracking ownership is ministerial in nature, as the agency only reviews documentation from property records to determine whether a chain of title is established on land to which a water right is appurtenant. Pape Partners filed a Motion for Rehearing, requesting, among other relief, that the Court reverse the judgment of the trial court asserting that the opinion expands TCEQ's jurisdiction beyond that conferred by the legislature and that such expansion abrogates the common law rights of Texas to have property rights determined by the courts; the Court should defer to TCEQ's reasonable interpretation that the agency lacks jurisdiction to determine ownership of water rights; and the opinion deprives the appellants of any adequate forum in which to have their ownership of the controverted water rights resolved. On December 4, 2020, Appellants' Motion for Rehearing was denied per curiam. A Petition for Review filed March 5, 2020, with the Texas Supreme Court remains pending. The outcome of this case is significant because TCEQ reviews documents regarding ownership of land associated with water rights but has no authority to adjudicate disputes over ownership of that land. If the Court of Appeals decision stands, individuals may attempt to bring title disputes to TCEQ for resolution rather than filing suits to remove a cloud on title, and may, in turn, sue TCEQ if the agency declines to resolve such disputes.

**National Wildlife Federation vs. Texas Commission on Environmental Quality; Cause No. D-1-GN-20-007096** - The commission issued Water Rights Permit No. 12378 to Guadalupe-Blanco River Authority (GBRA) authorizing diversion of 75,000 acre-feet of water per year from the Guadalupe River at a maximum diversion rate of 500 cubic feet per second for municipal and industrial purposes and authorizing storage of the diverted water in off-channel reservoirs in Gonzales County. On October 23, 2020, National Wildlife Federation appealed to the Travis County District Court asking that the Commission's Order issuing the permit be reversed and remanded regarding the sufficiency of notice, the sufficiency of the assessment of impacts to wildlife and the environment, a missing construction schedule, and a procedural error. If the commission's decision is reversed, TCEQ could be required to reverse permitting decisions across the state for applications which have not been granted. This action would significantly disrupt the permit process because those permitting decisions will need to be re-evaluated through additional technical and legal review, causing delays in the processing of pending water rights applications.

**Adams Garden Irrigation District #19 et al. vs. Texas Commission on Environmental Quality; Cause No. D-1-GN-16-002954** - The Rio Grande Watermaster debited storage accounts of water right holders within his jurisdiction from April-August 2015. Eighteen irrigation districts, collectively the Lower Rio Grande Valley Water Districts (LRGVWD), filed suit against TCEQ on July 8, 2016, challenging the debits, alleging that "No Charge Pumping" of water downstream of the Falcon Reservoir should have been allowed because inflows were abundant during that time and asking that those debits be credited back to the accounts. On TCEQ's motion, the trial court dismissed the case because LRGVWD filed suit before pursuing administrative remedies. LRGVWD appealed the trial court order on April 20, 2017. Proceedings in the appellate court were stayed during settlement negotiations but were reinstated on October 28, 2019. If LRGVWD eventually wins its case, TCEQ will have to reverse its decision from 2015 and adjust the international storage accounts for water rights held in the Middle and Lower Rio Grande. Ultimately, this adjustment will require the Watermaster to take away water allocated to storage accounts, or to restore the water debited from storage accounts, which was done based on the Watermaster's determination that the water was "no charge water" as defined in 30 TAC Section 303.2(14). Storage accounts are based upon monthly reports generated by the International Boundary and Water Commission. In addition, effectiveness of TCEQ's Watermaster programs and the executive director's oversight authority may be undermined if members of the regulated community may litigate issues without properly exhausting administrative remedies by timely appealing a Watermaster decision at the agency level.

**Harrison County v. Texas Commission on Environmental Quality; Cause No. D-1-GN-17-002026** - Harrison County is seeking judicial review of a TCEQ Order. The Order was for an administrative case against Harrison County for failing to perform annual line leak detector and piping tightness tests on petroleum storage tanks at two of its facilities. Harrison County argued sovereign immunity against the violations. After an evidentiary hearing, a State Office of Administrative Hearings (SOAH) Administrative Law Judge issued a Proposal for Decision (PFD) finding the violations occurred, assessing the full recommended penalty, and finding that there was no sovereign immunity. The Commission approved the PFD in full.

Harrison County's suit claims TCEQ does not have jurisdiction over Harrison County due to sovereign immunity. Specifically, Harrison County argues that the TWC does not clearly and unambiguously waive political subdivisions' immunity, thereby demonstrating the legislature's intent to exclude political subdivisions from TCEQ's enforcement authority. Harrison County also argues that TCEQ did not meet its burden of proof for the violations cited and that TCEQ did not charge the county with the correct violation. After the district court vacated and dismissed TCEQ's Order by finding Harrison County's sovereign immunity had not been waived, the 14th Court of Appeals disagreed and reversed the district court's decision. The matter is now before the Supreme Court of Texas. A favorable ruling for Harrison County on the issue of sovereign immunity could seriously impact TCEQ's enforcement authority against political subdivisions.

**Maverick County et al. v. TCEQ and Dos Republicas Coal Partnership; Cause No. D-1-GN-16-005038** - TCEQ issued a major amendment to the Texas Pollutant Discharge Elimination System (TPDES) permit held by Dos Republicas Coal Partnership (DRCP). Maverick County appealed to Travis County District Court on October 5, 2016, asking the court to reverse TCEQ's issuance of the permit. Eight aligned parties filed a joint lawsuit on October 6, 2016, which requested the same relief. The county alleged that Camino Real Fuels, LLC, the mine contract operator, should have been an applicant and co-permittee; TCEQ should have conducted a Tier 2 antidegradation review of two tributaries along the discharge routes; and TCEQ modified SOAH's PFD in violation of Texas Government Code Sections 2001.058(e) and 2003.047(m). The eight aligned parties alleged TCEQ failed to conduct the water quality antidegradation analysis required by TCEQ rules; TCEQ modified SOAH's PFD in violation of the Administrative Procedure Act; TCEQ failed to include chronic effluent limits; and TCEQ authorized an illegal discharge onto private property without a watercourse. On October 23, 2017, the district court issued an order reversing TCEQ's decision on the owner-operator issue but affirming it on all other grounds. TCEQ, DRCP, Maverick County, and the eight aligned parties all appealed the district court's decision to the Third Court of Appeals. On November 15, 2019, the Third Court of Appeals upheld the district court's reversal of TCEQ's decision on the owner-operator issue and vacated the district court's affirmation of TCEQ's decision on all other grounds. TCEQ and DRCP filed petitions for review with the Supreme Court of Texas on January 29, 2020. The court granted the petitions for review on June 11, 2021. Oral argument is scheduled for October 27, 2021.

The outcome of the case could impact the TPDES permitting program. If the Supreme Court of Texas finds that Camino Real Fuels should have been a co-applicant as the mine's contract operator, TCEQ will need to re-evaluate how it identifies entities as operators for the purposes of 30 TAC Section 305.43(a). This could lead to entities that have been identified as contract operators in the past being classified as operators for permitting purposes, which would especially impact municipal wastewater treatment facilities that employ contract operators to carry out their day-to-day functions. If contract operators are required to be co-permittees, TCEQ will be required to process a permit amendment application each time a facility owner changes the contract operator at the facility.

**American Lung Association and American Public Health Association v. EPA; D.C. Circuit Court of Appeals, Consolidated Docket No. 19-1140** – Petitioners challenged the adoption of the ACE rule and CPP repeal rule, discussed above. West Virginia and 20 other states, including Texas, intervened as respondents in support of EPA, the ACE rule, and the CPP repeal. The court issued its opinion on January 19, 2021, vacating and remanding the ACE emission guideline and the CPP Repeal, based on EPA’s illegal interpretation of their authority under FCAA, Section 111(d). Additionally, the court vacated at least part of the new implementing regulations (40 CFR Subpart Ba) that extended compliance timelines for the ACE rule and future emission guidelines. On February 22, 2021, the court issued an order granting a partial stay of the mandate as to the vacatur of the CPP repeal until EPA responds to the Court’s remand in a new rulemaking action and issued a partial mandate as to the vacatur and remand of the ACE Rule and timing provisions of the implementing regulations. This means that states are not obligated to comply with the CPP; and therefore, the ACE deadlines do not apply to states either.

**State of West Virginia, et. al., v. EPA; U.S. Supreme Court, No. 20-1530** – On April 29, 2021, a coalition of states (including Texas) filed a petition for cert to the U.S. Supreme Court in support of the ACE rule (providing for a limited interpretation of EPA’s authority under FCAA, Section 111(d)). Additional parties have also filed petitions for cert (The North American Coal Corporation v. EPA, No. 20-1531; Westmoreland Mining Holdings LLC v EPA, No. 20-1778; and State of North Dakota v EPA, No. 20-1780). On August 5, 2021, EPA filed its brief opposing the granting of cert.

**J. Aside from additional staff or funding, what are your agency’s biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?**

Addressing some of the obstacles discussed in Item H, above, would provide the agency with opportunities for improvement. Frequently faced with the challenges of limited staff and funding, TCEQ has historically pursued creative solutions to improve efficiency, reduce duplication, and increase public transparency. These goals will continue to be paramount as the agency strives to meet the challenges of a growing state population while maintaining environmental protection in a manner consistent with sustainable economic development.

### **Relationships and Partnerships**

On an ongoing basis, TCEQ dedicates resources to identify ways to constructively engage and/or partner with the public, elected and appointed officials, and the regulated community. TCEQ has an opportunity to strengthen these relationships with increased presence in the community and by engaging with a variety of stakeholders.

TCEQ works with researchers, local governments, metropolitan planning organizations, councils of governments, and stakeholders, including industry groups, to conduct specialized monitoring that enables it to improve the caliber of its air and water quality planning. Leveraging these partnerships provides an opportunity for increasing the use of monitoring technologies to assist the agency in making determinations based on the best available information. A specific example of this opportunity for improvement is the ongoing collaboration with researchers and local stakeholder groups in the Houston-Galveston-Brazoria area to evaluate black and brown carbon to better characterize smoke influence on ozone levels and to identify exceptional events, such as wildfires. Identifying exceptional events and submitting exceptional event demonstrations to EPA is important because it ensures that regulatory

decisions are not based on monitored air quality data over which the State has little or no control and which may be excluded under the federal Clean Air Act and EPA rules.

TCEQ is pursuing partnerships to address training of water and wastewater operators across the state, whose numbers are not keeping pace with Texas' population growth. Two such partners include Texas Education Agency for the development of a state-wide high school training program and with community colleges to promote the offering of courses at their campuses.

TCEQ can continue to build on its successes with Mexico (including Mexican border states) to address joint environmental problems and find common solutions. The agency's priorities in this ongoing effort are:

- implementing a binational water quality improvement plan for the Lower Rio Grande as part of the Lower Rio Grande Water Quality Initiative;
- reducing emissions in the Paso del Norte area through heavy duty vehicle and equipment replacement and improved transportation and mobility;
- ensuring deliveries to water rights holders through compliance with the 1944 Water Treaty, dam improvements, and emergency preparedness and response; and
- cooperating with Mexican states to prioritize sustainable materials management.

### **Monitoring**

TCEQ is improving the way monitoring data is displayed and reported to make it easier for the public to access and interpret. While data are currently available to the public through TCEQ's webpage, the information can be difficult to locate and is not always accompanied by sufficient context. TCEQ is working to improve webpage navigation and has long-term plans to improve the data display by developing visual representations that are easier to understand. Additional improvements include the ability to generate graphs to show trends of selected data sets.

TCEQ is also incorporating the use of new and innovative air quality monitoring technologies, including low-cost sensors, which will augment the network of regulatory-grade monitors. These new monitoring technologies will provide the agency with additional air quality measurement tools to meet the growing demand for air monitoring across the state.

### **Information Technology, Public Participation, and Public Outreach**

To continue meeting its regulatory challenges, it is critical that TCEQ maximize the use of technology, which includes maintaining and utilizing updated software and computing resources, as well as monitoring and field equipment.

The COVID-19 Pandemic created new challenges and expectations for the agency to provide the regulated community with more electronic processes and public access via virtual public meetings, as well as to employ a more mobile and agile workforce. Additionally, while TCEQ increased its use of electronic processes and virtual public meetings during the pandemic, the agency can improve efficiency by enhancing online functionality and expanding public participation through virtual meetings.

In response to public interest in protecting the environment and the increasing demand for information maintained by the agency, TCEQ is using emerging information technologies to communicate dynamically with interested parties. TCEQ is working to increase transparency of its activities by posting frequently

requested information on its public website. TCEQ is also exploring an opportunity to use an open data portal to provide greater transparency and to post data most often requested by the public.

**K. Overall, how does the agency measure its effectiveness in carrying out its objectives?**

TCEQ utilizes a variety of performance measures to verify the agency's effectiveness.

**State and Federal Oversight**

TCEQ performs activities pursuant to various state and federal obligations and has reporting requirements for state performance measure targets and federal grant commitments. The agency provides quarterly and annual reports of progress towards key performance measures to LBB through the Automated Budget and Evaluation System of Texas. TCEQ also provides reports to LBB on certain on-demand events (emergency response, emissions events, and complaints), requests for assistance, and other activities as required. The state performance measures track both the agency's success in meeting performance numbers and provide justification when those numbers vary by  $\pm 5\%$  or more.

Federal grant funding requirements include a commitment to perform certain activities as documented in grant workplans. TCEQ is required to assess performance with these commitments and provide midyear and end of year grant reporting to federal agencies.

Performance is also measured by external federal audits, such as the Nuclear Regulatory Commission's Integrated Materials Performance Evaluation Program, which evaluates program adequacy for carrying out delegated responsibilities.

TCEQ is required to compile an Annual Enforcement Report<sup>1</sup> in accordance with TWC Section 5.126. This annual report is posted on TCEQ's website and contains statistical indicators as well as a comparative analysis of compliance and enforcement related activities. TCEQ also evaluates and documents citizen complaint related information in the Biennial Report to the legislature. Both reports provide the agency an occasion to recognize and highlight success in meeting objectives. In addition, a monthly enforcement report<sup>2</sup> is publicly presented to the commission with key status and performance indicators related to agency enforcement and investigation activities, including, but not limited to, the number of notices of violation issued, the number of effective orders issued, amount of penalties assessed, and percentage of investigation commitments met by program media. The report provides a monthly status of relevant agency activity and provides an historical comparison for those performance indicators over multiple fiscal years. Receiving this report allows the commission to better understand trends or specific internal/external factors impacting agency performance and to provide direct guidance or recommendations.

TCEQ provides compliance and enforcement information electronically to EPA for the following delegated programs: National Pollutant Discharge Elimination System, RCRA, SDWA, and FCAA. This information is publicly available through EPA's Enforcement and Compliance History Online (ECHO) dashboard. TCEQ

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<sup>1</sup> <https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/annenreport.html>

<sup>2</sup> [https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/enf\\_reports.html](https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/enf_reports.html)

conducts an annual verification of Texas's data on ECHO to ensure TCEQ's performance is accurately presented.

In addition to semi-annual or quarterly meetings with TCEQ to judge the overall effectiveness and efficiency of federally delegated programs, EPA conducts a State Review Framework evaluation every three to five years to assess the accuracy of data collected by the agency and to make recommendations for any improvements needed to ensure consistent program implementation. EPA also reviews a subset of draft permits on an ongoing basis to ensure compliance with federal regulations.

### **Internal Tracking and Audits**

In addition to required state and federal performance measures, TCEQ's management monitors internal performance tracking timeframes on a routine basis to determine the effectiveness of processes.

Performance is also measured by internal audits conducted by the Chief Auditor's Office (CAO). The CAO meets annually with TCEQ management to provide an opportunity for management to request specific CAO process audits to ensure efficiency and appropriateness for meeting agency goals and objectives.

### **Public Input**

An annual report based on data collected from customer service surveys provides both positive and negative comments and enables the agency to make informed decisions regarding organizational and operational changes. Further, this review provides a benchmark for determining whether agency objectives respond to the needs of the public and the regulated community.

The agency incorporates stakeholder meetings into the rulemaking process to gain additional perspectives on rules undergoing revision, thereby ensuring a broad spectrum of input.

Advisory committees and work groups representing various geographic areas of the state, ethnicities, businesses, governments, associations, and industries provide an avenue for TCEQ to receive broad input on matters related to agency programs.

**In the following chart, provide information regarding your agency's key performance measures, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. Also, please provide information regarding the methodology used to collect and report the data.**

**Exhibit 2: Performance Measures — Fiscal Year 2020 - Office of Air**

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of Texans living where the air meets federal Air Quality Standards (Key) 1.1 outcome (oc) 3	N/A	The standard is measured by identifying the population within the counties exceeding federal standards and subtracting this population figure from the statewide total population figure. This number is divided by total population and multiplied by 100 to obtain the percentage.	43%	44%	102.33%
Number of days ozone exceedances are recorded in Texas 1.1.1 explanatory (ex) 1	N/A	The sum of days that the ozone concentrations in Texas exceeds the National Ambient Air Quality Standards (NAAQS). Ozone exceedances will be determined using a subset of 15 long-running regulatory ozone monitors in Texas.	21	26	123.81%
Percent of stationary and mobile source pollution reductions in ozone nonattainment areas (Key) 1.1 oc 1	N/A	This measure is calculated by subtracting nitrogen oxides (NO <sub>x</sub> ) and volatile organic compounds (VOC) emissions totals of the most recent emissions inventory from the total emissions of the previous year, divided by a base year (previous year) emissions.	3%	10%	333.33%
Percent decrease in the toxic releases in Texas (Key) 1.1 oc 7	N/A	Using the adjusted data reported in the annual Toxic Release Inventory, the amount of toxic releases during the reporting period, to air, land, and water will be subtracted from the previous year's level, and this difference will be divided by the previous year's level and multiplied by 100 to calculate the percent reduction.	2%	-12.55%	-627.50%
Number of point source air quality assessments (Key) 1.1.1 output (op) 1	OA-1	The count is based on the number of emissions inventories that are quality assured and loaded into the TCEQ database during each quarter of the fiscal year.	2,050	2,111	102.98%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of area source air quality assessments (Key) 1.1.1 op 2	OA-2	The number of assessments is calculated by multiplying the number of area source category emission inventories developed by the number of applicable counties.	2,250	10,160	451.56%
Number of on-road mobile source air quality assessments (Key) 1.1.1 op 3	OA-2	EPA computer models are the primary tool used to calculate mobile-source emissions. A particular set of inputs to the model will constitute a specific scenario being modeled. Collecting the input data, setting up and running the model, and applying the vehicle activity to estimate emissions for that scenario is considered one assessment. The number of assessments reported is based on a quarterly summation of weekly staff counts of mobile sources.	1,013	1,172	115.70%
Number of non-road mobile source air quality assessments 1.1.1 op 4	OA-2	The number of assessments is calculated by multiplying the number of non-road mobile-source category emissions inventories divided by the number of counties.	2,066	3,650	176.67%
Average cost per air quality assessment 1.1.1 efficiency (ef) 2	N/A	The average cost per assessment is the total funds expended and encumbered through the reporting period of salaries and operating costs for staff performing point-source, area-source, and non-road mobile and on-road mobile source air quality assessments divided by the total number of point-source, area-source, and non-road mobile and on-road mobile-source air quality assessments conducted during the reporting period.	\$306	\$134	43.79%
Percent of air quality permit applications reviewed within established time frames 1.2 oc 1	OA-5 OA-6	The number of applications reviewed within the target time frame divided by the total number of applications reviewed.	75%	90.88%	121.17%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of state and federal new-source-review air quality permit applications reviewed (Key) 1.2.1 op 1	OA-5	The measure is calculated as the sum of the total number of applications for new permits, permit amendments, permit alterations and permit-by-rule applications reviewed and processed by the Air Permits Division.	7,800	6,882	88.23%
Number of state and federal air quality permits issued 1.2.1 ex 1	OA-5	The measure value is calculated as the sum of the state and federal New Source Review permits issued or approved during the reporting period.	7,000	6,497	92.81%
Number of federal air quality operating permits reviewed (Key) 1.2.1 op 2	OA-6	The measure value is calculated as the sum of the total number of applications for federal air quality operating permits reviewed under Title V of the Clean Air Act.	900	989	109.89%
Number of federal air quality permits issued 1.2.1. ex 2	OA-6	The measure value is calculated as the sum of the number of Federal Operating Permits issued or approved during the reporting period.	650	670	103.08%
Number of Emissions Banking and Trading (EBT) transaction applications reviewed 1.1.1 op 8	OA-7	This measure is calculated as the sum of the total number of EBT transactions applications for the reporting period.	1,000	1,304	134.40%
Nitrogen Oxides (NOX) emissions reduced through the Texas Emissions Reduction Plan (Key) 1.1 oc 2	OA-11	Generated by totaling the annual emissions reductions reported by each grant recipient. That number is divided by an estimated number of days in an operational year: either 250 or 365 days, depending on the type of project. The final amount is expressed as tons per day reductions. Reported annually for all active grant projects.	19.2	20.8	108.33%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Tons of NO <sub>x</sub> reduced through the Texas Emissions Reduction Plan* (Key) 1.1.1 op 6	OA-11	Calculated quarterly using the methodologies established in the TCEQ's Guidelines for Emissions Reduction Incentive Grants (RG-388). The calculations represent the reduction in NO <sub>x</sub> emissions achieved by grants awarded during the reporting period and are different for each type of project.	2,552	0	0.00%
Average cost per ton of NO <sub>x</sub> reduced through TERP expenditures (Key) 1.1.1 ef 4	OA-11	The total tons projected to be reduced by each project funded are divided by the incentive amount for that project. The total tons projected to be reduced by each project are calculated using the methodologies established in the TCEQ's Guidelines for Emissions Reduction Incentive Grants (RG-388). The calculations are different for each type of project.	\$13,000	0	0.00%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

\* TCEQ awards grants on a biennial basis. TCEQ did not award any grants under the Diesel Emissions Reduction Incentive (DERI) Program in FY 2020 because grants under both the Rebate Program and the Emissions Reduction Incentive Grants Program were awarded in FY 2021. TCEQ expects to exceed this performance measure target in FY 2021 after all grant funds have been awarded under the DERI Program.

### Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of Water

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of groundwater assessments (Key) 1.1.1 op 2	N/A	The number of groundwater protection activities completed by TCEQ including administration of the Texas Groundwater Protection Committee.	54	54	100%
Percent of water rights permit applications reviewed within established time frames 1.2.2 oc 3	N/A	The number of water right permit applications processed within timeframes established by TCEQ.	75%	56%	74.67%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of applications to address water-rights impacts reviewed 1.2.2 op 2	N/A	The number of water supply contracts and water right change of ownership, water right permit, and temporary water right applications reviewed.	595	1,122	188.57%
Number of water rights permits issued or denied 1.2.2 ex 2	N/A	The number of water right permits issued to applicants and the number of water right permit applications denied by TCEQ.	75	83	110.67%
Number of inspections and investigations of water rights sites 3.1.1 op 2	N/A	The number of water right site investigations performed by Watermaster staff.	38,600	40,269	104.32%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Canadian River Compact 5.1 oc 1	N/A	The appropriated equitable share of Canadian River water for Texas.	100%	306%	306%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Pecos River Compact 5.1 oc 2	N/A	The appropriated equitable share of Pecos River water for Texas.	100%	366%	366%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Red River Compact 5.1 oc 3	N/A	The appropriated equitable share of Red River water for Texas.	100%	100%	100%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact 5.1 oc 4	N/A	The appropriated equitable share of Rio Grande water for Texas.	100%	0%	0%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Sabine River Compact 5.1 oc 5	N/A	The appropriated equitable share of Sabine River water for Texas.	100%	92%	92%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state 1.1 oc 4	N/A	The total permitted pollution load from all facilities discharging to the waters of the state divided by the total permitted discharge flow to the waters of the state. A lower number is desired and favorable.	0.10%	-1.39%	-1390.00%
Percent of water quality permit applications reviewed within established time frames 1.2 oc 2	N/A	The number of reviews completed within established time frames divided by the total number of reviews completed within the fiscal year.	90%	78%	86.50%
Number of applications to address water quality impacts reviewed (Key) 1.2.2 op 1	N/A	The sum of the number of permits and registrations filed with the Chief Clerk, general permit authorizations mailed to applicants, completed Edwards Aquifer plan reviews, and On-Site Sewage Facility applications reviewed.	12,197	11,700	95.93%
Number of concentrated animal feeding operation (CAFO) authorizations reviewed (Key) 1.2.2 op 3	N/A	The number of CAFO individual permits reviewed and the number of confirmation letters mailed for coverage under the general permit.	395	465	117.72%
Number of water quality permits issued 1.2.2 ex 1	N/A	The number of water quality permits issued for the reporting period.	768	797	103.78%
Percent of Texas classified surface waters meeting or exceeding water quality standards (Key) 1.1 oc 5	N/A	The number of rivers, reservoirs, and estuaries meeting or exceeding standards divided by the total amount of rivers, reservoirs, and estuaries assessed for the reporting period. The amounts assessed are expressed as miles for rivers, acres for reservoirs, and square miles for estuaries. The overall percent of waters meeting standards for the state is then calculated by totaling the percent of rivers, reservoirs, and estuaries meeting standards divided by three.	56%	56%	100%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of acres of habitat created, restored, and protected through implementation of estuary action plans 1.1 oc 10	N/A	The number of acres of habitat restored, created, or protected as determined through the use of aerial photography including both wetland and upland areas.	2,000	2,788	139.40%
Number of surface water assessments (Key) 1.1.2 op 1	N/A	The sum of the number of surface water assessments completed during the reporting period. Each assessment unit/parameter pair counts as one output for Total Maximum Daily Loads (TMDL), Implementation Plans, and TMDL equivalents. Each water body counts as one output for use-attainability analyses.	75	74	98.67%
Percent of Texas rivers, streams, reservoirs, wetlands, and bays protected by site-specific water quality standards 1.1.2 ex 1	N/A	The percentage of water body types with site-specific standards determined from the Texas Water Quality Inventory (TWQI) and the Texas Surface Water Quality Standards (TSWQS) protected by site-specific standards in the TSWQS. For each water body type, the percent of waters with site-specific standards is calculated. The percentages of each water body type are averaged to obtain a single statewide percentage.	36%	35.80%	99.44%
Percent of Texas population served by public water systems that meet drinking water standards (Key) 2.1 oc 1	N/A	The total population served by a public water system in compliance with health-based standards divided by the population served by a system that is out of compliance with health-based standards.	93%	99%	106.55%
Number of public drinking water systems that meet primary drinking water standards (Key) 2.1.1 op 1	N/A	The number of public water systems in compliance with primary health-based standards.	6,635	6,826	103%
Number of drinking water samples collected (Key) 2.1.1 op 2	N/A	The number of samples collected by TCEQ contractors and regional Investigators	58,359	58,853	100.85%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of district applications processed 2.1.1 op 3	N/A	The number of water district applications received, processed, and completed.	550	557	101.27%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

### Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of Waste

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of radiological monitoring and verification of air, water, soil/sediment, and flora samples collected 1.3.1 op 1	N/A	Sum	100	83	83%
Amount of revenue deposited to the general revenue fund generated from the 5 percent gross receipts fee of the disposal of low-level radioactive waste and other radioactive substances 1.3.1 ex 1	N/A	Sum	None	\$450,060	N/A
Volume of low-level radioactive waste accepted by the state of Texas for disposal at the Texas Compact Waste Facility (Key) 1.3.1 ex 2	N/A	Sum	184,750 cubic feet	40,963 cubic feet	22.17%
Number of new system waste evaluations conducted 1.2.3 op 1	OOW-4	Total number of completed audits. Audits considered complete when the auditee submits sufficient data.	570	585	102.63%
Number of industrial and hazardous waste permit applications reviewed (Key) 1.2.3 op 3	OOW-5	Total number of IHW permits applications reviewed during the fiscal year.	200	272	136%
Number of industrial and hazardous waste permits issued 1.2.3 ex 2	OOW-5	Total number of permit applications issued for the fiscal year.	200	268	134%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of solid waste diverted from municipal solid waste landfills 1.1 oc 6	OOW-3	Total amount of materials diverted from all active MSW landfills and processing facilities divided by (total diverted material plus total waste disposed) times 100.	4%	4%	100%
Percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills 1.1 oc 8	OOW-3	Total tons disposed for previous reporting period minus total tons disposed for the reporting period. Then divide this difference by the tons disposed for the previous year. Then multiply this final total times 100.	2%	3%	135%
Number of active municipal solid waste landfill capacity assessments (Key) 1.1.3 op 1	OOW-3	Total number of active MSW capacity assessments approved during the reporting period.	195	198	101.54%
Average number of hours per municipal solid waste facility capacity assessment 1.1.3 ef 1	OOW-3	This measure quantifies the time to obtain and review capacity assessments and create the annual report summary. For calculation, divide time by the total number of capacity assessments received during the reporting period.	2.0	1.65	82.5%
Number of councils of governments in the state with 10 or more years of disposal capacity 1.1.3 ex 1	OOW-3	Landfill life expectancy for each regional council of government (COG) is projected by dividing the capacity in tons by the number of tons disposed for the reporting period. Number of COGs with 10 or more years of capacity are reported.	24	24	100%
Number of municipal non-hazardous waste permit applications reviewed (Key) 1.2.3 op 2	OOW-2	Total number of municipal solid waste permit, registration, and notification applications reviewed during the fiscal year.	250	197	78.8%
Number of municipal non-hazardous waste permits issued 1.2.3 ex 1	OOW-2	Total number of permit, registration, and notification applications issued for the fiscal year.	200	176	88%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of corrective actions implemented by responsible parties for solid waste sites 1.2.3 ex 3	OOW-2	Number of corrective action plans authorized through permit modifications for the fiscal year.	3	1	33.33%
Number of registered waste tire facilities and transporters 3.1.3 ex 3	OOW-1	The number is a total of active entries in the database.	600	551	91.83%
Percent of waste management permit applications reviewed within established time frames 1.2 oc 4	OOW-2 & 5, OOW-29	Number of applications reviewed within agency-established time frames divided by the total number of reviewed applications; multiplied by 100. Does not include applications with review-time exceptions.	90%	98%	108.61%
Percent of leaking petroleum storage tank sites cleaned up (Key) 4.1 oc 1	OOW-10	The number of leaking petroleum storage tank sites issued "no further action" letters is divided by the total number of reported leaking petroleum storage tank sites, multiplied by 100 to derive a percentage.	94%	96%	102.13%
Number of Superfund remedial actions completed (Key) 4.1 oc 2	OOW-7	The total combined number of state and federal Superfund sites with completed remedial actions since program inception.	128	126	98.44%
Percent of voluntary and brownfield cleanup properties made available for redevelopment, community, or other economic reuse (Key) 4.1 oc 3	OOW-11	The percentage is obtained by dividing the total number of Voluntary Cleanup Program (VCP) certificates of completion issued since the inception of the program by the total number of VCP applications accepted since the inception of the program, multiplied by 100.	70%	86%	122.86%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of industrial solid and municipal hazardous waste (MSW) facilities cleaned up 4.1 oc 4	OOW-12	The number of facilities with no further action in the Industrial and Hazardous Waste Corrective Action Program divided by the total number of reported facilities in the program for the reporting period, multiplied by 100.	64%	79%	123.44%
Number of emergency response actions at petroleum storage tank sites 4.1.1 op 2	OOW-16	At the end of each quarter, the database is used to arrive at a total number of sites to which a state lead contractor was dispatched to address an emergency situation during that quarter. The total for each quarter is added to the total for any previous quarters during that fiscal year, to come up with a cumulative total of sites addressed during that fiscal year.	4	4	100%
Number of petroleum storage tank cleanups completed (Key) 4.1.1 op 3	OOW-10	The number of leaking petroleum storage tank sites issued "no further action" letters during the reporting period is calculated.	200	238	119%
Average days to authorize a state lead contractor to perform corrective action activities 4.1.1 ef 1	OOW-10	The number of state lead work-order proposals received is tracked, the number of days to review and respond to each proposal through issuance of a work order is recorded, and the average response time is calculated for the reporting period.	60	25	41.67%
Number of immediate response actions completed to protect human health and environment 4.1.2 op 1	OOW-7	At the end of a reporting quarter, a program database query will report the number of immediate response actions completed for that quarter.	2	0	0%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of Superfund site assessments 4.1.2 op 2	OOW-8	At the end of each quarter, a database query is conducted to arrive at a total number of Superfund program eligibility assessments completed during that quarter. The total for each quarter is added to the total for any previous quarters during that fiscal year to determine a cumulative total of eligibility assessments completed during that fiscal year	62	62	100%
Number of voluntary and brownfield cleanups completed (Key) 4.1.2 op 3	OOW-11	The Internal Data Application (IDA) reporting system is queried for the quarterly and cumulative totals of certificates issued for the fiscal year.	61	79	129.51%
Number of Superfund sites in Texas undergoing evaluation and cleanup (Key) 4.1.2 op 4	OOW-7	The total number of state and federal Superfund sites in Texas undergoing evaluation and cleanup for the reporting period is reported.	42	41	97.62%
Number of Superfund remedial actions completed (Key) 4.1.2 op 5	OOW-7	The query will report the number of state and federal Superfund sites for which remedial actions were completed during the reporting period.	2	0	0%
Number of dry cleaner remediation program (DCRP) site assessments initiated 4.1.2 op 6	OOW-9	The total number of site assessments initiated by the Dry Cleaner Remediation Program will be determined from the program's database. Quarterly and year-to-date totals will be generated for specific time periods as required by reporting schedules	12	9	75%
Number of dry cleaner remediation program site cleanups completed (Key) 4.1.2 op 7	OOW-9	The Internal Data Application (IDA) reporting system is queried for the quarterly and yearly totals of DCRP sites that have been issued "no further action" letters.	2	3	150%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Average days to process dry cleaner remediation program applications 4.1.2 ef 1	OOW-9	Using the Dry Cleaner Remediation Program database, the number of applications received is tracked, the number of days to review and rank each application is recorded, and the average review and ranking time is calculated for the reporting period.	90	43	47.78%
Number of state and federal Superfund sites in post-closure care (O and M) phase (Key) 4.1.2 ex 1	OOW-7	The sum of the number of state and federal Superfund sites in post-closure care phase, for the reporting period, as determined by a database query.	39	38	97.44%
Number of dry cleaner remediation program (DCRP) eligible sites 4.1.2 ex 2	OOW-9	The total number of eligible Dry Cleaner Remediation Program sites prioritized and added to the DCRP database. Quarterly and year-to-date totals will be generated for specific time periods as required by reporting schedules.	307	316	102.93%
Number of applications for occupational licensing 1.2.4 op 1	OOW-27	A query of Consolidated Compliance and Enforcement Data System (CCEDS) is run for all applications for environmental professional licensure and registration received and processed by the agency. The total is the number of all applications for occupational licensing received and processed for the reporting period.	23,500	22,306	94.92%
Number of examinations processed (Key) 1.2.4 op 2	OOW-27	A query of CCEDS is run for all examinations processed. The total is the number of all examinations processed during the reporting period.	11,200	9,504	84.86%
Number of licenses and registrations issued 1.2.4 op 3	OOW-27	A query of CCEDS is run for all registrations issued. The total is the number of all registrations issued during the reporting period.	21,000	18,176	86.55%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of TCEQ licensed environmental professionals and registered companies 1.2.4 ex 1	OOW-27	A query of CCEDS is run for new and renewed licenses and registrations issued to individuals and companies during the reporting period.	55,500	55,309	99.66%
Average cost per license and registration 1.2.4 ex 2	OOW-27	Total of all expenditure divided by the number of active licenses and registrants.	\$19	\$22	115.8%
Number of quarts of used oil diverted from improper disposal (in millions) 3.1.3 op 2	OOW-23	A query of the Internal Data Application (IDA) is run for the number of quarts of used oil collected for processing. The total is the number of quarts of used oil diverted from landfills.	55	81	147.3%
Number of petroleum storage tank self-certifications processed 4.1.1 op 1	OOW-17	A query of the automated agency systems is run for the number of self-certifications processed. The sum is the number of PST self-certifications processed by agency staff for the reporting period.	16,500	16,542	100.3%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

### Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of Compliance and Enforcement

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of high and significant hazard dams inspected within the last five years (Key) 1.1 oc 9	N/A	Number of high and significant-risk dams that have been inspected within the last five years divided by total number of high and significant-risk dams times 100	100%	89%	89.00%
Number of air monitors operated (Key) 1.1.1 op 5	N/A	Total number of air monitors operated with state and/or federal funds	397	404	101.76%
Percent of valid data collected by TCEQ continuous and non-continuous air-monitoring networks 1.1.1 ef 1	N/A	Valid measurements divided by the total possible measurements times 100	94%	94%	100.00%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of dam safety assessments (Key) 1.1.2 op 3	N/A	Total number of dam safety and security assessments	800	738	92.25%
Average cost per dam safety assessment 1.1.2 ef 1	N/A	Total funds expended for the Dam Safety Program divided by total number of dam safety assessments conducted	\$3,000	\$2,690	89.67%
Number of dams in the Texas Dam Inventory 1.1.2 ex 2	N/A	Number of existing dams	4,005	4,049	101.10%
Percent of investigated air sites in compliance (Key) 3.1 oc 1	N/A	Total number of sites investigated for compliance with air rules, regulations, and statutes - the total number of air cases screened and approved for enforcement action divided by the total number of sites investigated for compliance with air rules, regulations, statutes times 100	96%	96%	97.96%
Percent of investigated water sites and facilities in compliance (Key) 3.1 oc 2	N/A	Total number of facilities investigated for compliance with water rules, regulations, and statutes, plus the number of wastewater and public water supply facilities required to self-report and/or conduct chemical analyses - the total number of water cases screened and approved for enforcement action divided by the total number of facilities investigated and evaluated for compliance with water rules, regulations, and statutes, including self-reporting requirements, times 100	97%	99%	102.06%
Percent of investigated waste sites in compliance (Key) 3.1 oc 3	N/A	Total number of facilities investigated for compliance with waste rules, regulations, and statutes - total number of cases screened and approved for enforcement action divided by the total number of facilities investigated for compliance with waste rules, regulations, and statutes times 100.	97%	97%	100.00%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of identified noncompliant sites and facilities for which timely and appropriate enforcement action is taken (Key) 3.1 oc 4	N/A	Total number of cases with actions taken within appropriate time frames against noncompliant facilities divided by total number of cases with formal action taken times 100	85%	86%	101.18%
Percent of investigated occupational licensees in compliance 3.1 oc 5	N/A	Total number of licensees investigated minus the total number of occupational certification cases screened and approved for enforcement action divided by the number of investigations times 100	75%	58%	77.33%
Percent of administrative orders settled 3.1 oc 6	N/A	The number of orders settled by the Enforcement Division divided by total number of orders issued for the fiscal year times 100	80%	88%	110.00%
Percent of administrative penalties collected (Key) 3.1 oc 7	N/A	Divide the total amount of administrative penalty invoices outstanding at the end of the fiscal year by the total amount of administrative penalties invoiced and due for the fiscal year. This calculation times 100 will yield the percent of administrative penalties not collected during the fiscal year. Subtract this calculation from 100%	82%	90%	109.76%
Number of investigations of air sites (Key) 3.1.1 op 1	N/A	Number of investigations completed within the FY	11,177	10,060	90.01%
Number of investigations of water sites and facilities (Key) 3.1.1 op 3	N/A	Number of investigations completed	13,144	12,812	97.47%
Number of investigations of waste sites (Key) 3.1.1 op 4	N/A	Number of investigations completed	10,200	8,461	82.95%
Average days from air, water, or waste investigation to report completion 3.1.1 op 4	N/A	Total number of calendar days between the date of an investigation and the date of completion divided by the total number of completed investigations	35	35	100.00%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of citizen complaints investigated 3.1.1 ex 1	N/A	Number of complaints investigated	4,500	4,559	101.31%
Number of emission events investigations 3.1.1 ex 2	N/A	Sum of the number of reported emissions events investigations	5,000	6,307	126.14%
Number of spill cleanup investigations 3.1.1 ex 3	N/A	Number of spill cleanup investigations.	1,200	1,568	130.67%
Number of environmental laboratories accredited (Key) 3.1.2 op 1	N/A	Accreditation information is compiled from primary records maintained by division staff	265	254	95.85%
Number of small businesses and local governments assisted (Key) 3.1.2 op 2	N/A	Total assistance provided to small businesses and local governments	66,000	138,916	210.48%
Average number of days to file an initial settlement offer 3.1.2 ef 1	N/A	Sum of the number of days from assignment of the Enforcement Action Referral to the mailing date of the initial proposed order or the filing date of the initial Executive Director's Preliminary Report and Petition (EDPRP) on a case divided by total number of initial draft orders and EDPRPs	70	94	134.29%
Amount of administrative penalties paid in final orders issued 3.1.2 ex 1	N/A	Total penalty amounts required to be paid in final administrative orders issued	No Target	\$10,031,656	N/A
Amount required to be paid for supplemental environmental projects issued in final administrative orders 3.1.2 ex 2	N/A	Total dollar amount in administrative orders that must be spent on supplemental environmental projects	No Target	\$4,193,823	N/A
Number of administrative enforcement orders issued 3.1.2 ex 3	N/A	Number of administrative orders issued during the fiscal year	1,000	1,528	152.80%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

**Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of the Executive Director**

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of presentations, booths, and workshops conducted on pollution prevention/waste minimization and voluntary program participation (Key) 3.1.3 op 1	N/A	Total of qualifying events	125	55	44.00%
Tons of hazardous waste reduced as a result of pollution prevention planning 3.1.3 ex. 1	N/A	Total of reported reductions	500,000	216,141	43.23%
Tons of waste collected by local and regional household hazardous waste collection programs 3.1.3 ex. 2	N/A	Total of the reported collection weights	8,500	10,014.35	117.82%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

L. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publicly available websites as required by statute, and in what format.

**Exhibit 3: Key Datasets – Office of Air**

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OA-1	Point Source Emissions Inventory	Site-level point source emissions inventory data required by the Federal Clean Air Act (FCAA) and used to develop revisions to the state implementation plan (SIP) (high-value)	TCEQ/Air Quality Division (AQD)	<a href="https://www.tceq.texas.gov/airquality/point-source-ei/psei.html">https://www.tceq.texas.gov/airquality/point-source-ei/psei.html</a>  <a href="https://www.tceq.texas.gov/assets/public/implementation/air/ie/ps_eisums/2014_2019statesum.xlsx">https://www.tceq.texas.gov/assets/public/implementation/air/ie/ps_eisums/2014_2019statesum.xlsx</a>	N
OA-2	Texas Air Emissions Repository (TexAER)	Statewide area, on-road mobile, and non-road mobile emissions inventory data required by the FCAA and used to develop revisions to the SIP (high-value)	TCEQ/AQD	N/A	N
OA-3	Texas Information Management System (TIMS)	Centralized emissions testing for the Texas Vehicle Emissions and Maintenance (I/M) program to fill data collection and analysis requirements in §382.206(b)(1) of the Texas Health and Safety Code and 40 CFR, §§51.365-366	3 <sup>rd</sup> Party [Gordon-Darby, Inc.]	<a href="http://Mytxcar.org">Mytxcar.org</a> (certain data are publicly available)	Y
OA-4	Prop 2 Database	Information submitted by applicants to TCEQ Tax Relief for Pollution Control Property Program and program staff use determinations	TCEQ/AQD	N/A	N
OA-5	NSR	New source review permitting information (high-value)	TCEQ/Air Permits Division (APD)	<a href="https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=airpermits.start">https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=airpermits.start</a>	N
OA-6	Title V	Title V permitting information	TCEQ/APD	<a href="https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=tv.start">https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=tv.start</a>	N
OA-7	EBT	Emissions banking and trading information (high value)	TCEQ/APD	<a href="https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=ebt_dpa.start">https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=ebt_dpa.start</a>	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OA-8	APAD	Air Permit allowable	TCEQ/APD	N/A	N
OA-9	Meteorological Data	AERMOD meteorological Data Sets	TCEQ/APD	<a href="https://www.tceq.texas.gov/permitting/air/modeling/aermod-datasets.html">https://www.tceq.texas.gov/permitting/air/modeling/aermod-datasets.html</a>	N
OA-10	Air Geodatabase	Spatial GIS data of Air Sites	TCEQ/APD	N/A	N
OA-11	TERP-DERI	Projects awarded under the Diesel Emissions Reduction Incentive (DERI) Program	TCEQ/Air Grants Division (AGD)	N/A	N

### Exhibit 3: Key Datasets – Office of Water

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OW-1	Water Rights Database and Related Files	Data from all active and inactive surface water rights permits and water supply contracts	OW/Water Availability Division (WAD)	<a href="https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wrwud">https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wrwud</a>	N
OW-2	Edwards Aquifer Viewer	Official Edwards Aquifer Protection maps	OW/WAD	<a href="https://www.tceq.texas.gov/gis/edwards-viewer.html">https://www.tceq.texas.gov/gis/edwards-viewer.html</a>	N
OW-3	Groundwater Contamination Viewer	Spatial data information about documented groundwater contamination cases	OW/WAD	<a href="https://www.tceq.texas.gov/gis/groundwater-contamination-viewer">https://www.tceq.texas.gov/gis/groundwater-contamination-viewer</a>	N
OW-4	Water Well Viewer	Historical water well reports	OW/WAD	<a href="https://www.tceq.texas.gov/gis/waterwellview.html">https://www.tceq.texas.gov/gis/waterwellview.html</a>	N
OW-5	Priority Groundwater Management Areas (PGMAs) and Groundwater Conservation Districts (GCDs)	Spatial data information about PGMAs and GCDs	OW/WAD	<a href="https://www.tceq.texas.gov/gis/pgma-gcd-viewer">https://www.tceq.texas.gov/gis/pgma-gcd-viewer</a>	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OW-6	Interagency Pesticide Database (IPD)	Pesticide groundwater monitoring data	OW/WAD and USGS	<a href="http://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/pesticides.html">www.tceq.texas.gov/groundwater/groundwater-planning-assessment/pesticides.html</a>	Y
OW-7	Track Approval of Wastewater System Plans and Specifications	Provides the status TCEQ approval of plans and specifications for a wastewater system construction or maintenance project.	OW/Water Quality Division (WQD)	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html">www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html</a>	N
OW-8	Status of Water-Quality General Permit Authorizations and Applications	Provides the status of permits or applications covered under water-quality general permits, including stormwater.	OW/WQD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html">www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html</a>	N
OW-9	Status of Water-Quality Individual Permit Applications	Provides the status of applications for a water-quality individual permit, including stormwater.	OW/WQD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html">www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html</a>	N
OW-10	GIS Data Sets (Hydrology Layers)	Spatial datasets for segments, assessment units, Watershed Protection Plans, and SWQM Stations (high-value)	OW/ Water Quality Planning Division (WQPD)	<a href="http://gis-tceq.opendata.arcgis.com/search?categories=water">gis-tceq.opendata.arcgis.com/search?categories=water</a>	N
OW-11	Nonpoint Source Project Viewer	View and interact with Texas Watershed Protection Plans and nonpoint source projects	OW/WQPD	<a href="http://www.tceq.texas.gov/gis/nonpoint-source-project-viewer">www.tceq.texas.gov/gis/nonpoint-source-project-viewer</a>	N
OW-12	Surface Water Quality Segment Viewer	Spatial data information to locate water bodies in Texas	OW/WQPD	<a href="http://www.tceq.texas.gov/gis/segments-viewer">www.tceq.texas.gov/gis/segments-viewer</a>	N
OW-13	Surface Water Quality Data Viewer	Spatial data information to locate monitoring stations and download water quality data from SWQMIS	OW/WQPD	<a href="http://www80.tceq.texas.gov/SwqmisPublic/index.htm">www80.tceq.texas.gov/SwqmisPublic/index.htm</a>	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OW-14	Surface Water Quality Monitoring Information System (SWQMIS)	SWQMIS database serves as a repository for TCEQ surface water quality data  (high-value)	OW/WQPD	<a href="http://www80.tceq.texas.gov/SwqmisWeb/">www80.tceq.texas.gov/SwqmisWeb/</a>  (Note: This login page is publicly accessible, but credentials to access SWQMIS are not provided to the general public. The public can access SWQMIS data using the Surface Water Quality Data Viewer.)	N
OW-15	Safe Drinking Water Information Systems	Compliance, sample results and inventory data for public water systems in Texas required to be maintained by Environmental Protection Agency (high-value)	OW/Water Supply Division (WSD)	<a href="http://dww2.tceq.texas.gov/DWW/">dww2.tceq.texas.gov/DWW/</a> and <a href="http://www.tceq.texas.gov/gis/swaview">www.tceq.texas.gov/gis/swaview</a>	N
OW-16	Water Districts Database	Database houses information on water districts and plan and exception review information for public water systems	OW/WSD	<a href="http://www14.tceq.texas.gov/iwud/index.cfm">www14.tceq.texas.gov/iwud/index.cfm</a>	N

### Exhibit 3: Key Datasets – Office of Waste

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-1	MSW Tires (IDA)	Internal agency database used to track application data for the Scrap Tire Program, including correspondence data, application details, and facility status (high-value)	OOW/Waste Permits Division (WPD)	N/A	N
OOW-2	MSW Permits (IDA)	Internal agency database used to track application data for the MSW Permits Program, which includes permits, registrations, and notifications. Database includes correspondence data, application details, and facility status (high-value)	OOW/WPD	N/A	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-3	MSW Reporting (IDA)	Internal agency database used to track MSW quarterly and annual reporting data received from authorized MSW facilities (high-value)	OOW/WPD	N/A	N
OOW-4	IHWTA (IDA)	Internal agency database used to track waste classification notifications and audits received from IHW generators. Database includes correspondence data, notification details, and final outcomes	OOW/WPD	N/A	N
OOW-5	IHW Permits (IDA)	Internal agency database used to track application data for the IHW Permits Program. Database includes correspondence data, application details, and facility status	OOW/WPD	N/A	N
OOW-6	IHW Permits (PARIS)	Internal agency database used to track IHW unit statuses, waste generation and disposal amounts, and corresponding fees paid (high-value)	OOW/WPD	N/A	N
OOW-7	Internal Data Application (IDA) / Superfund	State and Federal Superfund site data	OOW/Remediation Division (REM)	N/A	Y
OOW-8	IDA/SDA	Superfund Site Discovery and Assessment data	OOW/REM	N/A	Y
OOW-9	IDA/Dry Cleaning Remediation	Dry Cleaner Remediation Program site data	OOW/REM	N/A	Y
OOW-10	IDA/LPST Home	Leaking Petroleum Storage Tank site data	OOW/REM	N/A	Y
OOW-11	IDA/VCP	Voluntary Cleanup program site data	OOW/REM	N/A	Y
OOW-12	IDA/IHWCA	IHW Corrective Action site data	OOW/REM	N/A	Y
OOW-13	IDA/IOP	Innocent Owner/Operator Program site data	OOW/REM	N/A	Y
OOW-14	IDA/MSD	Municipal Setting Designation site data	OOW/REM	N/A	Y
OOW-15	IDA / Brownfields	Brownfields program site data	OOW/REM	N/A	Y

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-16	Contract Administration and Tracking System (CATS)	Internal Remediation Division application used to track contracts, draft work orders, and process invoices.	OOW/REM	N/A	N
OOW-17	Petroleum Storage Tank (PST) Dataset	Information associated with the PST facility data with optional tank data including ASTs; construction notification; contractor, consultant, and installer; facility billing contacts; facility; financial assurance; operator CN; owner CN; self-certification; self-certification USTs; PARIS PST dump utility programs; UST Compartment; UST (high-value)	OOW/ Occupational Licensing and Registration Division (OLRD)	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/pst-datasets-records.html">www.tceq.texas.gov/agency/data/lookup-data/pst-datasets-records.html</a>	Y
OOW-18	Dry Cleaner Facilities and Drop Stations Dataset	Statewide current dry cleaner site owner listing refreshed quarterly. Lists name, location of business, and contact information (high-value)	OOW/OLRD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/drycleaners-data-records.html">www.tceq.texas.gov/agency/data/lookup-data/drycleaners-data-records.html</a>	N
OOW-19	Dry Cleaner Property Owners	The number of property owners participating in the program (high-value)	OOW/OLRD	Not published on the agency website. Available upon request.	N
OOW-20	Industrial and Hazardous Waste (IHW) Notice of Registration Dataset	Information associated with IHW facilities and reports including: facility; owner; operator; contact; billing contact; waste; waste description; unit; unit description; one-time shipper; one-time shipper EPA hazardous waste numbers; unit waste; EPA hazardous waste numbers; annual waste summaries; waste shipment summaries; and monthly waste receipts (high-value)	OOW/OLRD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/ihw-datsets.html">www.tceq.texas.gov/agency/data/lookup-data/ihw-datsets.html</a>	N
OOW-21	Sludge Transporters	The number of transporters, initial registrations, amendments, renewals, and reports submitted	OOW/OLRD	Not published on the agency website. Available upon request.	Y
OOW-22	Used Oil	The number of used oil and used oil filter handlers, used oil collection centers, initial registrations, amendments, renewals, and reports	OOW/OLRD	Not published on the agency website. Available upon request.	Y
OOW-23	Used Oil Diverted from a Landfill	The number of quarts of used oil diverted from landfills as reported in the annual summary reports submitted by the regulated entities.	OOW/OLRD	Not published on the agency website. Available upon request.	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-24	Medical Waste	The number of transporters, mobile on-site treaters, initial registrations, amendments, renewals, and reports	OOW/OLRD	Not published on the agency website. Available upon request.	Y
OOW-25	Aggregate Production Operations	The number of active sites, initial registrations, modifications, renewals, and cancelations	OOW/OLRD	Not published on the agency website. Available upon request.	N
OOW-26	Enclosed Collections	The number of active sites, initial registrations, amendments, and renewals for stationary compactors and special collection routes	OOW/OLRD	Not published on the agency website. Available upon request.	N
OOW-27	Licensing Data	Information associated with the occupational licensing program including applications, licenses, registrations, and exams	OOW/OLRD	Individual licensing information and company registration information is available through online query <a href="http://www2.tceq.texas.gov/lic_dpa/index.cfm">www2.tceq.texas.gov/lic_dpa/index.cfm</a>	Y
OOW-28	Training Providers & courses	Information regarding the training providers and courses that have been approved by TCEQ	OOW/OLRD	<a href="http://www.tceq.texas.gov/licensing/training/AllTrainingProviders">www.tceq.texas.gov/licensing/training/AllTrainingProviders</a>	N
OOW-29	UIC Permits (IDA)	Internal agency database used to track application data for the UIC Permits section. Database includes application details, permit information, permit activity, permit status, injection data and notes, well data and notes, and communication/correspondence data	OOW/RMD	N/A	N

### Exhibit 3: Key Datasets – Office of Compliance and Enforcement

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OCE-1	Texas Air Monitoring Information System (TAMIS)	Air monitoring metadata, air quality measurement data, and toxicity factors (high-value)	OCE/ Monitoring Division (MD)	<a href="http://www17.tceq.texas.gov/tamis/index.cfm?fuseaction=home.welcome">www17.tceq.texas.gov/tamis/index.cfm?fuseaction=home.welcome</a>	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OCE-2	General air pollution and meteorological data	Current and historical air pollution and weather measurements including hourly data by day, month, or year, data from automated gas chromatographs, and West Texas web cameras (high-value)	OCE/MD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/air-met-data.html">www.tceq.texas.gov/agency/data/lookup-data/air-met-data.html</a>	N
OCE-3	Ozone data	Current and historical measured ozone levels, including 8-hour and 1-hour measurement statistics (high-value)	OCE/MD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/ozone-data.html">www.tceq.texas.gov/agency/data/lookup-data/ozone-data.html</a>	N
OCE-4	PM2.5 data	Current and historical measured PM2.5 levels, including hourly data by day, month, or year (high-value)	OCE/MD	<a href="http://www.tceq.texas.gov/agency/data/lookup-data/pm25.html">www.tceq.texas.gov/agency/data/lookup-data/pm25.html</a>	N
OCE-5	Compliance History	Contains information about a customer, a regulated entity that the customer is affiliated with, and the customer's record of compliance at that particular regulated entity (high-value)	OCE/Enforcement Division	<a href="http://www2.tceq.texas.gov/occe/ch/index.cfm">www2.tceq.texas.gov/occe/ch/index.cfm</a>	N

### Exhibit 3: Key Datasets – Office of Administrative Services

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OAS-1	Current Contracts and Purchase Orders	Spreadsheet of current contracts and purchase orders, identifying the PCR #, PO Contract #, the vendor's name, project name, start date, end date, total amount	OAS	<a href="http://www.tceq.texas.gov/agency/financial/contracts/current">www.tceq.texas.gov/agency/financial/contracts/current</a>	N