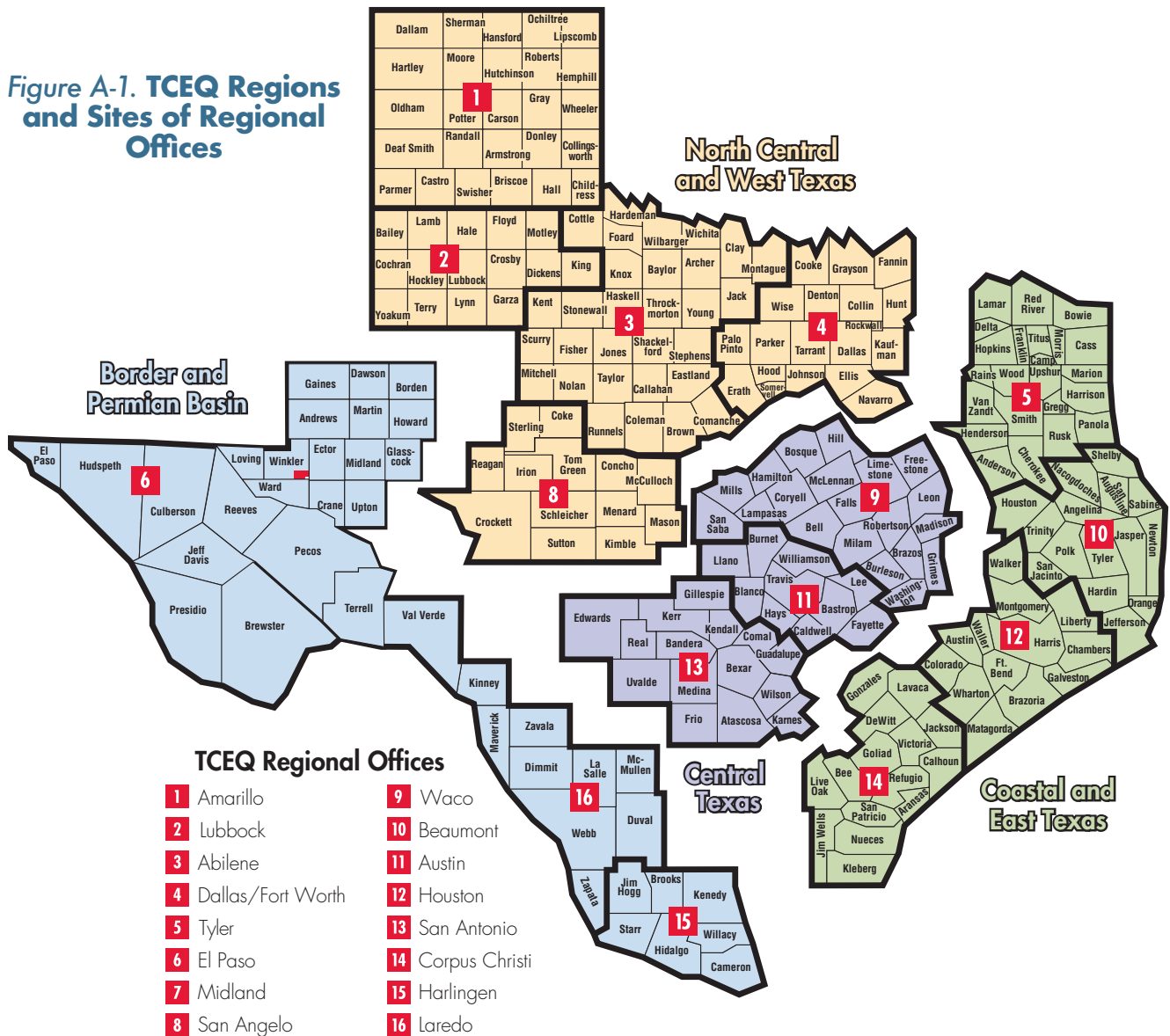


Assessment of Complaints Received

The Texas Commission on Environmental Quality receives thousands of complaints each year from Texans concerned about various environmental matters. In these communications, the complainant relates a situation or event in which a possible environmental, health, or regulatory violation has occurred.

Typically, complaints are submitted to the agency by phone, email, or letter to our central office or one of 16 regional offices for response. The agency maintains a 24-hour toll-free hotline (888-777-3186) for receiving such calls and a website where complaints can be submitted online.

Figure A-1. TCEQ Regions and Sites of Regional Offices



Legislation requires the TCEQ to review the complaints received each year, including analyses by the following categories:

- region
- environmental media (air, waste, and water)
- priority classification
- enforcement action
- commission response
- trends by complaint type

The agency is also required to assess the impact of any changes made in the commission’s complaint policy. This analysis is conducted and submitted in accordance with Sections 5.1773 and 5.178 of the Texas Water Code.

Complaint Data Collection and Reporting

After the Office of Compliance and Enforcement receives an environmental complaint, the data related to the initial complaint are recorded in the Consolidated Compliance and Enforcement Data System. If an investigation is warranted, an investigator is assigned who then enters all resulting data into CCEDS. Management reviews, approves, and documents the investigation in CCEDS.

All the data summarized in this appendix were extracted from CCEDS. This report reflects activity that occurred in the agency’s 16 regions and at the central office during fiscal 2017 (Sept. 1, 2016, through Aug. 31, 2017) and fiscal 2018 (Sept. 1, 2017, through Aug. 31, 2018). The data are presented in Figures A-2 to A-9.

Complaints by Region

In fiscal 2017, the TCEQ received a total of 10,193 complaints; in fiscal 2018, the total was 11,091. Figures A-2 and A-3 show the complaints received annually.

The number of complaints varies according to regional population. In fiscal 2017, 53 percent of all complaints came from the two largest metropolitan areas, the Dallas-Fort Worth region (17 percent) and the Houston region (36 percent). In fiscal year 2018, 57 percent of all the complaints were received by the Dallas-Fort Worth region (19 percent) and Houston region (38 percent).

Figure A-2. FY 2017 Complaints by Region

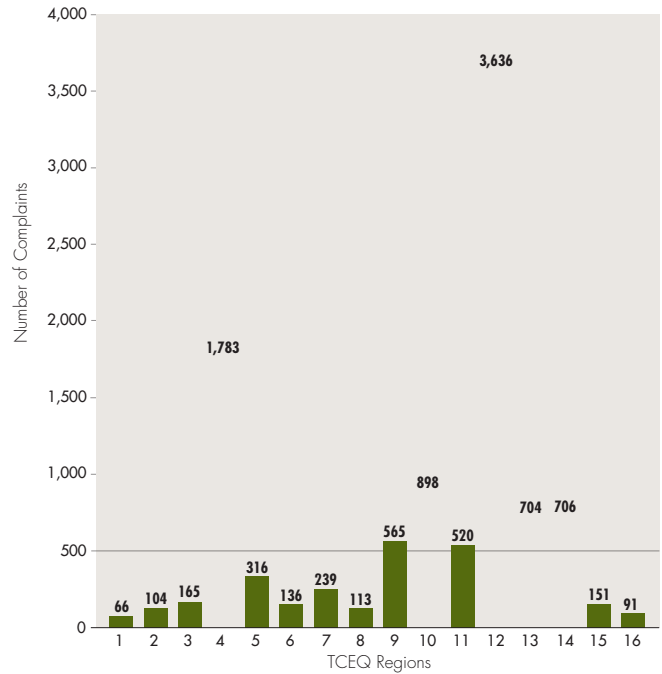


Figure A-3. FY 2018 Complaints by Region

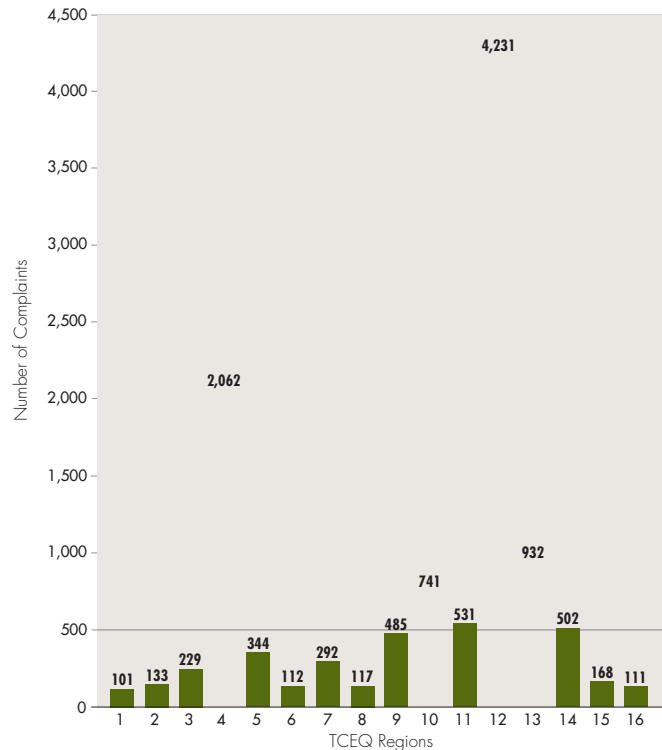
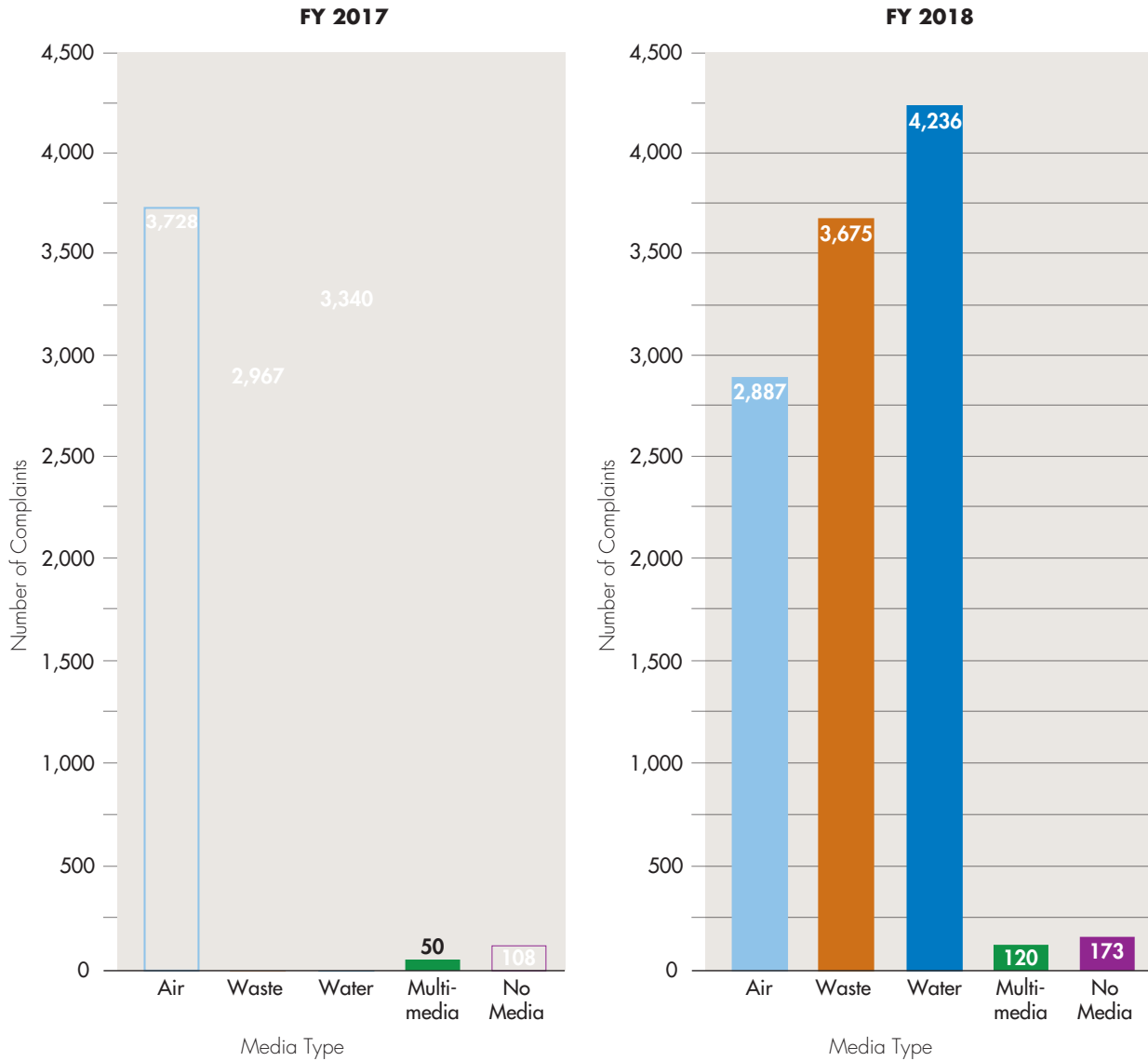


Figure A-4. Complaints by Media Type, Statewide



Complaints Received by Environmental Media (Air, Waste, Water, Multimedia, and No Media)

Total complaints were analyzed by environmental media (air, waste, water, multimedia, and no media) statewide. “No media” refers to complaints that do not fit within one of the established medias (for example, noise). As seen in Figure A-4, air complaints represent the most complaints in fiscal 2017 and water complaints the most in fiscal 2018.

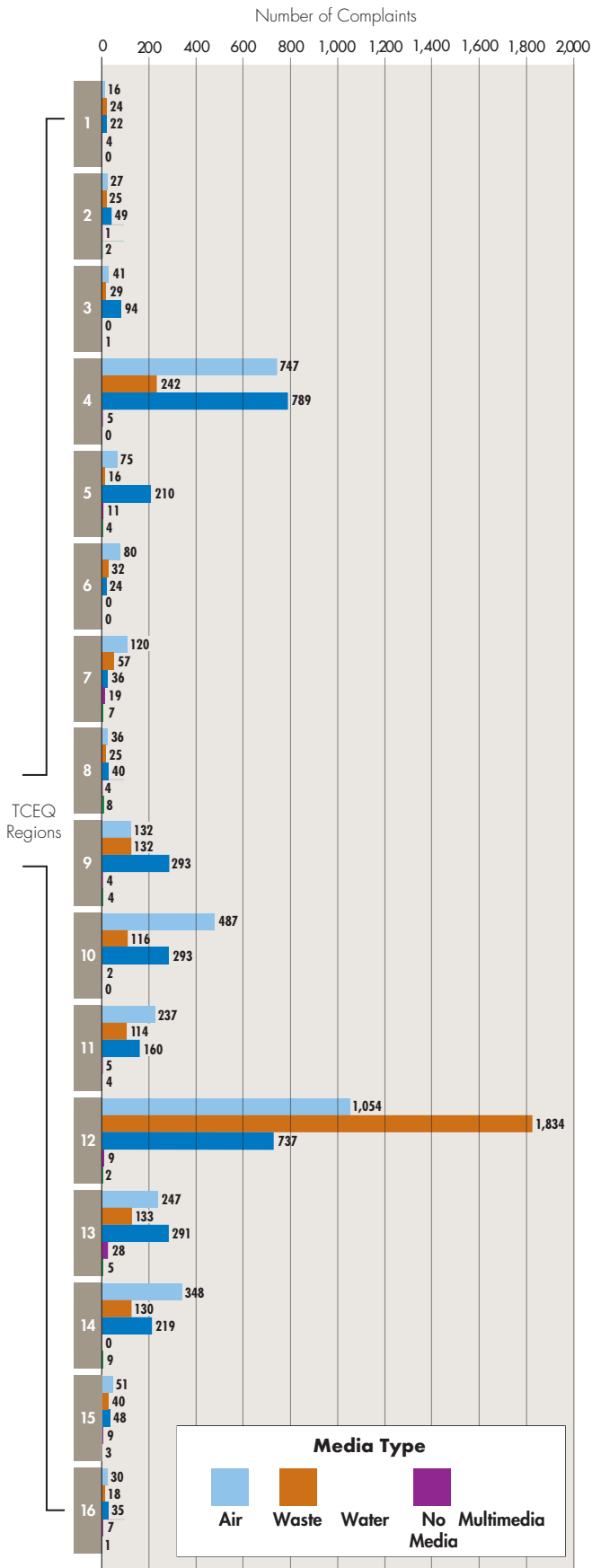
In fiscal 2017, the TCEQ continued to experience a high number of air complaints, primarily due to a large volume of complaints related to odors near residential ar-

reas in the Dallas-Fort Worth and Houston areas, increases in nuisance dust complaints in the Corpus Christi area, and a facility fire in the Beaumont region. In fiscal 2018 the TCEQ observed a decrease in air complaints, as the overall number returned to the historic trend.

In fiscal years 2017 and 2018, the TCEQ saw a significant increase in waste complaints, primarily due to large volumes of landfill odor complaints in the Houston region.

In fiscal 2018, the Dallas-Fort Worth, Houston, and San Antonio regions experienced a significant increase in water complaints. This is due in part to an increase in public water systems and wastewater treatment facilities in these areas. There has also been an increase in stormwater-related complaints due to continued growth in these areas.

Figure A-5. Complaints by Region & Media Type, FY 2017



Water complaints outnumbered air complaints in half of the regions in fiscal 2017 and more than half of the regions (11 out of 16) in fiscal 2018. In fiscal 2017 and 2018, waste complaints significantly outnumbered both water and air complaints in the Houston region which received the most complaints statewide.

Complaints Received by Priority Level

Complaints received in regional offices are prioritized in the following categories, based on the relative threat to public health, safety, or the environment. Each priority level represents a prescribed response time. The priority levels are:

Immediate response required

Response time is as soon as possible, but no later than 24 hours from receipt. This classification includes a new category established by the 81st Legislature of response within 18 hours for odor complaints involving certain types of poultry operations.

Respond within one working day

As soon as possible, but no later than one working day from receipt.

Respond within five working days

As soon as possible, but no later than five working days from receipt.

Respond within 14 calendar days

As soon as possible, but no later than 14 calendar days from receipt.

Respond within 30 calendar days

As soon as possible, but no later than 30 calendar days from receipt.

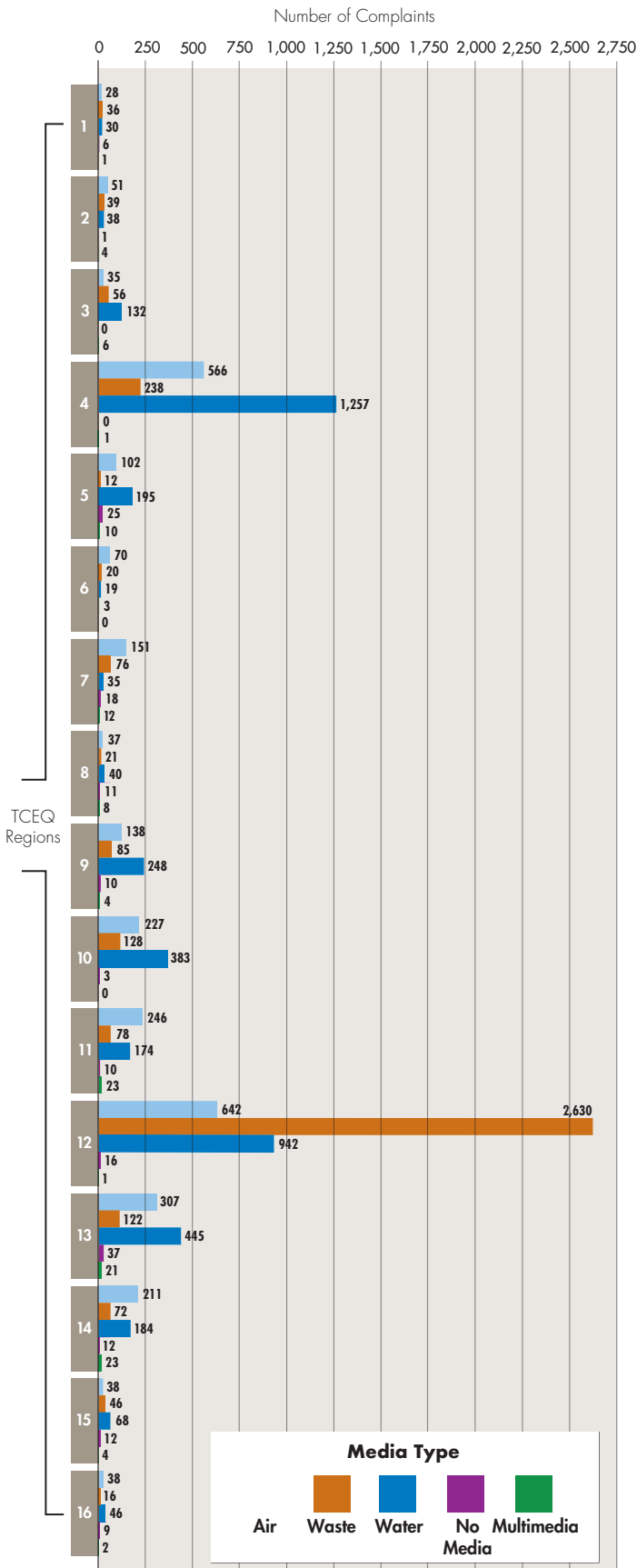
Refer or do not respond

This classification is for complaints that, due to jurisdictional issues, are referred to other authorities, or for complaints that the TCEQ does not routinely investigate but needs to track for special projects, as determined by management.

Other specified time frame

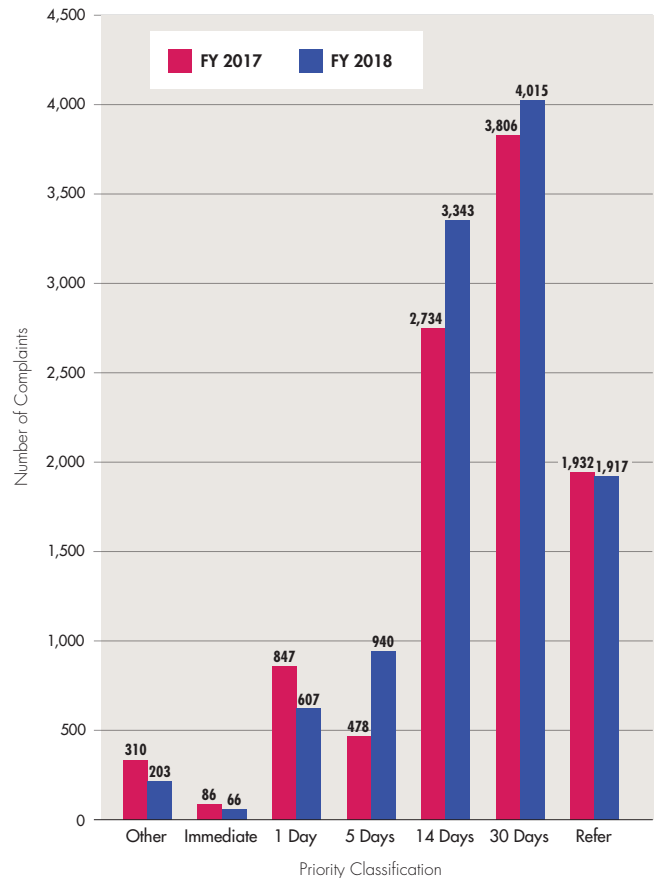
This classification is for special projects that occur as on-demand events and complaints in which the complainant or source is unavailable and region management has granted prior approval for extending an investigation. Response time is based on management's evaluation of the project and the overall staff workload.

Figure A-6. Complaints by Region & Media Type, FY 2018



The distribution of complaints is shown by priority classification statewide in Figure A-7. Approximately 80 percent of the complaints received during the last two years were classified as requiring an investigation in 30 calendar days or less.

Figure A-7. Complaints by Priority, Statewide

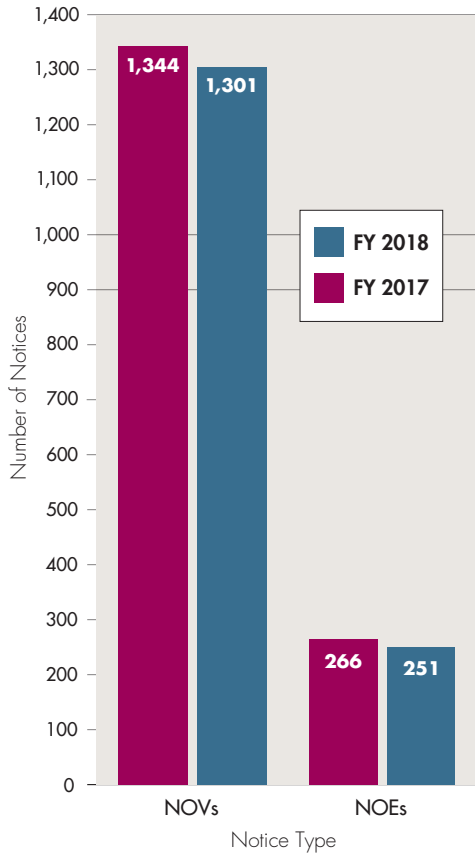


Complaint Investigations that Trigger Enforcement Action

All complaint investigations are conducted according to priority levels, as described above. Subsequent action depends on the outcome of the investigation. For approximately 85 percent of the complaints received during fiscal years 2017 and 2018, no specific violations were documented. For the remainder, the agency took enforcement action in the form of a notice of violation (NOV) or a notice of enforcement (NOE) per the TCEQ’s enforcement initiation criteria.

Issuance of an NOV indicates that TCEQ rules, state statutes, or permit requirements have been violated, but the violation is not considered serious

Figure A-8. Complaints Resulting in NOVs & NOEs, Statewide



enough to require an enforcement order and the violation is expected to be resolved within a specified time frame.

An NOE is issued when a substantial violation has been documented and formal action is required. Typically, an NOE leads to the assessment of administrative penalties.

In fiscal 2017, the agency issued 1,344 NOVs and 266 NOEs as a result of complaint investigations; in fiscal 2018, the totals were 1,301 NOVs and 251 NOEs.

Complaints Investigated by Program Type

Another analysis is by the program-type of investigations to address complaints. Waste and water media each have several subcategories of programs. Air complaints are not further subdivided. If an investigation involves more than one type, it is classified as “multi-program.”

The waste program types are:

- dry cleaners,
- emergency response,
- petroleum storage tanks (including Stage II vapor recovery),

- industrial and hazardous waste, and
- municipal solid waste.

The water program types are:

- animal feeding operations,
- Edwards Aquifer Protection Program,
- on-site sewage facilities,
- public water supply,
- water rights,
- aggregate production operations,
- landscape irrigation, and
- water quality.

Water quality also comprises several program sub-types (sludge transporters, beneficial use, stormwater, and municipal and industrial wastewater treatment, and pretreatment); however, these sub-types are not listed separately in this analysis.

Figure A-9 shows the number of complaint investigations that were conducted in each program type. In fiscal 2017, 4,924 investigations were conducted. In fiscal 2018, 4,540 investigations were conducted. One investigation may be conducted for multiple complaints for the same or similar incidents or conditions.

In fiscal 2017, air complaint investigations made up 37 percent of the total; water complaint investigations, 44 percent; waste investigations, 17 percent; and multi-program complaint investigations, 3 percent. In fiscal 2018, air investigations were 36 percent of the total; water investigations, 47 percent, waste investigations, 14 percent; and multi-program complaint investigations, 3 percent.

Conclusions

There continued to be an upward trend in overall complaints for fiscal years 2017 and 2018 when compared to previously reported fiscal years. The most significant increases were for waste between fiscal years 2016 and 2018 and for water between fiscal years 2017 and 2018.

The large increase in water complaints in fiscal 2018 may be attributed to an increase in public water systems and wastewater treatment facilities and increased development in several areas of the state. The large increase in waste complaints in fiscal years 2017 and 2018 are related to large numbers of odor-related complaints near landfills primarily in the Houston area.

As water complaints increased, TCEQ staff also completed an increased amount of public water supply complaint-

investigations. Air complaint investigations also increased from fiscal 2016 to fiscal 2017. Many of the air complaint investigations are associated with the landfill odor complaints in the Houston area. When multiple complaints are related, they may be addressed collectively according to the agency’s standard investigative procedures. Therefore, there is not always a direct correlation between the number of complaints received and the number of investigations.

Finally, the analysis of complaint investigations by program type reflects the fact that the TCEQ places a high priority on investigating complaints. All complaints are reviewed by management, prioritized according to potential impact on public health or the environment, and either investigated in accordance with the assigned priority or, if not within the jurisdiction of this agency, referred to the appropriate authority.

Figure A-9. Complaint Investigations by Program Type

