



BIENNIAL REPORT

TO THE 88TH LEGISLATURE | FY 2021 - FY 2022

SFR-057/22
December 2022

Mission

The Texas Commission on Environmental Quality strives to protect our state's public health and natural resources consistent with sustainable economic development.

Our goal is clean air, clean water, and the safe management of waste.

Philosophy

To accomplish our mission, we will:

- base decisions on the law, common sense, sound science, and fiscal responsibility;
- ensure that regulations are necessary, effective, and current;
- 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; and
- hire, develop, and retain a high-quality, diverse workforce.



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Report Requirements

TCEQ’s Biennial Report to the Legislature is published every December prior to a regular legislative session, as required by the Texas Water Code, Section 5.178. This submission to the 88th Legislature also contains other information and reports that are required by statute and were last published in December 2020 in the Biennial Report to the 87th Legislature (SFR-57/20):

- Description of cooperative research efforts, page 27 [Water Code Section 5.1193].
- Waste exchange information, page 44 [Texas Health and Safety Code Section 361.0219(c)].
- Revenue spending from solid waste disposal and transportation fees, page 51 [THSC Sections 361.014(a) and (b)].
- Assessment of complaints received, page 53 [Water Code Section 5.1773].
- Permit time-frame reduction process, page 60 [Government Code, Section 2005.007].
- Office of Public Interest Counsel evaluation of performance measures, page 68 [Water Code Section 5.2725].
- Study on water basins without a watermaster, page 78 [Water Code Sections 11.326(g) and (h)].



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INTRODUCTION

As we reflect on the unprecedented events faced by all Texans in the last biennium, we can't help but proudly acknowledge the way TCEQ has risen to carry out our duties despite the challenges. We celebrated water delivery for Texans along the Rio Grande and the delegation of TCEQ's authority over certain oil and gas activities, we weathered winter storms, and we listened during the Sunset Advisory Commission Review, looking for ways TCEQ can grow and better serve our state.

Over the biennium, TCEQ and Texans alike faced the destruction of Winter Storm Uri. The devastating event triggered power outages, leaving millions in the cold and forcing the shutdown of public water systems and industrial facilities. TCEQ staff worked tirelessly to support water systems in issuing boil water notices, addressing infrastructure issues within their systems, and in monitoring air quality along the Gulf Coast.

Emergencies like Uri temporarily shine a spotlight on our team, but every day, we see their hard work and skill. That's why—in the face of escalating turnover and salaries that lag our sister state agencies by as much as 40%—we took major steps in the last biennium to retain our workforce. TCEQ funded targeted salary increases for key classification positions and provided certain recruitment and retention bonuses. Also, in March 2022, we put our new policy into effect that integrated part-time remote work opportunities, with 86% of staff eligible to participate. However, despite all our efforts to hire and retain staff, we ended Fiscal 2022 with over 400 vacancies (see Appendix E).



We started the biennium with an accomplishment that ensured Texas water right holders along the Rio Grande will receive their water allocation. TCEQ works with our southern neighbor and other partners to ensure water is delivered from Mexico to irrigate crops, supply municipalities, and conduct industrial operations along the Rio Grande. As documented in the International Boundary and Water Commission Minute No. 325, Texas closed out the 5-year cycle, ending 2020 with no shortfall in water delivery from Mexico. Since the beginning of the current cycle Mexico has accrued a large deficit. TCEQ will continue to be engaged with IBWC on this issue.

We engage with a wide array of stakeholders to fulfill our mission. As international negotiations were taking place with Mexico, we were also active nationally, in talks with the United States Environmental Protection Agency related to authority for particular oil and gas activities in Texas. TCEQ requested and received delegation from EPA to issue permits for oil and gas wastewater discharges, effective January 2021. As required by House Bill 2771, 86th Texas Legislature, TCEQ may now issue federal permits for produced water, hydrostatic test water, and gas plant effluent discharges resulting from certain oil and gas activities.

To better serve Texans, our team is continually looking for ways our agency can grow. The Sunset Advisory Commission Review has offered additional opportunities to reflect on TCEQ's performance—and we see there is still work to do. We look forward optimistically to the upcoming legislative session to carry out the recommendations of the Sunset Commission and to address agency needs so we can rise to meet the challenges of this great state.

Despite ongoing workforce challenges, over the last biennium we were able to celebrate many achievements. Because of our dedicated team, TCEQ has continued to fulfill our mission to protect public health and the environment, consistent with sustainable economic development. That said, TCEQ will need to further address retention issues to maintain the same level of service for future years.



*Chisos Mountains,
Big Bend National Park.
Credit: iStock.*