



**C H I E F  
A U D I T O R ' S  
O F F I C E**

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**An Audit Report for:**  
*TCEQ Chairman Jon Niermann  
TCEQ Commissioner Emily Lindley  
TCEQ Commissioner Bobby Janecka  
TCEQ Executive Director Toby Baker*

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# **Chief Auditor's Office Annual Report**

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FY 2022

## **TCEQ Mission Statement**

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.

## **Chief Auditor's Office Mission Statement**

The mission of the Chief Auditor's Office is to provide assurance and advisory services that help the Commissioners and management meet agency goals and objectives. We provide independent and objective information, analyses, and recommendations to assist management in effecting constructive change, managing business risk and/or improving compliance and accountability of the regulated community and business partners.

Jon Niermann, Chairman  
Emily Lindley, Commissioner  
Bobby Janecka, Commissioner  
Toby Baker, Executive Director

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## ***I. Compliance with Texas Government Code, Section 2102.015***

### **Posting the Internal Audit Plan, Internal Audit Annual Report, and Other Audit information on Internet Web site**

*Texas Government Code 2102.015* requires state agencies and higher education institutions, as defined in the statute, to post certain information on their internet websites.

Within 30 days of approval, an entity should post the following information on its internet website:

- A. The Agency’s approved internal audit plan as provided by *Texas Government Code, Section 2102.008*; and,
- B. The Agency’s annual report required by *Texas Government Code, Section 2102.009*.

*Texas Government Code, Section 2102.015*, also requires entities to update the posting to include the following information on the website:

- A. “detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns, if any, raised by the audit plan or annual report.”
- B. “summary of the action taken by the Agency to address the concerns, if any, that are raised by the audit plan or annual report.”

The TCEQ has complied with *Texas Government Code, Section 2102.015*, by posting the approved FY 2021 Annual Audit Report and the *Annual Risk Assessment and FY 2023 Audit Plan* on the TCEQ public website as required. The *FY 2022 Annual Audit Report* is being posted to the Agency’s public website concurrently with its distribution to the SAO. At this time, no weaknesses or concerns have been raised by the audit plan or annual report.

## ***II. Internal Audit Plan for Fiscal Year 2022***

### **Audit Projects Completed During the Fiscal Year**

<b>Project Number</b>	<b>Project Name</b>	<b>Report Issue Date</b>
21-007	Review of TERP Fund 5071 Revenues and Expenditures	Dec. 2021
21-008	An Audit of the Expedited Air Permit Timekeeping and Billing Process	Sept. 2021
22-001	Regional Office Review - North Central & West Texas Area	July 2022
22-002	USGS Contract Compliance	Jan. 2022
22-003	North Central Texas Council of Governments (NCTCOG) Contract Compliance Audit	Dec. 2021
22-004	An Audit of University of Texas Rio Grande Valley Contract Compliance	Mar. 2022
22-005-a	Contract Close-out Process - Office of Air	Feb. 2022

<b>Project Number</b>	<b>Project Name</b>	<b>Report Issue Date</b>
22-005-b	Contract Close-out Process - Office of Compliance and Enforcement	Feb. 2022
22-005-c	Contract Close-out Process - Office of Waste	Feb. 2022
22-005-d	Contract Close-out Process - Office of Administrative Services	Feb. 2022
22-005-e	Contract Close-out Process - Office of Water	Feb. 2022
22-006	University of Texas at Austin Contract Compliance	Mar. 2022
22-007	An Audit of the Enforcement Penalty Process	Aug. 2022
22-008	Mobile Device Management	June 2022
22-010	Aggregate Production Operations Documentation Compliance Review	June 2022
SFR-118/23/Report 22-811	Annual Risk Assessment and FY 2023 Audit Plan	Aug. 2022
SFR 82/21	Chief Auditor's Annual Report	Sept. 2021

### **FY 2022 Audit Projects Carried over to FY 2023**

<b>Project Number</b>	<b>Project Name</b>	<b>Project Status</b>
22-009	An Audit of the Public Information Request Intake Process	Reporting

### **Deviations from the Chief Auditor's Office FY 2022 Audit Plan**

There were no deviations from those projects approved as a part of the FY 2022 Audit Plan.

### **Ensuring Compliance with Contract Processes and Controls for Monitoring Agency Contracts**

All TCEQ processes including contract procurement, close-out, and monitoring are included in the Chief Auditor's annual assessment of the Agency's auditable risks. Identified risks are ranked and scored annually during the development of the Agency's Annual Audit Plan. Risks related to contract monitoring have been identified as an on-going risk to all State agencies, and as a result, the TCEQ Chief Auditor allocates audit hours each fiscal year to contract management and monitoring engagements. The objectives of these engagements are to ensure that processes have been established and are operating effectively to ensure that contract procurement, formation, payment, monitoring, and close-out processes comply with Agency, State, and Federal requirements. In the past five (5) fiscal years, the CAO has performed 31 internal audit engagements that focused on contract monitoring and related processes. The CAO followed up on recommendations made in 25 contract-related internal audits and two (2) engagements performed by the State Auditor's Office. Three (3) audit reports issued

by the Chief Auditor's Office included no reported issues. Report numbers, titles, issue dates, and dates of follow-up reports are provided below.

<b>Project Number</b>	<b>Project Name</b>	<b>Issue Date</b>	<b>Follow-up Date(s)</b>
18-002	TERP Assets, Emissions, Disposition, and Monitoring Verification	12/2017	Fall 2018
18-003	An Audit of the Water Quality Staff Services Contract Compliance	11/2017	Fall 2018
18-005	An Audit of Border Affairs Contract Compliance	01/2018	Fall 2018
18-010	UT-Arlington Local Air Program Contract Compliance	07/2018	Spring 2019
18-011	An Audit of the Texas Facilities Commission Contract Compliance	04/2018	No Issues
18-012	An Audit of Data Center Service Level Agreements (SLAs)	04/2018	No Issues
18-013	UT-Arlington Remediation Staffing Services Contract Compliance	07/2018	Spring 2019
18-015	An Audit of Deliverables-Based Information Technology Services (DBITS) Contract Compliance	07/2018	Spring 2019
18-016	An Audit of TXC Texas Creative, Ltd. Contract Compliance	10/2018	Spring 2019
19-006	An Audit of the TCEQ Contract Procurement Process	06/2019	Fall 2019
19-007	Audit of Contract Close-out Processes	06/2019	Fall 2019
19-008	Texas A&M AgriLife/TWRI Contract Compliance	04/2019	Fall 2019
19-009	Atmospheric and Environmental Research, Inc. (AER) Non-FTE Contract Compliance	06/2019	Fall 2019
19-010	X8 Environmental, Inc. Contract Compliance	06/2019	Fall 2019
19-011	City of El Paso Whole Air Monitoring Contract Compliance	09/2019	Fall 2020
20-004	University of Texas at Austin Air Quality Contract Compliance	03/2020	Spring 2020
20-005	University of Houston-Clear Lake Contract Compliance	05/2020	Spring 2021
20-006	Emerald Environmental Services Contract Audit	07/2020	Spring 2021

<b>Project Number</b>	<b>Project Name</b>	<b>Issue Date</b>	<b>Follow-up Date(s)</b>
20-007	An Audit of the Federal Accountability and Transparency Act (FFATA) Reporting Process	06/2020	Spring 2021
SAO 17-029	SAO Audit of Selected Contracts at the Commission on Environmental Quality	03/2017	Spring 2019
21-003	An Audit of the TCEQ Contract Procurement Process	02/02021	No Issues
21-008	An Audit of the Texas Volkswagen Environmental Mitigation Program Grant Award Process	01/2021	Spring 2021
21-502	Development and Delivery of the TERP Online Application	01/2021	Spring 2021
SAO 19-005	Administration of the Texas Emissions Reduction Plan Grants	10/2018	Spring 2021
22-002	USGS Contract Compliance	01/2022	Spring 2022
22-003	North Central Texas Council of Governments (NCTCOG) Contract Compliance Audit	12/2021	Spring 2022
22-004	An Audit of University of Texas Rio Grande Valley Contract Compliance	03/2022	Spring 2022
22-005-a	Contract Close-out Process – Office of Air	02/2022	Pending
22-005-b	Contract Close-out Process – Office of Compliance and Enforcement	02/2022	Pending
22-005-c	Contract Close-out Process – Office of Waste	02/2022	Spring 2022
22-005-d	Contract Close-out Process – Office of Administrative Services	02/2022	Spring 2022
22-005-e	Contract Close-out Process – Office of Water	02/2022	Spring 2022
22-006	University of Texas at Austin Contract Compliance	03/2022	Pending

### **III. *Completed Consulting Engagements and Non-audit Services Projects***

During FY 2022, the CAO opened two (2) engagements meeting the definition of “non-audit service” as defined by the Institute of Internal Auditors’ *Internal Standards for the Professional Practice of Internal Auditing*, the *Government Auditing Standards, 2011 Revision, Sections 3.33-3.58*, or *Government Auditing Standards, 2018 Revision, Sections 3.64-3.106*. Report numbers, titles, issue dates, and engagement objectives of the service performed are provided below.

Project Number	Project Name / Objective	Issue Date
22-301	Advisory Service - Recruitment and Retention Issues	08/16/2022

This advisory service provided TCEQ management with a compilation of economic and turnover-related information obtained from SAO reports and other published sources.

### FY 2022 Consulting Projects Carried over to FY 2023

Project Number	Project Name / Objective	Project Status
22-302	Advisory Service - TCEQ Public Information Request (PIR) Process	Fieldwork

This advisory service is being performed to provide management with information needed to improve the existing process through the identification of process inefficiencies.

#### IV. *External Quality Assurance Review (Peer Review)*

The CAO's most recent peer review report is dated March 2020. The review was performed in accordance with the State Agency Internal Audit Forum's peer review policies and procedures. The overall opinion provided in the Peer Review Report is as follows:

“Based on the information received and evaluated during this external quality assurance review, it is our opinion that the Texas Commission on Environmental Quality's CAO receives a rating of **“Pass/Generally Conforms”** and is in compliance with the Institute of Internal Auditors (IIA) International Professional Practices Framework and Code of Ethics, the United States Government Accountability Office (GAO) Government Auditing Standards, and the *Texas Internal Auditing Act (Texas Government Code, Chapter 2102)*. This opinion, which is the highest of three possible ratings, means that policies, procedures, and practices are in place to implement the standards and requirements necessary for ensuring the independence, objectivity, and proficiency of the internal audit function.

We found that the CAO is independent, objective, and able to render impartial and unbiased judgments on the audit work performed. The staff members are qualified, proficient, and knowledgeable in the areas they audit. Individual audit projects are planned using risk assessment techniques; audit conclusions are supported in working papers; and findings and recommendations are communicated clearly and concisely.

The CAO is well managed internally. In addition, the Office has effective relationships with the Commissioners and is well respected and supported by management. Surveys and interviews conducted during the quality assurance review indicate that management considers Internal Audit a useful part of the overall agency operations and finds that the audit process and report recommendations add value and help improve the Agency's operations.”

The opinion is signed and dated by the three individuals responsible for performing the peer review.



**V. Chief Auditor’s Office Audit Plan for Fiscal Year 2023**

The projects identified below appear on the FY 2023 Audit Plan approved by the Commission and are scheduled to be performed by the CAO during the Fiscal Year:

\* - Indicates a FY 2022 project carried over to FY 2023.

\*\* -indicates a project with a focus on contract oversight and/or contract processes

<b>Audit Services Project Areas</b>	<b>Hours</b>
22-009 An Audit of the Public Information Request Intake Process*	100
22-302 Advisory Service – TCEQ Public Information Request (PIR) Process*	1,000
SB 3 Compliance - Water Utility Emergency Preparedness Planning	600
Audit of the TCEQ Supplemental Environmental Project (SEP) Program**	400
TAC 202 (Information Security Standards) Compliance	800
A Review of Radioactive Materials Division Contract Processes**	800
Texas Emissions Reduction Program Trust Financial Processes	800
Procurement of Information Technology Products**	800
Contract Close-out Processes**	1,000
Regional Office Review – Border and Permian Basin Area	800
Review of TCEQ Contractor Access to Information Technology Systems	600
<b>Non-Audit Services</b>	
Advisory Service – Review of the TCEQ Hiring Process	800
<b>Approved Alternative Projects</b>	
Performance Measures – Offices of Air, Water, Waste, and Compliance and Enforcement	
Performance and Documentation of Employee Appraisals	
Review of CCEDS Complaints, Investigation and NOV Close-out Process	
<b>CAO Office-wide Project Areas</b>	<b>Hours</b>
Audit Follow-ups (Fall and Spring)	250
CAO Annual Internal Audit Report FY 2022	150
Annual Risk Assessment and FY 2024 Audit Plan	800
Special Requests from the Commissioners or Executive Director	1,400
CAO Quality Assurance Activities	192
Fraud, Waste, and Abuse Investigations	TBD

## Risk Assessment

Our FY 2023 audit plan is based on an agency-wide risk assessment. Risk assessment, as defined by the Institute of Internal Auditors, is a “systematic process for assessing and integrating professional judgments about probable adverse conditions and/or events.” The CAO’s risk assessments identify a variety of risks and include consideration of agency operations, contract management, and information technology risks. No additional risks identified and ranked as “high” were excluded from the FY 2023 audit plan.

In conducting our risk assessment, the Chief Auditor’s Office received input from TCEQ Commissioners, Executive Management, Office Directors, and selected Deputy Directors and other agency employees.

The CAO identified the universe of auditable activities primarily as those activities conducted to address the strategies funded by the General Appropriations Act and fees collected by the TCEQ. We defined auditable activities to include all fees collected the Agency, all contracts entered into by the Agency, and all information technology systems and processes that support the agency’s activities. High-risk processes, contracts, fees, and functions identified during our risk assessment were included in our FY 2023 Audit Plan.

After documenting the population of potential programmatic and information technology concerns identified during our risk assessment process, management of the CAO judgmentally scored the identified risks and activities by assigning numerical values to specific elements of risk related to that category. This included fraud risk as appropriate. Using the resulting audit risk scores, specific project topics were identified for each of the high-risk areas. We then prioritized each potential project to determine which projects should be included in the proposed audit plan.

We will update our risk assessment as additional information is obtained throughout the coming fiscal year. Our continuous evaluation of agency risks will ensure the most efficient use of audit resources.

The risk assessment process included review of the project areas by the Chief Auditor to ensure adequate coverage of risk and to avoid inappropriate duplication of coverage.

**Alternative projects** are additional areas that we believe could benefit from the use of audit resources but did not rise to the top of the list of potential audit areas. We have received approval to use them as alternative projects in circumstances where additional or substitute projects are required.

We will consult with the Commission and Executive Management as needed based on priorities, management requests, workloads, changes in operations, and availability of audit resources to determine if our plan should be adjusted.

### **VI. *External Audit Services Procured in Fiscal Year 2022***

During Fiscal Year 2022, the Chief Auditor’s Office did not procure any external audit services.

### **VII. *Reporting Suspected Fraud and Abuse***

The TCEQ and the Chief Auditor’s Office offer both internal and external means for agency employees and the public to report allegations of suspected fraud, waste, and abuse related to TCEQ operations.

Reporting through the TCEQ can be done openly or anonymously either by phone or through on-line reporting via links located on both the TCEQ internal and external websites.

*TCEQ Operating Policy and Procedure 3.10, Reporting Allegations of Fraud, Waste, and Abuse*, provides the policy and procedure for reporting to the Chief Auditor's Office. A link to the internal reporting tools is available on the Agency's intranet site, "Employee Ethics and Fraud Awareness/Prevention."

In compliance with *Texas Government Code, Section 321.022, Coordination of Investigations*, the TCEQ has a link on its public website that allows individuals a choice in reporting suspected violations internally to the Chief Auditor's Office or directly to the State Auditor's Office Fraud Hotline.