CHAPTER 1

AGENCY HIGHLIGHTS

FY 2023-FY 2024

Egrets in the morning. [Credit: iStock]

As the state's environmental agency, TCEQ engages every region of Texas, from Amarillo to South Padre Island, El Paso to Nacogdoches, and all parts in between. Agency employees at Austin headquarters and 16 regional offices immerse themselves daily in a wide spectrum of issues related to air and water quality, water supply, and waste management. Further, the agency promotes pollution prevention and educates Texans about protecting the environment.

During fiscal 2023 and 2024, TCEQ sprang into action to restore Texas landscapes affected by storms, fires, explosions, a train wreck, and a hurricane. Whether a natural disaster or an industrial incident, TCEQ employees have worked tirelessly and often heroically in the field, even as their own homes and neighborhoods fell victim to these disasters.

Alongside these emergency responses, the last biennium saw important developments in TCEQ's environmental pursuits. For years, Texas has fought legal battles on the border for its fair share of water rights on the Rio Grande, and TCEQ continues to monitor those negotiations. The pursuit of improving water and air quality continues, as do challenges with waste management and remediation. All the while, the agency strives to keep its operations transparent and accessible as it continues to evolve. To that end, the agency incorporated new leadership changes, including a new commissioner, a new executive director, and a new deputy executive director.

All these activities occur against a backdrop of the state's fast-growing population and expanding economy. TCEQ has responded with initiatives adapted to changing times and challenges, while continuing its dedication to protecting public health and the state's natural resources.

LEADERSHIP CHANGES

New Commissioner

Commissioner Catarina R. Gonzales was appointed by Gov. Greg Abbott on Feb. 8, 2024. Before joining TCEQ, Gonzales served as budget and policy advisor for the Office of the Governor. In that role she worked closely with TCEQ staff as an advisor during the recent Sunset Review. Prior to her work in the governor's office, she practiced in private law firms in Austin and Houston.

Commissioner Catarina R. Gonzales is sworn in.

Gonzales was drawn to the environmental field out of a desire to help create a cleaner environment and make Texas an even better place to live. She also embraces TCEQ's desire to fill vacancies at the agency and make it a place where people not only want to work, but want to stay. Her education includes a bachelor's degree in political science from Trinity College, a law degree from St. John's University School of Law, and a master's in Energy and Environmental Law from the University of Houston School of Law.

New Executive Director

TCEQ Chairman Jon Niermann announced the appointment of Kelly Keel as the new TCEQ executive director on Dec. 14, 2023. Keel had served as interim executive director since June 15, 2023.

Before her appointment to interim executive director, Kelly Keel served as the director of the Office of Administrative Services where she oversaw the administrative infrastructure of the agency, including budget, planning, agency personnel, and information resources.

Keel joined TCEQ in April 2001. She holds a bachelor's degree in economics from Texas A&M University and graduated from The Bush School at Texas A&M University with a master's in public service and administration.

Executive Director Kelly Keel and Deputy Executive Director Steven Schar.

New Deputy Executive Director

Deputy Executive Director Steven Schar was promoted to his role on Dec. 15, 2023. The deputy executive director serves as chief operating officer to assist the executive director in the administration of the agency. Before that, Schar served as chief of staff for nearly two years, and as senior advisor to the executive director for more than four.

Prior to joining TCEQ, Schar worked as a policy advisor for Gov. Abbott on his inaugural team in 2015. Before his time in the governor's office, he spent 12 years in the Texas House of Representatives clerking various committees, which included serving as a senior advisor and committee director for Speaker Dennis Bonnen. Schar holds a bachelor's in government from the University of Texas.

EMERGENCY RESPONSE

Sherwin-Williams Plant Fire in Garland

In the early morning hours of Aug. 7, 2023, the Garland Fire Department responded to a structure fire at the Sherwin-Williams facility located on S. Shiloh Road. Units arrived on the scene and discovered a large ongoing fire and as time progressed, the dark morning air was shattered by several large explosions.

The facility's fire-suppression system used water and foam fire-retardant to combat the blaze, while the Garland firefighters applied additional water to help extinguish it. At approximately 3:30 a.m., the fire was put out completely. Unfortunately, runoff from firefighting activities entered storm sewers that flowed into a nearby creek, which caused a fish kill and potential threat of exposure to the public. Water samples were taken at several locations and analyzed at accredited laboratories, which detected the presence of pollutants believed to have originated from the runoff caused by the firefighting activities.

Aftermath of the Sherwin-Williams Plant fire.

Makeshift dams were constructed in the creek to contain the runoff, and the water retained by the dams was then pumped and stored in temporary mobile storage tanks until taken to an approved disposal facility. TCEQ, the city of Garland, and EPA conducted joint air monitoring and water sampling in the immediate area of the Sherwin-Williams facility. Handheld air monitors, TCEQ monitoring vans, and EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft were used to monitor the area for air contaminants.

A burnt container at the site of the Sherwin-Williams Plant fire.

Sound Resource Solutions Fire in Shepherd

TCEQ responded to a fire and explosion at the Sound Resource Solutions chemical blending facility in Shepherd on Nov. 8, 2023. The incident started when an electrical fire on a forklift ignited a spilled chemical. The fire spread rapidly, engulfed the entire facility, and consumed the majority of the 6.62 million pounds of chemicals onsite. Approximately 30 residences and two schools were evacuated, and a shelter-in-place order was issued for the area within a five-mile radius of the facility. More than 20 fire departments responded to the incident.

During the response, TCEQ personnel acted as on-scene coordinators for unified command and conducted aerial reconnaissance, post-fire site investigations, and air monitoring in the surrounding area. TCEQ continues to provide oversight of ongoing remediation activities at the facility.

Shamrock Tank Battery Oil Spill in Corpus Christi Region

At daybreak on Jan. 4, 2024, TCEQ's Corpus Christi regional office received a notification regarding a strong ammonia-like odor permeating the south Texas counties of Victoria, Refugio, San Patricio, Aransas, Nueces, Goliad, Bee, and Calhoun. TCEQ coordinated with multiple local, state, and federal partners to identify the source, which was determined to be 880 barrels—nearly 37,000 gallons—of a petroleum mixture containing mercaptan, which is hazardous to human health. The substance spilled onto the soil in close proximity to the Victoria Barge Canal. In response, TCEQ provided air monitoring, technical assistance, and support. TCEQ contractors contained the mercaptan and remediated the oil spill until the responsible party agreed to take over operations.

Panhandle Wildfires

The Smokehouse Creek Fire—which started one mile north of Stinnett in Hutchinson County on Feb. 26, 2024—burned more than an estimated 1 million acres in the Texas Panhandle before it was finally brought under control in mid-March. Multiple agencies, including the Texas Division of Emergency Management (TDEM), Texas A&M Forestry Service, and multiple area fire crews responded to contain the fires and provide assistance with recovery.

TCEQ staff respond to the wildfires in the Panhandle.

For TCEQ's part, regional staff contacted public water supply facilities, wastewater treatment facilities, and industrial facilities to assist with any potential threats to human health and the environment caused by the wildfires. Representatives of TCEQ's regional office met with the emergency response coordinator and the county judge to expedite a debris-management site in Hemphill County.

TCEQ regional staff also met with officials from the city of Fritch, Carson County, Hutchinson County, Texas Department of Transportation (TXDoT), Texas Baptist Men, and TDEM to establish a temporary debris management site at the Fritch recycling center. The agency requested, and was granted by the governor, a temporary suspension of the requirement to notify the regional office of carcass disposal to allow ranchers in the affected counties time to conduct a more efficient burial of animal carcasses without prior notification.

The city of Pampa, which was partially evacuated during the disaster, submitted a request for a temporary authorization to increase daily waste receipt at the municipal landfill. Municipal solid waste permitting staff at TCEQ worked expeditiously to approve the request the following day. During the fire, TCEQ regional staff continually assessed the temporary debris management sites in Fritch and Hemphill counties. Sites were inspected one final time in late July, and both were closed without incident.

Gregory Train Derailment

On June 10, 2024, six double-wall railcars derailed in Gregory. Three were on their side, one was inverted, and only two remained on wheels. The railcars were transporting approximately 540 tons of vinyl chloride, and at the time of the incident, it was unknown if there was a release from the railcars. TCEQ's Corpus Christi regional staff integrated into the unified command, alongside many other state and federal agencies. Due to the hazardous nature of the contents, TCEQ staff conducted air monitoring outside the exclusion zone—the area with actual or potential contamination and the highest potential for exposure to hazardous substances—while TCEQ contractors conducted air monitoring within the exclusion zone.

A tree downed by Hurricane Beryl in a Houston neighborhood.

Hurricane Beryl Makes Landfall

Hurricane Beryl hit the Texas coast on July 8, 2024, with enough force that Acting Governor Dan Patrick declared a state of disaster for several counties caught in the storm's path. The Category 1 hurricane knocked out power for an estimated 3 million Texans.

Air monitoring is conducted by TCEQ staff in the wake of Hurricane Beryl.

As Beryl approached, TCEQ prepared to implement emergency response plans for air quality monitoring, safe drinking water, critical water infrastructure, wastewater and sewage, and floodwater impacts. Post-landfall, TCEQ provided daily updates to communities and members of the public via a Hurricane Beryl Response webpage, social media, and regular updates to local authorities.

Once it became safe to enter the affected areas, TCEQ initiated air monitoring surveys and deployed high-tech RAE instruments for post-storm surveillance. These instruments provide instantaneous readings for environmentally essential compounds like oxygen, as well as dangerous compounds such as carbon monoxide, sulfur dioxide, and benzene. TCEQ evaluates these readings to ensure they are within acceptable levels to protect human health and the environment. Should a reading exceed an acceptable level, the agency initiates appropriate action to address the situation and notify local authorities. TCEQ's Toxicology Division reviewed all preliminary data in the aftermath of Beryl and determined that all readings were below thresholds that would cause immediate health concerns.

AIR QUALITY SUCCESSES

Grant Programs Created

In early 2024, TCEQ was awarded $134 million in noncompetitive federal funding from the Inflation Reduction Act Methane Emission Reduction Plan to develop and implement the Texas Voluntary Marginal Conventional Well Plugging Program (TxMCW) over a five-year grant period. Leveraging their experience administering the Texas Emissions Reduction Plan and Texas Volkswagen Environmental Mitigation Program, the Air Grants Division will administer the program and handle federal reporting requirements.

A tank topper advertises grant opportunities for THIVE.

TCEQ's new TxMCW program will assist operators and well owners in voluntarily and permanently plugging and abandoning MCWs on nonfederal lands. Grantees will measure methane emissions from MCWs pre- and post-plugging operations and support elements of environmental restoration required for full compliance with well plugging, abandonment standards, and regulations. Up to 100% of plugging and restoration costs for well operators can be funded by the program to assist them in removing wells that do not produce more than 15 barrels of oil or 90,000 standard cubic feet of natural gas per day.

Mobile Monitoring Innovations

In the past several years, TCEQ has built up a fleet of eight vans and specialized vehicles equipped with instruments able to collect air monitoring data while the vehicles are in motion. These mobile monitors are used for field investigations, special air quality projects, environmental emergencies, and natural disaster recovery efforts. The instruments provide accurate, real-time measurements of concentrations of select chemicals in ambient air, typically in 1- to 30-second increments.

Until now, comparison values didn't exist for evaluating the 1- to 30-second concentration data for health risk potential or for guiding response actions taken by field staff. To address this need, TCEQ developed unique, fit-for-purpose mobile monitoring comparison values (MMCVs). MMCVs help prioritize resources for identifying chemical sources, characterizing chemical concentrations, and mitigating exposure risk from events that cause chemical releases. On June 27, 2024, at a TCEQ Commission Work Session, agency staff publicly presented information about these mobile monitoring innovations.

TCEQ's Toxicology, Risk Assessment, and Research Division—along with the Monitoring Division—developed the MMCVs in collaboration with EPA's Region 6. The MMCVs include four different types of fit-for-purpose data screening levels for evaluation of mobile air monitoring data. The first type is an investigation level derived using chemical- and instrument-specific baseline detections; the other three types are toxicity-based values. These values provide guidance to agency field staff when initiating actions such as source investigation, stationary monitoring, and staff exposure mitigation. MMCVs are all set at levels well below those that would cause adverse health effects and they are designed to aid field-staff decisions, not to replace staff's discretion when making decisions.

In addition to MMCVs, communication tools were developed for field use such as data decision charts, chemical fact sheets, and MMCV tables to allow staff to reliably screen and take actions based on instantaneous data in real-time.

The TCEQ mobile air monitoring fleet is deployed.

TERP
TEXAS EMISSIONS REDUCTION PLAN
A Program of the TCEQ

TERP Program Highlights

TCEQ's Texas Emissions Reduction Plan continues to play an important role in reducing air emissions from vehicles and equipment operating in Texas. TERP encourages the use of alternative fuels for transportation and supports new and innovative technologies for reducing emissions from stationary sources.

Here are some of the key program highlights through August 2024:

- Since 2001, TERP programs have reduced 195,489 tons of nitrogen oxides in Texas.
- Since 2001, the Diesel Emissions Reduction Incentive Program has awarded more than $1.3 billion in grants to replace or upgrade more than 21,680 vehicles and equipment.
- Since 2008, the Texas Clean School Bus Program has awarded more than $78 million in grants for the retrofit or replacement of 8,228 school buses.
- Since 2009, the Texas Clean Fleet Program has awarded more than $81 million in grants to replace 797 diesel-powered vehicles with hybrid or alternative fuel vehicles.
- Since 2010, the New Technology Implementation Grant Program has awarded more than $25 million in grants for projects with potential to reduce emissions from stationary sources and projects to store and distribute electricity from renewable sources.
- Since 2012, the Texas Natural Gas Vehicle Grant Program has awarded more than $59 million in grants to upgrade or replace 1,189 motor vehicles with natural gas engines and vehicles.

- Since 2012, the Alternative Fueling Facilities Program has awarded more than $39 million in grants to establish or upgrade 357 natural gas, alternative fueling, or electric charging facilities in the Texas Clean Transportation Zone.
- Since 2014, the Light-Duty Motor Vehicle Purchase or Lease Incentive Program has awarded more than $23 million for the purchase or lease of 9,394 electric and natural gas vehicles.
- Since 2015, the Seaport and Rail Yard Areas Emissions Reduction Program has awarded more than $36 million in grants to replace 462 drayage trucks and pieces of cargo-handling equipment operating at seaports and rail yards in Texas.
- Since 2018, the Port Authority Studies and Pilot Programs has awarded $3 million in grants for port authorities to conduct studies and implement pilot programs for incentives to encourage cargo movement that reduces emissions.
- Since 2021, the Governmental Alternative Fuel Fleet Program has awarded $9.9 million in grants for state agencies and political subdivisions to upgrade, replace, or expand their vehicle fleets to alternative fuel, and to purchase, lease, or install refueling infrastructure for those vehicles.

WATER SUCCESSES

Grant Awarded for Lead Testing in Schools and Child Care Facilities

EPA awarded TCEQ grant funding via the Water Infrastructure Improvements for the Nation Act. With that funding, TCEQ initiated and implemented the Lead Testing in School and Child Care program (LTSCC).

LTSCC is a free voluntary statewide program that assists eligible public schools and child care facilities to test for lead in drinking water based on EPA's 3Ts—Training, Testing, and Taking Action. Since there is no safe blood lead level for children, eliminating it from the drinking water entirely is paramount.

TCEQ staff conduct outreach to help with lead testing in schools.

The LTSCC program trains participants to properly collect water samples which will later be tested for lead. The program also teaches participants how to take action to reduce lead in drinking water. As of May 2024, participants who complete sampling through the program and detect lead in one or more drinking-water outlets will be provided free water-pitcher filters certified to remove lead.

The program has developed working relationships with local and state health departments and water systems, allowing for increased cross-promotion. Outreach activities have included collaborative webinars and joint presentations and exhibitions at conferences. Over 3,000 public schools and childcare facilities are enrolled in the program and more than 30,000 samples have been analyzed.

City of Toyah Rescinds Boil Water Notice

TCEQ, together with the city of Toyah and the Texas Office of the Attorney General, have successfully taken actions needed to lift a boil water notice in place since 2018. In June of that year, Toyah officials confirmed *E. coli* detection, which resulted in a maximum contaminant-level violation. Additional problems included unlicensed

and underqualified staff, among other issues. The violation triggered a boil water notice until the system could resolve technical and operational issues to return the surface water treatment system to compliance.

Since 2018, TCEQ's Texas Optimization Program has provided help and free financial, managerial, and technical assistance to address multiple public water system issues in Toyah. This multifaceted support included technical assistance to get the treatment plant in compliance with approved specifications, data management and reporting, technical education for operators, referral to funding resources, and on-site evaluations of city facilities and processes.

TCEQ's Midland regional office has performed regular focused compliance investigations to ensure appropriate chlorine levels and pressures, and the agency sought Toyah's compliance through an enforcement order and a civil suit with the Office of the Attorney General. The city made the necessary corrective actions and obtained a Class B Surface Water Operator. It also showed well-documented evidence of compliant surface water treatment to restore the quality of the drinking water. The combined efforts of TCEQ, the Office of the Attorney General, and Toyah resulted in the boil water notice being rescinded on July 11, 2024.

Online Applications Available for Individual Permits

TCEQ's Water Quality Division rolled out a new system for applicants to submit paperless applications though ePermits using a STEERS account. Many permit holders already have an account for submission of other permits to the agency, and now have the added convenience of submitting electronic applications for new, renewal, or amended domestic or industrial permits.

Watershed-based Plans to Restore Surface Water Quality

During the last biennium, TCEQ and stakeholders established multiple plans to improve surface water quality. The Total Maximum Daily Load (TMDL) Program developed TMDLs on 22 waterbodies not meeting water quality standards. TMDLs assign pollutant load allocations to various sources in project watersheds and provide a target to meet water quality standards.

During this time, the TMDL Program also developed four TMDL implementation plans, which put TMDLs into action through voluntary management measures aimed at improving water quality in impaired watersheds. Additionally, the Nonpoint Source Program finalized five watershed protection plans and funded voluntary activities in 23 watersheds with completed plans.

The primary focus of the actions taken by stakeholders is to identify sources of nonpoint source pollution and find methods to mitigate the pollution through best management practices and secured funding. These practices will help restore water quality in numerous watersheds throughout the state that are impacted by nonpoint source pollution.

One of five pet waste stations installed by TCEQ at Legacy Park in El Campo.

Restoration of Tres Palacios Creek Tidal

Tres Palacios Creek Tidal is an example of how watershed-based planning efforts can lead to the successful restoration of water quality in waterbodies that do not meet water quality standards. After multiple projects were implemented through TCEQ's Nonpoint Source Program, other state and federal agencies, and local communities, the tidal portion of Tres Palacios Creek was identified as meeting water quality standards to protect recreational uses in the 2024 Texas Integrated Report. Since 2014, best management

practices to restore water quality and reduce nonpoint source bacteria pollution have been developed and implemented.

These practices include:

- education and outreach activities,
- developing and implementing water quality management plans,
- septic system repair, and
- pet waste disposal initiatives in the watershed.

Restoration at Tres Palacios Creek Tidal at Carl Park.

Nine educational events covered topics such as feral hogs, septic system maintenance, and riparian management. Five pet-waste stations were installed in the city of El Campo and six septic systems were replaced near the creek. Together, these collective efforts contributed to the successful restoration of surface water quality in Tres Palacios Creek Tidal.

HRSS REPORTS WORKFORCE VACANCY REDUCTIONS

TCEQ began the last biennium with 427 vacancies, which made up 15.1% of authorized full-time equivalencies (FTEs) at the agency. This was the result of a 6% spike in the agency's turnover rate in fiscal 2022, to 18.1%.

To meet this challenge, TCEQ employed several strategies to recruit, hire, and retain highly educated and well-qualified staff. TCEQ emphasized its mission and culture to attract skilled applicants motivated to serve Texas and preserve its natural resources. The agency expanded its technical recruiting by attending more in-person environmental science recruiting events across the state, and applications received in fiscal 2023 grew by 50% over fiscal 2022. TCEQ also invested in its workforce by providing targeted salary increases, offering on-demand professional development opportunities, and recognizing employees for their dedicated work in extraordinary circumstances, such as during Hurricane Beryl and the Panhandle fires.

In fact, TCEQ experienced record highs in attracting new and well-qualified employees to the agency: There were 571 new hires in fiscal 2023 (a 15.6% increase over fiscal 2022), and 499 new hires in fiscal 2024. Even more impressive, TCEQ ended fiscal 2024 with 184 vacancies, 6.4% of authorized FTEs.

Table 1. Number and Percentage of Vacancies by Year and Job Description

	FY22			FY23			FY24			
Classification	New Hires	Turnover Rate	Vacant Positions as of 8/31/22	New Hires	Turnover Rate	Vacant Positions as of 8/31/23	New Hires	Turnover Rate	Vacant Positions as of 8/31/24	Total Positions
Natural Resources Specialist	187	22.27%	148	232	17.17%	76	170	9.78%	36	882
Engineering Specialist	51	24.80%	56	53	19.84%	52	81	10.49%	31	314
Engineer	5	8.65	16	7	7.41%	18	8	8.26%	14	120
Geoscientist	4	15.09%	9	4	5.56%	7	8	15.009%	5	58
Hydrologist	7	6.82%	5	11	21.43%	6	7	4.35%	2	48
Systems Analyst	8	8.16%	10	7	3.92%	4	7	9.62%	3	55
Attorney	11	28.21%	14	7	12.50%	9	7	14.81%	10	89

Table 1 reflects strong hiring for core mission classifications over the last three years. Still, the chart also reflects that TCEQ has more work to do to fill and retain staff in key positions requiring STEM-based educations or professional licenses for critical programs such as air permits, water supply, and dam safety.

Looking forward, retention is a strategic objective for TCEQ in the fiscal 2025-2026 biennium. As Texas grows economically and becomes home to more companies, the STEM-based labor market will remain highly competitive. Key initiatives for TCEQ in the next biennium will focus on adding resources to ensure clean air, clean water, and the safe management of waste, as well as ensuring salaries are competitive within the state.

TCEQ staff host a recruiting table at the TAMU Fair.

OUTREACH EVENTS AND SEMINARS

TCEQ Celebrates 30 years of Continuing Education

Drawing more participants in every year since reopening after the pandemic, TCEQ welcomed over 4,000 registrants to the Environmental Trade Fair and Conference at the Austin Convention Center on May 16-17, 2023. This event celebrated 30 years of providing continuing education to environmental professionals.

Agency staff led more than 100 courses and discussions in 12 different educational tracks during the conference. Topics included air and water permitting, oil and gas, industrial and solid waste management, compliance and enforcement, and remediation programs. The exhibit hall featured more than 300 companies and showcased TCEQ's mobile air monitoring vehicles and the Take Care of Texas program.

The culminating event of 2023 honored the Governor's Texas Environmental Excellence Awards winners at a banquet on the last evening of the conference. This program—also celebrating 30 years—recognizes achievements in environmental preservation and protection. TEEA has honored more than 250 successful environmental projects and activities since its inception in 1993. Through this awards program, TCEQ hopes to encourage others to initiate like-minded projects and reinforce a spirit of environmental stewardship.

TCEQ staff offer in-person assistance at the 2024 Environmental Trade Fair and Conference.

Participants attend one of the many workshops at the Advanced Air Permitting Seminar.

Seminar Attendance Continues to Grow

While the annual Environmental Trade Fair and Conference and TEEA awards are the most visible events of the year, TCEQ outreach does not end there. Through the External Relations Division, the agency sponsored five hybrid events, one virtual event, and three in-person events to provide technical information to 2,067 attendees over the last biennium.

Total attendance to all events rose in fiscal 2023 and in fiscal 2024. After Trade Fair, the next highest-attended event in fiscal 2023 was the Advanced Air Permitting hybrid seminar, followed by an Emissions Inventory hybrid workshop, and Dam Safety in-person workshops in Austin, Conroe, and Decatur.

In fiscal 2024, the hybrid Water Quality workshop led after Trade Fair, followed by the Emissions Inventory virtual-only workshop, then the Pollution Prevention hybrid, and Austin's Dam Safety hybrid workshop. *Note*: This does not include all agency seminars and workshops, since many other groups host their own.

LANGUAGE ACCESSIBILITY

TCEQ has implemented numerous policies and practices to make its programs and practices accessible to non-English speaking groups. For example, the agency has broadened access to communication during the past two years by:

- Implementing new software for accepting comments on rulemaking projects and other similar projects. The new landing page for these projects can also be translated into Spanish, and applicable documents are made available for easy review by the public.
- Holding two Houston-area community meetings to discuss public participation in permitting, how to interpret and access air quality data, the environmental complaints process, and other issues of interest to the public. Each meeting included an opportunity to examine TCEQ mobile air quality monitoring equipment, participate in formal presentations on these topics, and propose "Ask an Expert" questions. The meetings satisfied part of TCEQ's obligations under the 2020 Informal Resolution Agreement with the Environmental Protection Agency.
- Finalizing and making available the Public Involvement Plan (PIP) form for permit applications and requiring its use by permit applicants. The PIP is part of the implementation of TCEQ's Public Participation Plan.
- Implementing an updated form for filing environmental complaints in both English and Spanish. The new form was also optimized for use on mobile devices, including phones.
- Implementing machine translation of the agency's public website into Spanish via a translate button prominently featured on each webpage.

Crested caracara amidst cactus in Texas. [Credit: iStock]

The following items are not specifically related to alternative language implementation; however, the first was requested by the legislature in a committee hearing and the second is related to Sunset implementation.

On Sept. 27, 2023, TCEQ completed a rulemaking (Docket No. 2023-0583-RUL) to update Title 30 Texas Administrative Code Chapter 50 clarifying the right to a Motion to Overturn an Air Quality Standard Permit.

In July of 2024, TCEQ held stakeholder meetings to solicit public input on the development of changes to the permitting public participation rule in 30 TAC Chapters 39 and 55 (Rule Project Number 2024-003-039-LS). One meeting was hybrid, with TCEQ regional offices in Austin, Midland, and Harlingen having rooms available to provide an additional option for the public to participate in the meeting, plus an online Zoom option. In-person meetings were also held in Arlington and Houston. Spanish language interpretation or assistance was available for all meetings, including the hybrid Zoom meeting.

WATER AT THE BORDER

Rio Grande 1944 Treaty with Mexico

Despite the United States living up to its agreement to supply 1.5 million acre-feet of water to Mexico from the Colorado River each year, Mexico has not responded in kind on the Rio Grande. In keeping with the U.S.-Mexico Water Treaty of 1944, Mexico is obligated to provide 350,000 acre-feet per year in five-year cycles, and the current cycle ends October 2025. As of August 2024, Mexico now carries an unrealistic projected deficit of water deliveries of approximately 930,000 acre-feet.

Although CONAGUA (Mexico's National Water Commission) and Mexico City agree on the importance of treaty compliance, residents from the Chihuahua area of Mexico have mounted strong resistance to any effort to divert water across the border. At times this resistance has turned violent, such as in 2020 when Mexican protestors—made up largely of farmers from Chihuahua—overtook CONAGUA engineers to seize control of the dams, primarily La Boquilla. The attack resulted in the death of one protestor.

Drought conditions have injured the Rio Grande Valley. The citrus industry is in peril, a sugar mill has closed, and low-reservoir storage is at an all-time low in Amistad and Falcon. As Texas endures the drought, TCEQ will continue to monitor events under the watchful eye of the International Boundary and Water Commission as the state encourages Mexico to live up to the terms of the 80-year-old Rio Grande 1944 Treaty.

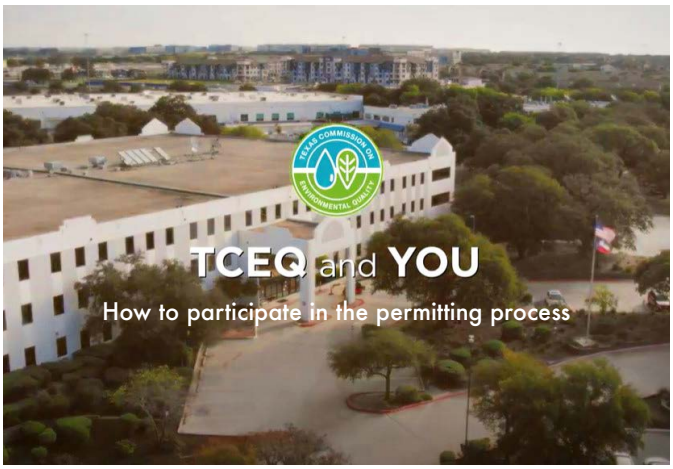
Coahuila Secretary of Environment and TCEQ sign a Memorandum of Cooperation.

SCOTUS Denies States' Water Agreement

Texas filed suit against New Mexico and Colorado in the United States Supreme Court in 2013, alleging years of New Mexico's failure to comply with the Rio Grande Compact.

Texas argued that New Mexico's groundwater use south of Elephant Butte Reservoir prevents Texas from receiving its fair share of water under the Rio Grande Compact. The United States was allowed to join the lawsuit in 2018 because the Bureau of Reclamation is contracted to provide the means to deliver water to Texas and New Mexico. After years of litigation and settlement discussions among the parties, a proposed settlement agreement was reached. However, the United States objected to the agreement and the Supreme Court was asked to determine whether the states could proceed with a settlement agreement over the objection of the United States.

On June 21, 2024, the Supreme Court issued a decision that rejected the proposed settlement, but supported Texas' position regarding New Mexico's water use. The parties have since continued settlement discussions but are also preparing for further litigation in the case. TCEQ will continue to monitor the situation while maintaining its database of river flows, diversions, and other technical information to support this and other interstate river compact commissions.



One of the new videos in our "TCEQ and You" series.

SUNSET RESULTS

During the 88th Legislative Session, Senate Bill 1397 was passed, continuing TCEQ to 2035. The bill included many changes, including the requirement to provide community outreach and education on the permitting process. TCEQ has already fulfilled many of the Sunset Advisory Commission requirements and is in the process of implementing the remaining recommendations, including management actions not required by statute. Recommendations stemming from the Sunset review focus on public participation, transparency, compliance, and other statutory changes to provide consistency across state agencies.

One requirement for public participation improvement was to extend the public-comment period and the request for contested case hearings by 36 hours for air permitting applications that require a consolidated notice. This extension mainly impacts the Standard Permit for Concrete Batch Plants. While the extension is currently in practice, TCEQ is incorporating these changes in rule.

In a further effort to support public participation, TCEQ posted a series of videos called *TCEQ and You* to enhance public education. Videos include:

- How to Participate in Public Meetings,
- How to File a Complaint, and
- How to Participate in Rulemaking Matters.

Increasing public participation also calls for a commitment to transparency. TCEQ now posts certain permit applications on its website, for such programs as:

- New Source Review air permits,
- Standard Permits for Concrete Batch Plants,
- Title V air permits,
- Wastewater permits, and
- Municipal Solid Waste permits.

The agency is also in the process of developing a more user-friendly permit search portal on its website to allow the public to search for active permits by location. This permit search portal will be designed for use across multiple devices.

A full house at a recent public meeting hosted by TCEQ.

Regulated entities with temporary or open-ended permits without an expiration date are now required to annually report their operational status, and this status will be publicly available. These include:

- air permits by rule,
- scrap tire generators,
- land reclamation projects using tires, and
- certain municipal solid waste recycling facilities.

In addition to website improvements, TCEQ is improving how non-jurisdictional information is provided on permit applications when a response to comments is required. If a comment is not within its jurisdiction, TCEQ will let the public know which agency or organization is relevant to the comment and show the public how to contact those entities.

Chairman Jon Niermann and Mary E. Smith sit on the dais.

Finally, TCEQ will now consider minor and moderate violations when identifying entities as a repeat violator which could impact their compliance history rating. Further, the maximum administrative penalty for noncompliance was increased from $25,000 to $40,000 per violation per day if there was an actual release of pollutants or unauthorized diversion that results in environmental harm, and if the same nature of violation has occurred previously and could have been anticipated or avoided.

Overall, TCEQ received 35 Sunset recommendations, of which roughly half have been fully implemented. As TCEQ continues to implement the remaining items, the agency will be reviewed by the State Auditor's Office and Sunset staff to ensure it is meeting requirements set by the SAC members and the Legislature. As always, TCEQ will continue to seek improvement in its processes and management of agency programs in its commitment to protecting public health and the state's natural resources.

A sotol plant in bloom in the Chisos mountains. [Credit: iStock]