

**FY 2023 – FY 2024**

# **BIENNIAL REPORT**

**TO THE 89TH LEGISLATURE**



**SFR-057/24**

**December 2024**





Views from Texas' Big Bend National Park. [Credit: iStock]

## 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.

# TABLE OF CONTENTS

Introduction ..... 4

**CHAPTERS**

1 | Agency Highlights ..... 6

2 | Agency Activities ..... 20

    Enforcement ..... 20

    Air Quality 25

    Water Quality ..... 35

    Drinking Water Systems ..... 42

    Water Availability..... 44

    Waste Management ..... 49

    Compliance Assistance ..... 54

3 | Legislation from the 88th Session..... 56

4 | Agency Resources ..... 61

**APPENDICES**

A | Environmental Complaints ..... 64

B | Permit Time Frame Reduction and Tracking ..... 70

C | Office of Public Interest Counsel’s Annual  
    Report to the TCEQ ..... 78

D | Evaluation of Water Basins in Texas  
    Without a Watermaster..... 85

## 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 2022 in the Biennial Report to the 87th Legislature (SFR-57/22):

- 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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**Cover Photo:** The sun sets on the Chihuahan Desert and the Elephant Tusk mountain as seen from the top of the Lost Mine Trail at Big Bend National Park [Credit: iStock]



# INTRODUCTION

The state of Texas has experienced significant and sustained population and economic growth. As TCEQ reflects on the impacts of our efforts and the challenges we faced, we do so with the awareness that we simultaneously saw a rise in the number of regulated entities, experienced an expansion of programs primarily driven by federal initiatives, and an increase in the volume and complexity of public engagement for Texans.

In the last biennium, TCEQ took measures to make water safer to drink in schools, helped to lift a years-long boil water notice, reduced air emissions from vehicles and equipment in Texas through targeted grants, and made significant strides towards improving public engagement.

TCEQ staff also provided support and guidance throughout multiple disaster response efforts. Extraordinary events such as the panhandle wildfires, which burned over one million acres and was the largest in the state's history; and Hurricane Beryl that left millions without power, including the agency's most densely regulated area; brought particularly heightened challenges. TCEQ employees worked tirelessly and swiftly in the field, even as their own homes and neighborhoods were being impacted by these disasters.

TCEQ staff also performed its more routine duties with professionalism, knowledge and commitment. Those activities included processing several desalination plant permit applications, including the permit in Corpus Christi which initially drew objections from EPA. Pursuant to Governor Abbott's instruction, the agency also enhanced an existing process to prioritize air permit applications and other authorizations under agency authority for thermal dispatchable electric generating units (EGUs). The streamlined process developed by TCEQ plays a critical role in supporting important infrastructure that is foundational to economic growth and public safety in the state.

While TCEQ staff rose to every challenge presented, the agency has serious concerns that some functionality is beginning to suffer as a result of the constraints under which we are currently operating. New and increased responsibilities are a difficult hurdle to overcome for an agency whose staffing levels have remained flat since 2011, and are currently lower than they were in 2000. Moreover, staff turnover in the last few years and the resultant loss of institutional knowledge have increased the demands on remaining staff. For these reasons, the agency finds it critical to continue in its efforts from the previous legislative session to increase the pay for its employees. Using the midpoint of the state salary classification as a marker, only 16% of TCEQ employees receive a competitive salary.

TCEQ must also address new and revised federal requirements amidst a continuous decline in federal grant funding to states' core programs. Factoring in inflation and program growth, the decline is significant. Examples of new federal obligations include EPA's revised national



ambient air quality standard for fine particulates ( $PM_{2.5}$ ) that will result in additional nonattainment areas, application of duplicative requirements for multiple ozone standards, new requirements for the control of methane emissions, and promulgation of the Lead and Copper Rule Improvements. These federal changes will require new or revised state implementation plans, additional data analysis, control strategy plans, the revision or modification of permits, and rulemaking to demonstrate equivalency with the federal rules and substantial implementation.

A major event that took place prior to this biennium was the agency's Sunset Advisory Commission (SAC) evaluation. Sunset staff evaluated TCEQ's efficiency, effectiveness, fairness, and accountability. While Sunset reviews are a requirement for all state agencies, we welcomed the opportunity to improve upon our mission to conserve and protect the natural resources of our great state. As a result of this evaluation, TCEQ received an extension to continue for another 12 years.

While Sunset staff concluded that the agency performs admirably in administering its programs, they identified transparency, meaningful public input, and compliance as areas in which the agency could improve. Final directives were provided to the agency by SAC through statutory changes and non-statutory management actions. Through prompt and diligent efforts by staff, many of the initiatives have been fully implemented and those remaining are substantially underway.

As the population of Texas continues to grow, and the demand on and interest in TCEQ heightens, we will continue to seek opportunities for improvement to successfully navigate any obstacles we may face. Despite ongoing workforce challenges, we were able to celebrate many achievements over the last biennium. TCEQ is hosting more public meetings, responding to more complex comments, receiving more requests for contested case hearings, and providing more extensive translation services to help reach the public. However, to sustain our degree of performance and keep pace with new obligations we're facing, the agency will need additional resources.

Compounding an understaffed agency with a lack of competitive salaries contributes to a turnover rate that has created an unfortunate reality where over 50% of staff have less than four years of experience. Concurrently, 30% of our current workforce is eligible to retire in this biennium. If TCEQ is to be competitive amongst other state agencies and retain employees with the requisite education and expertise required for the work the agency is tasked with performing, a competitive salary is imperative.

Due to the dedication of our staff, TCEQ has continued to fulfill its mission to protect public health and the environment, consistent with sustainable economic development. As the 89th Legislative Session approaches, we will continue to implement the SAC recommendations and seek support to address agency needs in order to achieve expectations from the legislature and residents of this great state. 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 at a level that allows us the ability to be competitive with other state agencies.

