

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.

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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 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)].

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]



How to reach TCEQ

Phone:
512-239-1000

Mail:
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Website:
www.tceq.texas.gov

View this report online at:
[www.tceq.texas.gov/publications/
search-pubs](http://www.tceq.texas.gov/publications/search-pubs)

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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.

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.

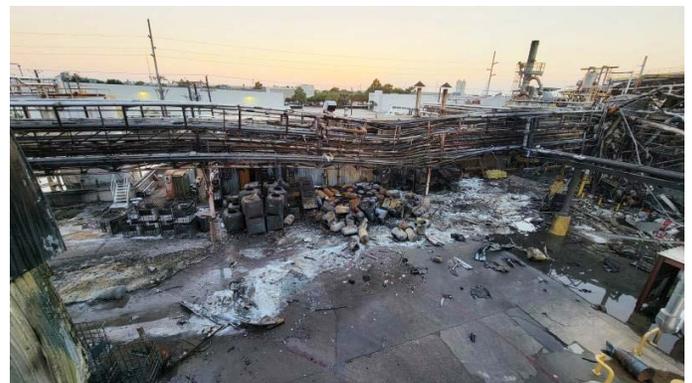
Prior to joining TCEQ, Schar worked as a policy advisor for Gov. Abbott on his inaugural team in 2015. Before his time in the governor's office, he spent 12 years in the Texas House of Representatives clerking various committees, which included serving as a senior advisor and committee director for Speaker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

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 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.

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

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

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 through 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

Classification	FY22			FY23			FY24			Total Positions
	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	
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.

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.



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.



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

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.

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.



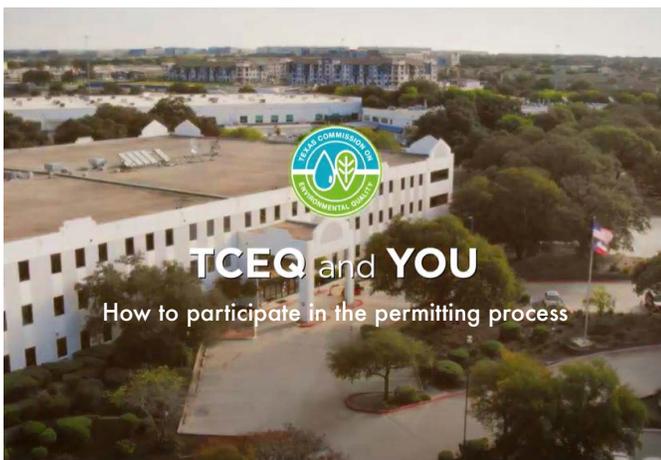
Coahuila Secretary of Environment and TCEQ sign a Memorandum of Cooperation.

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]

AGENCY ACTIVITIES

FY 2023-FY 2024

Following rainfall, the desert comes alive with color as sagebrush and ocotillo bloom with the Chisos Mountains in the background. [Credit: iStock]

ENFORCEMENT

Compliance and Enforcement

In a typical year, TCEQ conducts about 100,000 routine investigations, including about 5,000 complaint investigations to assess compliance with environmental laws.

The TCEQ enforcement process begins when an investigation at a regulated entity's location or a record review at agency offices uncovers a violation, when staff reviews records at agency offices, or when a complaint from the public is verified by TCEQ to be a violation. Enforcement actions may also be triggered after the submission of citizen-collected evidence.

When environmental laws are violated, TCEQ has the authority in administrative cases to levy penalties up to the statutory maximum (up to \$25,000 for some programs and in specific situations \$40,000) per day, per violation. TCEQ can also refer cases to the Office of the Attorney General (OAG) for civil prosecution. These civil judicial cases also carry penalties of up to \$25,000 per day, per violation.

In fiscal 2023, TCEQ issued 1,023 administrative orders in which respondents were assessed over \$13.9 million in penalties and over \$3.5 million for supplemental environmental projects (SEPs). The average number of days from the initiation of an enforcement action to its completion (order approved by the commission) was 351 days. Orders approved by the commission that have become effective are

posted on TCEQ's website, as are pending orders not yet presented to the commission.

In fiscal 2023, the OAG obtained 19 judicial orders in cases referred by TCEQ or in which TCEQ was a party. These judgments resulted in more than \$5.6 million in civil penalties. In fiscal 2022, 24 OAG judgements resulted in more than \$6.8 million in civil penalties.

In fiscal 2024, TCEQ issued 1,075 administrative orders, which required payments of over \$9.4 million in penalties and over \$7 million for SEPs. The average number of days from the initiation of an enforcement action to its completion was 528 days.

In fiscal 2024, the OAG obtained 14 judicial orders in cases referred by TCEQ or in which TCEQ was a party. These judgments resulted in more than \$84.6 million in civil penalties.

You can find additional enforcement statistics in TCEQ's annual enforcement report (www.tceq.texas.gov/goto/aer).

Supplemental Environmental Projects

Rather than being assessed a monetary penalty, regulated entities may be able to direct some of their penalty dollars towards a supplemental environmental project (SEP) that would be beneficial for the community where their environmental offense occurred. Such a project must reduce or prevent pollution, enhance the environment, or raise public awareness of environmental concerns.

Table 1. TCEQ Enforcement Orders

Fiscal Year	Number of Orders	Assessed Penalties	Orders with SEPs	SEP Funds
2021	1,006	\$11.7 million	139	\$2.4 million
2022	1,038	\$12.9 million	139	\$2.8 million
2023	1,023	\$13.9 million	144	\$3.5 million
2024	1,075	\$18.7 million	189	\$7.0 million

A regulated entity that meets program requirements may propose a SEP from TCEQ’s list of preapproved projects or a custom SEP if the proposed project is environmentally beneficial and the party that would be performing the project was not already obligated or planning to perform the activity before the violation occurred. Additionally, the activity covered by a SEP must go beyond what is already required by state and federal environmental laws.

By proposing a compliance SEP, local governments cited in enforcement actions may use SEP money to achieve compliance with environmental laws or to remediate the harm caused by the violations in the case. TCEQ may offer this option to governmental authorities such as school districts, counties, municipalities, and water districts.

Except for a compliance SEP, a SEP cannot be used to remediate a violation or any environmental harm that is caused by a violation, or to correct any illegal activity that led to an enforcement action.

Compliance History

Each year, TCEQ rates the compliance history of every facility owner or operator that is regulated under certain state environmental laws. An evaluation standard has been used to assign a rating to approximately 460,000 entities regulated by TCEQ that are subject to the compliance history rules. The ratings take into consideration prior enforcement orders, court judgments, consent decrees, criminal convictions, and notices of violation, as well as investigation reports, notices, and disclosures submitted per the Texas Environmental, Health, and Safety Audit Privilege Act.

Agency-approved environmental management systems and participation in agency-approved voluntary pollution-reduction programs are also considered.

You can find more information about the compliance process at TCEQ’s Compliance History webpage (www.tceq.texas.gov/goto/history).

Table 2. Compliance-History Designations

Classification	September 2021		September 2022		September 2023		September 2024	
	# Entities	%	# Entities	%	# Entities	%	# Entities	%
High	39,224	8.9%	38,690	8.3%	40,489	8.6%	40,550	8.08%
Satisfactory	8,471	1.9%	8,656	1.9%	8,652	1.9%	8,568	1.71%
Unsatisfactory	961	0.2%	967	0.2%	962	0.2%	746	0.15%
Unclassified	389,970	89.0%	418,967	89.76%	418,132	89.3%	451,956	90.06%
Total	438,626		467,280		468,235		501,820	

Compliance History Rule Update

Over the past few years, several large emergency industrial accidents have caused significant impacts to public health and the environment. As a result of these accidents, the commission approved a revision to the compliance history rules. The executive director may now initially designate a site's compliance history classification as "under review" and then later reclassify it to "suspended" if a significant emergency event at the site necessitates immediate response.

This could include major explosions or fires that cause significant community disruption or the commitment of emergency response resources by federal or state governmental authorities. This is codified in Title 30, Texas Administrative Code, Section 60.4 and went into effect on June 23, 2022.

Critical Infrastructure

The Critical Infrastructure Division (CID) oversees elements that are critical to TCEQ's responsibilities under the Texas Homeland Security Strategic Plan. The division seeks to ensure that regulated critical infrastructures—essential to the state and its residents—maintain compliance with environmental regulations, and supports these critical infrastructures during disasters. Support during disasters includes not only responding to disasters, but also aiding in recovery from them.

In fiscal 2023 and fiscal 2024, CID's programs included: Homeland Security, Dam Safety, Radioactive Materials Compliance and Chemical Reporting, Emergency Management Support, and Emissions Event Review.

Homeland Security

The Homeland Security Program coordinates communications with federal, state, and local partners during disaster response; conducts assessments of threats to the state's critical infrastructure; and participates in the state's counterterrorism task forces. The program provides agency representation at the State Operations Center during disasters and reviews, and provides input on statewide plans coordinated by the Texas Division of Emergency Management and the Texas Department of Public Safety.

Dam Safety

The Dam Safety Program monitors and regulates private and public dams in Texas. The program periodically inspects dams that pose a high or significant hazard, and issues recommendations and reports to the dam owners to help them maintain safe facilities. The program ensures that these facilities are constructed, maintained, repaired, or removed safely. High or significant hazard dams are those whose failure could cause loss of life.

Dams are exempted from the program's regulation if they meet all the following criteria:

- Are privately owned.
- Are classified either "low hazard" or "significant hazard."
- Have a maximum capacity of less than 500 acre-feet.
- Are within a county with a population of less than 350,000.
- Are outside city limits.

In fiscal 2024, a total of 3,235 dams were exempted.

In fiscal 2023, Texas had 4,107 state-regulated dams, including 1,526 high-hazard dams and 307 significant-hazard dams. The remaining dams were classified as low hazard. In fiscal 2024, Texas had 4,119 state-regulated dams, including 1,542 high-hazard dams and 306 significant-hazard dams.

In fiscal 2023, 77% of all high and significant-hazard dams had been inspected during the past five years. In fiscal 2024, 78% of all high and significant-hazard dams had been inspected during the past five years. About 378 of the inspected dams were in either "fair" or "poor" condition. After inspections, many dam owners make repairs if they can identify a funding source.

Radioactive Materials Compliance and Chemical Reporting

Radioactive Materials Compliance Program

This program focuses on the safety and security of radioactive waste in Texas. Investigators conduct radioactive materials compliance inspections statewide and are members of the state radiological emergency response team. The investigators are responsible for inspections at regulated facilities including those that mine or recover uranium, those that process or store waste, those that handle or dispose radioactive by-products, those that dispose low-level radioactive waste, and Underground Injection Control (UIC) permit sites. In fiscal 2023, 19 radioactive material license inspections and 2 UIC permit inspections were conducted and approved. In fiscal 2024, 8 radioactive material license inspections and 2 UIC permit inspections were conducted and approved.

Texas Compact Waste Facility

The Radioactive Materials Compliance Program is responsible for compliance at the disposal site for low-level radioactive waste in Andrews County. Waste Control Specialists LLC (WCS) operates the Texas Compact Waste Facility under TCEQ-issued Radioactive Material License R04100 and was authorized to accept radioactive waste for disposal in April 2012.

The Radioactive Materials Compliance Program maintains two full-time resident inspectors at the WCS site to inspect and approve the disposal of each waste shipment. In fiscal 2023, 274 shipments of low-level radioactive waste were inspected and successfully disposed of in the Texas Compact Waste Facility. In fiscal 2024, 213 shipments were inspected and successfully disposed of in the Texas Compact Waste Facility.

Tier II Chemical Reporting Program

The Texas Tier II Chemical Reporting Program is the state repository for hazardous chemical inventories—called Texas Tier II reports—which are required under the Emergency Planning and Community Right-to-Know Act.

Texas Tier II reports contain detailed information on chemicals that meet or exceed specified reporting thresholds at any time during a calendar year. The Tier II reporting system identifies facilities and owner-operators and collects detailed data on hazardous chemicals stored at reporting facilities within the state. In fiscal 2023, 8,832 reports with 82,830 facility reports were received in the online reporting system. In fiscal 2024, 8,793 reports with 84,744 facility reports were received in the online reporting system.

Emergency Management Support

TCEQ's 16 regional offices form the basis of the agency's support for local jurisdictions addressing emergency and disaster situations. During a disaster, disaster-response strike teams (DRSTs), organized in each regional office, serve as TCEQ's initial and primary responders within their respective regions. Team members come from various disciplines and have been trained in the National Incident Management System, Incident Command System, and TCEQ disaster-response protocols.

TCEQ's Emergency Management Support Team (EMST), based in Austin, joins the regional DRSTs during disaster responses. The EMST is also responsible for maintaining preparedness, assisting with developing the DRSTs in each region by providing disaster preparedness training, and maintaining sufficiently trained personnel so that response staff can rotate during long-term emergency events.

The EMST also coordinates the BioWatch program, a federally funded initiative aimed at early detection of bioterrorism agents.

Emissions Event Review Program

TCEQ's Emissions Event Review Program was established Sept. 1, 2022. The program investigates all reported emissions events; maintenance, startup, or shutdown; and opacity events in the state. This centralized approach improves investigative consistency across all regions and industrial sectors, and allows for greater efficiency by having staff dedicated to specific types of investigations. The teams within the section are divided into specific

industry sectors including petrochemical (examples: chemical plants, refineries), oil and gas, and other sources (example: carbon black). The centralized approach also helps ensure that there is clear guidance for evaluating affirmative defense claims, and an agency-wide approach to provide transparent and consistent evaluations.

Accredited Laboratories

TCEQ only accepts regulatory data from laboratories accredited according to standards set by the National Environmental Laboratory Accreditation Program (NELAP) or from laboratories exempt from accreditation, such as a facility's in-house laboratory.

The analytical data produced by these laboratories are used in TCEQ decisions relating to permits, authorizations, compliance actions, enforcement actions, and corrective actions, as well as in characterizations and assessments of environmental processes and conditions.

All laboratories accredited by TCEQ are held to the same quality control and quality assurance standards. TCEQ laboratory accreditations are recognized by other states using NELAP standards and by some states that do not operate accreditation programs of their own.

In fiscal 2023, there were 251 laboratories and in fiscal 2024, there were 245 laboratories accredited by TCEQ.

Sugar Land Laboratory

The TCEQ Sugar Land Laboratory is accredited by NELAP. The laboratory:

- Supports monitoring operations for TCEQ's air, water, and waste programs, as well as river authorities and other environmental partners, by analyzing samples of surface water, wastewater, sediments, sludge, and airborne particulates.
- Develops analytical procedures and performance measures for accuracy and precision.
- Maintains a highly-qualified team of analytical chemists, laboratory technicians, and technical support personnel.

- Generates scientifically valid and legally defensible test results under its NELAP-accredited quality system.

Analytical data are produced using methods approved by EPA. The standards used for these methods are traceable to national standards, from institutions such as the National Institute of Standards and Technology and the American Type Culture Collection.

Edwards Aquifer Protection Program

As a karst aquifer, the Edwards Aquifer is one of the most permeable and productive groundwater systems in the U.S. The regulated portion of the aquifer crosses eight counties in south central Texas, serving as the primary source of drinking water for more than 2 million people in the San Antonio area. This replenishable system also supplies water for farming, ranching, manufacturing, mining, recreation, and the generation of electric power using steam.

The aquifer's pure spring water also supports a unique ecosystem of aquatic life, including several threatened and endangered species.

Because of the unusual nature of the aquifer's geology and biology, TCEQ requires an Edwards Aquifer protection plan for any regulated activity proposed within the recharge, contributing, or transition zones. Regulated activities include construction, clearing, excavation, or anything that alters the surface or possibly contaminates the aquifer and its surface streams. In regulated areas, best management practices for treating stormwater are mandatory during and after construction.

Each year, TCEQ receives hundreds of plans that its Austin and San Antonio regional staff review. TCEQ reviewed 782 plans in fiscal 2023 and 699 plans in fiscal 2024.

In addition to reviewing plans for development within the regulated areas, agency personnel conduct compliance investigations to ensure that best management practices are appropriately used and maintained. Staff also performs site assessments before the start of regulated activities to ensure that aquifer-recharge features are adequately identified for protection.

AIR QUALITY

Changes to Standards for Criteria Pollutants

Federal clean-air standards, or the National Ambient Air Quality Standards (NAAQS), cover six criteria air pollutants: ozone, particulate matter (PM), carbon monoxide, lead, nitrogen dioxide (NO₂), and sulfur dioxide (SO₂). The federal Clean Air Act (CAA) requires EPA to review the standard for each criteria pollutant every five years to ensure that it achieves the required level of health and environmental protection.

- On March 18, 2019, EPA published its decision to retain the current NAAQS for SO₂ without revision, effective April 17, 2019.
- On Aug. 21, 2023, EPA announced a new review of the ozone NAAQS, stating that it will incorporate information, advice, and recommendations gathered during reconsideration of the 2020 ozone NAAQS for this new review. EPA's 2020 decision to retain the 70 parts per billion (ppb) will remain unchanged.
- On Feb. 7, 2024, EPA published its decision to lower the primary annual NAAQS for fine particulate matter (PM_{2.5}) NAAQS from 12.0 to 9.0 micrograms per cubic meter (µg/m³). EPA retained the 24-hour PM_{2.5} NAAQS and the coarse particulate matter (PM₁₀) NAAQS without changes.
- On April 15, 2024, EPA published a proposal to revise the secondary NAAQS for SO₂ and to retain the secondary NAAQS for NO₂ and PM. EPA proposed to revise the existing secondary 3-hour SO₂ standard to an annual standard of 10-15 ppb, averaged over three years. All areas of Texas are currently below this range. The final rule is expected in December 2024.
- EPA is in the process of reviewing the current NAAQS for lead with a proposed rule anticipated in early 2025 and a final rule in early 2026.

As TCEQ develops plans to address air quality issues, it revises the State Implementation Plan (SIP) and submits these revisions to EPA.

2024 PM_{2.5} Standard

States are required to submit their designations on the revised annual PM_{2.5} standard to EPA by Feb. 7, 2025. Initial state designations will be based on ambient monitoring data from 2021 through 2023. Based on 2023 data, 10 counties exceed the 9.0 µg/m³ standard: Bowie, Cameron, Dallas, Hidalgo, Harris, Harrison, Kleberg, Tarrant, Travis, and Webb. EPA's nonattainment designations are expected to be based on ambient monitoring data from 2022 through 2024 and finalized in early 2026. In October 2025, prior to finalizing designations, EPA is expected to notify states of its proposed designations and provide states an opportunity to revise their initial designations based on 2022 through 2024 data.

All states are required to submit SIP revisions to EPA to address CAA infrastructure and transport provisions by Feb. 7, 2027. Based on EPA's current designations schedule, SIP revisions for nonattainment areas would be due to EPA in September 2027, and nonattainment areas would be required to meet the standard by December 2032.



Northern cardinal perched on a tree branch.
[Credit: iStock]

Table 3. Ozone-Compliance Status for the 2008 Eight-Hour Standard

Area of Texas	Classification	Attainment Deadline
HGB (eight-county area)	Severe Nonattainment	July 20, 2027
DFW (10-county area)	Severe Nonattainment	July 20, 2027
All Other Texas Counties	Attainment/Unclassifiable	Not Applicable

Note: The HGB 2008 ozone nonattainment area comprises the counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. The DFW 2008 ozone nonattainment area comprises the counties of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise.

Ozone Standards

2008 Ozone Standard

On May 21, 2012, EPA published final designations for the 2008 eight-hour ozone standard of 0.075 parts per million, which included a 10-county Dallas-Fort Worth (DFW) nonattainment area and an eight-county Houston-Galveston-Brazoria (HGB) nonattainment area. Both nonattainment areas were reclassified as “serious” effective Sept. 23, 2019, and both failed to attain by the end of 2020 to meet the July 20, 2021, attainment date for serious areas. SIP revisions to meet serious classification requirements were developed for both areas and submitted to EPA before the Aug. 3, 2020, deadline.

On Oct. 7, 2022, EPA published notice to reclassify both the DFW and HGB areas to “severe.” TCEQ submitted severe classification SIP revisions for the DFW and HGB areas on May 7, 2024. Attainment for the DFW and HGB areas is required by the end of 2026 to meet the July 20, 2027, attainment date for severe areas.

Under the severe classification, TCEQ is required to submit rules to EPA to address the penalty fee provision under Section 185 of the FCAA for the DFW and HGB areas by Nov. 7, 2025. The fees would be assessed for major stationary sources and would only be required if the areas fail to meet the July 20, 2027, attainment date. TCEQ is scheduled to propose rulemaking to address the Section 185 fee requirement in April 2025.

On Oct. 3, 2023, EPA published final disapproval of contingency measures for the DFW and HGB 2008 ozone standard serious nonattainment areas, submitted in 2020 to meet serious classification SIP

requirements. The disapproval is in response to the 2021 court ruling that vacated provisions allowing for the use of previously implemented measures as contingency measures. Effective Nov. 2, 2023, the action started a sanctions clock (18 months) and federal implementation plan (FIP) clock (24 months).

2015 Ozone Standard

Background

In October 2015, EPA finalized the 2015 eight-hour ozone standard of 0.070 parts per million. On Nov. 16, 2017, EPA designated a majority of Texas as “attainment/unclassifiable” for the 2015 ozone standard, effective Jan. 16, 2018. On June 4, 2018, EPA published final designations for a nine-county DFW marginal nonattainment area and a six-county HGB marginal nonattainment area. EPA designated all the remaining counties, except those in the San Antonio area, as attainment/unclassifiable. The designations were effective Aug. 3, 2018.

San Antonio Area

On July 25, 2018, EPA designated Bexar County as nonattainment and the seven other San Antonio area counties—Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson—as attainment/unclassifiable, effective Sept. 24, 2018.

On June 10, 2020, the commission adopted an emissions inventory SIP revision for the 2015 ozone standard for the HGB, DFW, and Bexar County nonattainment areas. TCEQ submitted it to EPA on June 24, 2020. EPA published final approval of the emissions inventories for the HGB, DFW, and Bexar County areas on June 29, 2021, and published final

approval of the nonattainment new source review and emissions statements portions of the SIP revision on Sept. 9, 2021.

On July 1, 2020, the commission adopted the FCAA, Section 179B, demonstration SIP revision to demonstrate that the Bexar County marginal nonattainment area would attain the 2015 ozone standard by its attainment deadline were it not for anthropogenic emissions emanating from outside the U.S. TCEQ submitted it to EPA on July 13, 2020.

DFW, HGB, and Bexar County Areas Status

The DFW and HGB 2015 ozone standard nonattainment areas failed to attain by the end of 2020 to meet the Aug. 3, 2021, attainment date for marginal areas, and the Bexar County nonattainment area failed to meet its Sept. 24, 2021, deadline. On Nov. 7, 2022, EPA reclassified the DFW, HGB, and Bexar County areas to moderate and disapproved the Bexar County 179B Demonstration SIP Revision. Attainment for all three areas was required by the end of 2023 to meet the Aug. 3, 2024, attainment date for the DFW and HGB areas and the Sept. 24, 2024, attainment date for the Bexar County area.

As required by the FCAA for new moderate nonattainment areas, TCEQ submitted a SIP revision to EPA on Dec. 18, 2023, that implements a vehicle inspection and maintenance (I/M) program in Bexar County. The Bexar County I/M program is scheduled to start on Nov. 1, 2026.

On Oct. 12, 2023, Governor Abbott signed and submitted a letter to the EPA Administrator to reclassify the three 2015 ozone standard nonattainment areas from moderate to serious. On Oct. 18, 2023, EPA published a finding of failure to submit for 11 states, including Texas, regarding required SIP revisions for moderate nonattainment areas. Effective Nov. 17, 2023, the action starts sanctions clocks (18 months) and FIP clocks (24 months). On June 12, 2024, EPA finalized reclassification of the DFW, HGB, and Bexar County areas to serious. SIP revisions for all three areas are due to EPA by Jan. 1, 2026.

El Paso Area

In August 2018, the City of Sunland Park, New Mexico, and environmental petitioners challenged EPA’s 2015 ozone standard attainment/unclassifiable designation for El Paso County in the D.C. Circuit Court of Appeals. On Nov. 30, 2021, EPA published a final nonattainment designation for El Paso County. EPA expanded the Sunland Park nonattainment area to include all of El Paso County, and the area was renamed the “El Paso-Las Cruces, Texas-New Mexico nonattainment area.” On June 30, 2023, the D.C. Circuit Court of Appeals reversed the nonattainment designation for El Paso County, finding that EPA’s action was impermissibly retroactive.

Table 4. Ozone-Compliance Status for the 2015 Eight-Hour Standard

Area of Texas	Classification	Attainment Deadline
HGB (six-county area)	Serious Nonattainment	Aug. 3, 2027
DFW (nine-county area)	Serious Nonattainment	Aug. 3, 2027
San Antonio (Bexar County)	Serious Nonattainment	Sept. 24, 2027
All Other Texas Counties	Attainment/Unclassifiable	Not Applicable

Note: The HGB 2015 ozone nonattainment area comprises the counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, and Montgomery. The DFW 2015 ozone nonattainment area comprises the counties of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Tarrant, and Wise.

Types of Sources

Emissions that affect air quality can be characterized by their sources.

POINT SOURCES

Examples include industrial facilities such as refineries and cement plants

ON-ROAD MOBILE SOURCES

Examples include cars and trucks

NON-ROAD MOBILE SOURCES

Examples include construction equipment, locomotives, and marine vessels

AREA SOURCES

Examples include dry cleaners, gasoline stations, and residential heating

Transport Rule

In addition to the SIP revisions for areas designated nonattainment for the 2015 ozone standard, TCEQ submitted a transport SIP revision on Aug. 18, 2018, demonstrating that emissions from Texas sources do not contribute significantly to nonattainment or maintenance of the 2015 ozone standard in any other state.

On Feb. 22, 2022, EPA proposed to disapprove Texas' transport SIP based on its own modeling analysis. On April 6, 2022, EPA proposed to replace Texas' transport SIP with a FIP, known as the Transport Rule. On May 1, 2023, the 5th Circuit Court of Appeals stayed EPA's disapproval of the 2015 ozone transport SIP revisions for Texas and Louisiana.

On March 15, 2023, EPA signed a final FIP action to address 23 states' interstate transport obligations for the 2015 ozone standard. Under the FIP requirements, electric generation units (EGUs) in 22 states, including Texas, must participate in a revised and strengthened Cross-State Air Pollution Rule (CSAPR) NO_x Ozone Season Group 3 Trading Program beginning in the 2023 ozone season. On July 31, 2023, EPA published an interim final rulemaking to suspend the effectiveness of the FIP for six states including Texas, effective Aug. 4, 2023. The interim final rule also restores the emission budgets, unit-level allowance allocation provisions, and banked allowance holdings that would have been in effect for applicable EGUs prior to the FIP. These provisions will remain in place while the proceedings on which the 5th Circuit's stay was based remain pending.

2010 SO₂ Standard

EPA revised the SO₂ NAAQS in June 2010, adding a one-hour primary standard of 75 parts per billion. In July 2013, EPA designated 29 areas in 16 states, which did not include Texas, as nonattainment for the 2010 standard. On March 2, 2015, a U.S. district court order set a deadline for EPA to complete an additional three rounds of designations for the SO₂ NAAQS.

Effective Jan. 12, 2017, portions of Freestone and Anderson counties (Big Brown), portions of Rusk and Panola counties (Martin Lake), and a portion of Titus County (Monticello) were designated nonattainment. In October 2017, Luminant (Vistra Energy) filed notices with the Electric Reliability Council of Texas stating its plans to retire the Big Brown and Monticello power generation plants. TCEQ voided permits for these two plants on March 30, 2018.

On Aug. 22, 2019, EPA proposed error corrections to revise the designations of portions of Freestone, Anderson, Rusk, Panola, and Titus counties from nonattainment to unclassifiable; however, the error correction was never finalized. On April 27, 2020, Sierra Club filed suit against EPA, because EPA did not issue findings of failure to submit attainment demonstrations for the three nonattainment areas. EPA published its finding of failure to submit for these three nonattainment areas on Aug. 10, 2020, effective Sept. 9, 2020.

On Feb. 9, 2022, the commission adopted the Rusk-Panola 2010 SO₂ NAAQS Attainment Demonstration SIP Revision and associated agreed order to address the finding of failure to submit. TCEQ submitted the SIP revision to EPA on Feb. 28, 2022. On Aug. 2, 2024, EPA proposed to determine that the Rusk-Panola nonattainment area failed to attain the SO₂ NAAQS by the attainment date and proposed a limited approval and disapproval of the SIP revision.

On Feb. 23, 2022, the commission adopted the Redesignation Request and Maintenance Plan SIP Revision for the Freestone-Anderson and Titus SO₂ NAAQS Nonattainment Areas to request redesignation to attainment and address remaining requirements from the finding of failure to submit. TCEQ submitted the SIP revision to EPA on March 3, 2022.

On March 26, 2021, EPA published nonattainment designations for portions of Howard, Hutchinson, and Navarro counties that were effective April 30, 2021. TCEQ submitted SO₂ attainment demonstration SIP revisions for Howard, Hutchinson, and Navarro counties and the associated Title 30, Texas Administrative Code, Chapter 112 rulemaking on Oct. 5, 2022.

Evaluating Air Monitoring from a Health Effects Perspective

In a variety of ways, TCEQ toxicologists meet their goals of identifying chemical hazards, evaluating potential exposures, assessing human health risks, and communicating risk to the general public and stakeholders. Perhaps most notably, TCEQ relies on health- and welfare-protective values developed by its toxicologists to ensure that both permitted and monitored airborne concentrations of pollutants stay below levels of concern. The scientific quality of these values has been recognized by academic institutions and scientific societies, and multiple federal agencies, states, and other countries use TCEQ's values.

The health- and welfare-protective values TCEQ toxicologists use are called air monitoring comparison values (AMCVs). AMCVs are used to evaluate the public health risk of millions of measurements of air pollutant concentrations that are collected from the ambient air monitoring network throughout the year. Recently, TCEQ toxicologists developed different types of screening values that allow TCEQ to analyze the instantaneous chemical concentration data generated by the mobile instruments, both in terms of whether concentrations are higher than usual (compared to baseline air concentrations) and from the perspective of the potential for acute health effects from exposure to staff while in the field. These screening values are called mobile monitoring comparison values (MMCVs).

When necessary, TCEQ also conducts health-effects research on particular chemicals with limited or conflicting information. In fiscal 2022 and 2023, TCEQ and its contractors continued research to understand health risks in communities with neighboring industrial facilities, such as refineries. This work can inform the review and assessment of state and federal air quality regulations, and the health risks to humans from exposure to air, water, or soil samples collected during investigations and remediation. It can also aid in communicating health risks to the public. In addition, TCEQ and its contractors worked on updating systematic review methods and their use for conducting transparent, unbiased reviews of chemical risk.

Finally, TCEQ toxicologists communicate risk and toxicology with state and federal legislators and their committees, EPA, other government agencies, the

press, and judges during legal proceedings. This often includes input on EPA rulemaking, including the NAAQS, through written comments, meetings, and scientific publications.

Air Pollutant Watch List

TCEQ toxicologists oversee the Air Pollutant Watch List program to address areas in Texas where monitoring data show persistent, elevated concentrations of air toxics. TCEQ uses the APWL to focus its resources, notify the public, engage stakeholders, and develop strategic actions to reduce emissions. Each year TCEQ collects an extensive amount of ambient air monitoring data and evaluates it to determine the potential for adverse short- and long-term health effects, for vegetative effects, and for odorous levels.

TCEQ routinely reviews and conducts health-effects evaluations of ambient air monitoring data from across the state by comparing air toxic concentrations to their respective AMCVs or state standards. TCEQ evaluates areas for inclusion on APWL where monitored concentrations of air toxics are persistently measured above AMCVs or state standards.

The purpose of the watch list is to reduce air toxic concentrations below levels of concern by focusing TCEQ resources and heightening the awareness of interested parties in areas of concern.

TCEQ also uses the watch list to identify companies with the potential for contributing to elevated ambient air toxic concentrations and then develop strategic actions to reduce emissions. An area's inclusion on the watch list results in more stringent permitting, priority in investigations, and in some cases, increased monitoring.

Four areas of the state are currently on the watch list. TCEQ continues to evaluate the current and historical APWL areas to determine whether improvements in air quality have occurred and are maintained. TCEQ has also identified areas in other parts of the state with monitoring data that are close or slightly above AMCVs and is working proactively with nearby companies to reduce air toxic concentrations, preventing the need for listing these areas on the watch list.

You can find the Air Pollutant Watch List at www.tceq.texas.gov/toxicology/apwl.

Figure 1. Coastal Area Air Monitoring Stations

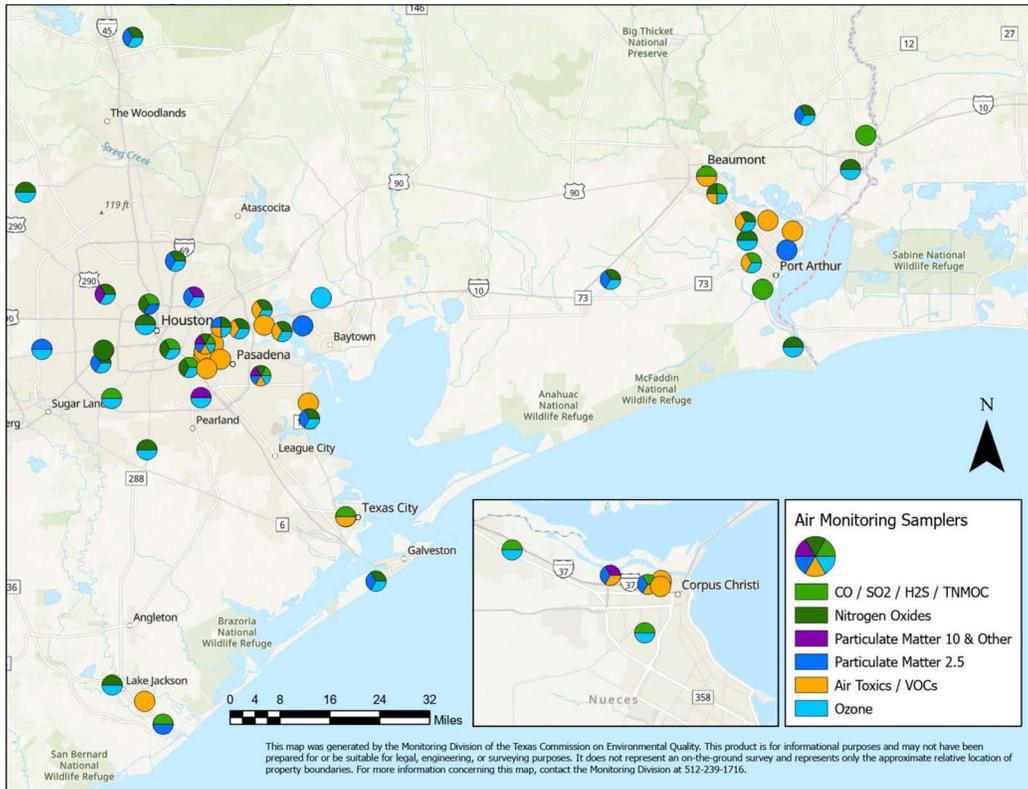
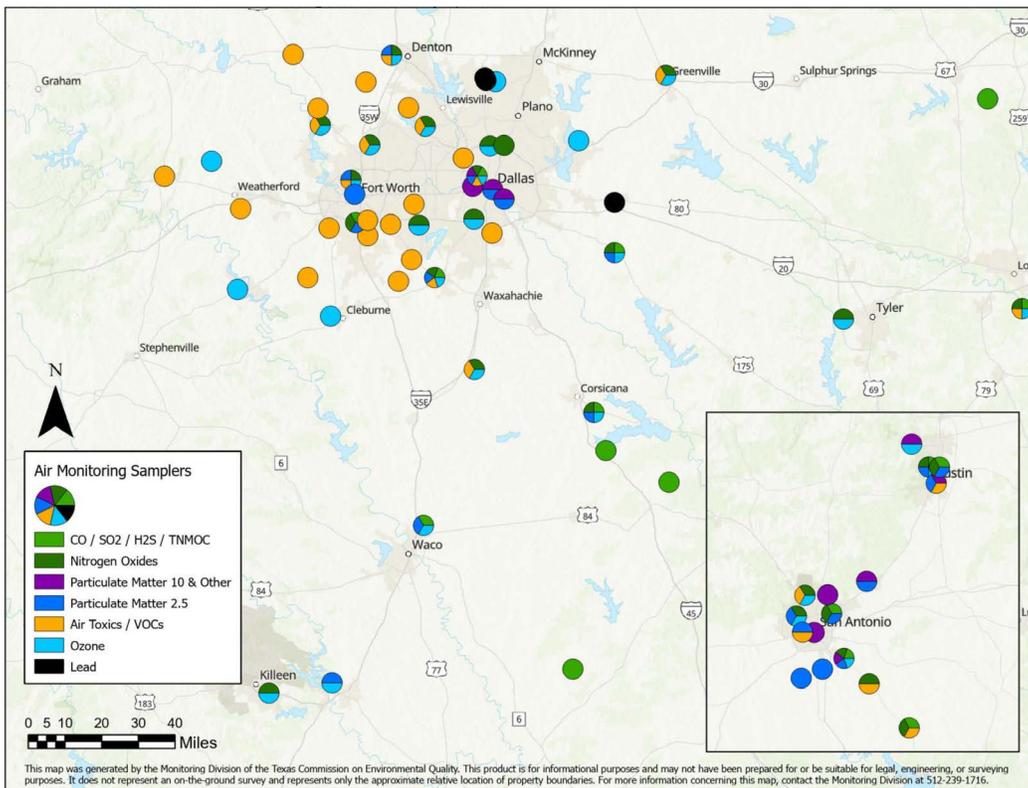


Figure 2. Dallas-Fort Worth and Central Texas Air Monitoring Stations



Air Monitoring

TCEQ monitors air quality across the state using a network of stationary air monitors, mobile monitoring assets, and handheld monitors.

Ambient air quality monitoring allows the agency to determine compliance with federal air quality standards, evaluate air pollution trends, study air pollution formation and behavior, assess localized air quality concerns, and provide support during environmental emergencies and natural disaster recovery.

While ambient air monitors can measure the impact on air quality from a variety of sources in an area, they are not intended to measure emissions or determine compliance from individual sources or facilities.

Stationary Monitoring

TCEQ's stationary air monitoring network consists of approximately 150 monitoring stations serving over 26 million Texans. Designed to meet federal air monitoring requirements, the stationary network includes more than double the number of monitors required by federal rule, in addition to numerous state-initiated monitors. As illustrated in Figures 1 and 2, monitors are predominantly located in population centers, with increased coverage in metropolitan areas with greater industrial activity.

Monitoring Vans

Augmenting the stationary network is a fleet of three Strategic Mobile Air Reconnaissance Technology (SMART) vans capable of continuous, real-time measurement of a wide range of target pollutants while in transit. These monitoring vans use on-board instruments and GPS mapping to provide:

- Net upwind and downwind measurements.
- In-transit surveys to identify pollution hot spots.
- Identification of odorous compounds.
- Plume tracing using wind speed, wind direction, and optical gas imaging of potential sources.
- Data for assessing regulatory and health impacts.

Housed in Austin, these three monitoring vans can travel anywhere in Texas to conduct short-term air monitoring assessments in support of regional investigations, special air quality projects, environmental emergencies, and natural disaster recovery.

In addition to the Austin-based SMART vans, TCEQ's Beaumont, Houston, Corpus Christi, Dallas-Fort Worth, and Midland regions each house a rapid assessment survey vehicle capable of continuous, real-time measurement and mapping of target compounds.

Handheld Monitoring

Handheld air monitoring equipment and optical gas imaging cameras allow TCEQ to assess air quality at the source level in response to complaints, environmental emergencies, and natural disasters. Using these tools, investigators routinely conduct air reconnaissance to identify potential sources impacting air quality for further evaluation and potential enforcement. They target areas of concern, such as industrial areas near residential receptors, the Gulf Coast's industrial ports, and oil and gas operations and refineries.

Regional Haze

The Guadalupe Mountains and Big Bend national parks are identified by the federal government for visibility protection, along with 154 other national parks and wilderness areas. Regional Haze is a long-term air quality program requiring states to develop plans to meet a goal of natural visibility conditions by 2064. In Texas, the primary visibility-impairing pollutants are nitrogen oxides (NOX), SO₂, and PM. Requirements for the Regional Haze Program include a Regional Haze SIP revision that is due to EPA every 10 years and a progress report due every five years, to demonstrate progress toward natural conditions.

In 2009, TCEQ submitted Texas' Regional Haze SIP revision for the first planning period, 2009 through 2018. In 2016, EPA finalized a partial disapproval of that plan and proposed a FIP that would have required emissions control upgrades or emissions limits at eight coal-fired power plants in Texas. In July 2016, Texas and other petitioners challenged

the FIP action in the 5th Circuit Court of Appeals, contending that EPA acted outside its statutory authority. In 2017, EPA asked the court to remand the FIP back to EPA and sought a stay of the litigation pending review of the FIP, which was granted by the court.

Due to continuing issues with CSAPR, EPA could not act on best available retrofit technology (BART) requirements for EGUs. On March 20, 2018, the D.C. Circuit Court of Appeals issued a ruling upholding “CSAPR-better-than-BART” for regional haze.

On Oct. 17, 2017, EPA adopted a FIP to address BART for EGUs in Texas, which included an alternative trading program for SO₂. EPA administers the trading program, which includes only specific EGUs in Texas and no out-of-state trading. For NO_x, Texas remains in CSAPR. For PM, EPA determined that no further action was required. On June 29, 2020, EPA finalized the amended BART intrastate trading program FIP for Texas, and the trading program was affirmed as an alternative to BART requirements for certain sources in Texas.

In May 2023, EPA proposed to reconsider its BART FIP for SO₂ and PM. If the rule is finalized as proposed, it would withdraw the existing SO₂ trading program administered by EPA and replace it with source-specific emissions limits or operational restrictions. Affected sources would have the flexibility to decide what control technology or operational changes—or both—to implement to meet emissions limits. The rule would also set emissions limits for PM BART, which EPA anticipates the facilities are already meeting.

In July 2023, EPA proposed a new disapproval of Texas’ first planning period SIP revision and an associated FIP. The proposed FIP would no longer require additional controls to make reasonable progress due to retirements and other operational factors for some of the affected Texas EGUs as well as requirements in EPA’s May 2023 proposed reconsideration BART FIP.

On July 20, 2021, TCEQ submitted Texas’ Regional Haze SIP revision for the second planning period, 2019 through 2028. Analyses showed that the estimated annualized costs of implementing additional controls for the second planning period would be approximately \$200 million and would achieve visibility benefits imperceptible to the human eye. Therefore, the commission found that additional emissions controls were unreasonable. This SIP revision is under EPA review.

A five-year progress report for the second planning period is due to EPA by Jan. 31, 2025. The commission is scheduled to consider Texas’ final progress report on Dec. 18, 2024.

Major Incentive Programs

Texas Emissions Reduction Plan

TCEQ’s Texas Emissions Reduction Plan (TERP) provides grants to individuals and entities for projects that will lower NO_x emissions from mobile sources.

Because NO_x is a leading contributor to the formation of ground-level ozone, reducing these emissions is key to complying with the federal ozone standard. Programs under TERP also:

- Encourage adoption of electric, natural gas, and other alternative fuel vehicles and the infrastructure needed to power them.
- Reduce emissions of diesel exhaust from school buses.
- Advance technologies that reduce emissions from stationary sources and oil and gas activities.
- Fund studies and pilot programs that encourage port authorities to reduce cargo handling emissions.

TERP funding is generated from fees on the sale and use of heavy-duty diesel equipment, vehicle title fees, and commercial registration and inspection fees. TERP program descriptions and accomplishments follow.

Diesel Emissions Reduction Incentive (DERI) Program

- Upgrades or replaces heavy-duty vehicles, locomotives, marine vessels, or other equipment in nonattainment areas and affected counties with newer, cleaner models.
- Over \$1.3 billion awarded from 2001 through August 2024 to upgrade or replace 21,680 vehicles, locomotives, marine vessels, and other equipment.
- Projected to reduce 191,066 tons of NOX emissions.

Seaport and Rail Yard Areas Emissions Reduction (SPRY) Program

- Upgrades or replaces older drayage trucks and equipment operating at seaports and rail yards in nonattainment areas with newer, cleaner models.
- Over \$36 million awarded from 2015 through August 2024 to replace 462 vehicles and equipment.
- Projected to reduce 1,617 tons of NOX emissions.

Port Authority Studies and Pilot Programs (PASPP)

- Provides grants to port authorities in nonattainment areas or affected counties to conduct studies and implement pilot programs to reduce emissions of NOX and PM caused by moving cargo.
- \$3 million awarded from 2018 through August 2024 for studies and pilot programs.

Texas Clean Fleet Program (TCFP)

- Assists large fleets in Texas with replacing diesel-powered vehicles with new alternative fuel, electric, or hybrid vehicles.
- Over \$81 million awarded from 2009 through August 2024 to replace 797 vehicles.
- Projected to reduce 750 tons of NOX emissions within the Clean Transportation Zone.

Texas Natural Gas Vehicle Grants Program (TNGVGP)

- Replaces or repowers diesel or gasoline vehicles with new or used natural gas vehicles or new natural gas engines.
- Over \$59 million awarded from 2009 through August 2024 to replace or repower 1,189 vehicles.
- Projected to reduce 1,717 tons of NOX emissions within the Clean Transportation Zone.

Alternative Fueling Facilities Program (AFFF)

- Ensures that alternative fuel and electric vehicles have access to fuel and charging infrastructure in Texas.
- Over \$39 million awarded from 2012 through August 2024 for constructing or expanding 357 facilities, including 250 electric charging stations, 82 natural gas, 24 biodiesel, and one hydrogen fueling facility.

Texas Clean School Bus (TCSB) Program

- Reduces children's exposure to diesel exhaust statewide by replacing or retrofitting older school buses.
- Over \$78 million awarded from 2008 through August 2024 to retrofit or replace 8,228 buses.

New Technology Implementation Grant (NTIG) Program

- Reduces emissions from stationary sources and oil and gas activities statewide.
- Over \$25 million awarded from 2010 through August 2024 for 17 projects.

Light-Duty Motor Vehicle Purchase or Lease Incentive Program (LDPLIP)

- Supports purchases of light-duty natural gas, propane, hydrogen fuel cell, or electric vehicles.

- Over \$23 million awarded from 2014 through August 2024 for purchasing or leasing 9,394 plug-in electric or hybrid electric vehicles, 292 natural gas or propane vehicles, and four hydrogen fuel cell vehicles.

Governmental Alternative Fuel Fleet (GAFF) Program

- Supports political subdivisions across Texas in upgrading, replacing, or expanding their vehicle fleets to alternative fuel or electric vehicles, including the fueling or electric charging infrastructure needed for those vehicles.
- \$9.9 million awarded since 2021 for replacing or purchasing 216 natural gas and electric vehicles and installing fueling and electric charging infrastructure.

Texas Hydrogen Infrastructure, Vehicle, and Equipment Program (THIVE)

Established by the 88th Texas Legislature (2023), THIVE provides grants for hydrogen vehicles, equipment, and fueling infrastructure in nonattainment areas and affected counties. TCEQ will award all \$16 million in available THIVE funding for 46 heavy-duty hydrogen vehicles.

As of Aug. 1, 2024, TCEQ has implemented the following fiscal 2024-2025 TERP programs: LDPLIP, AFFP, THIVE, TCSB, DERI-Rebate Grants, and DERI-ERIG. TCEQ will implement the remaining TERP grant programs in fiscal 2025.

The TERP Biennial Report to the Texas Legislature (TCEQ publication SFR-079/20) provides further details on the program’s grants and activities.

Texas Volkswagen Environmental Mitigation Program

In 2017, Gov. Greg Abbott selected TCEQ to administer \$209 million in Volkswagen State Environmental Mitigation Trust funding for projects to mitigate NOX emissions from vehicles using defective devices to pass emissions tests.

From 2019 through August 2024, TCEQ awarded over \$120 million under the Texas Volkswagen Environmental Mitigation Program, replacing 1,238 vehicles including school buses, transit buses, refuse trucks, local delivery vehicles, and port drayage vehicles. These projects will mitigate 1,453 tons of NOX emissions in nonattainment areas and affected counties. TCEQ also awarded over \$29 million for 3,619 electric vehicle chargers and will award additional funds under the program in fiscal 2025.

Texas Voluntary Marginal Conventional Well Plugging Program

In May 2024, TCEQ received \$134 million in Methane Emissions Reduction Program funds to implement the Texas Voluntary Marginal Conventional Well Plugging Program (TXMCW). TCEQ will implement TXMCW and provide financial incentives to well owner-operators to voluntarily plug wells on nonfederal lands to reduce methane emissions in the state.

Environmental Research and Development

TCEQ supports scientific research to study air quality in Texas. The Air Quality Research Program (AQRP) is administered by The University of Texas at Austin and funded by TCEQ. AQRP funds projects that build on research from the previous biennium.

Recent air quality research carried out through AQRP has included projects that:

- Evaluated the Houston nitrogen oxides emission inventory and developed refined air quality modeling configurations for coastal Texas using the 2021 Tracking Aerosol Convection Experiment – Air Quality (TRACER-AQ) field campaign data.
- Quantified the emissions and spatial distribution of volatile consumer products in the Houston area.
- Evaluated the ability of models to use satellite and surface observations of domestic biomass burning to inform impacts on urban air quality.

- Measured ozone precursors and biomass-burning tracers in the Dallas-Fort Worth area.
- Evaluated satellite data to potentially improve emission inventories.

In addition to research carried out through the AQRP, TCEQ used grants and contracts to support ongoing air quality research. Notable projects that TCEQ directly funded have:

- Organized and managed the 2022 TRACER-AQ 2 and 2023 Mobile and Offshore Air Quality field campaigns in Houston to study ozone formation, evaluate models/satellites, and verify emission inventories.
- Analyzed the TRACER-AQ 1 and 2 field campaign data to improve the understanding of ozone formation, emissions estimates, and air quality model performance.
- Analyzed fire impacts on Texas air quality using different modeling and measurement methods, with an emphasis on identifying exceptional events that may affect air quality.
- Updated inventories for emissions from on-road and non-road vehicles, commercial marine vessels, aircraft, locomotives, rail yards, and compressor engines.
- Improved the chemical and meteorological processes of the ozone and PM modeling system.
- Conducted speciated PM_{2.5} monitoring to help identify constituents and source contributions, including international sources and biomass burning.
- Performed monitoring studies in El Paso to understand contributions to various pollutants from within and outside the U.S.

The latest findings from these research projects help the state understand and appropriately address some of the challenging air quality issues faced by Texans. These challenges are increasing—in part due to changes in air quality standards—and addressing them will require continued research.

This knowledge helps ensure that Texas adopts attainment strategies that are achievable, sound, and based on the most current information.

WATER QUALITY

Developing Surface Water Quality Standards

Texas Surface Water Quality Standards

The federal Clean Water Act requires TCEQ to review and, if appropriate, revise the Texas Surface Water Quality Standards every three years. The standards are the basis for establishing discharge limits in wastewater permits, setting instream water quality goals, and establishing criteria to assess instream attainment of water quality.

Water quality standards are set for water bodies based on their specific uses: aquatic life, recreation, drinking water, fish consumption, and general use. The standards establish water quality criteria for physical, chemical, and biological characteristics. The commission adopted revised water quality standards in September 2022, major revisions included:

- Revisions to statewide toxic criteria to incorporate new data on toxicity effects and address revised EPA procedures.
- Revisions and additions to site-specific toxic criteria to incorporate local water quality data into criteria for select water bodies.
- Revisions and additions to the uses, criteria, and descriptions of individual water bodies based on new data and results of recent use-attainability analyses (UAAs).
- Additions of site-specific recreational uses for select water bodies based on the results of recent recreational UAAs.

EPA must approve revised standards before they can be applied to activities related to the federal Clean Water Act. Though federal review of portions of the 2010, 2014, 2018, and 2022 standards has

yet to be completed, TCEQ proceeded with the 2026 triennial standards review. Initial preparations for revisions to the Texas Surface Water Quality Standards began in May 2024, and proposal to the commission is anticipated in 2026.

Use-Attainability Analyses

The Surface Water Quality Standards Program coordinates and conducts use-attainability analyses to develop site-specific uses for aquatic life and recreation. The UAA assessment is used to reevaluate designated or presumed uses when the existing standards may need to be revised. Based on data from aquatic-life UAAs, site-specific aquatic-life uses and dissolved-oxygen criteria may be proposed for individual water bodies in the 2026 revision to the Texas Surface Water Quality Standards.

In 2009, TCEQ developed recreational UAA procedures to evaluate and more accurately assign levels of protection for water recreational activities. Since then, TCEQ initiated more than 162 UAAs to evaluate recreational uses of water bodies not attaining their existing criteria. Using results from recreational UAAs, TCEQ will include site-specific contact recreation criteria for select individual water bodies in the 2026 Texas Surface Water Quality Standards revision.

A use-attainability analysis is a scientific assessment of the physical, chemical, biological, or recreational characteristics of a water body.

Monitoring Water Quality

Surface water quality is monitored across the state in relation to human health concerns, ecological conditions, and designated uses. Collected data form a basis for policies that promote the protection and restoration of surface water in Texas. Special projects contribute water quality information on the condition of biological communities. This provides a basis for developing and refining criteria and metrics used to assess the condition of aquatic resources.

Clean Rivers Program

The Clean Rivers Program administers and implements a statewide framework set out in Texas Water Code, Section 26.0135. This state program works with 15 regional partners (river authorities and others) to collect water quality samples, derive quality-assured data, evaluate water quality issues, and provide a public forum for prioritizing water quality issues in each Texas river basin. The program provides 65% to 75% of the data available in the state's surface water quality database used for water-resource decisions, including revising water quality criteria, identifying the status of water quality, and supporting the development of projects to improve water quality.

Coordinated Routine Monitoring

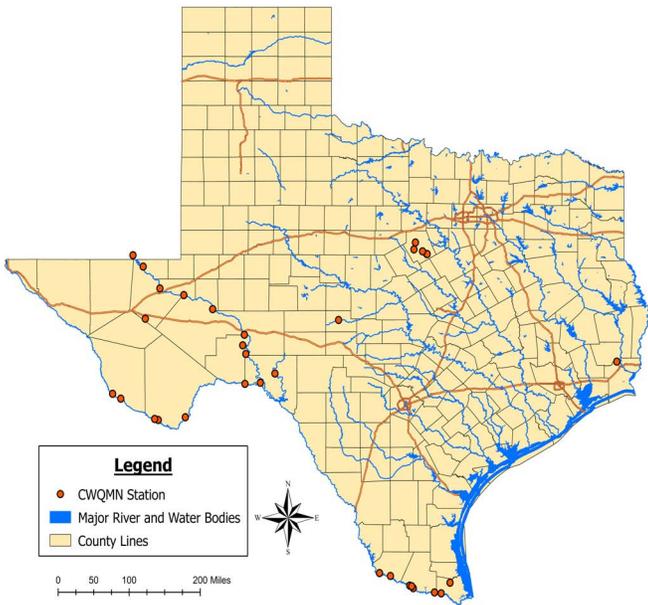
Each spring TCEQ staff meets with water quality organizations to coordinate monitoring efforts for the upcoming fiscal year. Meeting participants use information from approximately 2,000 active stations and parameters to efficiently utilize resources to maximize water quality sample collection and address monitoring priorities.

Continuous Water Quality Monitoring

TCEQ developed and maintains a network of continuous water quality monitoring sites on priority water bodies. The Continuous Water Quality Monitoring Network (CWQMN) has 32 sites where basic water quality measurements are collected every 15 minutes. The data are posted on TCEQ's website.

CWQMN monitoring data may be used to make decisions about water-resource management to target field investigations, evaluate the effectiveness of water quality management programs such as total maximum daily load (TMDL) implementation plans and watershed protection plans, characterize existing conditions, develop and calibrate water quality models, define stream segment boundaries, and evaluate spatial and temporal trends.

Figure 3. TCEQ Continuous Water Quality Monitoring Stations – July 2024



This map was generated by the Texas Commission on Environmental Quality, Water Quality Planning Division. This product is for informational purposes and does not represent property boundaries. If you have questions concerning this map, contact the Water Quality Planning Division at 512-239-6682.

Assessing Water Quality

Each even-numbered year, TCEQ assesses data from over 200 different water quality parameters to determine which water bodies meet surface water quality standards for their designated uses, such as contact recreation, support of aquatic life, or drinking-water supply. Data include physical and chemical constituents, as well as measures of biological integrity. The assessment is published on TCEQ’s website and submitted as a draft to EPA as the Texas Integrated Report for Clean Water Act, Sections 305(b) and 303(d) found at www.tceq.texas.gov/waterquality/assessment.

Waters that do not attain one or more of the standards may require action by TCEQ and are placed on the 303(d) List of Impaired Water Bodies for Texas. EPA must approve this list before implementation by TCEQ’s water quality management programs.

Texas has many miles of streams, and as a result, TCEQ can facilitate monitoring in only a portion of its surface water bodies. Major river segments

and those considered at highest risk for pollution are monitored and assessed regularly. In the 2022 Integrated Report, approved by EPA in July 2022, water quality data was evaluated from 2,409 sites on 1,601 water bodies. The draft 2024 Integrated Report has been adopted by TCEQ and submitted to EPA.

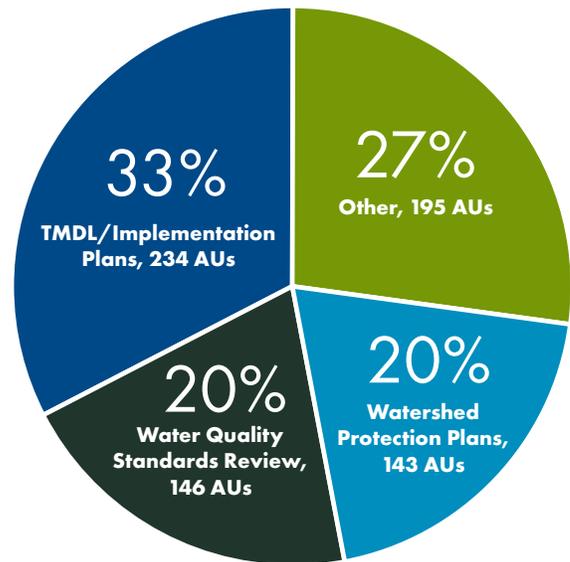
Restoring Water Quality

Watershed Action Planning

Watershed Action Planning (WAP) is a process for coordinating, documenting, and tracking the actions necessary to protect and improve the quality of the state’s streams, lakes, and estuaries. The WAP process, led by TCEQ and the Texas State Soil and Water Conservation Board (TSSWCB), engages stakeholders in the selection of an appropriate restoration strategy to restore water quality. Figure 4 reflects the strategies assigned for water bodies in the 2022 Texas Integrated Report.

Figure 4. Management Strategies for Restoring Water Quality

An assessment unit (AU) is the smallest geographic area used when evaluating surface water quality.



Total AUs with an assigned restoration strategy: 718

- Watershed Protection Plans, 143 AUs, 20%
- Water Quality Standards Review/UAAAs, 146 AUs, 20%
- TMDLs/Implementation Plans, 234 AUs, 33%
- Other, 195 AUs, 27%

Source: WAP database and the 2022 Texas Integrated Report.

Total Maximum Daily Load Program

The TMDL Program is one of TCEQ's mechanisms for improving water quality through developing practicable targets for pollutant reductions. A TMDL is the total amount (or load) of a single pollutant a receiving water body can assimilate within a 24-hour period and maintain water quality standards for a particular use. This program works with the agency's water quality programs, other governmental agencies, and watershed stakeholders to develop TMDLs and related Implementation Plans (I-Plans).

Of the 1,051 assessment units listed in the 2022 Texas Integrated Report of Surface Water Quality, about one-third were bacterial impairments to recreational water uses. Bacteria from human and animal wastes can indicate the presence of disease-causing microorganisms that may pose a threat to public health.

The TMDL Program has an effective strategy for developing TMDLs to protect recreational safety that relies on engagement of communities in affected watersheds. Other actions are taken to address bacteria impairments, such as recreational use-attainability analyses that ensure the appropriate contact recreation use is in place, and watershed protection plans developed by stakeholders to reduce nonpoint sources.

While a TMDL analysis is being completed, stakeholders are engaged in the development of an I-Plan. An I-Plan outlines the necessary steps to improve water quality, who will carry them out, when they will be done, and how improvement will be gauged. The stakeholders commit to meet periodically with the time frames for completing I-Plans driven by stakeholder resources and when stakeholders reach consensus. The plan may also be revised to maintain sustainability and adjusted to changing conditions.

Since 1998, TCEQ has developed TMDLs to improve the quality of impaired water bodies on the federal 303(d) List, which identifies surface waters that do not meet one or more water quality standards. The agency has adopted 452 TMDLs

in the state. From July 2022 to July 2024, the commission adopted 12 TMDLs to address bacteria impairments and approved I-Plans for four water bodies.

Nonpoint Source Program

The Nonpoint Source (NPS) Program administers the provisions of Section 319 of the federal Clean Water Act which authorizes grant funding for states to develop projects and implement NPS pollution management strategies to maintain and improve water quality conditions. TCEQ, in coordination with TSSWCB, manages NPS grants to carry out the long- and short-term goals identified in the Texas NPS Program. The NPS grant from EPA is split between TCEQ (to address urban and nonagricultural NPS pollution) and TSSWCB (to address agricultural and silvicultural NPS pollution). TCEQ receives \$3-\$4 million annually. About 60% of overall project costs are federally reimbursable; the remaining 40% comes from local matching. In fiscal 2023 and 2024, TCEQ received \$5.8 million, which was matched with \$3.9 million local dollars, for a total of \$9.6 million.

TCEQ annually solicits applications through a competitive process to develop projects that contribute to the goals of the Texas NPS Program. Typically, the program receives 10 to 20 applications each year. The number of projects funded depends on the amount of each project and available funding. Ten projects were funded in fiscal 2023, and 10 in fiscal 2024. Half of the federal funds awarded must be used to implement EPA-accepted watershed-based plans, activities that include public outreach, education, and best management practices to reduce nonpoint sources of pollution.

The NPS Program also administers provisions of Section 604(b) of the federal Clean Water Act. These funds are derived from State Revolving Fund appropriations under Title VI of the act. Using a legislatively mandated formula, money is passed through from TCEQ to councils of governments for water quality planning. The program received a total of \$1.2 million in EPA federal funding over fiscal 2023 and 2024.

Bay and Estuary Programs

The estuary programs are nonregulatory, community-based programs focused on conserving the sustainable use of bays and estuaries in the Houston-Galveston and Coastal Bend regions' bays through implementation of locally developed comprehensive conservation management plans. Two different organizations execute the plans: the Galveston Bay Estuary Program (GBEP), a program of TCEQ, and the Coastal Bend Bays and Estuaries Program (CBBEP), which is a nonprofit authority established for that purpose.

In addition to the estuary programs, TCEQ participates in coastal partnerships with other Texas agencies and states. TCEQ participates in the Gulf of Mexico Alliance, a partnership linking Texas, Alabama, Florida, Louisiana, and Mississippi. Staff contribute to implementing the Alliance's Governors' Action Plan, participating in water resource and data and monitoring teams. TCEQ serves on the Coastal Coordination Advisory Committee and participates in the state's Coastal Management Program to ensure long-term ecological and economic productivity of coastal natural resources. TCEQ works with the General Land Office to carry out the federally approved Coastal Nonpoint Source Program, required under the Coastal Zone Act Reauthorization Amendments.

Galveston Bay Estuary Program

GBEP provides ecosystem-based management that strives to balance economic and human needs with available natural resources in Galveston Bay and its watershed. The program fosters cross-jurisdictional coordination among federal, state, and local agencies and groups, and cultivates diverse public-private partnerships to implement projects and build public stewardship.

During fiscal 2023 and 2024, GBEP worked with partners to conduct ecosystem-based monitoring and research to inform resource managers and fill data gaps. The program collaborated with local stakeholders to create watershed-protection plans and carry out water quality projects. GBEP continued implementation of an interactive Regional Monitoring Database where users view,

explore, and download management and research data on Galveston Bay. GBEP completed the Galveston Bay Estuary Resilience Action Plan, a stakeholder-driven project that assesses a series of coastal resilience criteria against the goals, objectives, and actions in the Galveston Bay Plan, 2nd Edition. GBEP also continued implementation of the Conservation Assistance Program, which provides regional support for land conservation efforts within the Galveston Bay watershed.

GBEP, in coordination with local partners, protected, restored, or enhanced 1,149 acres of coastal wetlands and other habitats in fiscal 2023 and 2024. Three projects will place an additional 2,891 acres under conservation by the end of calendar 2024. Since 2000, GBEP and its partners have protected, restored, and enhanced a total of 41,760.69 acres of important coastal habitats.

Through collaborative partnerships established by the program, approximately \$7.10 in private, local, and federal contributions was leveraged for every \$1 the state dedicated to the program.

Coastal Bend Bays and Estuaries Program

CBBEP is a voluntary partnership that works with industry, environmental groups, bay users, local governments, and resource managers to improve the health of the Coastal Bend bay system. CBBEP receives program funds from TCEQ, EPA, local governments, private industry, private grants, and other governmental agencies. In fiscal 2023 and 2024, CBBEP secured \$18,600,729 in additional funds to leverage TCEQ funding.

CBBEP priority issues focus on human uses of natural resources, freshwater inflows, maritime commerce, habitat loss, water and sediment quality, and education and outreach. One CBBEP goal under their comprehensive conservation and management plan is to address 303(d)-listed segments to meet state water quality standards. During fiscal 2023 and 2024, CBBEP implemented 87 projects, including habitat restoration and protection, outreach and educational programs, and studies that promote bay and estuary watershed planning.

Wastewater Permitting

TCEQ issues authorizations and registrations for the safe disposal of wastewaters into or adjacent to water in the state. These wastewater, stormwater, agriculture, and sludge permits include requirements that ensure the disposal does not degrade water or land resources. The Texas Pollutant Discharge Elimination System (TPDES) Program issues site-specific permits to discharge wastewater or stormwater into water in the state. Texas Land Application Permits (TLAPs) are issued for land application by irrigation including surface irrigation, evaporation, drainfields, or subsurface land application.

These permits include effluent limitations that ensure the discharge does not degrade water quality in the receiving stream. There are two types of permits: an individual permit is tailored to an individual facility, whereas a general permit covers a group of dischargers with similar qualities within a given geographic location.

Developing Protective Permits

The Procedures to Implement the Texas Surface Water Quality Standards (RG-194, June 2010) outline how numeric and narrative water quality standards are applied to wastewater discharge permits. This guidance is updated as needed to reflect changes in water quality standards and TCEQ procedures.

The purpose of the implementation procedures is to determine effluent limitation and monitoring requirements for the draft permit to ensure receiving water uses and water quality are maintained and protected. During the application process the implementation procedures and water quality standards are used for determining uses and water quality criteria of receiving waters, evaluating impacts on endangered species, antidegradation reviews, modeling dissolved oxygen, whole effluent toxicity testing (biomonitoring) requirements, and screening for toxic pollutants and conventional pollutants and parameters. The procedures are applied to both industrial and domestic wastewater permits.

Industrial and Domestic Individual Permits

Individual applications for new, renewal, or amendment permit actions include a technical review, two public notices, and public review period. Uncontested applications take about one year to process. Existing authorizations are reviewed every five years, at minimum. Individual permits are issued for wastewater, industrial process wastewater, sludge, concentrated animal feeding operations, stormwater, and water treatment plant residuals. TCEQ has 3,800 active individual permits.

Industrial wastewater permits are issued for the discharge of wastewater generated from industrial activities. TCEQ issues about 110 industrial wastewater permits each fiscal year. There are currently about 600 industrial authorizations.

Domestic wastewater permits are issued for the discharge of wastewater generated from domestic activities. TCEQ issues TPDES permits for domestic wastewater activities discharging to waters in the state and TLAPs for disposal of domestic wastewater adjacent to water in the state, such as land application.

TCEQ issues about 475 domestic wastewater permits each fiscal year. These permits are increasing as 516 were issued in fiscal 2023 and 500 in fiscal 2024. There are currently about 2,700 domestic authorizations. Applications for domestic wastewater permits are also increasing as 665 were received in fiscal 2023 and 707 in fiscal 2024. Over 300 of these applications are for new facilities.

General Permits

General permits provide a streamlined authorization process for certain discharges of wastewater or stormwater. TCEQ has developed 16 general permits. Applications for stormwater general permits make up most of the general permit workload. The agency has developed an online application for all stormwater general permits and some wastewater general permits to accommodate the growing workload.

Stormwater Permits

TCEQ has three general permits for stormwater based on the source of the stormwater: industrial facilities, construction activities, and municipal entities. The multi-sector general permit (MSGP) regulates stormwater discharges from industrial facilities. The construction general permit (CGP) regulates stormwater runoff associated with construction activities. The municipal separate storm sewer system (MS4) regulates stormwater runoff from large urban areas. There are currently over 8,000 MSGP, over 18,000 CGP, and 521 MS4 authorizations.

Sewage Sludge and Biosolids

Activities involved in the disposal, processing, or land application of domestic sewage sludge, biosolids, and septage may require a permit, registration, or notification. There are currently about 120 authorizations and registrations. Rules related to domestic sewage sludge or biosolids, water treatment plant residuals and domestic septage processing, land application, transportation, and storage, along with applicable limits, are at Title 30 Texas Administrative Code, Chapter 312.

Concentrated Animal Feeding Operations

Animal feeding operations that are designated as a concentrated animal feeding operation (CAFO) based on head count and animal type or other relevant factors must obtain an individual or general permit from TCEQ that authorizes manure and wastewater management activities. The rules governing CAFO permitting are contained in 30 TAC Chapter 321 Subchapter B. There are over 500 CAFO permits.

Water Treatment Plant Residuals and Sludge

The discharge of wastes into or adjacent to water in the state may include wastes associated with water treatment for public drinking water activities. These residuals are material generated during the treatment of either surface water or groundwater for potable use (30 TAC Chapter 335). Both an

individual and general permit for the disposal of conventional water treatment plant (WTP) residuals are available. The reverse osmosis water treatment permit, a type of individual industrial permit for WTPs, is often used in areas with brackish source waters. There is also a WTP sludge permit. There are 300 individual and general authorizations for WTPs.

Reuse of Reclaimed Water

Reclaimed water is treated wastewater that is safe and suitable for a purpose that would use other water resources. It is classified according to the source from which the wastewater originated. It may come from either domestic or industrial activities. Rules for use of reclaimed water, usually referred to as “reuse” are provided in 30 TAC Chapter 210.

Pretreatment and Reclaimed Water Programs

TCEQ implements the TPDES Pretreatment Program to protect publicly owned treatment works infrastructure by reducing the conventional and toxic pollutant levels discharged by industries and other nondomestic wastewater sources into municipal sewer systems. Pretreatment programs can also be used to improve local opportunities to recycle municipal and industrial wastewater and sludge. There are 74 approved programs with 140 associated wastewater treatment facilities in Texas.

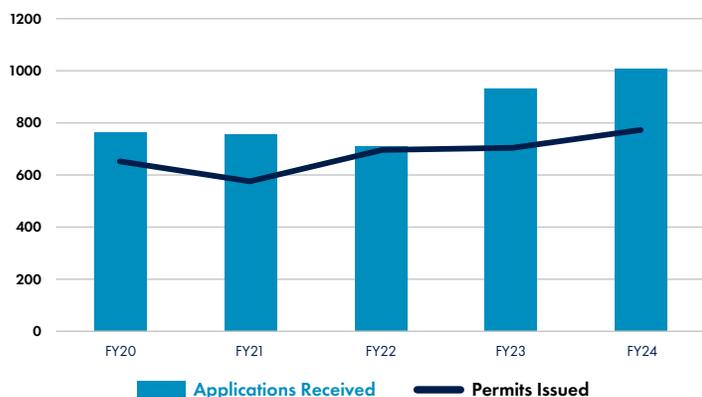
Reviewing Engineering Plans and Specifications

Wastewater treatment plants are required to submit engineering plans and specifications for new wastewater treatments systems or for improvements to existing systems to ensure each system is capable of meeting water quality standards. The plans must be reviewed before construction can begin. TCEQ completed compliance reviews of 1,100 engineering plans in fiscal 2023 and 1,300 in fiscal 2024. Many of these reviews include design changes related to emergency preparedness in 30 TAC Chapter 217.

Public Engagement and Permitting Workloads

Permit application processing has increased because of economic growth and development across the state. Applicants are applying for amendments and expansions of existing facilities and seeking to authorize new activities through the individual permitting process. The complexity of these individual applications has also increased as water quality standards and effluent limitations have been developed or updated. The need for water quality modeling has also increased. The public is also more engaged in the permitting process, resulting in an increase in public comments and public meetings. Figure 5 shows the number of applications received and permit processing efficiency over the last five years. An average of 835 applications are received per fiscal year with only 680 permits issued per fiscal year, resulting in a backlog of applications.

Figure 5. Water Quality Applications Received and Processed, Fiscal 2020-2024



Starting in summer 2024, applications for individual permits are available for public review on the TCEQ website in addition to the public viewing location in the county (30 TAC Chapter 39). As draft permits are prepared, they will also be available online.

DRINKING WATER SYSTEMS

The TCEQ Public Drinking Water Program is responsible for ensuring that Texas citizens receive a safe and adequate supply of drinking water, and carries out this responsibility by implementing the Safe Drinking Water Act. All public water systems (PWSs) must be approved by TCEQ before they begin operating, provide documentation to show that they meet state and federal requirements, and evaluate the quality of the drinking water they distribute.

Ensuring Safe Drinking Water

Of the approximate 7,200 PWSs in Texas, about 4,690 are community systems, mostly operated by cities. These systems serve about 97% of Texans. The rest are non-community systems—such as those at schools, churches, factories, businesses, and state parks. TCEQ offers online data tools so that the public can find information on the quality of locally produced drinking water. Texas Drinking Water Watch (www.tceq.texas.gov/goto/dww) houses analytical results from PWS compliance sampling. The Source Water Assessment Viewer (www.tceq.texas.gov/gis/swaview) shows the location of drinking water sources and any potential sources of contamination, such as an underground storage tank.

All PWSs must monitor the levels of contaminants present in the water they treat and verify that these contaminants do not exceed their maximum contaminant level, action level, or maximum residual disinfection level—the highest level at which a contaminant is considered acceptable in drinking water for the protection of public health.

State and federal regulations have set standards for 102 contaminants in the major categories of microorganisms, disinfection by-products, disinfectants, organic and inorganic chemicals, and radionuclides.

TCEQ evaluates approximately 172,000 analytical results each month to determine compliance with these standards. The most significant microorganism

is coliform bacteria, particularly E. Coli. The most common chemicals of concern in Texas are disinfection by-products, arsenic, fluoride, and nitrate.

TCEQ collects more than 60,000 water samples each year for chemical compliance, which are submitted to an accredited laboratory for analysis. The analytical results are sent to TCEQ and the PWSs.

Each year, TCEQ holds a free symposium on public drinking water, which typically draws more than 1,000 participants. The agency also provides technical assistance to PWSs to ensure that consumer confidence reports are developed correctly and include all required information.

Assisting PWSs

TCEQ strives to ensure that all water and wastewater systems have the capability to operate successfully. TCEQ contracts with the Texas Rural Water Association to assist utilities with financial, managerial, and technical expertise. About 1,089 assignments were made through this contract in fiscal 2023, and 1,090 assignments in fiscal 2024.

Reviewing Engineering Plans and Specifications

To ensure that water systems are capable of meeting safe drinking water standards, PWSs are required to submit engineering plans and specifications for new water systems and for improvements to existing systems. These plans must be reviewed before construction can begin. TCEQ completed compliance reviews of 2,366 engineering plans for PWSs in fiscal 2023 and 2,578 in fiscal 2024.

Enforcing Compliance

EPA developed the Enforcement Response Policy and the Enforcement Targeting Tool for violations under the Safe Drinking Water Act. TCEQ uses this tool to identify PWSs with either health-based or repeated violations that show a history of violations under multiple rules. Using this tool prioritizes systems with the most significant violations for enforcement action, with the goal of returning those systems to compliance as quickly as possible.

Additionally, any PWS that fails to have its water tested or that reports test results incorrectly faces monitoring and reporting violations. When a PWS has significant or repeated violations of state regulations, a record review investigation is performed and the case is referred to TCEQ’s enforcement program. Table 5 lists enforcement orders, assessed penalties, and supplemental environmental projects (SEPs) for violations of drinking water standards.

More than 98% of the state’s population is served by a PWS producing water that is in compliance with the National Primary Drinking Water Standards.

Reviewing Water District Applications

The agency reviews applications to create general-law water districts and reviews bond applications for water districts to fund water, sewer, and drainage projects. The agency reviewed 634 water district applications in fiscal 2023 and 628 in fiscal 2024.

Ensuring Adequate Drinking Water Supply

Exploring New Supplies Through Alternative Treatment

The population of Texas is expected to reach almost 46 million by the year 2060. Planning well in advance is critical to meet increasing water needs in a state that experiences prolonged droughts, floods, and other challenges. Recognizing this, more and more PWSs are beginning to propose the use of less-conventional sources of water that often require complex innovative treatment.

Table 5. Violations of Drinking-Water Regulations

	Fiscal 2023	Fiscal 2024
Enforcement Orders	334	256
Assessed Penalties	\$1,058,553	\$1,244,916
Offsets by SEPs	\$92,124	96,576

Note: The numbers of PWS orders reflect enforcement actions from all sources in the agency.

TCEQ’s engineers and scientists use their expertise to help guide PWSs in selecting effective innovative treatment technologies, and to ultimately grant approvals for those technologies while ensuring that the treated water is safe for human consumption. Some examples of challenging water sources that require such technologies are groundwater with elevated levels of nitrates, radionuclides, or other contaminants; saline or brackish groundwater; seawater; and effluent from municipal wastewater treatment plants reclaimed for direct potable reuse.

Disaster Preparedness

TCEQ’s Emergency Preparedness Plan Program assists PWSs and affected utilities in providing a safe, adequate, and continuous supply of drinking water to their customers before, during, and after disasters by using an all-hazards approach. Affected utilities across the state are required to adopt an emergency preparedness plan that lays out how they will provide drinking water to customers during an extended power outage. Additionally, this plan must be submitted to TCEQ for approval.

TCEQ’s website provides information on natural disaster preparedness, drinking water and floods, homeland security for PWSs, regulatory guidance, and mutual-aid assistance through the Texas Water/Wastewater Agency Response Network (TXWARN). TCEQ’s Water Security Contract provides educational workshops and seminars to PWSs across the state on topics such as risk assessments, emergency response planning, hazard mitigation funding, disaster relief funding, emergency management resources, and drought.

TCEQ’s drought program coordinates public drinking water drought-response activities. The program issues updates on the status of drought conditions and continues to monitor a targeted list of PWSs that have limited supplies of water. In addition, the multiagency Emergency Drinking Water Task Force, which was formed to respond to drought emergencies at PWSs, meets regularly to discuss the systems being tracked and opportunities for outreach, funding, and assistance.

WATER AVAILABILITY

Managing Surface Water Rights

TCEQ is charged with managing surface water in Texas and implements that authority through the permitting and enforcement of surface water rights. The use of water for domestic or livestock purposes is considered a superior water right that does not require a permit. TCEQ is responsible for protecting senior and superior water rights, and for ensuring that water right holders only divert state water according to their permits.

Texas water law specifies that in times of shortage, permitted water rights will be administered based on the priority date of each water right, also known as the prior appropriation doctrine—that is, the earliest in time is senior. Also, exempt domestic and livestock uses are superior to permitted rights.

Among permitted water right holders, those that received their authorization first (senior water rights) are entitled to take their water before water right holders that received their authorization on a later date (junior water rights). If senior and superior water right holders are not able to take their authorized water, they can call on TCEQ to enforce the priority doctrine (known as a priority call).

Under the TCEQ v. Texas Farm Bureau decision, if suspension of a water right is necessary to satisfy a priority call by a senior or superior water right, TCEQ will not be able to exempt any junior water rights. This includes exemptions based on public health, safety, or welfare concerns for junior water rights used for municipal purposes or power generation.

Managing Water Availability During Drought

TCEQ responds to severe drought through the following activities:

- Monitoring conditions across the state.
- Expediting the processing of drought-related water rights applications.
- Responding to priority calls.
- Participating in multidisciplinary task force meetings.

TCEQ also provides information about drought to state leaders, legislative officials, county judges, county extension agents, water right holders, and the media.

Water Rights Permitting

Water flowing in Texas creeks, rivers, lakes, and bays is state water. The right to use this water may be acquired through appropriation via permitting as established in state law. An authorization (a permit or certificate of adjudication) is required to divert, use, or store state water; or to use the bed and banks of a watercourse to convey water. However, there are several specific uses that are exempt from the requirement to obtain a water right permit, such as domestic and livestock use. For any new appropriation of state surface water, the Texas Water Code (TWC) requires that TCEQ determine whether water is available in the source. Once obtained, a surface water authorization is perpetual, except for some temporary and term authorizations.

TCEQ reviews permit applications for new appropriations of state water for administrative and technical requirements related to conservation, water availability, and the environment. In addition to new appropriation requests, TCEQ also reviews amendment applications and other applications including bed-and-bank authorization applications, reuse applications, and temporary water rights applications. In fiscal 2023 and 2024, TCEQ processed 866 water rights actions, including new

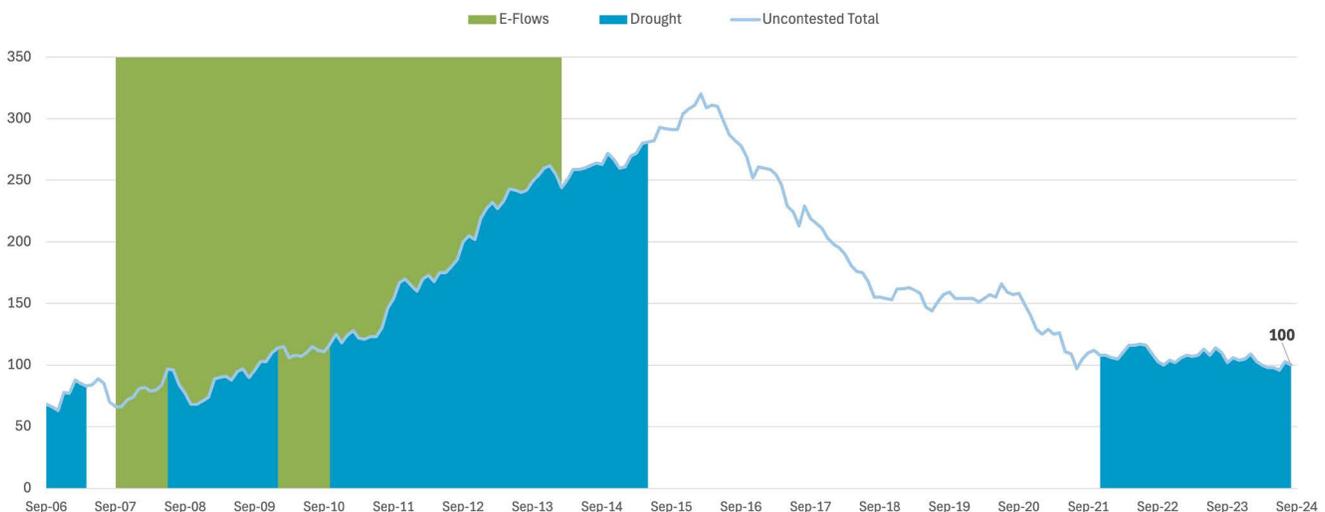
permits, amendments, water-supply contracts, and transfers of ownership.

Major changes to state water policy such as the development of environmental flow standards, drought, complex applications, and other projects, can shift water rights permitting staff from permitting activities. Beginning in 2007, several of these factors affected water rights processing. The result was an increase in uncontested pending permit applications, totaling 320 in 2016. That number has since been reduced to 100 as of September 2024, due to efforts to increase permit processing efficiency. Figure 6 shows the number of pending uncontested applications for water right permits from September 2006 to September 2024.

Applying continuous improvement practices and tools to water rights permitting helped streamline the application process, identify problems with it, and solve them. In 2022, TCEQ began requiring pre-application meetings after finding that this practice resulted in the submittal of more complete applications. Time extensions granted to applicants to respond to requests for information are limited and there are return policies to address unresponsive applicants. In addition, TCEQ has conducted outreach to help water right holders remain in compliance with statutory requirements for reporting water use.

Whenever possible, TCEQ has reached out to water rights stakeholders and increased its presence and availability at water conferences and other events.

Figure 6. Pending Uncontested Water Rights Applications, September 2006–September 2024



Fast Track Permitting

Not all water right applications require the same level of technical review. The Fast Track Program streamlines less complex water right applications through a continuous improvement process. This program has been successful and, as of September 2024, the average processing time for Fast Track applications was 196 days.

Applications for Certain Amendments (House Bill 1964)

In 2019, the 86th Texas Legislature passed House Bill 1964, streamlining the water rights permitting process for simple amendments to a water right that do not affect other water rights or the environment [TWC Subsection 11.122(b-3)]. As of September 2024, the average processing time for these applications was 64 days.

Texas Water Rights Viewer

In September 2019, TCEQ launched the Texas Water Rights Viewer. This GIS-based tool houses water rights information making it easily available to the public in a spatial format. It includes copies of water right permits, water right ownership data, and water-use data. Prior to the viewer, obtaining much of this data required an in-person search of TCEQ records or a Public Information Request.

Since 2019, TCEQ has continued to improve the functionality of the viewer and add additional features and data.

Changes of Ownership and Water Use Reports

TCEQ processes ownership changes in support of water rights permitting statewide. Current ownership information ensures that TCEQ can issue required notices to water right permit holders when a priority call is made and TCEQ suspends or curtails water rights in response.

TCEQ also requires updated water use reports to support modeling efforts and enforcement of water rights. On Jan. 1 of each year, TCEQ sends reports to water right permit holders outside of watermaster areas, and the updated reports are due back to TCEQ on the following March 1. The return rate for these reports was approximately 65% for fiscal 2023, but this represents over 96% of the permitted water.

Water Conservation and Drought Contingency Plans

Under TWC, Chapter 11, and 30 TAC Chapter 288, every five years, required water right holders and entities must develop, implement, and submit updated Water Conservation Plans (including Water Conservation Implementation Reports) and Drought Contingency Plans to TCEQ. The most recent deadline to submit these plans to TCEQ was May 1, 2024.

Environmental Flows

In 2007, the Texas Legislature passed two landmark measures relating to the protection of instream flows and freshwater inflows in the water rights permitting process. The measures changed how the state determines environmental permit conditions for water rights applications.

TCEQ adopted rules for environmental flow standards for Texas rivers and bays that drain to the Gulf of Mexico. TCEQ's ongoing goal is to protect the adopted standards—along with the interests of senior water rights holders—in the water rights permitting process for new appropriations and amendments that increase the amount of water to be taken, stored, or diverted. In 2023, the 88th Texas Legislature passed Senate Bill 1397, requiring TCEQ to submit biennial reports on environmental flow standards beginning in January of 2024.

Evaluations of Water Basins without Watermasters

Under TWC, Section 11.326, TCEQ is required every five years to evaluate water basins without a watermaster program to determine whether

a watermaster should be appointed. Agency personnel are directed to report their findings and make recommendations to the commission.

In 2011, TCEQ developed a schedule for these evaluations and criteria for developing recommendations. TCEQ has completed two five-year cycles of evaluations. In September 2024, the agency completed the third year of the third five-year cycle. In 2023, TCEQ evaluated the Trinity and San Jacinto River Basins and the Trinity–San Jacinto and Neches-Trinity Coastal Basins; and in 2024, the Neches and Sabine River Basins.

The commission did not create a watermaster program on its own motion at the conclusion of any evaluation year. To date, TCEQ has expended approximately \$1,258,409 on these evaluations.

For more information, see Appendix D, “Evaluation of Water Basins in Texas without a Watermaster.”

Texas Interstate River Compacts

Texas is a party to five interstate river compacts that apportion the waters of the Canadian, Pecos, Red, Rio Grande, and Sabine rivers between the appropriate states. Interstate compacts form a legal foundation for the equitable division of the water of an interstate stream with the intent of settling each state’s claim to the water.

Rio Grande Compact

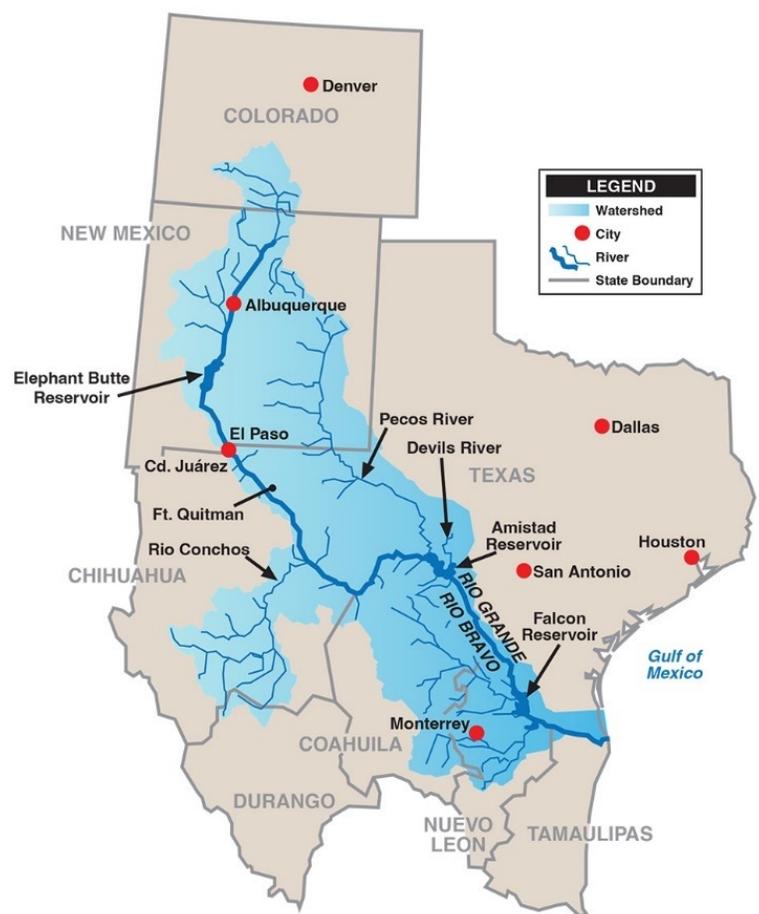
The Rio Grande Compact, ratified in 1939, divided the waters of the Rio Grande among the signatory states of Colorado, New Mexico, and Texas from its source in Colorado to Fort Quitman, Texas. The Compact did not contain specific wording about the apportionment of water in and below the Elephant Butte Reservoir.

However, the Compact was drafted and signed against the backdrop of the 1915 Rio Grande Project and a 1938 U.S. Bureau of Reclamation contract that referred to a division of 57% to New Mexico and 43% to Texas, based on the relative amounts of project acreage originally identified in each state.

The Project provides the means for delivering apportioned water and serves the reach of the Rio Grande below Elephant Butte Reservoir to El Paso, Texas, along with canals and diversion works in both New Mexico and Texas. Two districts receive project water: Elephant Butte Irrigation District, in New Mexico, and El Paso County Water Improvement District No. 1, in Texas. The latter supplies the city of El Paso with about half of its water.

In 2008, after 20 years of negotiations, the two districts and the Bureau of Reclamation completed an operating agreement for the Rio Grande Project. The agreement acknowledged the 57/43 percent division of water and established a means of accounting for the project allocation. The agreement was a compromise to resolve the issue of large amounts of groundwater development and pumping in New Mexico that affected water deliveries to Texas.

Figure 7. Rio Grande Watershed



But significant compliance issues continue with New Mexico's water use associated with the Rio Grande Compact. In 2011, New Mexico took action in federal district court to invalidate the 2008 operating agreement. In response to the lawsuit, and in coordination with the Legislative Budget Board and the Attorney General's Office, the Rio Grande Compact Commission of Texas hired outside counsel and technical experts with specialized experience in interstate water litigation to protect Texas' share of water.

In January 2013, Texas petitioned the U.S. Supreme Court to allow it to file its complaint against New Mexico. That complaint held that unrestricted and extensive groundwater pumping in New Mexico had intercepted and reduced Rio Grande flows apportioned to Texas. Texas is seeking an injunction to stop this excessive pumping and prohibit New Mexico from interfering with the delivery of apportioned Rio Grande water to Texas. Texas is also seeking damages.

In 2014, the U.S. Supreme Court appointed a special master to manage the case and carry out actions on its behalf. The U.S. joined Texas and intervened against New Mexico. In 2018, a unanimous Supreme Court decided that the U.S. could continue to pursue its claim, and then appointed a new special master. The trial was split into two parts, with fact witnesses testifying mainly virtually and expert witnesses testifying mainly in person. The virtual portion of the trial was held in 2021, and the second phase was stayed by the Court pending the approval of a settlement agreed to by the states.

The U.S. subsequently objected to the states' proposed decree. The special master issued a report which recommended that the Court grant the proposed decree over the U.S. objections. On March 20, 2024, the Court heard oral arguments. On June 21, 2024, the Court rejected the proposed decree. The states are currently in settlement negotiations with the U.S. Texas is preparing for potential litigation.

International Treaties

Two international treaties have a major impact on water supplies available to Texas. The 1906 convention between the U.S. and Mexico apportions the waters of the Rio Grande Basin above Fort Quitman, Texas, while the 1944 treaty between the U.S. and Mexico apportions the waters of the basin below Fort Quitman.

Mexico continues to under-deliver water to the U.S. under this treaty. Mexico does not treat the U.S. as a water user and only relies on significant rainfalls to make deliveries of water. The 1944 Water Treaty has a five-year cycle, the most recent beginning Oct. 25, 2020. As of Aug. 31, 2024, Mexico has delivered 400,796 acre-feet of water for the current cycle and has a linear cycle deficit of 947,423 acre-feet of water. Mexico has delivered 23% of the total five-year cycle amount.

This stands in contrast to the U.S. acting in good faith to always supply Mexico its annual allocation from the Colorado River. The Colorado River and the Rio Grande are both covered by the same treaty. Efforts continue to address this problem through the Texas congressional delegation.

Mexico's failure to deliver 1944 treaty water and its overall water-management strategies have negative impacts on Texas, especially in the Lower Rio Grande Valley below Falcon Dam. Mexican drains of irrigation tailwater—including the Morillo Drain, which continues to function below the capacity specified by the minutes of the 1944 treaty—negatively affect salinity levels in the Rio Grande below Falcon Dam. Salinity levels above 1,000 mg/L compromise crops and municipal water systems. The Rio Grande Watermaster monitors salinity levels and provides notifications to stakeholders when salinity in the Rio Grande below Falcon Dam is elevated.

A related issue concerns the accounting of waters in the Rio Grande at Fort Quitman. While the 1906 convention granted the U.S. 100% of all waters between El Paso and Fort Quitman, the International Boundary and Water Commission has allocated the waters equally between the U.S. and Mexico.

Groundwater

TCEQ's responsibilities related to groundwater planning and assessment include:

- Delineating and designating priority groundwater management areas (PGMAs).
- Creating groundwater conservation districts (GCDs) in response to landowner petitions or through the PGMA process.
- Administering the Texas Groundwater Protection Committee (TGPC).
- Supporting efforts to protect water quality in the Edwards Aquifer, the state's only EPA-designated sole-source aquifer.
- Cataloging state water well reports.
- Facilitating 30 TAC Chapter 230, related to groundwater availability certification for platting.

House Bill 4256 of the 88th Texas Legislature established a grant program to plug leaking water wells. TCEQ administers this program as the Leaking Water Wells Grant Program. The 88th Texas Legislature appropriated funds in fiscal 2025 to TCEQ for program staffing and ancillary expenses, and TCEQ is currently developing the program. Funds have not been appropriated to TCEQ for distribution to grantees.

In 2025, TCEQ and the Texas Water Development Board will submit a joint legislative report that details activities in fiscal biennium 2023-2024 relating to PGMAs and the creation and operation of GCDs.

The state's preferred mechanism for groundwater management is GCDs, which are governed by a locally selected board of directors. Under the Texas Water Code, GCDs are authorized and required to issue permits for water wells, develop a management plan, and adopt rules to implement the plan. TCEQ monitors and ensures GCDs meet requirements for adopting and re-adopting management plans.

TCEQ supports the activities of the interagency TGPC. TGPC was created by the 71st Texas Legislature in 1989 to improve coordination among

agencies involved in groundwater activities by bridging gaps between existing state groundwater programs and optimizing groundwater quality protection. The resulting statute (TWC 26.401-26.408) sets out the state's groundwater protection policy and describes TGPC's duties.

The statute requires TGPC to accomplish the following:

- Develop and update a comprehensive state groundwater protection strategy.
- Publish an annual Joint Groundwater Monitoring and Contamination Report to cover the activities and findings of TGPC, specifically the status of state agency groundwater monitoring programs and which groundwater contamination cases were handled in the previous calendar year.
- Publish a biennial report to the Texas Legislature describing its activities for the two preceding years, identifying gaps in programs, and recommending actions for legislative consideration to address those gaps. The next report will be submitted to the legislature in 2025.

WASTE MANAGEMENT

Disposal of Low-Level Radioactive Waste

In 2009, TCEQ issued a license to Waste Control Specialists LLC authorizing the operation of a facility for disposal of low-level radioactive waste (LLRW) in Andrews County.

The Texas Low-Level Radioactive Waste Disposal Compact is an interstate compact between Texas and Vermont. LLRW generated in the Texas Compact may be disposed of in the Compact Waste Facility (CWF). The CWF can also accept noncompact wastes provided that the importation is approved by the Texas Low-Level Radioactive Waste Disposal Compact Commission. A separate, adjacent facility, the Federal Waste Facility (FWF), authorized by the same license as the CWF, may accept LLRW and mixed waste (which is waste that contains both a hazardous and a radioactive

constituent) from federal facilities. Upon eventual closure of the FWF, the facility will be owned by the U.S. Department of Energy (DOE).

After TCEQ authorized operations to begin at the CWF, that location received its first waste shipment in April 2012. TCEQ then authorized operations to begin at the FWF, and that location received its first waste shipment in June 2013. Since operations began at both sites, more than 940,000 cubic feet of waste have been safely disposed of, and over \$82 million in disposal and processing fees have been collected as revenue for the state through the third quarter of fiscal 2024.

LLRW is produced predominantly by nuclear utilities, academic and medical research institutions, hospitals, industry, and the military. It typically consists of radioactively contaminated trash, such as:

- paper
- rags
- plastic
- glassware
- syringes
- cardboard
- packaging material
- organic material
- used, sealed radioactive sources

Nuclear power plants contribute the largest portion of LLRW in the form of spent ion-exchange resins and filters, contaminated tools and clothing, and irradiated metals and other hardware. LLRW does not include high-level waste and spent nuclear fuel.

By law, TCEQ is responsible for setting rates for the disposal of LLRW at the compact facility. In November 2013, TCEQ adopted a final disposal rate by rule and published the notice in the Texas Register. TCEQ has reviewed and revised the disposal rate as necessary, or at the request of the compact facility operator and the compact generators.

Disposal of Radioactive By-product Material

Licensed in 2008, the Waste Control Specialists LLC site has been open for by-product disposal since 2009. By-product material that can be disposed of by the facility is defined as tailings or wastes produced by, or resulting from, extracting or concentrating uranium or thorium from ore.

Since 2009, the facility has disposed of one by-product waste stream containing 3,776 canisters of waste generated by the DOE's Fernald facility in Ohio.

Underground Injection Control

Underground Injection Control (UIC) is a federally authorized program that was established under the authority of the federal Safe Drinking Water Act. The program's purpose is to protect underground sources of drinking water from degradation that is caused by unsafe injection of fluids underground. EPA delegated Texas as the primary enforcement authority for UIC in 1982 and jurisdiction is shared between TCEQ and the Railroad Commission of Texas (RRC). There are six classes of injection wells. TCEQ's jurisdiction covers Class I, III, IV, and V injection wells.

- Class I wells are used for deep injection of hazardous and nonhazardous wastes.
- Class III wells are used to extract minerals other than oil and gas, and are regulated by TCEQ or RRC, depending on the type of well.
- Class IV wells are only authorized by TCEQ or EPA in special circumstances regarding environmental cleanup operations.
- Class V wells are used for many different activities and are regulated by either TCEQ or RRC, depending on the type of well.

Uranium Production

Uranium is produced in Texas through in situ leaching. Uranium is leached directly out of an underground uranium-bearing formation and pumped in a solution to the surface for processing.

The conventional method used in the past for uranium production created impoundments for disposal of by-product waste. These impoundment sites have all been capped, are no longer accepting waste, and will be transferred to the DOE upon license termination.

Currently, Texas has seven uranium mining licenses comprising seven sites and two licensed uranium-processing facilities.

Managing Industrial and Hazardous Waste

The Resource Conservation Recovery Act (RCRA) establishes a system for controlling hazardous waste from the time it is generated until its disposal. EPA has delegated the primary responsibility to TCEQ of implementing RCRA in Texas.

TCEQ reviews and approves plans, evaluates complex analytical data, and writes new and modified industrial and hazardous waste (IHW) permits and registrations. Texas has 171 permitted IHW treatment, storage, and disposal facilities, and 17 coal combustion residual disposal facilities.

During fiscal 2023 and 2024, TCEQ issued 30 IHW permit renewals, performed approximately 1,191 industrial waste-stream audits, and oversaw remediation of 233 sites.

Managing Municipal Solid Waste

With growing demands on Texas' waste-disposal facilities, TCEQ evaluates the statewide outlook for landfill capacity and strives to reduce the overall amount of waste generated.

In fiscal 2023 (the most recent data available), there were 201 active municipal solid waste landfills in the state. Over 40.1 million tons of waste were disposed of, an increase of 4.9% from fiscal 2021. In fiscal 2023, the average per capita disposal rate was 7.20 pounds per person per day.

At the end of fiscal 2023, overall municipal solid waste capacity was over 2 billion tons, representing 50 years of remaining disposal capacity statewide.

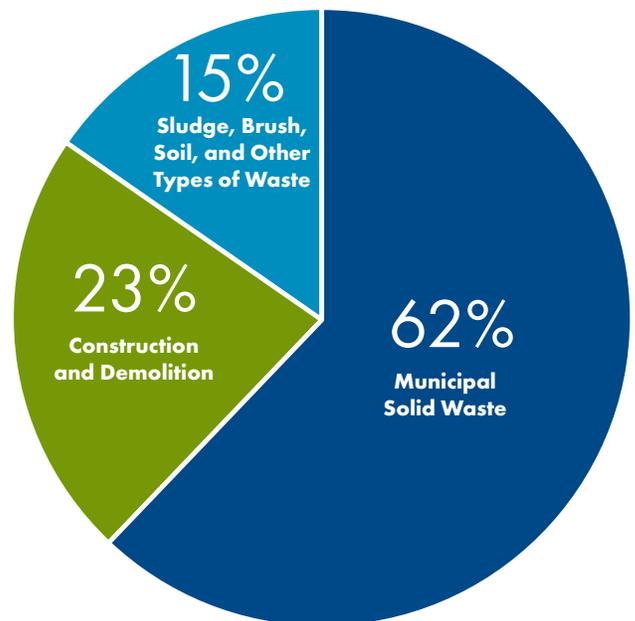
The statewide net capacity decreased approximately 12 million tons, or about <1%, compared with the capacity in fiscal 2021. Throughout the state, the existing trend is for regional landfills to serve the state's more-populous areas, while less-populous areas in West Texas are served by small, arid-exempt landfills that accept less than 20 tons per day.

To assist regional and local solid waste planning initiatives—such as addressing adequate landfill capacity—TCEQ provides solid waste planning grants to each of the 24 regional councils of governments (COGs). The planning initiatives are based on goals specified in each COG's regional solid waste management plan.

For the fiscal 2022–2023 grant period, the COGs received about \$10.9 million from TCEQ, which they then distributed to other recipients for projects such as recycling activities, illegal dump cleanups, household hazardous waste collection events, and education and outreach.

The Regional Solid Waste Grants Program Funding Report, Fiscal 2022–2023, includes data collected

Figure 8. Municipal Solid Waste
Texas had 201 active municipal solid waste landfills in fiscal 2023. Municipal solid waste disposal reached about 40.1 million tons.



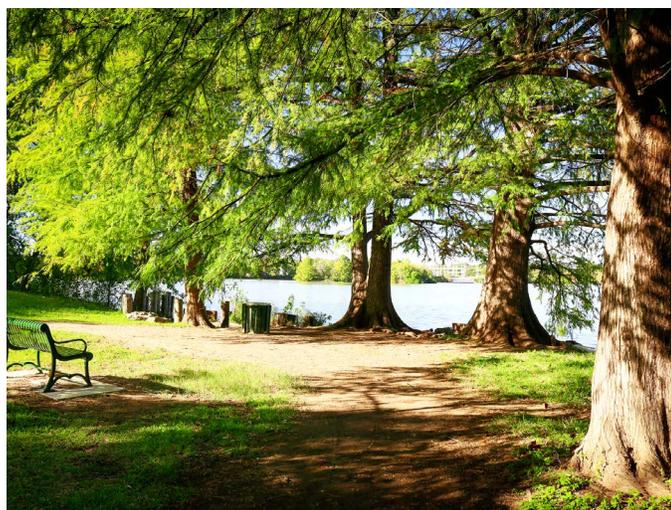
by TCEQ from the 24 COGs and details the regional solid waste grant activities for that two-year period. The report will be available on TCEQ's website in January 2025.

Superfund

Superfund is a federal program that enables state and federal environmental agencies to address properties contaminated by hazardous substances. EPA has the legal authority and resources to clean up sites where contamination poses the greatest threat to human health and the environment.

TCEQ either takes the lead or supports EPA in cleaning up Texas sites that are on the National Priorities List (NPL). The NPL is EPA's ranking of national priorities among known or threatened releases of hazardous substances, pollutants, or contaminants.

In addition, Texas has a state Superfund program to address sites that are ineligible for the federal Superfund program. This program is the state's safety net for addressing contaminated sites. TCEQ uses state funds for cleanup at sites in the Texas Superfund Registry if no responsible parties can or will perform the cleanup. TCEQ also takes legal steps to recover the cleanup expenses from responsible parties.



*A park bench and cypress trees on the bank of the Colorado River.
[Credit: iStock]*

After a site is proposed for the state Superfund program, either the responsible party or TCEQ proceeds with a remedial investigation, during which the agency determines the nature and extent of the contamination. A feasibility study follows to identify possible cleanup remedies. A public meeting is held to explain the proposed remedy and to accept public comments. TCEQ then selects an appropriate remedial action.

In fiscal 2023, Texas had 110 active sites in the state and federal Superfund programs. No new sites were proposed or listed on the NPL or the Texas Superfund Registry during the fiscal year. Two remedial actions were completed, one at a federal Superfund site in Tarrant County and one at a state Superfund site in Houston County.

In fiscal 2024, no new sites were proposed or listed on the NPL or Texas Superfund Registry, for a total of 111 active sites. Two remedial actions were completed, one at a federal Superfund site in Ector County and one at a state Superfund site in McCulloch County.

Petroleum Storage Tanks

TCEQ oversees the cleanup of contamination of groundwater and soil due to leaking petroleum storage tanks (PSTs). Since the program began in 1987, the agency has received reports of 29,341 leaking PST sites—primarily at gasoline stations.

By the end of fiscal 2024, cleanup had been completed at 28,284 sites, and corrective action was underway at 1,057 sites.

Of the total reported PST releases, about half have affected groundwater.

Leaking PSTs are often discovered when a tank owner or operator upgrades or removes tanks, an adjacent property owner is affected, or the tank leak-detection system signals a problem. Some leaks are detected during construction or utility maintenance. Most tank-system leaks are due to corrosion, incorrect installation, or damage during construction or repairs.

To avoid releases, tank owners and operators are required to properly operate and monitor their storage-tank systems, install leak-detection equipment and corrosion protection, and take measures to prevent spills and overfills.

Tank owners and operators are required to clean up releases from leaking PSTs, beginning with a site assessment that may include drilling monitoring wells, and taking soil and groundwater samples. TCEQ oversees the remediation.

Under state law, cleanups of leaking tanks that were discovered and reported after Dec. 23, 1998, are paid by the owners' environmental liability insurance or other financial-assurance mechanisms, or from their own funds.

The PST State Lead Program cleans up sites where the responsible party is unknown, unwilling, or financially unable to do the work—and in situations in which an eligible site was transferred to State Lead by July 2011. State and federal funds pay for the corrective actions. Except for the eligible sites placed in the program by the July 2011 deadline, the state allows cost recovery from the current owner or any previous responsible owner.



Lost Mine Trail, Big Bend, Texas. [Credit: iStock]

Voluntary Cleanups

The Texas Voluntary Cleanup Program (VCP) gives incentives for pollution cleanup by releasing future property owners from liability once a previously contaminated property is cleaned up to the appropriate risk-based standard.

Since 1995, VCP has provided regulatory oversight and guidance for 3,200 applicants and has issued 2,754 certificates of completion.

In the last two years, the program received 96 applications and issued 122 certificates. Recipients of the certificates report that the associated release of liability helps with property sales, including transactions that would not have otherwise occurred due to real or perceived environmental impacts. As a result, many underused or unused properties may be restored to economically beneficial use.

The key benefit of VCP is the liability release afforded to future property owners once the certificate is issued. The certificate insulates future owners from potential changes in environmental conditions, such as the discovery of previously unknown contamination.

VCP is funded by an initial \$1,000 fee submitted with each application. TCEQ invoices participants for oversight costs beyond the initial fee.

Under the Innocent Owner/Operator Program, TCEQ also implements the law providing liability protection to property owners whose land has been affected by contamination that migrated onto their property from an off-site source. In the last two years, TCEQ issued 42 certificates under this program.

Dry Cleaners

Since 2003, TCEQ has been responsible for collecting fees for a remediation fund designed to help pay for the cleanup of contaminated dry cleaner sites. The fees come from the annual registration of dry-cleaning facilities and drop stations, property owners, prior property owners, and solvent fees from solvent distributors.

In 2007, the Texas Legislature established registration requirements for current and prior property owners who wish to claim benefits from the remediation fund—and authorized a lien against current and prior property owners who fail to pay registration fees due during corrective action.

In addition, the use of perchloroethylene was prohibited at sites where the agency has completed corrective action.

In fiscal 2023, there were 1,660 dry cleaner registrations and approximately \$2.5 million in invoiced fees; in fiscal 2024, there were 1,632 registrations and approximately \$2.4 million in invoiced fees.

Waste Reduction

Hazardous Waste

TCEQ provides technical advice and collaborates to offer innovative approaches and in-person workshops for improving environmental performance through pollution prevention planning.

Altogether, these efforts resulted in reducing hazardous waste by more than 633,000 tons and toxic chemicals by more than 1,225,000 tons during fiscal 2023-2024.

Renewing Old and Surplus Materials

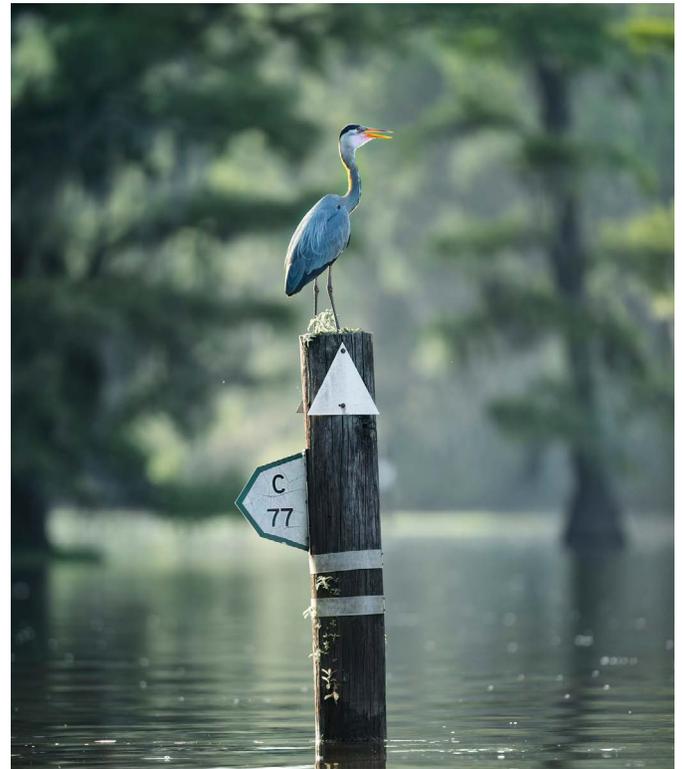
Texas established the Resource Exchange Network for Eliminating Waste (RENEW) in 1988 to promote reusing or recycling industrial waste.

The exchange network has assisted in trading millions of pounds of materials, including plastic, wood, and laboratory chemicals. These exchanges divert materials from landfills and help protect the environment by conserving natural resources and reducing waste. Additionally, participants in the network reduce waste-disposal costs and receive money for their surplus materials.

RENEW is a free, easy-to-use service. Listings are grouped under “Materials Available” and “Materials Wanted” for anyone offering or seeking raw materials.

Through the RENEW website, participants can list and promote opportunities for exchanging at national and regional levels.

In fiscal 2023 and 2024, 98 users signed up to use RENEW, and 114 new listings were posted.



Great blue heron on channel marker in Caddo Lake. [Credit: iStock]

COMPLIANCE ASSISTANCE

TCEQ provides technical assistance, education, and pollution prevention programs that encourage environmental improvements. These programs are focused on agency priorities and align with agency regulatory systems.

Small Business and Local Government Assistance

In fiscal 2023 and 2024, the agency’s Program Support and Environmental Assistance Division (PSEAD) responded to 14,685 requests for assistance from small businesses and local governments. TCEQ staff presented compliance information to small businesses and local governments at events, workshops, and webinars,

totaling over 5,562 attendees. Assistance focuses on providing up-to-date information to help the regulated community understand and comply with environmental rules.

PSEAD's Site Visit Program provided resources to meet the requirements of the federal Energy Policy Act (EACT) with a focus on abandoned petroleum storage tanks (PSTs). The program visited 173 potentially abandoned PST facilities in fiscal 2023 and 150 in fiscal 2024. The abandoned PST screening process was developed in fiscal 2020 to establish when a PST can be considered abandoned and removed from the EACT investigation cycle. This process also provides guidance to other parts of the agency for determining what additional assistance or action may be necessary to mitigate risks from these abandoned PSTs.

During fiscal 2023, the Site Visit Program used a grant from EPA to continue conducting assessments and monitoring at potentially abandoned PST facilities in counties affected by Hurricane Harvey. This included risk-based assessments at two additional sites identified in fiscal 2023.

Comprehensive site assessments are only done at sites that grant TCEQ access through access agreements. Since Phase II of the program began in fiscal 2019, the agency has conducted a total of 44 comprehensive site assessments, with 16 sites showing evidence of a release. Cleanups were initiated at these 16 facilities and completed at 16 facilities between fiscal 2019 and 2024. One site was transferred to the State Lead Program in 2019. In fiscal 2024, the remaining one facility was referred to the State Lead Program for remediation and subsequently closed.

Workshops and Webinars

In fiscal 2023 and 2024, PSEAD hosted workshops and webinars to educate the regulated community. Recordings of webinars were made available on TCEQ's YouTube channel and added to the Compliance Assistance Videos webpage. This webpage includes links to previous webinars and other instructional videos developed by PSEAD to assist the regulated community. For fiscal 2023 and 2024 these included:

- One webinar on using NetDMR to submit discharge monitoring reports for facilities with a stormwater authorization under the Multi-Sector General Permit. The webinar had 174 attendees in fiscal 2023.
- Six PST compliance webinars to help owners and operators prepare for their upcoming EACT investigations. In fiscal 2023, three webinars had 397 total attendees. In fiscal 2024, three webinars had 221 total attendees. For both years participants received printed copies of the Underground Storage Tank Compliance Notebook upon request.
- One compliance assistance video with step-by-step instructions on how to submit a renewal application for the Construction Stormwater General Permit in STEERS published in fiscal 2023.

TCEQ's External Relations Division also offers educational opportunities and technical assistance through coordinated workshops, seminars, and educational events, including the annual Environmental Trade Fair and Conference in downtown Austin. During the last two years, the agency sponsored five hybrid events, one virtual event, and three in-person events to provide technical information to 2,067 attendees. The Trade Fair saw 4,053 attendees for the in-person event held in fiscal 2023 and 4,373 in fiscal 2024.

The Critical Infrastructure Division also offers technical assistance, guidance, and educational opportunities to the regulated community through web-based help forms on the division's webpage, and at regularly scheduled training events and workshops.

In fiscal 2023 and 2024, the division's Tier II Chemical Reporting Program responded to 7,893 requests for assistance and offered 42 Tier II workshops and presentations with over 1,817 attendees. The Dam Safety Program conducted workshops on emergency action plans and dam maintenance for 203 attendees in fiscal 2023 and 172 attendees in fiscal 2024.

LEGISLATION FROM THE 88TH SESSION

FY 2023-FY 2024

Barton Springs with Austin's skyline in the background. [Credit: iStock]

During the regular legislative session in 2023, state lawmakers considered 655 bills that had the potential to affect the programs and activities of the Texas Commission on Environmental Quality. Of those, 138 bills were passed and became law. The new laws triggered a variety of activities at TCEQ: new rules, operational and procedural changes, revised guidance documents, and internal administrative actions. Some of the newly enacted laws are summarized in this chapter.

REGULATION OF RECYCLING AND RECYCLED PRODUCTS (HB 3060)

House Bill 3060, introduced by Rep. Ed Thompson with a companion bill filed by Sen. Kelly Hancock, amended Chapter 361 of the Texas Health and Safety Code (THSC). This bill expanded the conditional solid waste exclusions for recycling introduced in HB 1953 (86th Texas Legislature) and revised the eligibility criteria for recycled products.

HB 1953 added definitions that exclude post-use polymers and recoverable feedstocks (i.e., plastics) from solid waste regulation when they are recycled by pyrolysis or gasification. HB 3060 further expanded this exclusion by adding two additional recycling methods, depolymerization and solvolysis, and categorizing them as advanced recycling.

HB 3060 also revised definitions and criteria related to recycled products in THSC Chapter 361, Subchapter N. Revisions to Subchapter N require TCEQ to adopt rules identifying third-party mass balance attribution certification systems used to determine the amount of material that has been recycled and the amount of recycled material in a recycled product, and to amend recycled product guidelines to include the amount of recycled material determined through third-party certified mass balance attribution.

HB 3060 became effective May 27, 2023. TCEQ initiated rulemaking in 2023 and:

- Sought informal stakeholder input on the implementation of third-party certification systems and recycled product guidelines during rule development.
- Proposed rules in May 2024 and received no public comments.
- Anticipates adopting the rules in October 2024, with an effective date of November 2024.



Caddo Lake in east Texas. [Credit: iStock]

REGULATION OF NOTICES PROVIDED TO TCEQ BY CERTAIN PUBLIC WATER SYSTEMS (HB 3810)

House Bill 3810, introduced by Rep. Brooks Landgraf, amended Chapter 341 of the THSC. These amendments:

- Require nonindustrial public water systems to notify TCEQ when a condition has caused or could cause a public water supply outage or an issuance of an unplanned outage; or the issuance of a boil water notice, do-not-use-advisory, or do-not-consume advisory.
- Specify that TCEQ may collaborate with the Texas Division of Emergency Management (TDEM) in regulating the notifications required by the legislation.

HB 3810 became effective on Sept. 1, 2023. TCEQ and TDEM developed an online reporting form to facilitate the implementation of notification requirements from this legislation. The online reporting form was made available to the public on Sept. 1, 2023. The proposed rulemaking was printed in the Texas Register on Aug. 16, 2024. TCEQ anticipates rulemaking to be complete in December 2024.



Brazos Bend, Texas [Credit: iStock]

TEXAS EMISSIONS REDUCTION PLAN PROGRAMS (HB 4885)

House Bill 4885, introduced by Chairman Brooks Landgraf, amended THSC to do the following:

- Establish the Texas Hydrogen Infrastructure, Vehicle, and Equipment (THIVE) Program.
- Add downstream “refining” oil and gas activities to projects eligible for the New Technology Implementation Grant (NTIG) Program.
- Increase the dollar amount that TCEQ may contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station. It also adds energy efficiency programs administered by the Public Utility Commission or State Energy Conservation Office to the types of projects that may be included in that contract.
- Adjust the funding allocations for certain TERP grant programs and change the allocation for administrative costs from \$16 million per fiscal year to not more than 15% of TERP Trust revenue each biennium. Specifically, HB 4885 reduced the Texas Natural Gas Vehicle Grant Program from 10% of TERP revenue to 7.5%, and the Light Duty Motor Vehicle Purchase or Lease Incentive Program from 5% to 2.5%. The bill increased the allocation for the NTIG Program from 3% to 8% and allowed up to \$8 million of that allocation to be used for the new THIVE Program each fiscal year.

HB 4885 became effective Sept. 1, 2023. TCEQ solicited public and stakeholder input on the development of the new THIVE Program and opened the solicitation in November 2023. Per HB 4885, TCEQ also added new technology projects to reduce emissions from downstream oil and gas activities to those eligible for funding under the NTIG Program, and opened the solicitation for that program in October 2024.

Finally, TCEQ increased the annual allocation for the Energy Systems Laboratory at Texas A&M contract from \$216,000 to \$500,000 for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources. TCEQ updated the contract language to include the computation of emissions reductions obtained through energy efficiency programs administered by the Public Utility Commission of Texas, the State Energy Conservation Office, or through the implementation of advanced building energy codes for buildings.

REGULATION OF PUBLIC WATER SUPPLY CONNECTIONS AND WATER TO RECREATIONAL VEHICLE PARKS (SB 594)

Senate Bill 594, introduced by Sen. Judith Zaffirini, amended Chapter 341 of the THSC and Chapter 13 of the Texas Water Code (TWC) as follows:

- Requires public water systems to provide enough water or capacity for the number of connections they serve.
- Requires TCEQ to establish by rule both a connection equivalency value and an alternative recreational vehicle park connection equivalency value used to determine the connection count for recreational vehicle parks that are retail customers of public water systems.
- Requires non-municipal retail public water utilities to ensure billing is based on actual use and not impose a surcharge for recreational vehicles or cabins at recreational vehicle parks.

SB 594 became effective Sept. 1, 2023. The proposed rulemaking was printed in the Texas Register on Aug. 16, 2024, and TCEQ anticipates rulemaking to be complete in December 2024.

RELATING TO THE CONTINUATION AND FUNCTIONS OF TCEQ (SB 1397)

Senate Bill 1397, co-sponsored by Rep. Keith Bell and Sen. Charles Schwertner, amended Chapters 5, 7, 11, 28A, and 49 of the TWC and Chapter 382 of the THSC.

To implement the many and varied provisions of SB 1397, the agency undertook both rulemaking and non-rulemaking activities, which included procedural and operational changes as well as revisions to various guidance documents.

These amendments require TCEQ to:

- Provide at least a 36-hour extension of the public comment period and requests for contested case hearings after the conclusion of a public meeting for air permit applications for which a consolidated notice was issued under THSC Section 382.056.
 - » This extension is currently in practice and rulemaking to amend 30 TAC Chapter 39 is underway.
- Post permit applications that are declared administratively complete, as well as any subsequent revisions, to its website. TCEQ must also consider and accommodate residents of each area affected by a proposed permit, permit amendment, or permit renewal who may need assistance accessing the application and associated materials due to lack of internet services.
 - » Rulemaking to amend 30 TAC Chapter 281 is underway.
 - » Permit applications that are administratively complete as of June 1, 2024, are posted on the agency's website.
 - » Commission rules require applicants to make a copy of their application available for review and copying at a public place in the county where the relevant facility is located or proposed to be located (30 TAC 39.405).

- Consider all violations when classifying an entity as a repeat violator.
 - » Rulemaking to amend 30 TAC Chapter 60 is underway.
- Obtain annual reports from TCEQ-regulated entities with temporary or open-ended permits on their operational status.
 - » Notifications of reporting requirements were made directly to the regulated community and this information was also posted on the agency’s website.
 - » An online system is in place to accept operational status reports due by Dec. 31 of each year.
- Continue the E-flows Advisory Group and E-Flows Science Advisory Committee. The Group is also required to adopt a statewide work plan for adaptive management updates of environmental flow standards by Jan. 1, 2025. TCEQ is required to develop and submit a biennial report on the implementation and effectiveness of environmental flow standards to the Environmental Flows Advisory Group that includes input from the Texas Water Development Board and Texas Parks and Wildlife Department by January 1 of each even-numbered year.
 - » The first biennial report on E-Flow Standards was submitted by Jan. 1, 2024. The biennial report included the progress made over the previous biennium in implementing environmental flow standards, the status of any efforts to set aside unappropriated water, input provided by Texas Water Development Board and Texas Parks and Wildlife Department on their environmental flow activities and recommendations, and any recommendations for the workplan.
- Ensure that all notices on permit applications and amendments include (to the extent applicable): the name of permit applicant, type of permit applied for, and the location of each proposed or existing site subject to the proposed permit.
 - » Notices for permit applications meet the requirements of this provision.
- Publish notice of permit applications on the agency’s website.
 - » TCEQ public notices are available on the agency’s website.
- Create a new standard permit for the operation of certain temporary concrete plants for public works.
 - » A draft permit is under development.
- Provide notice to state representatives and senators when an application is received to create a new district.
 - » The required notice is now being provided.
- Establish the Enforcement Diversion Program for small business and local governments, allowing for eligible entities to receive compliance assistance training and resources as an alternative to an enforcement action.
 - » This program is under development.
- Authorize the review, suspension, or reclassification of an entity’s compliance history rating in the event of exigent circumstances.
 - » This statute codified 30 TAC Section 60.4 – Site Classification Changes Due to Exigent Circumstances.
- Increase administrative penalties for all violations with a current cap of \$25,000 to \$40,000, if the following are met: the violation involves an actual release of pollutants or an unauthorized taking of water, the person previously committed a similar violation, and the person could have reasonably avoided the violation.
 - » Violations occurring on or after Sept. 1, 2023, which meet these criteria, are subject to the increased administrative penalties.
- Provide outreach and education to the public on how to participate in the permitting process.
 - » The TCEQ and You video series is now available on the agency’s website and on YouTube.
 - » Additional implementation of this item is in progress.

- Develop best management practices (BMPs) for aggregate production operations that include dust control, water use, and water storage, and make them available on the agency’s website.
 - » BMPs are under development.
- Require applicants to provide a copy of any published notice and an affidavit from the publisher of the notice, certifying that the notice was published and meets applicable requirements.
 - » All required elements are included on the publisher’s affidavits.
- Provide notice of application (when TCEQ receives any application for a permit which requires a notice) to state representatives and senators that represent any portion of the proposed district’s boundaries.
 - » TCEQ is currently providing the required notices.
- Provide notice related to the creation of a water district to each state representative and state senator who represents an area inside a proposed district’s boundaries.
 - » TCEQ is currently providing the required notices.
- Develop and implement policies that clearly separate the policy-making responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.
 - » This item was adopted by commission resolution in April 2024.
- Train commissioners on the law governing commission operations; on the functions, rules, and budget of the commission; on the scope and limitations of the rulemaking authority of the commission; and the results of the most recent formal audit.
 - » Training was completed by Dec. 1, 2023.

- Have the executive director create a training manual for a commissioner training program and distribute a copy annually to each member of the commission. Commissioners are required to sign and submit a statement acknowledging each member has received and reviewed the material.
 - » The training manual was created and distributed to all members, who signed an acknowledgement of their receipt and review of the manual.

Additionally, SB 1397 authorizes TCEQ to request that an applicant provide uniformed security at a public meeting or hearing. TCEQ currently has a practice in place to request that applicants provide security at public meetings and hearings.



Butterfly on a Nettle Flower in the Texas Hill Country. [Credit: iStock]

AGENCY RESOURCES

FY 2023-FY 2024

A bridge over a pond in rural Texas. [Credit: iStock]

This chapter outlines the agency’s workforce and financial resources. The Texas Commission on Environmental Quality has over 2,800 full-time employees, with more than 30% working outside of the Austin headquarters. The agency has 16 regional offices, as well as five satellite offices throughout Texas.

These field offices give TCEQ a statewide presence, enabling its staff to communicate firsthand with municipalities, businesses and industry, and community groups in all quarters of Texas.

TCEQ’s budgetary needs are based on the demands of state and federal laws concerned with protecting human health and the environment. The operating budget totaled \$482.8 million in fiscal 2023 and \$558.15 million in fiscal 2024. Most of the budget is supported by revenues collected from fees and includes funds not appropriated by the legislature, such as the Texas Emissions Reduction Plan Trust Fund.

TCEQ publishes its operating budget separately in even-numbered fiscal years, and it is included in the legislative appropriations request in odd-numbered fiscal years. Funds relating to the TERP Trust Fund are included in the agency’s annual reports to the legislature. Those documents are available on the agency’s website.

WORKFORCE

Size and Job Categories

In fiscal 2024, the agency was authorized to have 2876.3 full-time-equivalent (FTE) positions, and the average number of FTEs utilized was 2,721.6. In fiscal 2023, the authorized FTEs were 2,821.3; TCEQ averaged 2,657.7 during that time. TCEQ staff is composed largely of professionals trained in science, technology, engineering, computer science, and related fields, with over 300 job classifications and sub-specifications. In fiscal 2024, professionals represented 67.04% of the workforce; technical and administrative support staff made up 16.51%; and officials and administrators (managers) filled 12.52% of positions.

Equal Employment

TCEQ’s policy is to afford equal-employment opportunities to all employees and qualified applicants, regardless of race, color, religion, national origin, sex, sexual orientation, age, disability, genetic information, veteran status, or other status protected by law.

The agency is committed to recruiting, selecting, and retaining a multitalented, culturally diverse workforce that is representative of the state’s available labor force. In accordance with the Texas Labor Code, Chapter 21, all employees are trained on equal employment practices to make them aware of state and federal employment laws and regulations.

With regard to race and ethnicity, the agency's workforce composition in fiscal 2024 was categorized as 56.26% white, 9.73% black, 20.82 Hispanic, and 13.20% other ethnicities (including Asian, Pacific Islander, American Indian, and Alaskan Native). With regard to gender, women continue to be in the majority at TCEQ: female employees represented 56.13% of the workforce; males, 43.87%.

Ethnicity and Gender

Each state agency must analyze its workforce by ethnicity and gender. TCEQ compares its workforce to the state civilian workforce using data provided by the Civil Rights Division of the Texas Workforce Commission. The TWC's report on equal-employment opportunity hiring practices, which is published at the beginning of each legislative session, uses data sets based on the percentage of blacks, Hispanics, and females—by job category—within the civilian labor force in Texas.

In fiscal 2024, TCEQ exceeded the percentage of the available black labor force in the job category of administrative support by 9.38%. The agency's female workforce exceeded the available female labor force in top management (officials and administrators/managers) by 14.26%, as well as in administrative support, by 6.95%.

Recruitment and Retention

TCEQ is a leading state agency employer for environmental science and other science, technology, engineering and math (STEM) careers. TCEQ actively recruits and hires highly educated and well-qualified new employees using a variety of programs, including:

- Traditional recruiting at colleges and universities across the state;
- Partnerships with veterans' organizations to match military service members to TCEQ career paths;
- TCEQ's Mickey Leland Environmental Internship Program, which has for over 30 years created opportunities for minorities and women pursuing environmental, engineering,

science-related, and public-administration careers;

- TCEQ's Transitions Hiring, which collects applications from candidates who are about to graduate or within 2 years of graduation to be considered for vacant and primarily entry-level positions;
- TCEQ's Express Interview Program, which allows supervisors to extend conditional job offers at recruiting events; and
- TCEQ's Engineer Hiring Program, which collects applications from engineers who hold a professional engineer (P.E.) license, expedites hiring for TCEQ vacancies, and offers a recruitment bonus for newly hired licensed engineers.

Retention is TCEQ's biggest challenge. TCEQ hired 499 new staff in fiscal 2024 and 571 in fiscal 2023. Retention strategies include investing additional legislative funding in targeted salary increases, providing flexible and hybrid work schedules, recognizing employees for their exceptional work, and promoting employee wellness and engagement opportunities. TCEQ is also growing its next generation of leaders through the Leadership and Management Excellence and Mentor Programs as well as offering on-demand professional development opportunities for all staff.

FINANCES

In fiscal 2023, the approved operating budget totaled \$499 million. Of that, \$248.8 million was appropriated from dedicated fee revenue, \$167.2 million from the TERP Trust Fund, \$38.1 million from federal funds, and \$15.8 million from general revenue. Other sources supplied the remaining \$13.1 million.

In fiscal 2024, the agency's approved operating budget was \$558 million. Of that, \$297.6 million was appropriated from dedicated fee revenue, \$167.7 million from the TERP Trust Fund, \$41.6 million from federal funds, and \$29.3 million from general revenue. Other sources provided the remaining \$21.8 million.

Remediation, reimbursement and grants accounted for 44% of the agency’s operating budget in fiscal 2023 and 41% in fiscal 2024. These funds support programs such as the Texas Emissions Reduction Plan, air monitoring grants, municipal solid waste programs, and the cleanup of Petroleum Storage Tank and Superfund sites.

Funds other than those passed through are devoted to day-to-day agency operations. Salaries accounted for 39% in fiscal 2023 and 40% in fiscal 2024. The remaining operating funds support professional services, supplies, utilities, rent, travel, training, and capital needs.

Fees

TCEQ collects more than 100 separate fees. The fees listed below each generated revenue of more than \$16 million a year:

- **Texas Emissions Reduction Plan Trust Fund** (\$272.9 million in fiscal 2023, \$292.6 million in fiscal 2024). The TERP Trust Fund (1201) consists of revenue from five fees and surcharges assessed on the sale, registration, titling, and inspection of vehicles, as well as a surcharge on the rental or purchase of diesel equipment in the state. The Comptroller of Public Accounts, the Texas Department of Public Safety, and the Texas Department of Motor Vehicles collect the fees on behalf of TCEQ.
- **Petroleum-Product Delivery Fee** (\$17.8 million in fiscal 2023, \$17.6 million in fiscal 2024). The fee is assessed on the bulk delivery of petroleum products. The CPA collects and deposits the fee to the Petroleum Storage Tank Remediation Account (0655).
- **Air Emissions Fee** (\$36.7 million in fiscal 2023, \$40.5 million in fiscal 2024). The fee recovers the costs of developing and administering the Title V Operating Permit Program. Revenue is deposited to the Operating Permit Fees Account (5094).
- **Solid-Waste Disposal Fee** (\$36.7 million in fiscal 2023, \$36.3 million in fiscal 2024). The fee is assessed on the operators of municipal solid-waste facilities for the disposal of solid waste. Revenue is deposited in the Waste Management Account (0549).

- **Motor-Vehicle Safety-Inspection Fee** (\$49.4 million in fiscal 2023, \$49.3 million in fiscal 2024). The fee, assessed per vehicle, is assessed on the sale of state safety-inspection stickers at inspection stations, auto dealers, and other service providers. Revenue is deposited to the Clean Air Account (0151).
- **Consolidated Water Quality Fee** (\$30.1 million in fiscal 2023, \$30.2 million in fiscal 2024). The fee is assessed against each permit, issued under the Texas Water Code, Chapter 26, authorizing the treatment and/or discharge of wastewater. It is calculated based on factors including flow volume and type, traditional pollutants, toxicity, and whether a facility is designated as major or minor. The fee revenue is deposited to Water Resource Management Account 0153.
- **Public Health Service Fee** (\$27 million in fiscal 2023, \$27.6 million in fiscal 2024). This fee, based on the number of connections, is assessed on owners or operators of public drinking water supply systems. Revenue is deposited to Water Resource Management Account 0153.
- **Lead Acid Battery Fee** (\$27.1 million in fiscal 2023, \$27.8 million in fiscal 2024). The fee is assessed on the retail sale of lead acid batteries. A fee of \$2.00 is assessed on the purchase of lead acid batteries less than 12 volts—the surcharge on batteries 12 volts and higher is \$3.00. The CPA collects and deposits the revenue to the Hazardous and Solid Waste Remediation Account (0550) on behalf of TCEQ.

Fee Revisions

State legislation passed in 2023 changed TCEQ’s fees and funding structure as follows:

- HB 3461 from the 88th Legislative Session abolished the solid waste disposal fee account 5000 and required the obligations of and unobligated account balances to be transferred to the waste management account 0549. The consolidation required solid waste fee revenue related to Health and Safety Code 361.013 to be fully deposited to waste management account 0549 beginning Sept. 1, 2023.

ENVIRONMENTAL COMPLAINTS

FY 2023-FY 2024

Sunrise on the floor of Big Bend National Park in Texas. [Credit: iStock]

TCEQ receives approximately 10,000 complaints each fiscal year from Texans concerned about a situation or event in which a possible environmental, health, or regulatory violation has occurred. TCEQ reviews each complaint and conducts investigations on those within agency jurisdiction as appropriate.

TCEQ must analyze complaints received each year based on:

- environmental media (air, waste, and water)
- regional jurisdiction
- priority classification
- enforcement action taken
- commission response
- complaint type

The Texas Water Code (TWC), Section 5.1773 requires that TCEQ annually conduct a comprehensive analysis of the complaints it receives and assess the impact of any changes made to the agency's complaint policy. The information included in Appendix A of this report is also submitted in the Annual Enforcement Report. In fiscal 2024, TCEQ updated its complaint procedures to satisfy Sunset Advisory Committee Recommendation 2.6 regarding nuisance complaints and Senate Bill 471, filed in the 88th Legislative Session [TWC Section 5.176(c)], which outlined criteria for not investigating certain complaints. These updates were incorporated into TCEQ's Complaint Investigation Manual.

COMPLAINT DATA COLLECTION AND REPORTING

TCEQ receives complaints through direct notification to the regional offices. Specifically, the public may report an environmental problem to TCEQ through an online form, available in English and Spanish at www.tceq.texas.gov/goto/report-an-environmental-problem-to-tceq, a 24-hour toll-free hotline (888-777-3186), in person to the regional office, or by written correspondence. All complaints are handled per the Complaint Investigation Manual, available on the TCEQ website at www.tceq.texas.gov/goto/complaint-investigation-manual. This manual reflects the current complaint policy and is revised when there are policy changes.

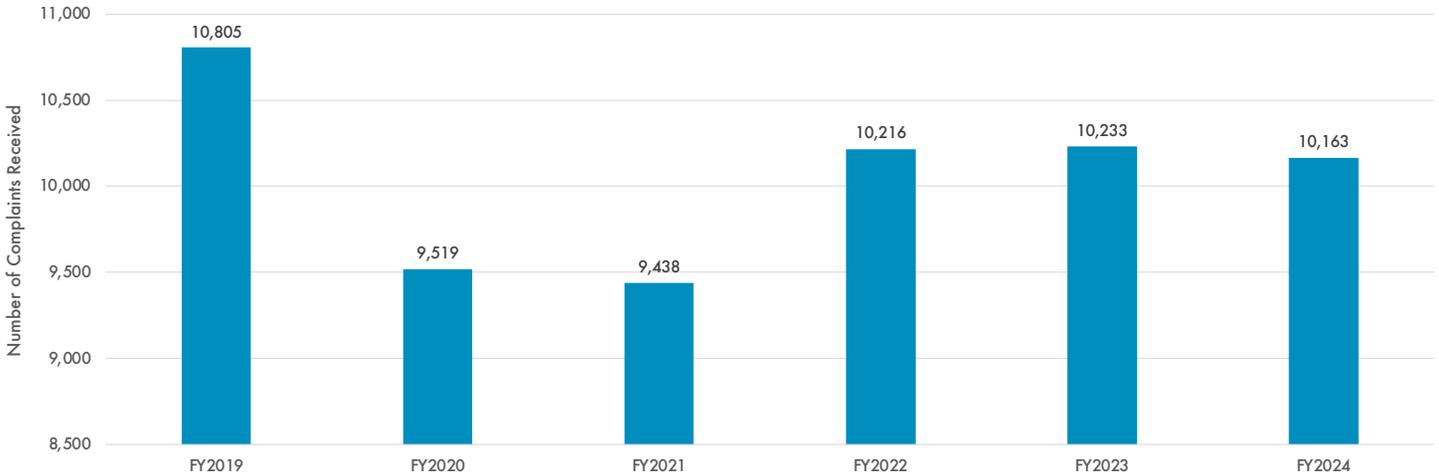
When TCEQ receives an environmental complaint, information about the complaint is typically recorded in the agency's database. When the complaint is determined to be more appropriately handled by another agency, it may be referred to an agency that has jurisdiction. Upon completion of the complaint investigation, the findings will be documented in TCEQ's enforcement database. If violations are identified, the investigation could result in an enforcement action.

COMPLAINT TRENDS

TCEQ analyzes complaints received and investigated using a number of different attributes. These include media (e.g., air, water, waste), region (e.g., Amarillo, Houston), program (e.g., drinking water, municipal solid waste), and nature of complaint (e.g., odor, dust). The results of this analysis are included in the following sections.

Overall, the number of complaints received in fiscal 2024 was slightly lower than fiscal 2022 and 2023 but higher than fiscal 2020 and 2021. However, total complaints have not returned to pre-pandemic levels, with fiscal 2024 having 6% fewer complaints (10,163) than fiscal 2019 (10,805), as shown in Figure A-1.

Figure A-1—Complaints Received by Fiscal Year

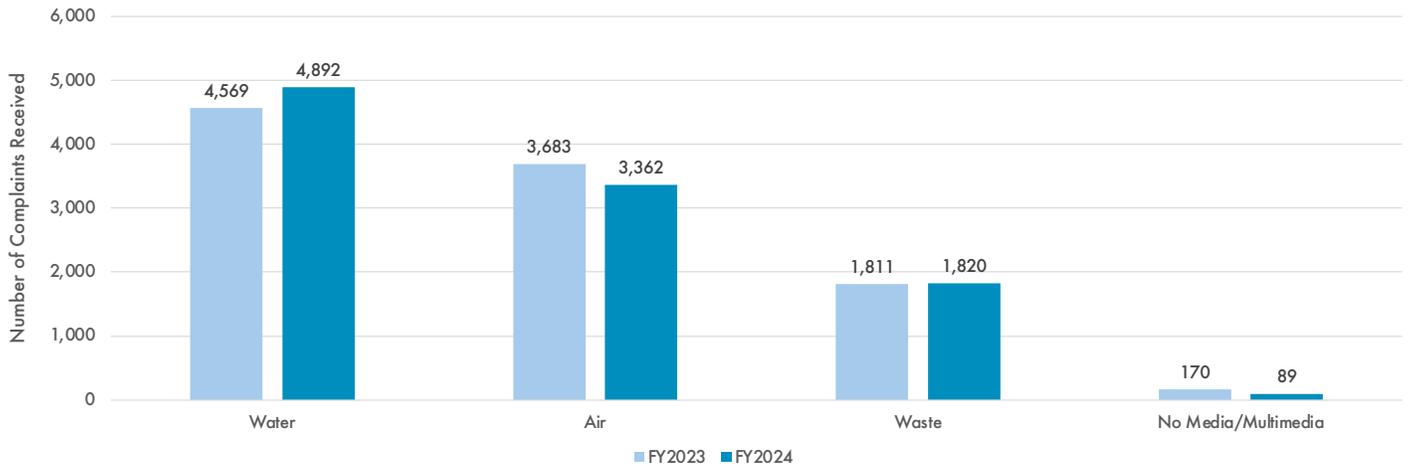


ANALYSIS BY ENVIRONMENTAL MEDIA

Total complaints were analyzed by environmental media (air, waste, water, and no media) statewide, as shown in Figure A-2. “No media” refers to complaints that do not fit within one of the

established medias (for example, multimedia or referred complaints). The media with the most complaints in fiscal 2024 at 48% was water, similar to last year. Air complaints made up 33% of all complaints received, which is also similar to fiscal 2023. Waste complaints made up 18% of all complaints received remaining consistent with fiscal 2023.

Figure A-2—Complaints Received by Media

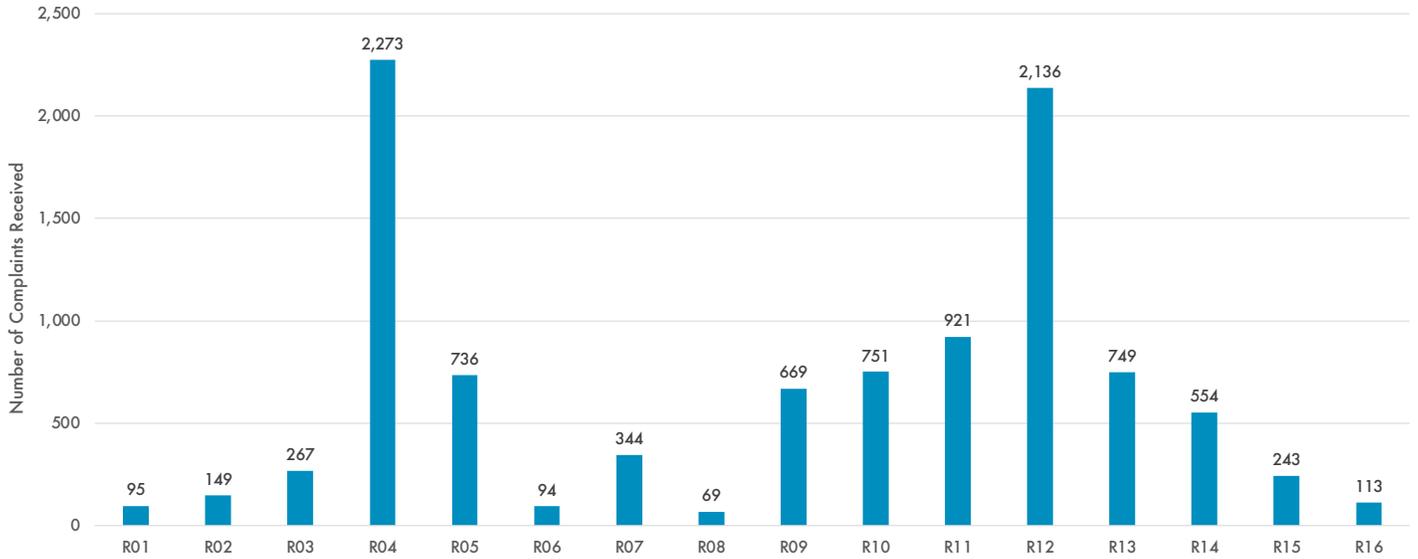


ANALYSIS BY REGION

The number of complaints varies according to regional population. In fiscal 2024, 43% of all

complaints came from regions with the two largest metropolitan areas—the Dallas-Fort Worth region (22%) and the Houston region (21%), as shown in Figure A-3.

Figure A-3—Complaints Received by TCEQ Region

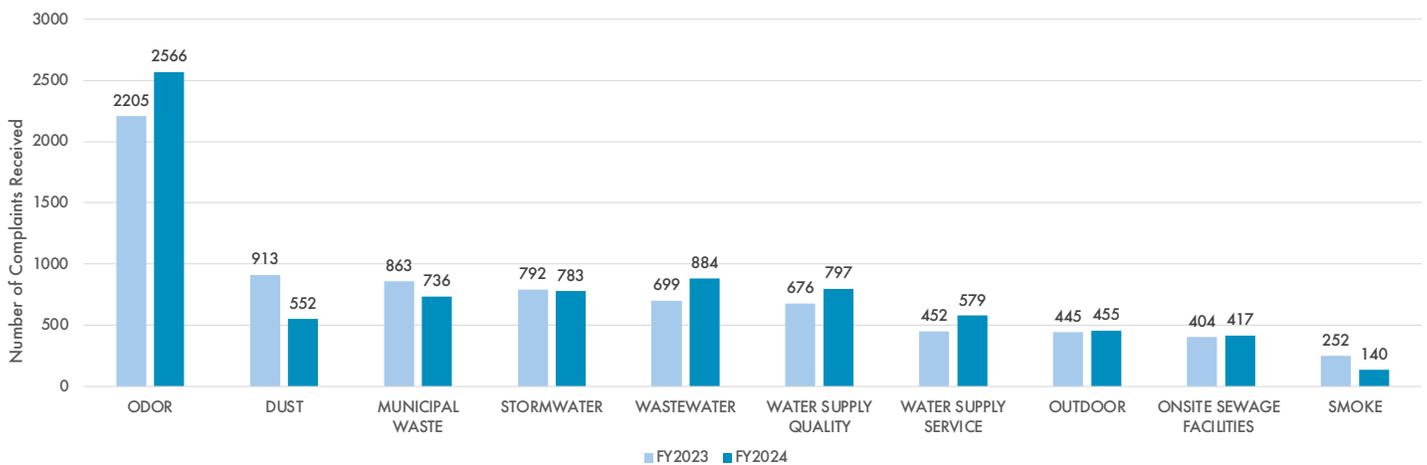


ANALYSIS BY NATURE OF COMPLAINT

Nature describes the type of complaint such as “odor” or “dust.” This is identified during intake of the complaint and is used to describe the incident.

This classification allows TCEQ to assign the most appropriate investigator based on skill set. The two most reported complaint natures are odor (cited in 25% of complaints received) and wastewater (cited in 9% of complaints received). Odor complaints are generally related to allegations of nuisance conditions. Figure A-4 depicts the number of complaints received by nature.

Figure A-4—Top 10 Complaints Received by Nature of Complaint



TCEQ RESPONSE TO COMPLAINTS RECEIVED

Complaint investigations are prioritized based on the relative threat to public health, safety, or the environment. Each assigned priority represents a prescribed response time. Of the complaints that were received in fiscal 2024, 3% required immediate response (one working day or less), 62% required

response between five and 30 days, and 5% were assigned a response time of more than 30 calendar days. Of the complaints received, 30% were not investigated either because the complaint was not within TCEQ jurisdiction and referred to another agency, including to a local government in which TCEQ has an agreement to refer such complaints, or there was inadequate information to investigate the complaint. Figure A-5 depicts TCEQ response to complaints received.

Figure A-5—TCEQ Response to Complaints Received

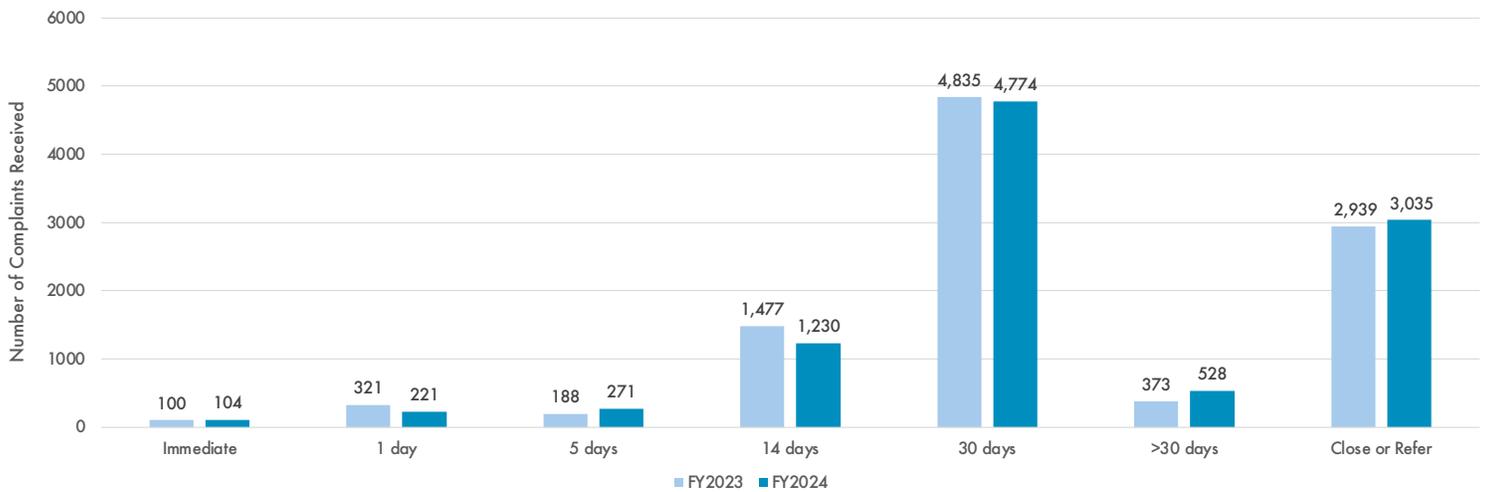
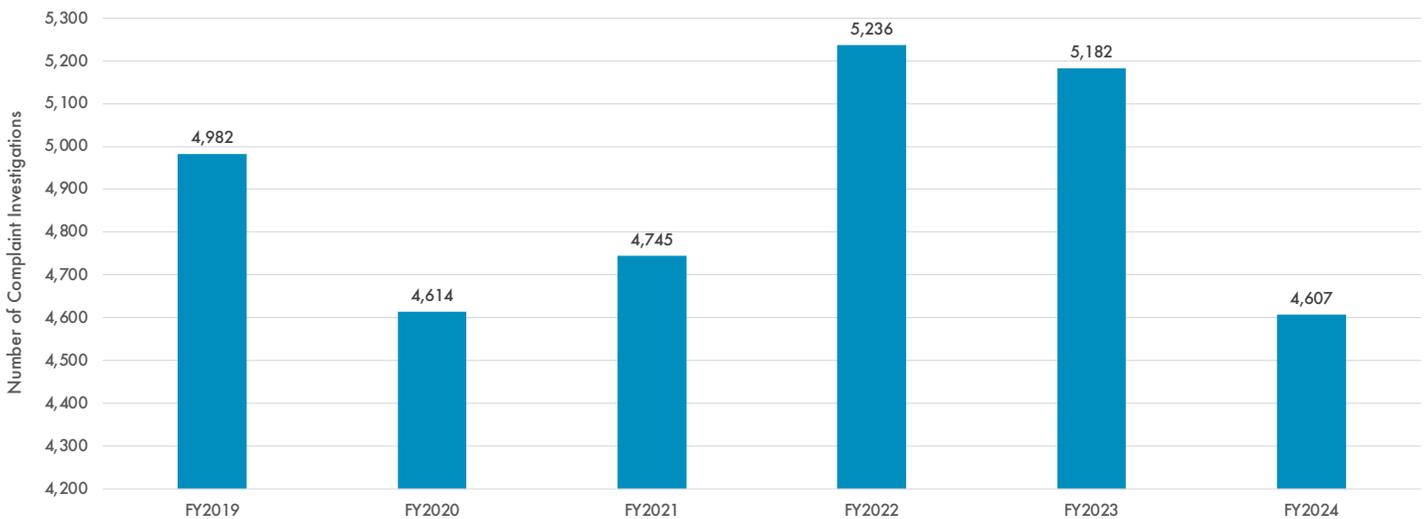


Figure A-6 provides a summary of the number of investigations conducted by TCEQ in response to complaints received. When multiple complaints are received for the same or similar issue, they may be addressed in a single investigation. A copy of the

final investigation report is provided to each non-anonymous complainant. The number of complaint investigations decreased by 8% from 4,982 in fiscal 2019 to 4,607 in fiscal 2024.

Figure A-6—Complaint Investigations by Fiscal Year

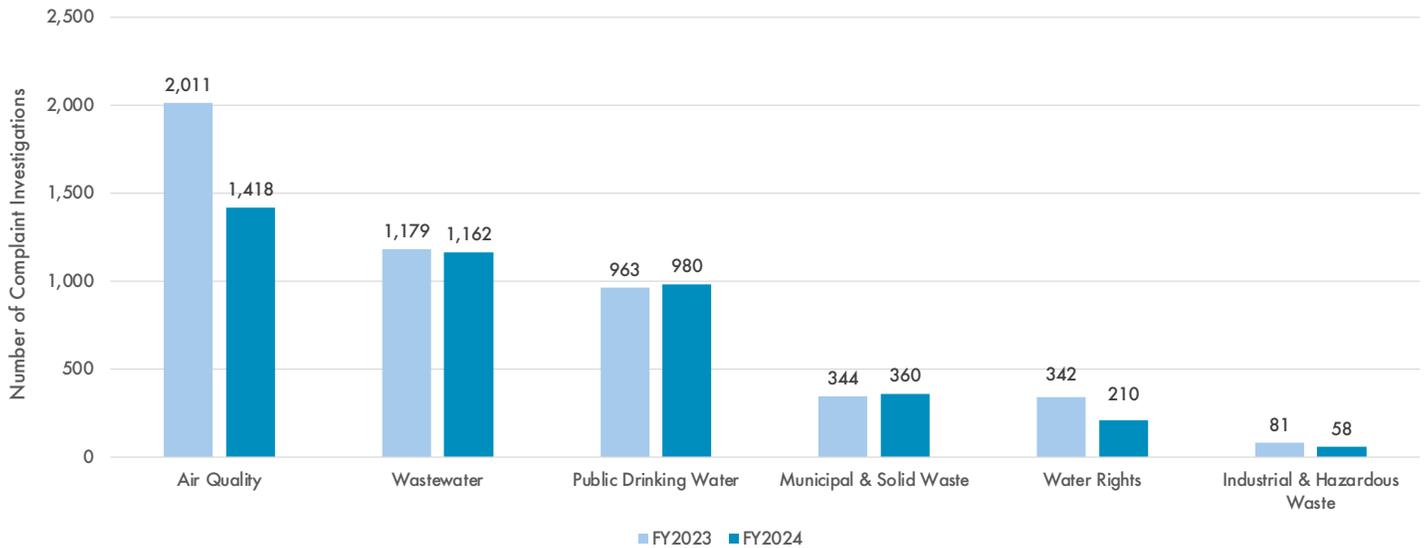


ANALYSIS BY PROGRAM

Program refers to a specific group of regulatory requirements such as “wastewater,” “industrial and hazardous waste,” or “emergency response.”

The applicable program is identified during the investigation. Figure A-7 shows the number of complaint investigations of the most common programs. The balance of 419 complaint investigations is associated to other miscellaneous programs.

Figure A-7—Most Common Programs for Complaint Investigations

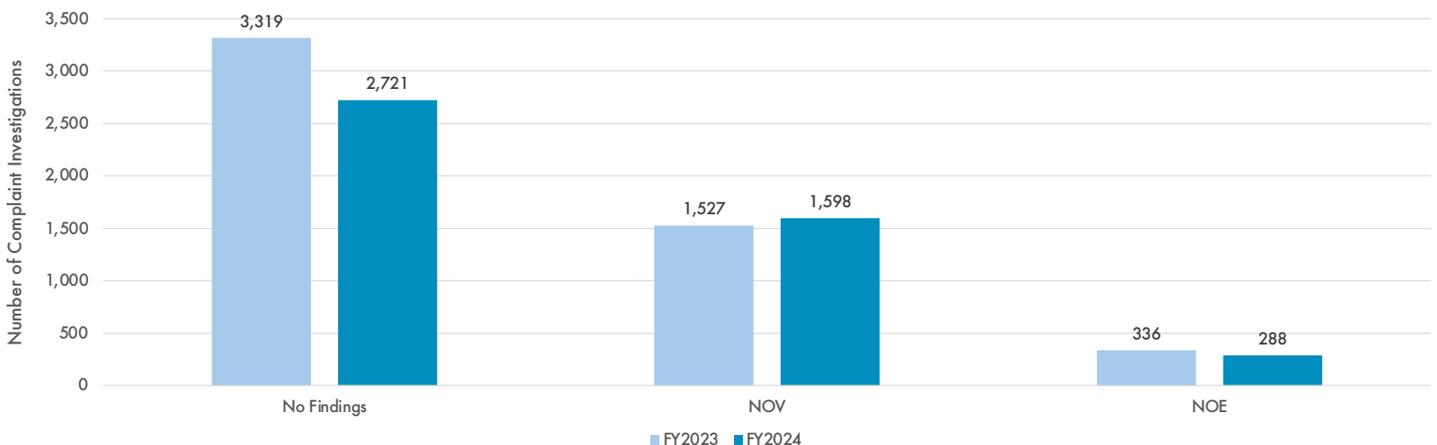


RESULTS OF COMPLAINT INVESTIGATIONS

Complaint investigations can result in violations that may or may not be directly related to the allegation described in the complaint. In fiscal 2024, 41% of complaint investigations cited at least one

violation. Approximately 35% of those complaint investigations resulted in a Notice of Violation (NOV) and approximately 6% resulted in a Notice of Enforcement (NOE). Approximately 59% of complaint investigations resulted in “no findings,” which means that the complaint allegation or other violations could not be substantiated. Figure A-8 depicts the results of complaint investigations conducted in fiscal 2023 and 2024.

Figure A-8—Results of Complaint Investigations

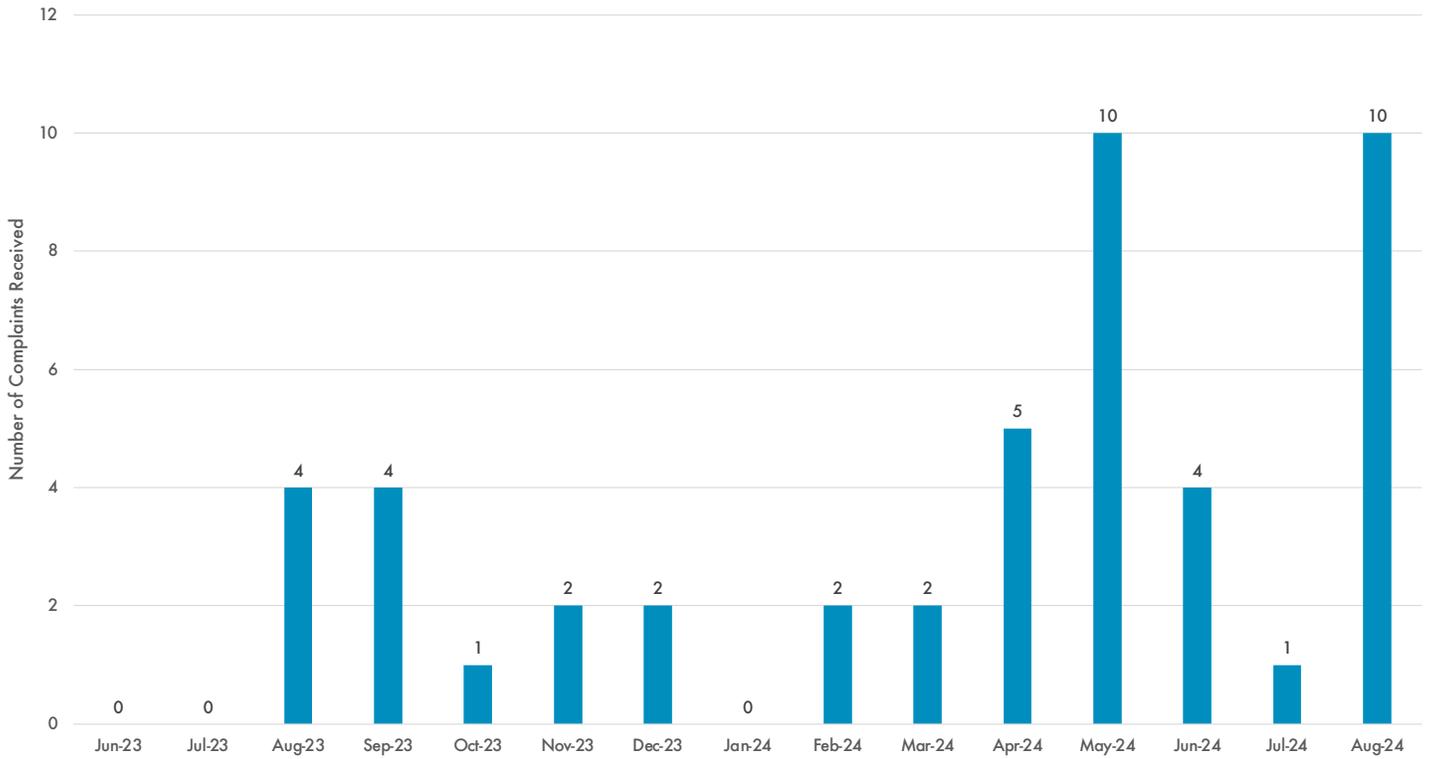


EFFECTS OF CHANGES TO COMPLAINT POLICY

When there are changes to the complaint policy, the impact of these changes is evaluated for

effectiveness. For example, since the alternate language option was added for the complaint form in June 2023, TCEQ has tracked the number of complaints submitted in Spanish as shown in Figure A-9.

Figure A-9—Complaints Received in Spanish



PERMIT TIME FRAME REDUCTION AND TRACKING

FY 2023-FY 2024

A scene from West Texas. [Credit: iStock]

The Texas Commission on Environmental Quality is charged with issuing permits and other authorizations for:

- controlling air pollution
- managing hazardous and nonhazardous waste
- surface water
- protecting water quality
- ensuring safe and adequate drinking water
- remediating soil and groundwater
- safely operating in situ mines

Texas Government Code Section 2005.007 requires TCEQ to report every two years on its permit application system, showing the periods adopted for processing each type of permit issued and any changes enacted since the last report.

The biennial update also includes a statement of the minimum, maximum, and average time periods for processing each type of permit—from the date a request is received to the final permitting decision. Finally, the report describes specific actions taken to simplify and improve the entire permitting process, including changes to application and paperwork requirements.

PERMIT TIME FRAME TRACKING

One of the agency's primary goals is to issue well-written permits that protect human health and the environment, and to do so as efficiently as possible.

TCEQ's Permit Time Frame Tracking process focuses on establishing time frames for processing permits and goals for adhering to those time frames. The goal in most program areas is to review 90% of all permit applications within the established time frames. Air Permitting and Water Rights Permitting have a goal to review 75% of all permit applications within the established time frames.

Each type of TCEQ authorization tracked within this process is prioritized as follows:

- **Priority 1.** These projects require agency action before applicants may begin operations. This category includes uncontested applications for new permits and for amendments to existing permits. Amendment applications request changes from current permit requirements.
- **Priority 2.** These projects allow permit applicants to continue operating while the agency processes the request. This category includes uncontested applications for renewals of existing permits to continue under existing permit conditions.

The time frame goals, or “target maximums,” established by the agency for processing each type of permit vary by program area and by environmental media.

Tables B-1 through B-6 show the status of Priority 1 and Priority 2 projects at the end of fiscal 2024 in the following categories:

- air permits
- waste permits
- water quality permits
- water right permits
- water supply authorizations
- radioactive material licenses
- permits and authorizations for underground injection control (UIC)

Excluded from the data are projects that were contested or that involved significant review or approval outside of TCEQ—such as obtaining U.S. Environmental Protection Agency (EPA) approval—that can significantly slow down application processing times.

Progress on Time Frame Goals

Two permitting areas met their time frame goals:

- Air Permitting reviewed 75% of all permit applications within the established time frames despite an increase in applications that were more complex and required more time to review and issue.
- Waste Permits reviewed 90% of all applications within established time frames.

Water Rights Permitting changed how it categorizes permit application types in October 2020 in response to implementation of House Bill (HB) 1964, 86th Legislature (Table B-4). In fiscal 2023 and 2024, the program did not meet the time frame goals for applications.

Since September 2023, Water Rights Permitting has met time frame goals for most HB 1964 applications and Fast Track applications and has continued reducing the average processing times for these permits. The program reduced the number of pending water rights applications from 320 in fiscal 2016 to 100 in fiscal 2024. The Water Rights Permitting program has shifted its focus to processing applications that currently exceed time frames.

Water Quality Permitting did not meet the time frame goal with 76% on time performance in fiscal 2023 and 67% in fiscal 2024. Exceptional economic growth in the state has resulted in increased application workloads. Additionally, increased public participation has resulted in more public meetings and public comments on applications. This has strained resources and resulted in a backlog of applications. To begin fiscal 2025, nearly 31% of the estimated 600 applications pending review are exceeding the time frame goal, therefore that goal will not be met in fiscal 2025. Progress towards meeting the time frame goal is unlikely to improve with current staffing.



Boathouse on Lake Tyler, Texas. [Credit: iStock]

GREATER EFFICIENCIES

The agency has identified several ways to streamline the permitting process, improving efficiencies and reducing paperwork requirements. Some of those measures are described below.

Expand Options for Applicants for Online Permitting, Notification, and Payment

TCEQ's e-permitting options allow applicants to apply for a permit online and receive authorization within minutes. TCEQ has offered e-permitting, along with specific fee incentives, since 2008 and has implemented requirements for obtaining authorizations electronically for the large categories of stormwater general permits unless waivers are obtained.

The Air Permitting program requires all permits by rule (PBR), standard permits, case by case new source review (NSR) and federal operating permit (FOP) applications be submitted through the ePermits system, which has helped with Air Permitting's workload. With similar staffing, the number of completed projects submitted online significantly increased—15,081 between fiscal 2023 and 2024. During the same period, the Air Permitting program completed 48% of NSR projects automatically through e-permitting with same-day response.

And for fee collection, during fiscal 2023 and 2024, the agency's e-Pay system processed over 109,000 fee payments and collected about \$74 million in fees.



Lost Mine Trail, Big Bend, Texas. [Credit: iStock]

Implement Targeted Initiatives Within Permitting and Authorization Programs

Waste Permits

- Holding pre-application meetings.
- Improving checklists, forms, and guidance documents to facilitate more consistent and complete applications.
- Consolidating processes for reviewing applications to improve turnaround times.
- Implementing a LEAN Management system to improve processes.

Radioactive Material Licenses and UIC Permits

- Holding pre-application meetings and communicating with the applicants during the permit review process to facilitate more consistent and complete applications.
- Developing new and revised procedures and checklists for staff efficiency and consistency; also developing a quick reference guide for staff, including program-specific rules and regulations.
- Initiating LEAN Management systems to improve processes.

Water Rights Permits

- Implementing continuous improvement practices and tools to water rights permitting.
- Establishing a separate, streamlined permitting process for specific applications that have no impact on other water rights or the environment (certain changes to the purpose of use, place of use, and location of diversion points), as provided for by HB 1964, 86th Legislature.

- Requiring pre-application meetings to facilitate more complete applications.
- Revising forms, standard operating procedures, guidance, checklists, and templates to support smoother application processing.
- Continuing to implement extension and return policies.

Water Quality

- Implementing new and revised program goals, standard operating procedures, and application tracking tools for staff.
- Establishing internal deadlines for each step of the permit review process to facilitate meeting permit time frames.
- Identifying time frame exceptions beginning September 2021.
- Holding pre-application meetings to facilitate more complete applications.
- Working with applicants to achieve timely publishing of public notices and addressing application deficiencies.
- Implementing electronic submittal methods for applicants and electronic application routing and review processes to facilitate efficient technical reviews.

Water Supply

- Holding pre-application meetings and providing checklists, guidance, and forms to facilitate more consistent and complete applications.
- Using electronic submission processes and updating internal processes to expedite reviews.
- Growth and development in the state led to an increase in expedited bond application reviews. The Districts Advisory Workgroup continues to provide an open forum to discuss TCEQ's water district processes and procedures.

Air Permits

- Continuing to develop and update electronic guidance tools and workbooks to improve application quality.
- Expanding the ePermits system to include Federal Operating Permits applications, which were previously unavailable.
- Developing additional standard permits for specific types of facilities.
- Developing additional readily available permits (RAP) for specific types of facilities. TCEQ currently has five RAPs.

Expand the Options for More Standardized Permitting by Using General Permits, Standard Permits, and PBRs

TCEQ offers over 20 types of standard permits, 104 PBRs, and six general operating permits in the Air Permitting program; 15 general permits in the Water Quality program; six PBRs and three registrations by rule in the Waste Permitting program; and one general permit in the UIC program. Continuing to use these authorizations has reduced the time frames for processing permits.

Maintain an Expedited Permitting and Authorization Process for All Economic-Development Projects

In addition to the time frame goals for processing standard permits, TCEQ maintains an expedited permitting process for economic-development projects. TCEQ personnel meet regularly with the Governor's Office of Economic Development and Tourism to prioritize these types of projects. During fiscal 2023 and 2024, TCEQ tracked and issued 19 permits for major economic-development projects.

PROCESSING TIMES FOR PERMITS, REVIEWS, AND AUTHORIZATIONS

Table B-1. Air Permits (Uncontested) Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
New Source Review (NSR) New Permits	174	211	14	34	464	241	285
NSR Amendments	628	571	47	3	2568	243	315
NSR New Permits – Federal Timeline	15	10	0	18	364	258	365
NSR Amendments – Federal Timeline	35	36	0	120	969	370	365
Federal NSR (Prevention Significant Deterioration, Nonattainment, 112g) New & Major Modifications	81	72	1	18	1940	347	365
PBRs	7,900	7,920	0	1	140	12	45
Standard Permits (without public notice), Changes to Qualified Facilities (SB1126) & Relocations	5,100	5,099	0	1	305	9	45
Standard Permits (with public notice)	498	460	5	2	305	112	150
Priority 1 Totals	14,431	14,379	67				
Priority 2							
NSR Alterations & Other Changes	504	515	1	4	1501	75	120
NSR Renewals	753	656	34	14	2,568	172	270
New Site Operating Permits (SOP)	134	52	10	237	868	376	365
SOP Revisions	293	320	17	1	1,534	269	365
SOP Renewals	398	288	45	82	2949	397	365
New General Operating Permits (GOP)	94	72	0	61	241	127	120
GOP Revisions	168	140	0	2	706	125	330
GOP Renewals	92	96	2	28	312	153	210
Priority 2 Totals	2,436	2,139	109				
Overall Totals	16,867	16,518	176				

Table B-2. Waste Permits (Uncontested) Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Industrial and Hazardous Waste (IHW) New Permits	4	4	0	388	629	509	450
IHW Class 3 Modifications	8	9	0	141	416	287	450
IHW Major Amendments	0	0	0	N/A	N/A	N/A	450
Municipal Solid Waste (MSW) New Permits	17	21	0	43	513	231	360
MSW Major Amendments	22	25	1	15	461	197	360
MSW Registered Transfer Stations	4	5	0	126	231	176	230
MSW Registered Liquid Waste Processor	0	1	0	NA	NA	NA	230
Priority 1 Totals	55	65	1				
Priority 2							
IHW Renewals	40	32	0	209	437	326	450
Priority 2 Totals	40	32	0				
Overall Totals	95	97	1				

TCEQ processed to a final decision 45 IHW and 52 MSW authorizations.

The average processing time for these applications ranged from 176 to 509 days.

In addition to the targeted initiatives to streamline applications and reduce review times, the Office of Waste continues to resolve minor issues and minor application deficiencies through phone calls and emails, improving the overall time frame for reviews.

Table B-3. Water Quality Permits (Uncontested) Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
New Permits (Major Facilities)	0	0	-	-	-	-	170
Major Amendments (Major Facilities)	78	33	29	40	557	168	170
New Permits (Minor Facilities)	285	164	81	59	701	155	170
Major Amendments (Minor Facilities)	185	88	46	35	443	141	170
Sludge Registrations	17	13	0	45	184	134	170
Priority 1 Totals	565	298	156				
Priority 2							
Renewal Major Facilities	208	88	111	67	461	132	170
Renewal Minor Facilities	870	602	171	45	638	133	170
Priority 2 Totals	1078	690	282				
Overall Totals	1643	988	438				

Table B-4. Water Rights Permits (Uncontested) Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Water Rights Applications [excluding Fast Track and House Bill (HB) 1964]	36	54	62	42	3526	731	300
Fast Track	76	85	12	7	2,342	192	300
HB 1964	19	18	0	23	153	73	90
Priority 1 Totals	131	157	74				

Table B-5. Water Supply Reviews/Authorizations Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Water District Expedited Bond Applications	562	507	22	1	125	71	60
Water District Regular Bond Applications	259	305	5	1	357	168	180
Water District Expedited Escrow Releases & Surplus Fund Requests	107	96	0	2	64	34	60
Water District Regular Minor Applications	207	178	0	0	133	26	120
Water District Expedited Creation Applications	137	120	9	36	352	140	120
Water District Regular Creations & Conversions	33	56	2	144	895	237	180
Water Engineering Plan Reviews	5026	4944	0	0	80	59	60
Exceptions	2632	2632	0	0	246	84	100
Alternative Capacity Requirements	234	224	0	1	90	78	90
Priority 1 Totals	9197	9062	38				

TCEQ's Water Supply Authorization program completed reviews for 9197 applications and authorizations, with an average processing time ranging from 34 to 237 days.

Table B-6. Radioactive Materials Permits (Uncontested) Processing Times

Application Type	Received in FY 23 & FY 24	Processed in FY 23 & FY 24	Exceeding Target as of 8/31/24	Minimum Processing Time (Days)	Maximum Processing Time (Days)	Average Processing Time (Days)	Target Maximum (Days)
Priority 1							
Uranium Radioactive Material License Initial Issuance	0	0	0	N/A	N/A	N/A	885
Low-Level Radioactive Waste Radioactive Material License Initial Issuance	0	0	0	N/A	N/A	N/A	990
Uranium Radioactive Material License Major Amendments	1	0	1	N/A	N/A	N/A	885
Low-Level Radioactive Waste Radioactive Material License Major Amendments	1	0	0	N/A	N/A	N/A	990
Underground Injection Control (UIC) New Class I Permits	25	8	2	93	513	513	390
UIC Major Amendments	1	9	0	658	658	658	390
UIC General Permit Notice of Intent	0	0	0	N/A	N/A	N/A	120
UIC New Class III Area Permits and Production Area Authorizations	3	2	1	148	148	148	390
UIC Class V Authorizations (Aquifer Storage & Recovery and Aquifer Recovery)	2	2	0	N/A	N/A	N/A	180
UIC Class IV & V Authorizations and Amendments	119	114	1	3	442	52	90
Priority 1 Totals	152	135	5				
Priority 2							
Uranium Radioactive Material License Renewals	0	3	2	862	862	862	885
Uranium Radioactive Material License Minor Amendments	0	1	0	385	385	385	230
Low-Level Radioactive Waste, Radioactive Material License Renewals	1	0	0	N/A	N/A	N/A	990
Low-Level Radioactive Waste, Radioactive Material License Minor Amendments	2	2	0	142	273	208	230
UIC Permit Renewals	26	11	6	611	826	683	390
UIC General Permit Notice of Intent Renewals	5	0	5	N/A	N/A	N/A	240
Priority 2 Totals	34	17	13				
Overall Totals	186	152	18				

The Radioactive Materials Division met and communicated with applicants during the permitting and licensing process to improve their understanding of agency regulations, forms, and procedures. This allowed for a more streamlined resolution of application deficiencies and issues, improving the overall time frame for reviews.

Definitions for Tables

Number Received – The number of applications/permits/amendments received.

Number Processed – The number of applications/permits/amendments completed.

Exceeding Target – The total pending applications/permits/amendments exceeding agency target WITHOUT exceptions.

Minimum Processing Time (Days) – The minimum processing time of applications/permits/amendments WITHOUT exceptions.

Maximum Processing Time (Days) – The maximum processing time of applications/permits/amendments WITHOUT exceptions.

Average Processing Time (Days) – The average processing time of applications/permits/amendments WITHOUT exceptions.

Target Maximum – The maximum days allowed for processing the specific applications/permits/amendments.

OFFICE OF PUBLIC INTEREST COUNSEL'S ANNUAL REPORT TO THE TCEQ

FY 2023-FY 2024

Turtles in Caddo Lake. [Credit: iStock]

INTRODUCTION

Texas Water Code, Chapter 5, Subchapter G prescribes the role, responsibilities, and duties of the Office of Public Interest Counsel (OPIC or Office) at the Texas Commission on Environmental Quality (TCEQ or Commission). Included among these statutory duties is the requirement under Texas Water Code § 5.2725 for OPIC to make an Annual Report to the Commission containing:

1. An evaluation of the Office's performance in representing the public interest;
2. An assessment of the budget needs of the Office, including the need to contract for outside expertise; and
3. Any legislative or regulatory changes recommended pursuant to § 5.273.

Accordingly, OPIC respectfully submits this Annual Report to comply with the requirements of Texas Water Code § 5.2725.

OPIC was created in 1977 to ensure that the Commission promotes the public's interest. To fulfill the statutory directive of Texas Water Code § 5.271, OPIC participates in contested case hearings and other Commission proceedings to help develop a complete record for the Commission to consider in its decision-making process. In these proceedings, OPIC develops positions and recommendations supported by applicable law and the best available

information and evidence. OPIC also advocates for meaningful public participation in the decision-making process of the Commission to the fullest extent authorized by the law. The Office works independently of other TCEQ divisions and parties to present a public interest perspective on matters that come before the Commission. OPIC does this work through activities that include:

- Participating as a party in contested case hearings;
- Preparing briefs for Commission consideration regarding hearing requests, requests for reconsideration, motions to overturn, motions for rehearing, use determination appeals, and various other matters set for briefing by the Office of General Counsel;
- Participating in rulemaking processes, including hearings, and reviewing and commenting on rulemaking petitions, proposals, and adoptions;
- Reviewing and recommending action on other matters considered by the Commission, including proposed enforcement orders and proposed orders on district matters;
- Participating in public meetings on permit applications with significant public interest; and
- Responding to inquiries from the public related to agency public participation procedures and other legal questions related to statutes and regulations relevant to the agency.

EVALUATION OF OPIC'S PERFORMANCE

As a party to Commission proceedings, OPIC is committed to providing independent analysis and recommendations that serve the integrity of the public participation and hearing process. OPIC is committed to ensuring that relevant information and evidence on issues affecting the public interest are developed and considered in Commission decisions. OPIC's intent is to facilitate informed Commission decisions that protect human health, the environment, the public interest, and the interests of affected members of the public to the maximum extent allowed by applicable law.

The Public Interest Counsel is appointed by the Commission. The Counsel supervises the overall operation of OPIC by managing the Office's budget, hiring and supervising staff, ensuring compliance with agency operating procedures, and establishing and ensuring compliance with Office policies and procedures. OPIC has eight full-time equivalent positions: Public Interest Counsel; Senior Attorney; five Assistant Public Interest Counsels; and the Office's Executive Assistant.

OPIC is committed to fulfilling its statutory duty to represent the public interest in Commission proceedings by hiring, developing, and retaining knowledgeable staff who are dedicated to OPIC's mission. To maintain high quality professional representation of the public interest, OPIC ensures that attorneys in the office receive continuing legal education and other relevant training. OPIC further ensures that its staff undertakes all required agency training and is fully apprised of TCEQ's operating policies and procedures.



Aerial view of Colorado River in Austin, Texas. [Credit: iStock]

Texas Water Code § 5.2725(a)(1) requires OPIC to provide the Commission with an evaluation of OPIC's performance in representing the public interest. In determining the matters in which the Office will participate, OPIC applies the factors stated in 30 Texas Administrative Code (TAC) § 80.110 (Public Interest Factors), including:

1. The extent to which the action may impact human health;
2. The extent to which the action may impact environmental quality;
3. The extent to which the action may impact the use and enjoyment of property;
4. The extent to which the action may impact the general populace as a whole, rather than impact an individual private interest;
5. The extent and significance of interest expressed in public comment received by the Commission regarding the action;
6. The extent to which the action promotes economic growth and the interests of citizens in the vicinity most likely to be affected by the action;
7. The extent to which the action promotes the conservation or judicious use of the state's natural resources; and
8. The extent to which the action serves Commission policies regarding the need for facilities or services to be authorized by the action.

OPIC's performance measures classify proceedings in four categories: environmental proceedings; district proceedings; rulemaking proceedings; and enforcement proceedings.

For reporting purposes, environmental proceedings include contested case hearing proceedings on permits at the State Office of Administrative

Hearings (SOAH) and Commission proceedings related to consideration of hearing requests, requests for reconsideration, motions to overturn, proposals for decision, and other miscellaneous matters heard by the Commission. These proceedings relate to municipal and industrial solid waste and hazardous waste management and disposal activities, underground injection activities, waste disposal wells, water rights authorizations, priority groundwater management area designations, watermaster appointments, industrial wastewater discharge permits, municipal wastewater discharge permits, land application of wastewater permits, land application of septage and sludge, concentrated animal feeding operations, rock and concrete crushers, concrete batch plant standard permit registrations, facilities requiring state and federal air permits, pollution control equipment use determination appeals, and various authorizations subject to the Commission's motion to overturn process. OPIC also includes permit revocation petitions, appeals of decisions on occupational licenses, authorizations to construct (ATC), post-closure orders, and emergency orders in numbers reported for this category.

District proceedings include proceedings at SOAH and at the Commission related to the creation and dissolution of districts, petitions for inquiry, and any other matters within the Commission's jurisdiction relating to the oversight of districts.

Rulemaking proceedings include Commission proceedings related to rulemaking actions, state implementation plans (SIP), general permits, standard permits, rulemaking petitions, Total Maximum Daily Load (TMDL) matters, and quadrennial rule reviews.

Enforcement proceedings include enforcement contested case hearings active at SOAH and Commission proceedings related to the consideration of proposed orders. For purposes of this report, enforcement proceedings do not include other agreed enforcement orders issued by the Executive Director in matters that were never active cases at SOAH.

OPIC's Performance Measures

As required by Texas Water Code § 5.2725(b), the Commission developed the following OPIC performance measures which were implemented on September 1, 2012.

Goal 1:

To provide effective representation of the public interest as a party in all environmental and district proceedings before the TCEQ

Objective

To provide effective representation of the public interest as a party in 75 percent of environmental proceedings and 75 percent of district proceedings heard by the TCEQ

Outcome Measure

Percentage of environmental proceedings and percentage of district proceedings in which OPIC participated

Goal 2:

To provide effective representation of the public interest as a party in all rulemaking proceedings before the TCEQ

Objective

To participate in 75 percent of rulemaking proceedings considered by the TCEQ

Outcome Measure

Percentage of rulemaking proceedings in which OPIC participated

Goal 3:

To provide effective representation of the public interest as a party in all enforcement proceedings before the TCEQ

Objective

To provide effective representation of the public interest as a party in 75 percent of enforcement proceedings heard by the TCEQ

Outcome Measure

Percentage of enforcement proceedings in which OPIC participated

FY 2024 Performance

OPIC's performance measures for environmental, district, rulemaking, and enforcement proceedings are expressed as percentages of the proceedings in which OPIC could have participated. OPIC uses a reporting process within the TCEQ Commissioners' Integrated Database (CID) that allows OPIC to track its work on assigned matters active at any point within a fiscal year. For the fiscal year, OPIC also tracks and records Agenda item totals by performance measure category. The proceedings totals are intended to reflect all Commission Agenda items which fall into one of these four categories, plus active OPIC cases that are not captured by Agenda totals.

Performance measure percentages were derived by using information available for FY 2024 through July 31, 2024. Due to the filing deadline for this report, we were not able to include August in our numbers. In fiscal year 2024, OPIC participated in a total of 761 proceedings, consisting of: 150 environmental proceedings; 28 district proceedings; 135 rulemaking proceedings; and 448 enforcement proceedings.

OPIC's participation in 150 of 150 total environmental proceedings resulted in a participation percentage of 100%.

OPIC's participation in 28 of 28 district proceedings resulted in a participation percentage of 100%.

OPIC's participation in 135 of 135 rulemaking proceedings, including the review of all petitions, rule proposals and adoptions, SIP proposals and adoptions, standard permits, general permits, TMDL matters, and quadrennial rule reviews considered by the Commission during fiscal year 2024, resulted in a participation percentage of 100%.

OPIC's participation in 448 of 448 enforcement proceedings, including the review of all orders considered at Commission Agendas and participation in additional cases that were active at SOAH during fiscal year 2024, resulted in a participation percentage of 100%.

Representing the Public Interest

OPIC would like to take this opportunity to highlight and provide a concrete example of work we have done in fiscal year 2024 to represent the public interest.

By law, the applicant for an occupational license that is denied may appeal the denial of that license by requesting a contested case hearing. Most applicants who become appellants do not have legal representation. Through multiple cases, it has become evident to OPIC that license applicants often do not understand agency processes regarding the appeal of a license denial. In other words, pursuing their appeal can be unnecessarily challenging.

As an advocate for due process and fairness in the contested case hearing process, OPIC considers this situation to be a public interest concern, and we are taking steps to address it. OPIC's participation continues to prioritize developing a complete record for Commission consideration, as well as advocating for meaningful access and fairness in the contested case hearing process. Specifically, OPIC has heightened its focus on the mandate of Texas Occupations Code § 53.003. Section 53.003 concerns legislative intent and liberal construction of the subchapter. The statute states:

- (a) It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:
 - (1) been convicted of an offense; and
 - (2) discharged the sentence for the offense.
- (b) This chapter shall be liberally construed to carry out the intent of the legislature.

Recognizing the express intent of the legislature, OPIC has implemented new internal procedures to increase pre-hearing communication with licensing applicants and assist their attempts to navigate the contested case hearing process. Our experience confirms that proactive communication with licensing applicants helps them better understand how to gather and send requested mitigation evidence to Executive Director staff prior to hearing. In several cases, these efforts have resulted

in an applicant being able to secure their license, and all parties avoided the time and expense of a hearing. OPIC facilitates communication among the parties so that evidence of mitigation goes to the right people at the right time. However, we also note the possibility that agency processes could be adjusted to make this submittal of mitigation evidence more efficient. For now, OPIC is successfully helping applicants meet the submittal requirements. It appears that improved proactive communication with occupational licensing applicants has led to an observed increase in the settlement of denial appeals, resulting in both a clear benefit to applicants and a savings of time and resources for the agency.

In conclusion, OPIC offers this example of our work to illustrate one of the ways in which we fulfill our statutory duty to represent the public interest.



View of a wildflower field behind a Texas winery. [Credit: iStock]

ASSESSMENT OF BUDGET NEEDS

Texas Water Code § 5.2725(a)(2) directs OPIC to provide the Commission with an assessment of its budget needs, including the need to contract for outside technical expertise. The operating budget for OPIC in fiscal year 2024 was \$736,789 as shown below.

OPIC Budget for FY 2024

Budget Category	Amount
Salaries	\$721,789
Travel	\$7,100
Training	\$5,500
Consumable Supplies	\$500
Other Operating Expenses	\$1,600
Facilities, Furniture, & Equipment	\$300
Total	\$736,789

Outside Technical Support

Texas Water Code § 5.274(b) provides that OPIC may obtain and use outside technical support to carry out its functions. Texas Water Code §5.2725(a)(2) requires this report to include information about OPIC’s budget needs to contract for outside technical expertise. The need to retain technical consulting services in contested case hearings rarely becomes apparent in time for OPIC to identify, obtain, and use technical expertise by way of individually negotiated contracts. Also, the complex permit applications OPIC tracks during the comment period often settle prior to hearing. These factors create a disinclination to commit state resources for work on such matters until SOAH proceedings are imminent. As a result, OPIC’s initial budget typically does not include funds for temporary and professional services; however, when such needs have been identified, funds are made available through additional funding requests.

OPIC would like to stress that the Senate Bill 709 (S.B. 709) contested case hearing process requires compact timelines which exist regardless of the contract process potentially used to procure outside technical support. It is fair to say that the primary obstacle preventing OPIC from more often obtaining outside technical expertise is the contested case hearing timeline established by S.B. 709, not budget considerations.

However, as recommended by the Texas Sunset Advisory Commission, OPIC has considered, and will continue to consider, developing and using umbrella contracts to procure expert assistance. Though an umbrella contract could be the right tool for the job in certain circumstances, OPIC finds that developing and using umbrella contracts to procure expert assistance may not be a one-size-fits-all solution. Therefore, OPIC believes

it is prudent to pursue a hybrid approach that also includes the use of one-time purchase order contracts to procure outside expert assistance.

OPIC is currently working with the General Law Division (GLD) to develop a contract template that can be pre-approved by GLD and ultimately, the Procurements and Contracts Section (P & C). The pre-approved contract template would be used in an expedited purchase order process to streamline the retention of experts. The contract could then be finalized by inserting information specific to the expert sought.

To conclude, OPIC's need to obtain and use outside technical support in a given year is unpredictable. However, even within the time constraints of S.B. 709, OPIC remains committed to early detection of good candidate cases where outside technical support could help OPIC fulfill its mission.

LEGISLATIVE & REGULATORY CHANGE RECOMMENDATIONS

Texas Water Code § 5.273(b) authorizes OPIC to recommend needed legislative and regulatory changes. Texas Water Code § 5.2725(a)(3) provides that any such recommendations are to be included in OPIC's Annual Report. OPIC's recommended regulatory change is included as Attachment 1 to this report.

CONCLUSION

OPIC appreciates this opportunity to review its work and recommit to its statutory directive to protect the public interest.



Study Butte at sunset near Terlingua. [Credit: iStock]

ATTACHMENT 1

OPIC'S REGULATORY CHANGE RECOMMENDATION

Proposal Concerning Requirements for Motion to Overturn Executive Director's Decision

In Title 30 of the Texas Administrative Code, Chapter 50, Subchapter G, rule § 50.139 concerns a Motion to Overturn (MTO) the Executive Director's (ED) Decision. Section 50.139 states, "The applicant, public interest counsel, or other person may file with the chief clerk a motion to overturn the executive director's action on an application or water quality management plan (WQMP) update certification." The rule also addresses the required timing for filing, disposition of an MTO, and exhaustion of administrative remedies. Notably, the MTO rule is silent regarding content requirements or review standards.

Among the legal mechanisms available to challenge Commission or ED actions, the MTO is the only mechanism which wholly lacks any content requirements or review standards. A hearing requestor must qualify as an affected person by showing a personal justiciable interest. A request for reconsideration must give reasons why the ED's decision should be reconsidered. And finally, a motion for rehearing (MFR) must identify with particularity findings of fact or conclusions of law that are the subject of the complaint and any evidentiary or legal ruling claimed to be erroneous. The MFR must also state the legal and factual basis for the claimed error.

Currently, the rule's lack of any minimum requirements or standards can make it particularly challenging to assess, consider, and respond to an MTO. OPIC's proposal is not intended to raise or lower the MTO bar. Rather, by adding minimum content requirements to the MTO rule, the public, agency staff, and the Commission would be given a review standard, against which an MTO could be measured.

To draft our proposed language, OPIC borrowed from the TCEQ MFR rule, § 50.119. The TCEQ MFR rule in turn borrows from the Texas Administrative Procedure Act MFR statute, which can be found at Texas Government Code § 2001.146. Below, please see our recommended additional language, shown in underlined redline as new subsection (a)(1).

RULE § 50.139 Motion to Overturn Executive Director's Decision

(a) The applicant, public interest counsel or other person may file with the chief clerk a motion to overturn the executive director's action on an application or water quality management plan (WQMP) update certification. Regardless of any other law, a state agency, except a river authority, may not file a motion to overturn the executive director's action on an application that was received by the commission on or after September 1, 2011 unless the state agency is the applicant. Wherever other commission rules refer to a "motion for reconsideration," that term should be considered interchangeable with the term "motion to overturn executive director's decision."

(1) A motion to overturn the executive director's decision or action must raise sufficient legal or factual bases within the commission's jurisdiction to determine that the executive director acted erroneously under this subchapter. If the executive director's decision or action includes any findings of fact or conclusions of law, the motion must identify with particularity the findings or conclusions which are the subject of the complaint. The motion must also identify any evidentiary or legal ruling claimed to be erroneous.

EVALUATION OF WATER BASINS IN TEXAS WITHOUT A WATERMASTER

FY 2023-FY 2024

Watermaster evaluations are required by Texas Water Code (TWC) 11.326 [as enacted in House Bill 2694, Section 5.05, 82nd Legislature, Sunset, (2011)]. At least once every five years, TCEQ evaluates the river basins that do not have a watermaster program to determine if one should be established.

OVERVIEW OF WATERMASTER PROGRAMS

A TCEQ watermaster office is headed by a watermaster and staffed with personnel who regulate and protect water rights under the provisions of Chapter 11 of the Texas Water Code (TWC). Watermaster programs are created and authorized to take actions under TWC Sections 11.326, 11.3261, 11.327, 11.3271, 11.329, and 11.551–11.559. Rules governing this program are under Title 30, Texas Administrative Code, Chapters 295, 297, 303, and 304.

Watermasters and their staffs have the authority to protect water rights by:

- Reviewing diversion notifications.
- Authorizing appropriate diversions.
- Deterring illegal diversions.
- Providing real-time monitoring of area streamflow.
- Investigating alleged violations of TWC Chapter 11.
- Mediating conflicts and disputes among water users.

TWC Chapter 11 sets forth the mechanisms for establishing a watermaster program:

- By the executive director in a water division established by the commission under Section 11.325.
- By court appointment.
- By the commission, upon receipt of a petition of 25 or more water-right holders in a river basin or segment of a river basin, or on its own motion, if the commission finds that senior water rights have been threatened.

In addition, the Legislature has the authority to create a watermaster.

TCEQ has an existing watermaster program in each of these areas:

- **Rio Grande** – Serves the segment of the Rio Grande from Fort Quitman to the Gulf of Mexico (excluding the Pecos and Devils Rivers), and coordinates releases from the Amistad and Falcon reservoir systems. Established by a 1956 court appointment.
- **South Texas** – Serves the Lavaca, Nueces, San Antonio, and Guadalupe River Basins, as well as the adjacent coastal basins. Established by a commission order in 1988 and amended in 1998.
- **Concho River** – Serves a portion of the Concho River segment in the Colorado River Basin. Created by the Legislature in 2005.

- **Brazos** – Serves the Lower Brazos River Basin including and below Possum Kingdom Lake. In 2014, the commission directed that a watermaster be appointed for this basin after receiving a petition from 25 or more water right holders. The program was fully implemented in 2015.

Fiscal 2025

- Canadian River Basin
- Red River Basin

Fiscal 2026

- Sulphur River Basin
- Cypress Creek Basin

CRITERIA AND SCHEDULE

In 2011, the commission established a schedule to evaluate water basins and criteria considered during evaluations:

- Is there a court order to create a watermaster?
- Has a petition been received requesting a watermaster?
- Have senior water rights been threatened based on the following:
 - » A history of senior calls or water shortages within the river basin?
 - » The number of water right complaints received annually in each river basin?

The agency completed its second five-year evaluation cycle in fiscal 2021. The third cycle—begun in fiscal 2022—is following this schedule:

Fiscal 2022

- Brazos River Basin (Upper)
- Brazos-Colorado Coastal Basin
- San Jacinto-Brazos Coastal Basin
- Colorado River Basin
- Colorado-Lavaca Coastal Basin

Fiscal 2023

- Trinity River Basin
- Neches-Trinity Coastal Basin
- San Jacinto River Basin
- Trinity-San Jacinto Coastal Basin

Fiscal 2024

- Neches River Basin
- Sabine River Basin

EVALUATION ACTIVITIES IN FISCAL 2023

For the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and Neches-Trinity Coastal Basins:

- The Evaluating Basins for New Watermaster Programs webpage (<http://www.tceq.texas.gov/goto/basins>) was updated, explaining the evaluation process and inviting stakeholders in these basins to participate in the process.
- On March 10, 2023, initial outreach letters were mailed to all water-right holders, county judges and extension agents, river authorities, agricultural interests, industries, environmental organizations, and other interested parties. A second letter, announcing stakeholder meetings, was mailed on May 12, 2023. The comment period was open until June 30, 2023.
- Two electronic and two in-person stakeholder meetings were held in June 2023, where the manager of the Watermaster Section provided information and answered questions.

Comments

Of the 24 stakeholder comments received on the Trinity River, San Jacinto River, Trinity-San Jacinto Coastal, and Neches-Trinity Coastal Basins, all were opposed except for:

- One comment in favor of establishing a watermaster program in the San Jacinto River Basin.
- One comment in favor of establishing a watermaster program in all basins.

Evaluation Findings

TCEQ evaluated the basins based on the established criteria. There were no court orders or petitions to appoint a watermaster for any of the basins in this cycle.

THREATS TO SENIOR WATER RIGHTS

In evaluating whether senior water rights had been threatened, staff considered if they'd received any priority calls, and the history of complaints and investigations related to water rights management.

Within the Trinity River and San Jacinto River Basins, there were no priority calls during the evaluation period. The TCEQ regional offices received and investigated a total of 47 complaints and completed 74 investigations related to water rights management (e.g., compliance initiatives, excluding temporary permit investigations) during the five-year period. Almost all of the investigations were completed with no violations or enforcement actions.

Within the Trinity-San Jacinto Coastal and Neches-Trinity Coastal Basins, there were no priority calls during the evaluation period. The TCEQ regional offices did not receive any complaints nor did they conduct any investigations related to water rights management.

Costs to the Agency

Estimated costs to conduct regional investigation activities from fiscal 2018 through fiscal 2022 were:

- **Trinity River Basin** – \$11,870.26
- **San Jacinto River Basin** – \$20,500.03
- **Trinity-San Jacinto Coastal Basin** – \$767.10
- **Neches-Trinity Coastal Basin** – \$1,103.61.

The cost to conduct the required watermaster evaluations for these basins in fiscal 2023 was:

- **Office of Water** – \$61,383.32, which includes salary and fringe benefits, postage, and travel.

- **Office of Legal Services** – \$98.74, which includes staff time.
- **Office of Compliance and Enforcement** – \$6,293.31, which includes staff time, travel time, and equipment use.
- **Intergovernmental Relations Division** – Staff participated in the process but incurred no cost.

At the commission's agenda meeting on Sept. 6, 2023, TCEQ personnel gave a presentation and made recommendations for the fiscal 2023 evaluations.

EVALUATION ACTIVITIES IN FISCAL 2024

For the Neches and Sabine River Basins:

- The Evaluating Basins for New Watermaster Programs webpage (www.tceq.texas.gov/goto/basins) was updated explaining the evaluation process and inviting stakeholders in these basins to participate in the process.
- On March 7, 2024, initial outreach letters were mailed to all water-right holders, county judges and extension agents, river authorities, agricultural interests, industries, environmental organizations, and other interested parties. A second letter, announcing stakeholder meetings, was mailed on May 7, 2024. The comment period was open until July 1, 2024.
- One electronic and three in-person stakeholder meetings were held in June 2024, where the manager of the Watermaster Section provided information and answered questions.

Comments

Of the 15 stakeholder comments received on the Neches and Sabine Basins:

- There were 13 comments opposed to establishing a watermaster program.
- There were 2 comments in favor.

Evaluation Findings

TCEQ evaluated the basins based on the established criteria. There were no court orders or petitions to appoint a watermaster for any of the basins in this cycle.

THREATS TO SENIOR WATER RIGHTS

In evaluating whether senior water rights had been threatened, staff considered if they'd received any priority calls, and the history of complaints and investigations related to water rights management.

Within the Neches River Basin, there were no priority calls during the evaluation period. The TCEQ regional offices received and investigated a total of 15 complaints and completed 1,033 investigations related to water rights management (excluding temporary permit investigations) during the five-year period. The majority of investigations were completed with no violations or enforcement actions.

Within the Sabine River Basin, there were no priority calls during the evaluation period. The TCEQ regional offices received and investigated a total of 12 complaints and completed 269 investigations related to water rights management (excluding temporary permit investigations) during the five-year period. Three-fourths of the investigations were completed with no violations or enforcement actions.

Costs to the Agency

Estimated costs to conduct regional investigation activities from fiscal 2019 through fiscal 2023 were:

- **Neches River Basin** – \$71,066.98
- **Sabine River Basin** – \$13,669.94

The costs to conduct the required watermaster evaluations for these basins in fiscal 2024 were:

- **Office of Water** – \$66,934.26, which includes salary and fringe benefits, postage, and travel.
- **Office of Legal Services** – \$127.68, which includes staff time.
- **Office of Compliance and Enforcement** – \$2,911.83, which includes staff time, travel time, and equipment use.
- **Intergovernmental Relations Division** – Staff participated in the process with no significant cost associated with their involvement.

At the commission's agenda meeting on September 11, 2024, TCEQ personnel gave a presentation and made recommendations for the fiscal 2024 evaluation.

EXECUTIVE DIRECTOR'S RECOMMENDATION IN FISCAL 2023 AND 2024

With no court orders or petitions to create a watermaster, and no repeated history of threatened water rights, the executive director recommended that the commission not move forward on its own motion to create a watermaster program in any of the basins reviewed in fiscal 2023 and 2024.

While the statute requires the agency to evaluate the need for a watermaster in basins without a watermaster program at least every five years, there is no prohibition against evaluating a basin sooner, as needed. The executive director can review this decision and evaluate additional threats to senior water rights as they occur and consider area stakeholder input.

Since stakeholders would be responsible for paying annual fees to support a new regulatory program, it is important to have their support in articulating any threat or need to establish one.