

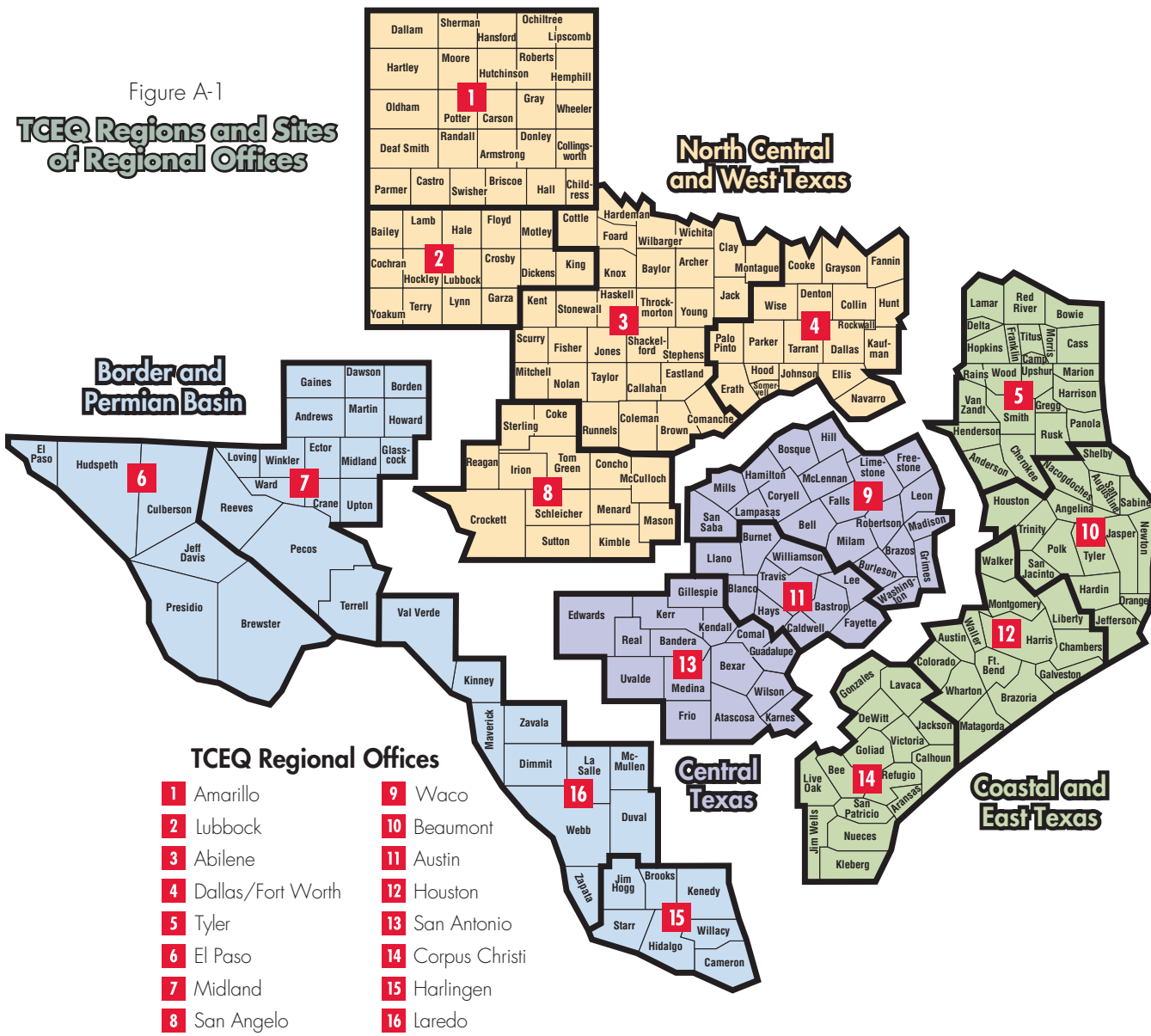
A P P E N D I X A

# Assessment of Complaints Received

The Texas Commission on Environmental Quality receives thousands of complaints each year from Texans concerned about various environmental matters. In these communications, the complainant relates a situation or event in which a possible environmental,

health, or regulatory violation has occurred. Typically, complaints are submitted to the agency by phone, e-mail, or letter, and then forwarded to one of its 16 regional offices for response. The agency maintains a 24-hour toll-free hotline (888-777-3186) for receiving such calls.

Figure A-1  
**TCEQ Regions and Sites of Regional Offices**



Legislation requires the TCEQ to review the complaints received each year, including analyses by the following categories:

- region
- environmental media (air, waste, and water)
- priority classification
- enforcement action
- commission response
- trends by complaint type

The agency is also required to assess the impact of any changes made in the commission’s complaint policy. This analysis is conducted and submitted in accordance with Sections 5.1773 and 5.178 of the Texas Water Code.

## Complaint Data Collection and Reporting

After an environmental complaint is received by the Office of Compliance and Enforcement, the data related to the initial complaint is recorded in the Consolidated Compliance and Enforcement Data System (CCEDS). If an investigation

is warranted, regional managers assign the complaint to an investigator, who is responsible for investigating the complaint and entering all resulting data into the CCEDS. Management reviews, approves, and closes the investigation and a record is entered directly into the data system.

All of the data summarized in this chapter was extracted from the CCEDS. This report reflects activity that occurred in the agency’s 16 regions and at the Central Office during fiscal 2013 (Sept. 1, 2012, through Aug. 31, 2013) and fiscal 2014 (Sept. 1, 2013, through Aug. 31, 2014). The data is presented in a series of charts (figures A-2 to A-9).

## Complaints by Region

In fiscal 2013, the TCEQ regions received a total of 6,088 complaints; in fiscal 2014, the total was 6,887. Figures A-2 and A-3 show the complaints received annually.

The data show that the number of complaints received varies generally according to regional population. For example, 41 percent of all the complaints were received from the two largest metropolitan areas, Dallas–Fort Worth and Houston (23 percent and 18 percent, respectively).

Figure A-2

### Complaints by Region, FY 2013

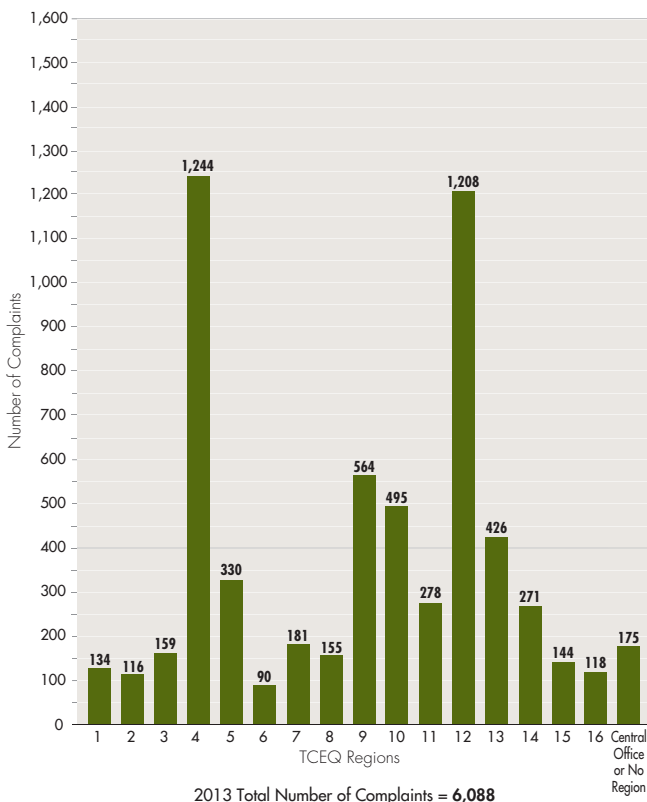
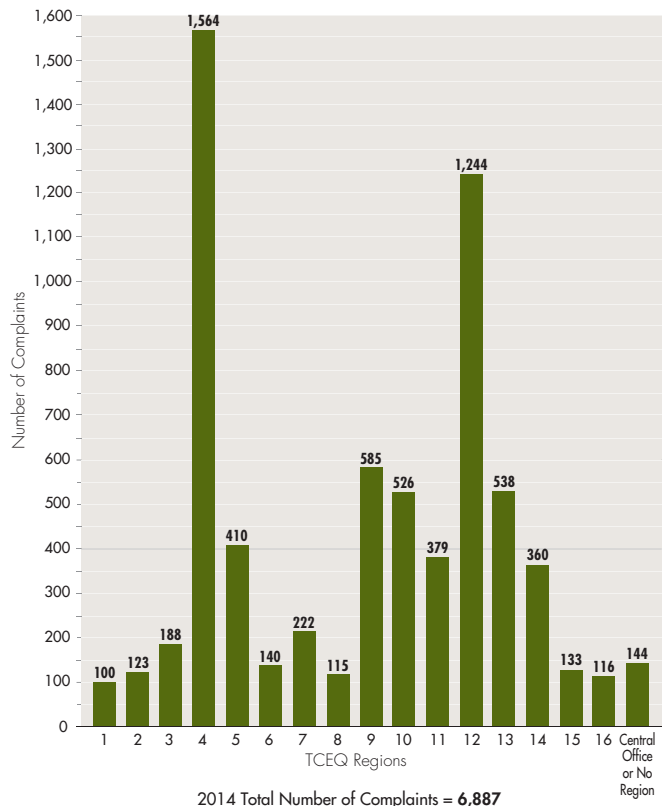


Figure A-3

### Complaints by Region, FY 2014

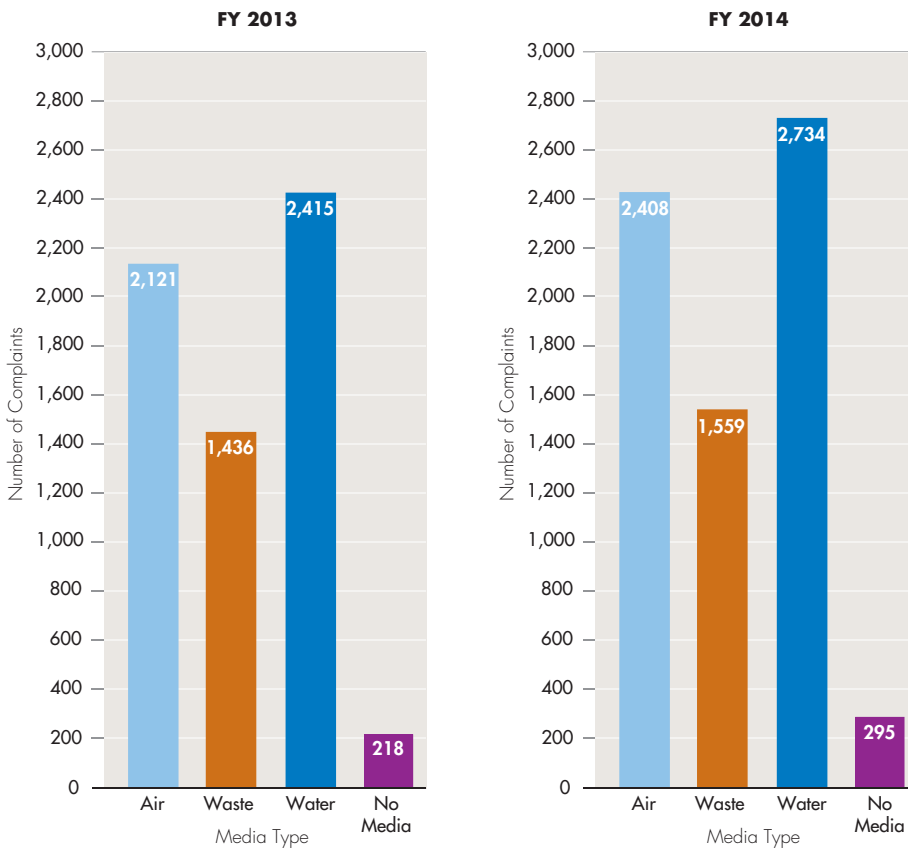


## Complaints Received by Environmental Media (Air, Waste, and Water)

Total complaints received can be analyzed by environmental media (air, waste, and water) statewide and by region or central office. By media, water complaints represent the largest number of complaints received, as seen in Figure A-4.

Figure A-4

### Complaints by Media Type, Statewide



For years, air complaints constituted the largest portion of total complaints received statewide, beginning in fiscal 2003 with the TCEQ’s first reporting of complaints received. But in fiscal 2009 and 2010, the agency received more complaints related to water than air. The data reflect an apparent increase in the interest and concerns that Texans have regarding their water quality and water resources, such as water rights. In fiscal 2011 and 2012, the TCEQ experienced an increase in complaints during drought conditions when water-right holders were asked to take steps to conserve water, implement their drought contingency plans, and prepare for suspensions or curtailments.

This trend has continued into fiscal 2013 and 2014; however, the number of water-related complaints has slightly decreased since fiscal 2011 and remained somewhat stable through fiscal 2014. This trend is demonstrated in figures A-5 and A-6, which show the distribution of complaints received by region and by media.

Water complaints outnumbered air complaints in 11 of the 16 regions in fiscal 2013 and 2014. By comparison, water complaints in fiscal 2011 outnumbered air complaints in 10 regions; and in fiscal 2012, in 11 regions. Air complaints continued to be the leading category in the heavily populated region of Dallas–Fort Worth for fiscal 2013 and 2014.

## Complaints Received by Priority Level

Complaints received in regional offices are prioritized in the categories listed below, based on the relative threat that is posed to public health, safety, or the environment. Each priority level represents a prescribed response time.

### Immediate Response Required

Response time is as soon as possible, but no later than 24 hours from receipt. This classification includes a new category established by the 81st Legislature of response within 18 hours for odor complaints involving certain types of poultry operations.

### Respond within One Working Day

As soon as possible, but no later than one working day from receipt.

### Respond within Five Working Days

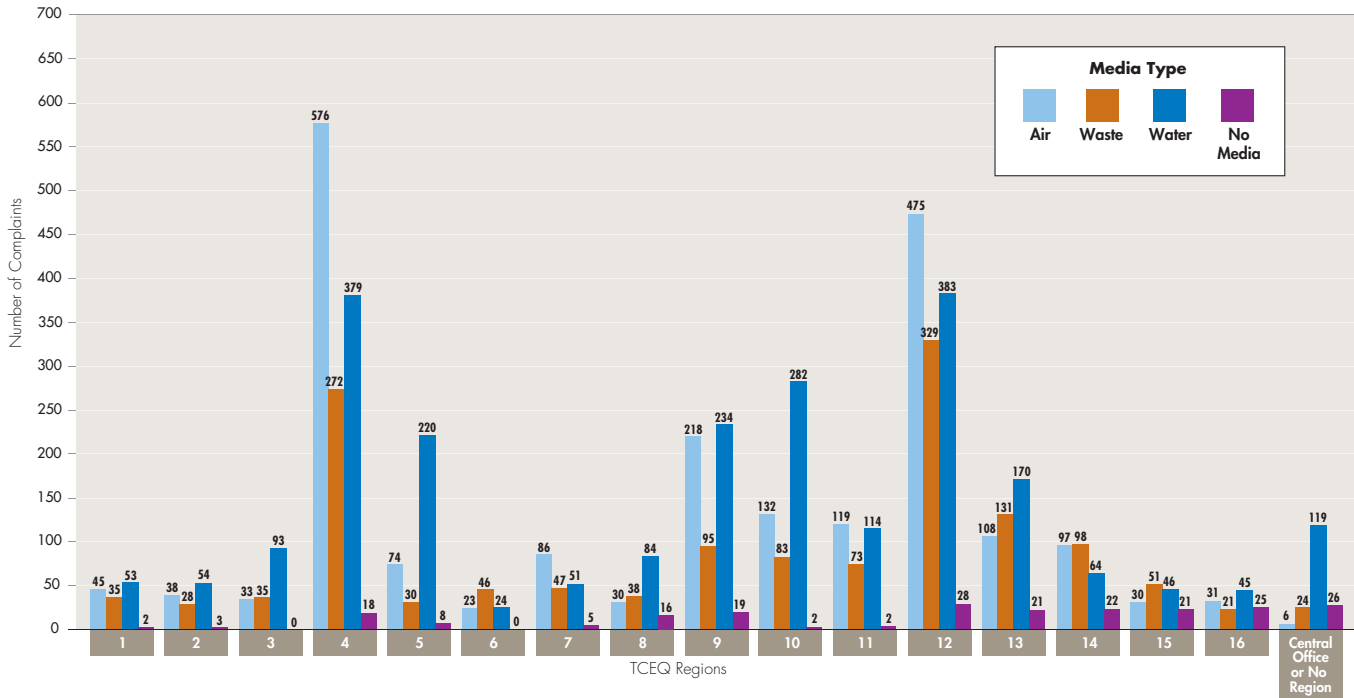
As soon as possible, but no later than five working days from receipt.

### Respond within 14 Calendar Days

As soon as possible, but no later than 14 calendar days from receipt.

Figure A-5

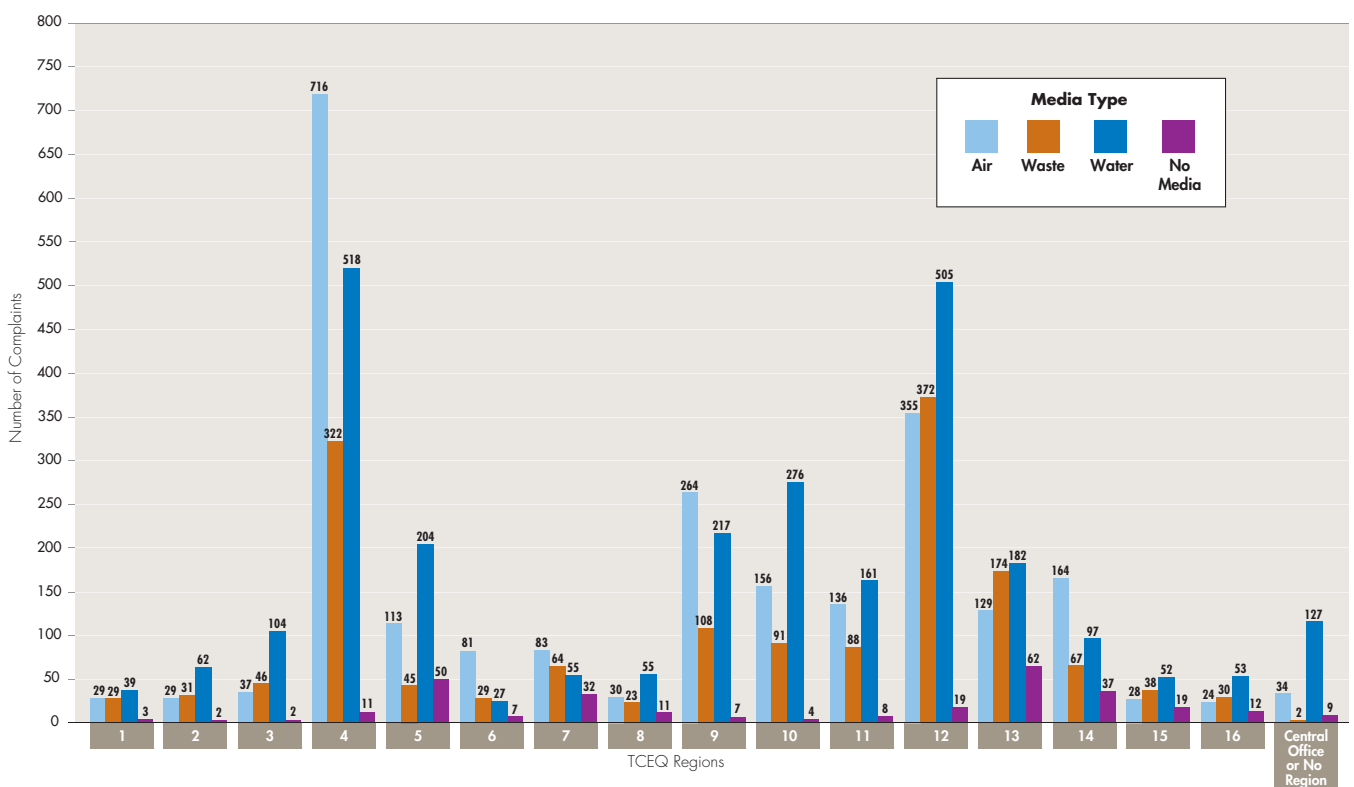
### Complaints by Region & Media Type, FY 2013



Total Number of Air Complaints = 2,121    Total Number of Waste Complaints = 1,436    Total Number of Water Complaints = 2,415    Total Number of No Media Complaints = 218

Figure A-6

### Complaints by Region & Media Type, FY 2014



Total Number of Air Complaints = 2,408    Total Number of Waste Complaints = 1,559    Total Number of Water Complaints = 2,734    Total Number of No Media Complaints = 295

**Respond within 30 Calendar Days**

As soon as possible, but no later than 30 calendar days from receipt.

**Respond within 45 Calendar Days**

As soon as possible, but no later than 45 calendar days from receipt.

**Respond within 60 Calendar Days**

As soon as possible, but no later than 60 calendar days from receipt.

**Respond within 90 Calendar Days**

As soon as possible, but no later than 90 calendar days from receipt. This category was added in fiscal 2008 for use only with complaints related to the recycling of electronic components.

**Refer or Do Not Respond**

This classification is for complaints that, due to jurisdictional issues, are referred to other authorities for investigation, or for complaints that the TCEQ does not routinely investi-

gate but needs to track for special projects, as determined by management.

**Other Specified Time Frame**

This classification is for special projects that occur as on-demand events. Response time is based on management’s evaluation of the project and the overall staff workload.

Figure A-7 shows the distribution of complaints by priority classification statewide. Approximately 76 percent of the complaints received during the last two years were classified as requiring investigation in 30 calendar days or less.

**Complaints that Trigger Enforcement Action**

All complaint investigations are conducted according to priority levels, as described above. Subsequent action depends on the outcome of the investigation. For about 66 percent of the complaints received, no specific enforcement action is necessary. But in some cases, the agency must take enforcement action in the form of a Notice of Violation (NOV) or a Notice of Enforcement (NOE).

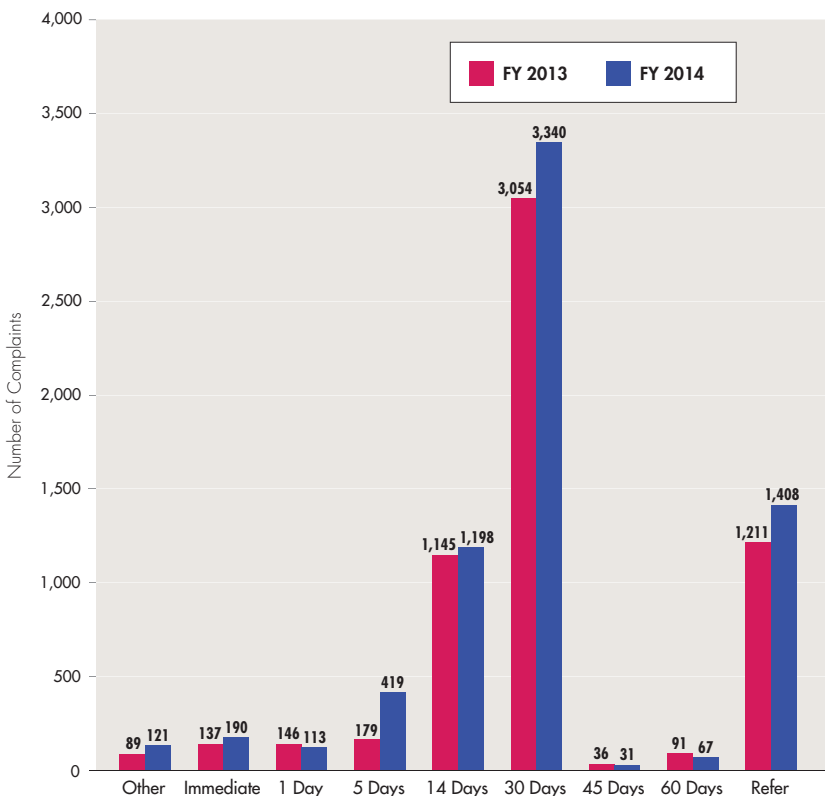
Issuance of an NOV indicates that TCEQ rules have been violated, but that the violation is not considered serious enough to require an enforcement order and that the case is expected to be resolved quickly within a time frame specified by the investigating office.

An NOE is issued when a substantial violation of TCEQ rules or state laws has been documented and formal action is required. Often, an NOE leads to the assessment of administrative penalties.

In fiscal 2013, the agency issued 1,115 NOVs and 165 NOEs as a result of complaint investigations; in fiscal 2014, the totals were 1,099 NOVs and 268 NOEs (Figure A-8).

Figure A-7

**Complaints by Priority, Statewide**

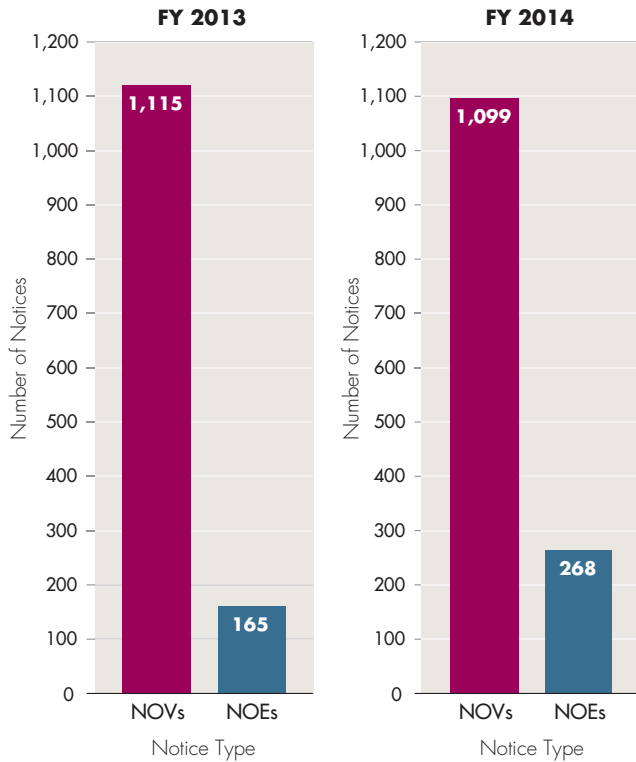


**Complaints Investigated by Program Type**

Another analysis is by the type of investigation conducted to address each complaint—the program type. In the CCEDS, air complaints are not subdivided by program type, but waste and water media each have several subcategories of programs.

Figure A-8

### Complaints Resulting in NOV's & NOE's, Statewide



The waste program types are dry cleaners, emergency response, petroleum storage tanks (including Stage II vapor recovery), industrial and hazardous waste, and municipal solid waste.

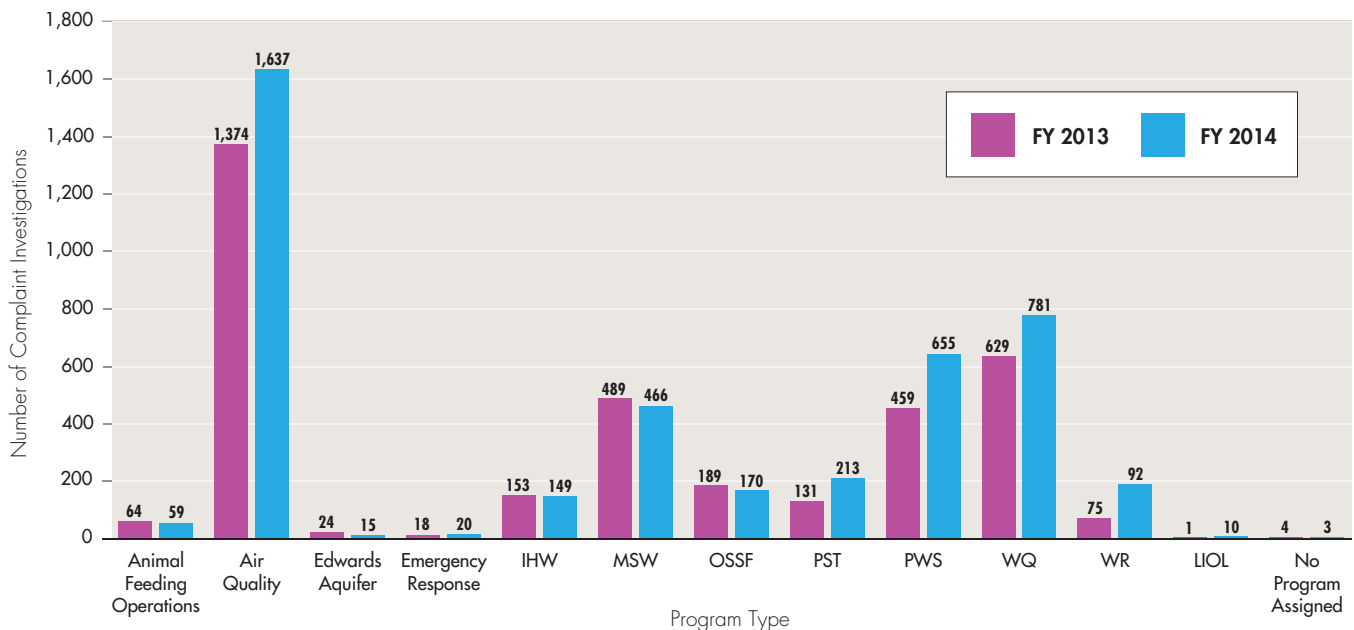
The water program types are animal feeding operations, the Edwards Aquifer Protection Program, on-site sewage facilities, public water supply, water rights, and water quality. Water quality also comprises several program sub-types (sludge transporters, beneficial use, stormwater, municipal and industrial wastewater treatment, and pretreatment); however, these sub-types are not listed separately in this analysis.

Figure A-9 shows the number of complaint investigations that were conducted in each program type. In fiscal 2013, 3,480 complaint investigations were conducted in response to the 6,088 complaints received. A total of 1,211 complaints were prioritized for referral or no agency response (as indicated in Figure A-7). The remaining complaints were either investigated in conjunction with other complaints, or were associated with investigations that were not yet approved in fiscal 2013.

In fiscal 2014, 4,034 investigations were conducted in response to 6,887 complaints received. A total of 1,408 complaints were prioritized for referral or no response. The

Figure A-9

### Complaint Investigations by Program Type



**Key**

IHW = Industrial and Hazardous Waste  
MSW = Municipal Solid Waste  
OSSF = On-Site Sewage Facilities

PST = Petroleum Storage Tanks  
PWS = Public Water Supply  
WQ = Water Quality

WR = Water Rights  
LIOL = Landscape Irrigator Operator Licensing

remaining complaints were either investigated in conjunction with other complaints, or were associated with investigations that were not yet approved in fiscal 2014.

In fiscal 2013, air complaint investigations made up 34 percent of the total; water complaint investigations, 39 percent; and waste investigations, 23 percent. In fiscal 2014, air investigations were 35 percent of the total; water investigations, 39 percent; and waste investigations, 22 percent.

Typically, a small portion of complaint investigations (about 4 percent in fiscal 2013 and 2014) do not fall under the specific program areas listed in this report.

## Conclusions

The complaint data for fiscal 2013 and 2014 are typical of complaints received and investigated in previous years, with minor variations within some analysis categories. Although the total number of complaints received has decreased from previous fiscal years, the number of

complaints received and investigated across all media continued to stabilize.

The increased percentage of complaints occurring in the water program continued through fiscal 2011, but declined in fiscal 2012, and has stabilized through fiscal 2014. Fiscal 2013 and 2014 continued to see a higher number of complaints (primarily air and water related) associated with oil and gas activities across the state. In response to public concerns regarding oil and gas activities, the TCEQ has undertaken a significant effort to monitor and characterize emissions and air quality related to gas-production facilities, and to identify regulatory approaches to alleviating these concerns.

Finally, the analysis of complaint investigations by program type reflects the fact that the TCEQ places a high priority on investigating citizen complaints. All complaints received are reviewed by management, prioritized according to potential impact on public health or the environment, and either investigated in accordance with the assigned priority or, if not within the jurisdiction of this agency, referred to the appropriate authority.