

APPENDIX A

ASSESSMENT OF COMPLAINTS RECEIVED

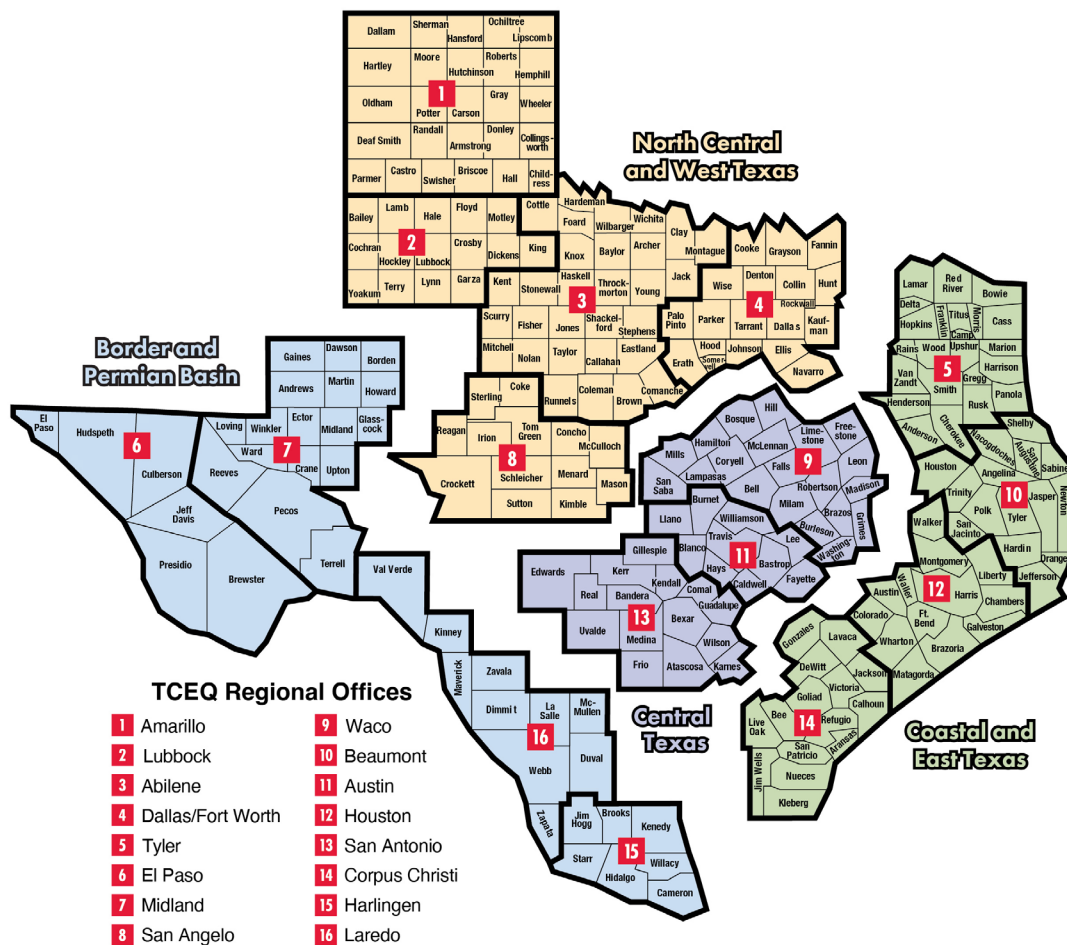
The Texas Commission on Environmental Quality receives thousands of complaints each year from Texans concerned about a situation or event in which a possible environmental, health, or regulatory violation has occurred. TCEQ receives complaints through [an online form](#), a 24-hour toll-free hotline (888-777-3186), email to complaint@tceq.texas.gov (quejas@tceq.texas.gov), or by written correspondence.

TCEQ must analyze complaints received each year based on:

- Complaint type
- Environmental media (air, waste, and water)
- Priority classification
- Regional jurisdiction
- Enforcement action taken
- Commission response

TCEQ also must assess the impact of any changes made in our complaint policy. This analysis is conducted and reported as per Sections 5.1773 and 5.178 of the Texas Water Code.

Figure A-1. TCEQ Areas, Regions, and Sites of Regional Offices



COMPLAINT DATA COLLECTION AND REPORTING

After the Office of Compliance and Enforcement (OCE) receives an environmental complaint, the data from the initial complaint are recorded in the Consolidated Compliance and Enforcement Data System (CCEDS).

If the complaint is within TCEQ jurisdiction, an assigned investigator completes the investigation and documents the findings in CCEDS. Management staff reviews and approves these investigations. Enforcement actions are initiated for any alleged violations. Per TCEQ’s Complaint Investigation Manual (GI-602), complaints outside of TCEQ jurisdiction are referred to the governmental authority with jurisdiction.

All the data summarized in this appendix is from CCEDS and includes activity from TCEQ’s headquarters and regional offices for fiscal 2021 (Sept. 1, 2020, through Aug. 31, 2021) and fiscal 2022 (Sept. 1, 2021, through Aug. 31, 2022). The data are presented in Figures A-2 through A-7.

COMPLAINTS BY REGION

TCEQ received 9,440 complaints in fiscal 2021, and 10,070 in fiscal 2022. Figure A-2 shows the breakdown by the region where the allegation occurred.

The number of complaints varies according to regional population. In fiscal 2021, 44 percent of all complaints came from the two largest metropolitan areas, the Dallas-Fort Worth region (20 percent) and the Houston region (24 percent). In fiscal 2022, 41 percent of complaints were in the Dallas-Fort Worth region (20 percent) and the Houston region (21 percent).

COMPLAINTS RECEIVED BY ENVIRONMENTAL MEDIA

Total complaints were analyzed by environmental media (air, waste, water, multimedia, and no media) statewide. “No media” refers to complaints that do not fit within one of the established medias (for example, noise). See Figure A-3.

In general, there has been an increase in complaints since fiscal 2020, when fewer were reported due to limited activities during the COVID-19 pandemic. The number of complaints TCEQ staff handled or referred has not returned to pre-pandemic levels.

The media with the most complaints was water

(49% of all complaints received in fiscal 2021 and 44% in fiscal 2022). Wastewater complaints are the most frequently received water complaints (22% of all water complaints in fiscal 2021 and 25% in fiscal 2022) followed by stormwater (21% of all water complaints in fiscal 2021 and 22% in fiscal 2022) and public water supplies (22% of all water complaints in fiscal 2021 and 18% in fiscal 2022). Houston has the most wastewater complaints and Dallas-Fort Worth has the most stormwater complaints.

Between fiscal 2021 and fiscal 2022, air complaints increased and primarily concern odor and dust. Of all air complaints received in fiscal 2021, 46% were about odor and 17% were about dust. In fiscal 2022, 40% were odor related and 22% were dust related. There was an increase in odor complaints related to industrial operations in the Dallas-Fort Worth and coastal regions (Beaumont, Houston, and Corpus Christi) and poultry operations in the Tyler and Beaumont regions. There continued to be an overall decrease in odor complaints from landfills, especially in the Houston region. Dust complaints related to aggregate production operations and new construction increased in the Houston, Dallas-Fort Worth, and San Antonio regions.

Waste complaints also increased between fiscal 2021 and fiscal 2022, primarily in the more densely populated areas of the state such as Austin, Dallas-Fort Worth, Houston, and San Antonio.



Cattail Falls, Big Bend National Park. Credit: iStock.

Figure A-2. Complaints by Region

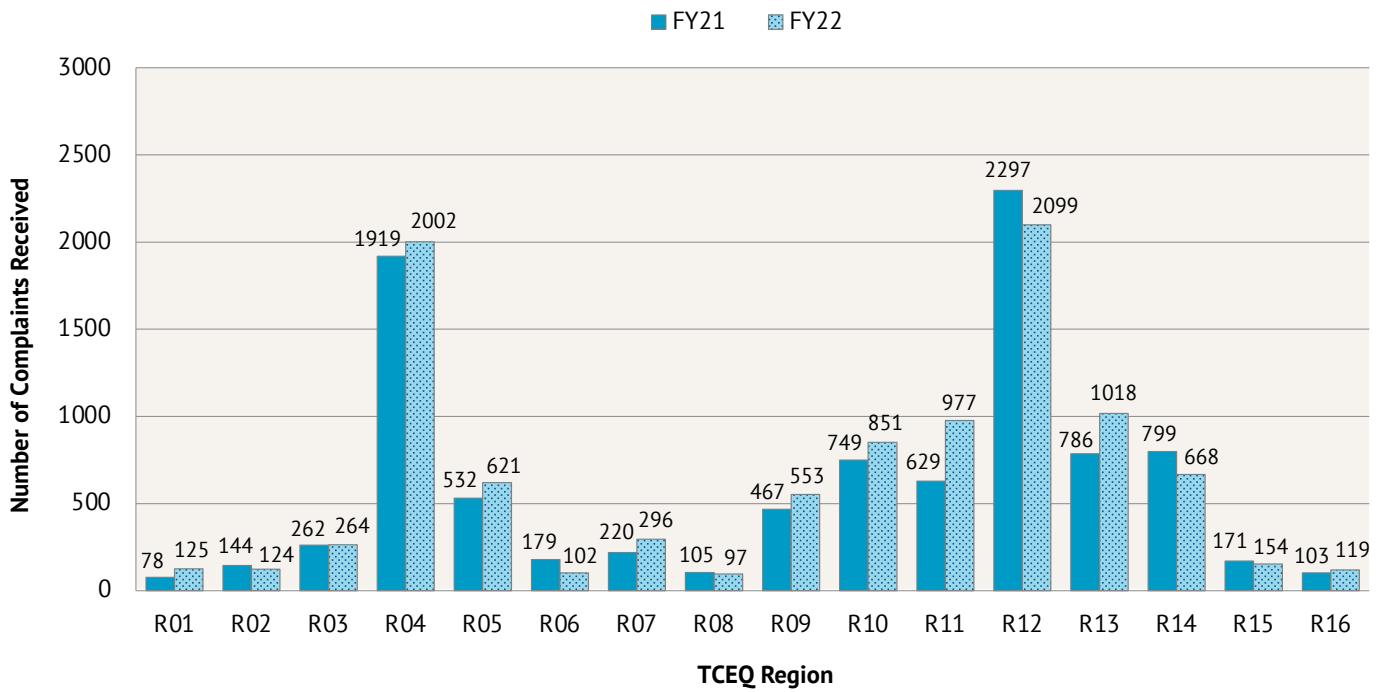


Figure A-3. Complaints by Media Type, Statewide

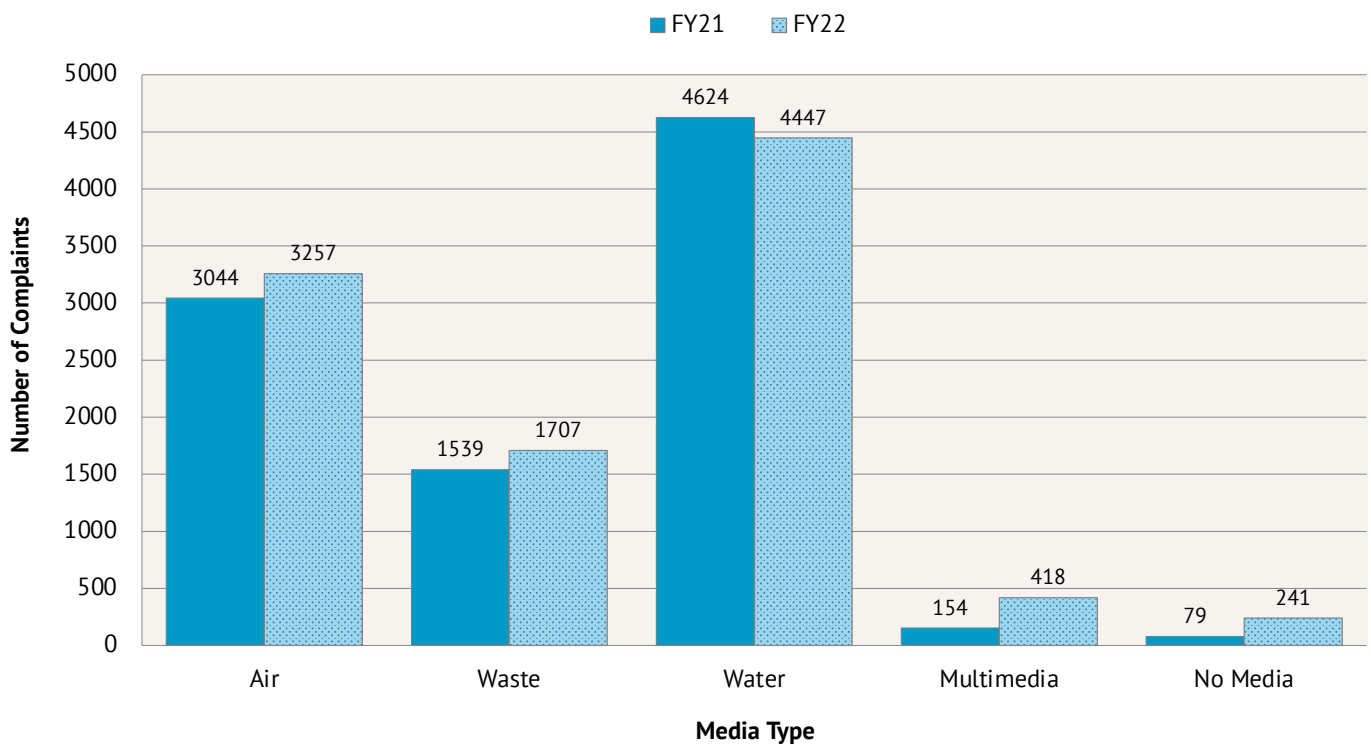
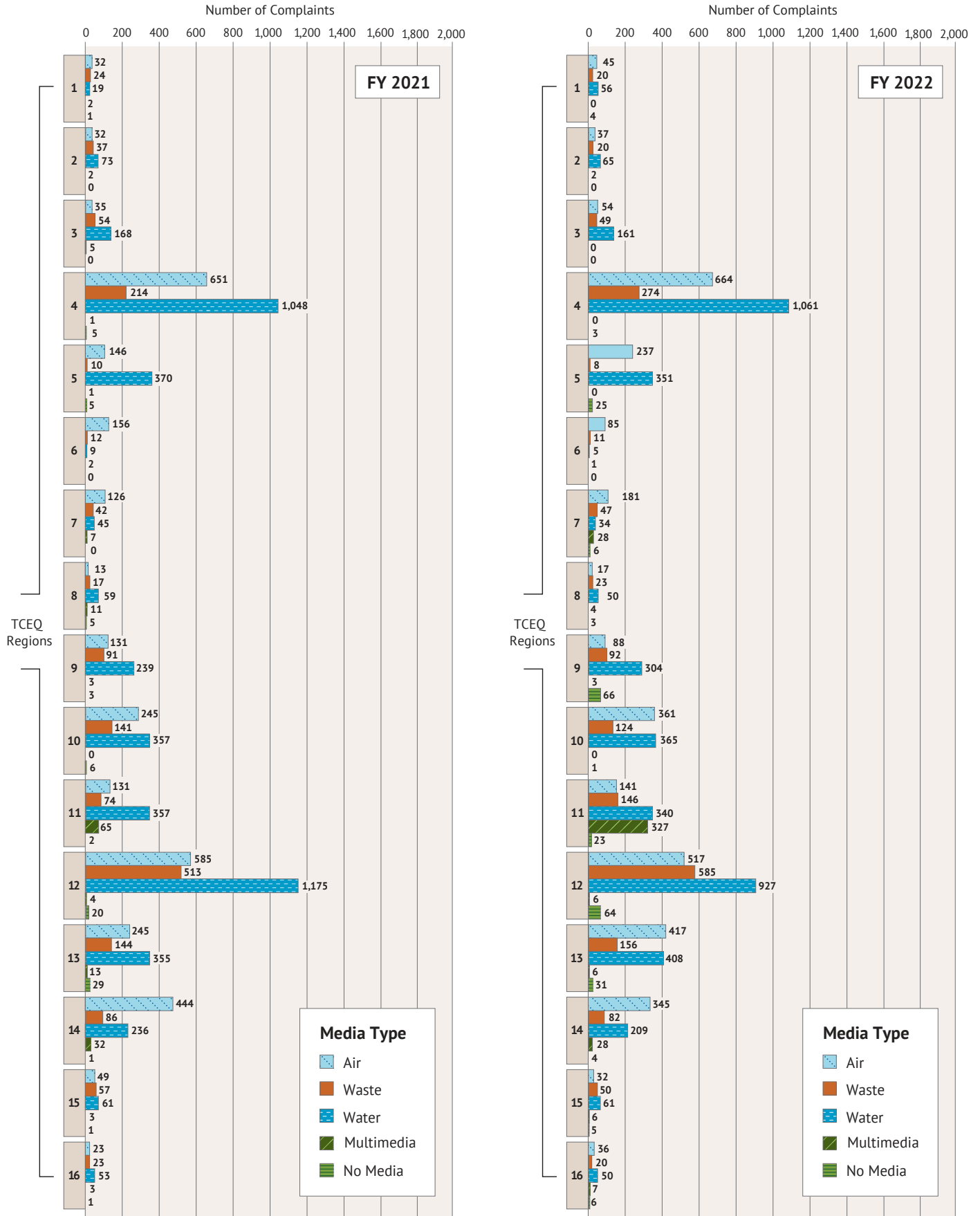


Figure A-4. Complaints by Region & Media Type



COMPLAINTS RECEIVED BY PRIORITY LEVEL

Complaints received in regional offices are prioritized in the following categories, based on the relative threat to public health, safety, or the environment. Each priority level represents a prescribed response time. The priority levels are:

- Immediate response required**
 Response time is as soon as possible, but no later than 24 hours from receipt. This classification also includes a category that requires a 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.

- Respond within 30 calendar days**
 As soon as possible, but no later than 30 calendar days from receipt.
- Refer or do not respond**
 This classification is for complaints that, due to jurisdictional issues, are referred to other governmental authorities.
- Other specified time frame**
 This classification is for special projects that occur as on-demand events and complaints in which the complainant or source is unavailable and region management has granted prior approval for extending an investigation. Response time is based on management’s evaluation of the project and the overall staff workload.

The distribution of complaints is shown by priority classification statewide in Figure A-5. Approximately 26% of all complaints received are outside TCEQ jurisdiction and are referred to another governmental authority or closed without an investigation. Of the complaints that are within TCEQ jurisdiction, 5% require immediate response (one working day or less), 18% require response between 1 and 30 days, and the remaining 51% require response in 30 calendar days or more.

Figure A-5. Complaints by Priority, Statewide

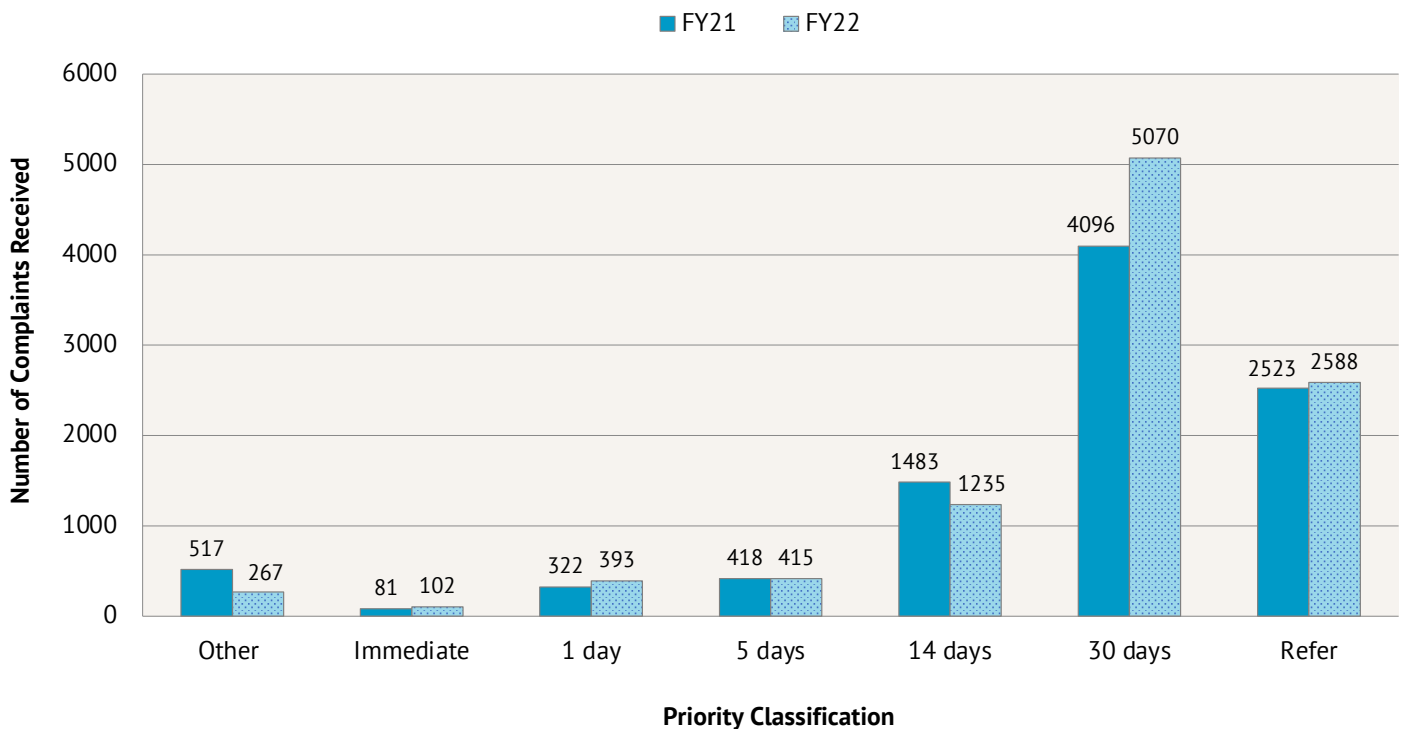
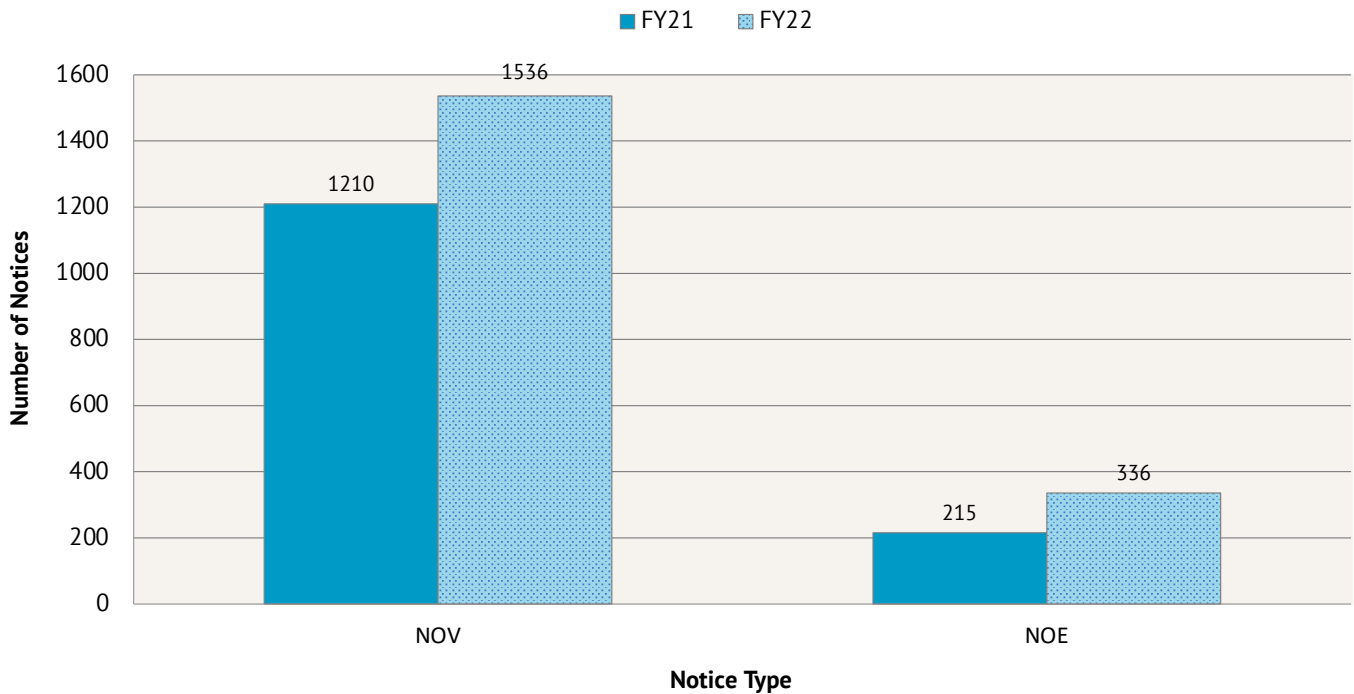


Figure A-6. Complaints Resulting in NOVs & NOEs, Statewide



COMPLAINT INVESTIGATIONS 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 approximately 67 percent of these investigations completed in fiscal 2021 and fiscal 2022, no enforcement action was required. For the remainder, TCEQ initiated enforcement: a notice of violation (NOV) was issued for 30 percent of the complaint investigations; and a notice of enforcement (NOE) was issued for 6 percent. Multiple complaints may be included in a single investigation and investigations may be completed in different fiscal years than when the complaint was received.

An NOV is issued when TCEQ rules, state statutes, or permit requirements have been violated, but the violation is not considered serious enough to require an enforcement order. Violations are expected to be resolved within a time frame specified in the NOV. An NOE is issued when a substantial violation has been documented and formal action is required. Typically, an NOE leads to administrative penalties.

The regulated entity must resolve all violations and TCEQ must verify them through a second investigation.

These verification investigations are not included in the totals in this appendix.

COMPLAINT INVESTIGATIONS BY PROGRAM TYPE

TCEQ also analyzed complaint investigations by program type. Waste and water media each have several subcategories. Air complaints are not further subdivided. If an investigation involves more than one type, it is classified as “multi-program.”

The waste program types are:

- dry cleaners
- emergency response
- petroleum storage tanks
- industrial and hazardous waste
- municipal solid waste

The water program types are:

- animal feeding operations
- Edwards Aquifer Protection Program
- on-site sewage facilities
- public water supply
- water rights
- aggregate production operations
- landscape irrigation
- water quality

Water quality also comprises several program sub-types (sludge transporters, beneficial use, stormwater, and municipal and industrial wastewater treatment, and pretreatment); however, these sub-types are not listed separately in this analysis.

Figure A-7 shows the number of complaint investigations in each type—in fiscal 2021, 4,694 investigations and in fiscal 2022, 5,153 investigations. One investigation may be conducted for multiple complaints for the same or similar incidents or conditions.

In fiscal 2021, 42% of all complaint investigations, by program type, were for water, 40% for air, 12% for waste, and 6% for multi-media programs. In fiscal 2022, 44% of all complaint investigations were for water programs, 41% for air programs, 11% for waste programs, and 4% for multi-media programs.

CONCLUSIONS

The total number of complaints received in fiscal 2021 and fiscal 2022 is consistent with the trends in fiscal 2019 and fiscal 2020. Although there has been an increase in number of complaints received, overall totals have not returned to pre-COVID-19 pandemic levels. Air complaints increased in fiscal 2022—dust and odor complaints make up over 60% of all air complaints received, with dust complaints increasing the most. Water complaints decreased between fiscal

2021 and fiscal 2022, but there was an increase in stormwater complaints. Waste complaints increased between fiscal 2021 and fiscal 2022, primarily in the more heavily populated parts of the state.

TCEQ reviews all complaints received and investigates those within TCEQ’s jurisdiction. From fiscal 2018 to fiscal 2022, there has been an increase in complaints outside of TCEQ jurisdiction (25% in fiscal 2022 compared to 18% in fiscal 2018). Of the complaints that are investigated, 67% do not result in a violation. This represents a large commitment of TCEQ resources that may be more effectively used for other types of investigations. Many complaints that are received and investigated are repeats of previous complaints, which may or may not have previously resulted in a violation.

When multiple complaints are related, they may be addressed collectively within a single investigation. Therefore, there is not a direct correlation between the number of complaints received and the number of investigations.

Finally, the analysis of complaint investigations by program type demonstrates that TCEQ places a high priority on investigating complaints. Management prioritizes all complaints, and they are reviewed according to potential impact on public health or the environment, and investigated per the assigned priority or, if not within the jurisdiction of this agency, they are promptly referred to the appropriate governmental authority.

Figure A-7. Complaint Investigations by Program Type

