

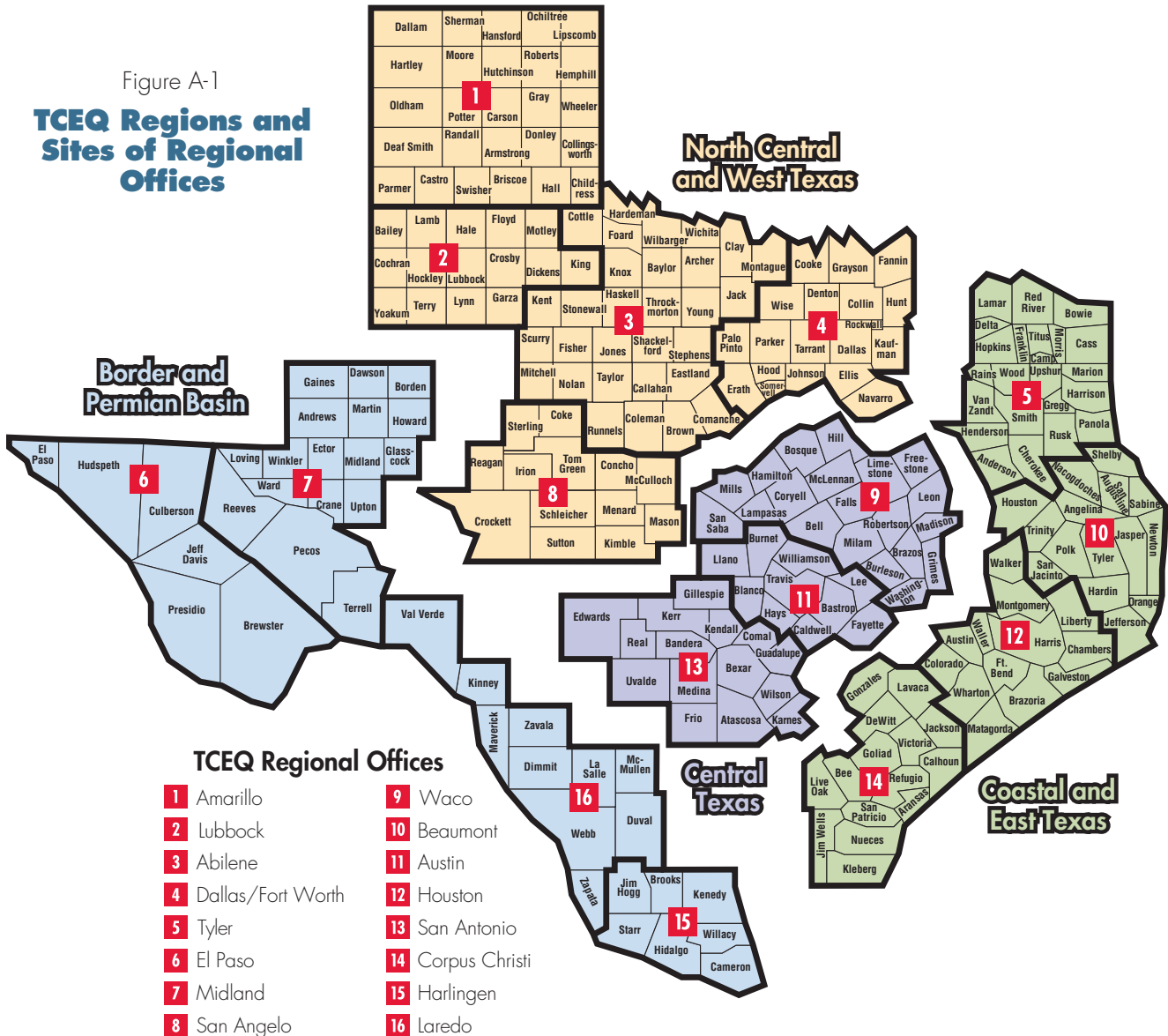
Assessment of Complaints Received

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 to its Central Office in Austin or one of its 16 regional offices for response. The agency also maintains a 24-hour toll-free hotline (888-777-3186) for

Figure A-1

TCEQ Regions and Sites of Regional Offices



receiving such calls and a website where complaints can be submitted online.

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 Texas Water Code, Sections 5.1773 and 5.178.

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 are recorded in the Consolidated Compliance and Enforcement Data System. If an investigation is warranted, an investigator is assigned to investigate the complaint and enter all resulting data into CCEDS. Management reviews, approves, and closes the investigation and a record is entered directly into the data system.

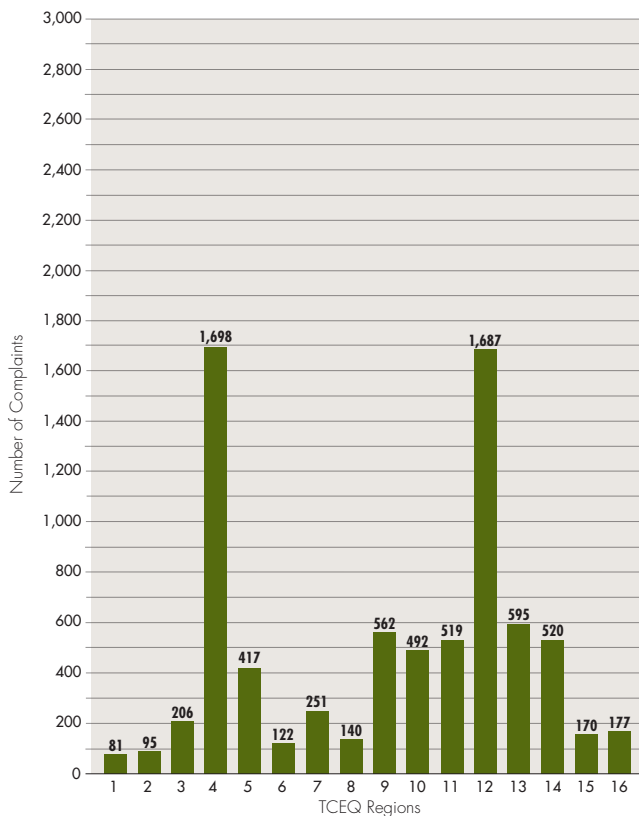
All of the data summarized in this chapter were extracted from CCEDS. This report reflects activity that occurred in the agency’s 16 regions and at the Central Office during fiscal 2015 (Sept. 1, 2014, through Aug. 31, 2015) and fiscal 2016 (Sept. 1, 2015, through Aug. 31, 2016). The data are presented in a series of charts (Figures A-2 to A-9).

Complaints by Region

In fiscal 2015, the TCEQ received a total of 7,732 complaints; in fiscal 2016, the total was 9,388. Figures A-2 and A-3 show the complaints received annually by the regional offices, as well as the Central Office, and the manner in which the complaints were distributed across the regional offices for further assessment.

Figure A-2

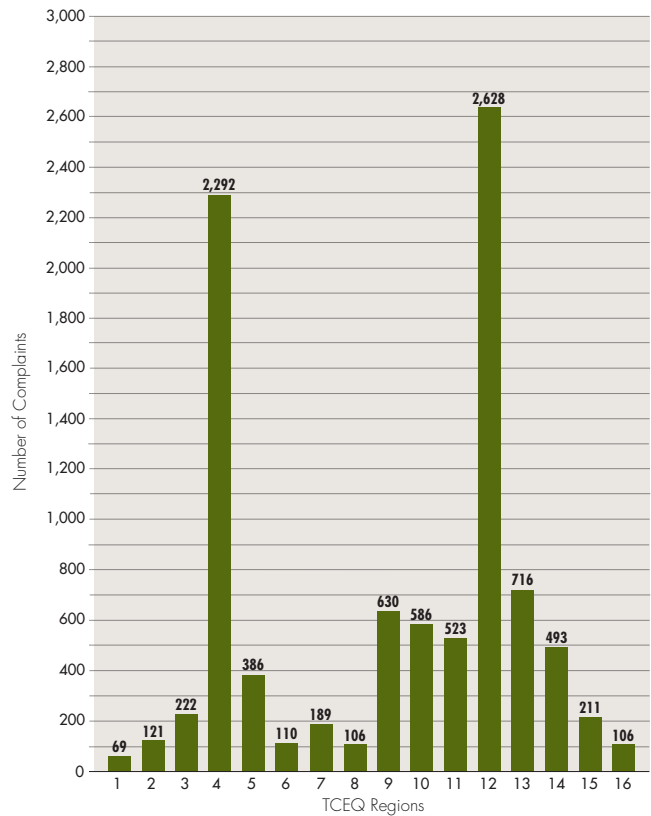
FY 2015 Complaints by Region



2015 Total Number of Complaints = 7,732

Figure A-3

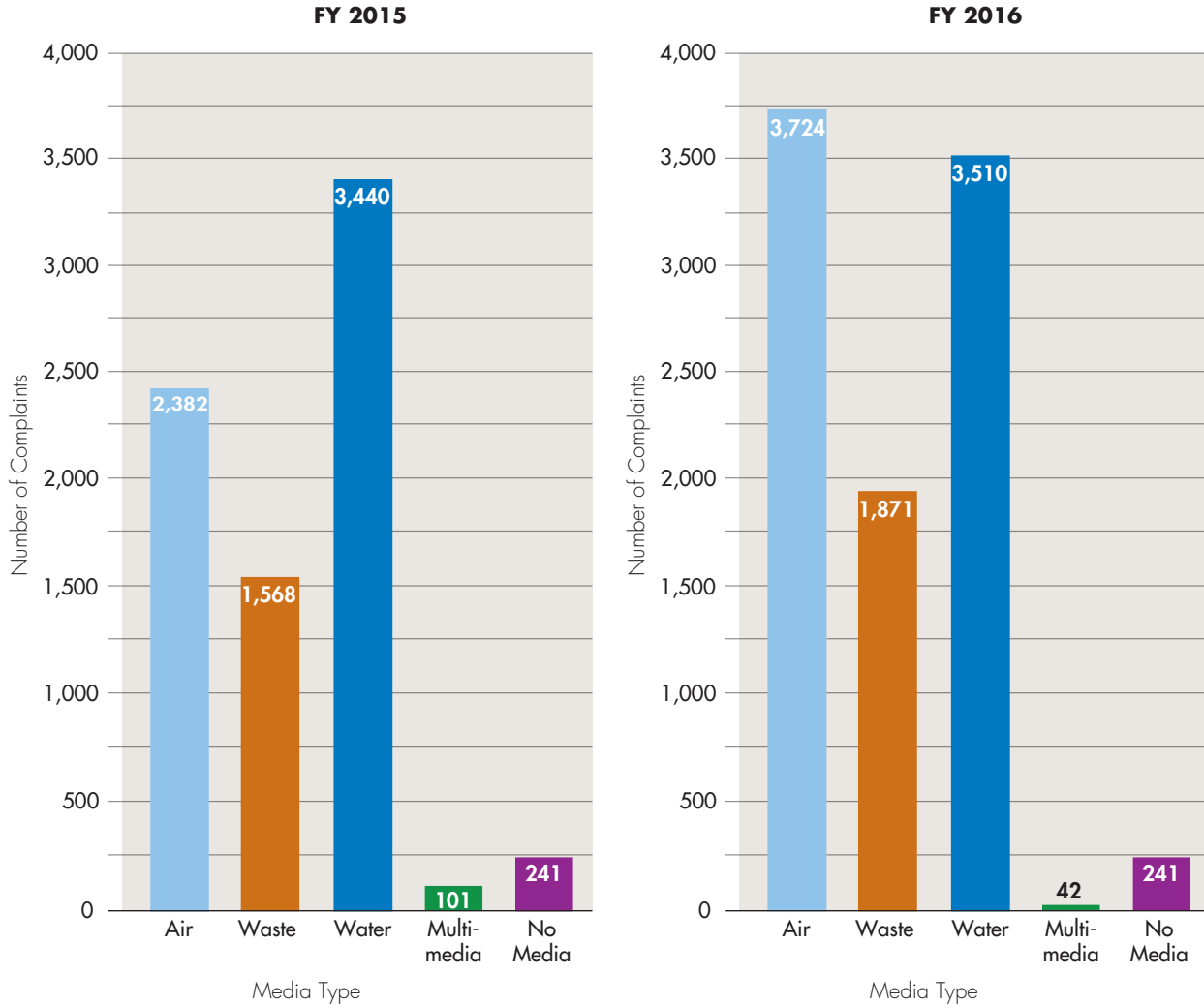
FY 2016 Complaints by Region



2016 Total Number of Complaints = 9,388

Figure A-4

Complaints by Media Type, Statewide



The data shows that the number of complaints received varies according to regional population. For example, 44 percent of all the complaints were received from the two largest metropolitan areas, Dallas/Fort Worth and Houston in fiscal 2015 (22 percent in each of the two regional areas) and 52 percent of all the complaints were received from Dallas/Fort Worth and Houston in fiscal 2016 (24 percent and 28 percent, respectively).

Complaints Received by Environmental Media (Air, Waste, Water, Multimedia, and No Media)

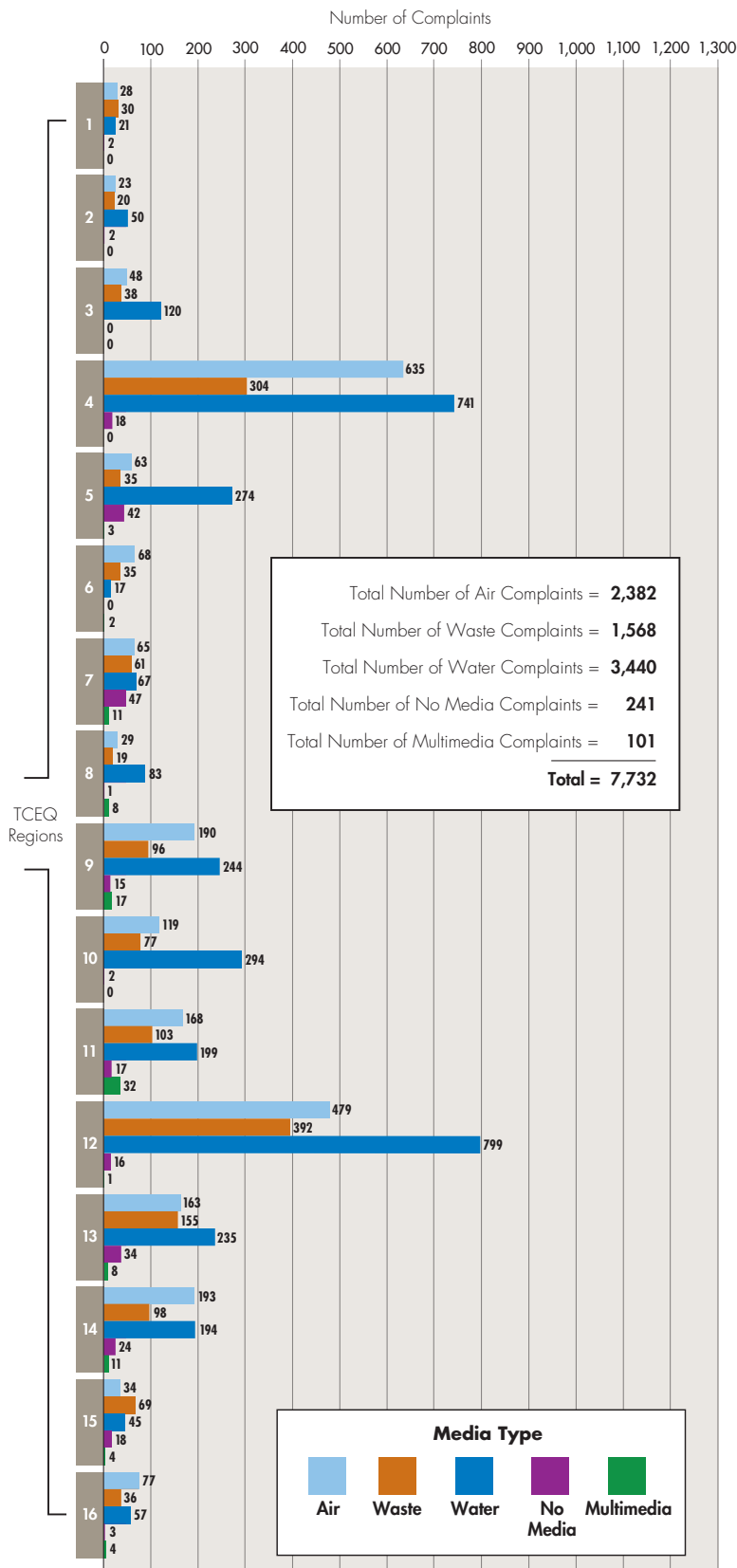
Total complaints received can be analyzed by environmental media (air, waste, water, multimedia, and no media) statewide. "No media" refers to complaints that do not

fit within one of the established media, such as noise complaints. As shown in Figure A-4, water complaints represent the largest number of complaints received in fiscal 2015 and air complaints represent the largest number of complaints received in fiscal 2016.

Between fiscal 2003 (the first year of reporting) and fiscal 2008, air complaints constituted the largest portion of total complaints received statewide. Between fiscal 2009 and fiscal 2015, 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, drought, and drinking water quality.

In fiscal 2015, 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

Figure A-5
**Complaints by Region & Media Type
FY 2015**



suspensions or curtailments. An increase in water-related complaints in fiscal 2015 can also be attributed to numerous severe rainfall events experienced in several municipalities throughout Texas that resulted in catastrophic flooding events. The number of water complaints continued to increase in fiscal 2016; however, in that same year, air complaints outnumber water complaints. This trend is demonstrated in Figures A-5 and A-6, which show the distribution of complaints received by region and by media.

In fiscal 2016, the Dallas/Fort Worth and Houston areas saw a significant increase in the number of air complaints. This is primarily due to a large volume of complaints related to odors reported near residential areas. When multiple complaints are related, they may be addressed collectively according to the agency's standard investigative procedures.

Water complaints outnumbered air complaints in 13 of the 16 regions and 12 of the 16 regions in fiscal 2015 and 2016, respectively. By comparison, water complaints in fiscal 2013 and 2014 outnumbered air complaints in 11 regions in both fiscal years. Historically, air complaints were the leading category in the heavily populated regions of Dallas/Fort Worth and Houston; however, in fiscal 2015, water complaints outnumbered air complaints in these regions as well.

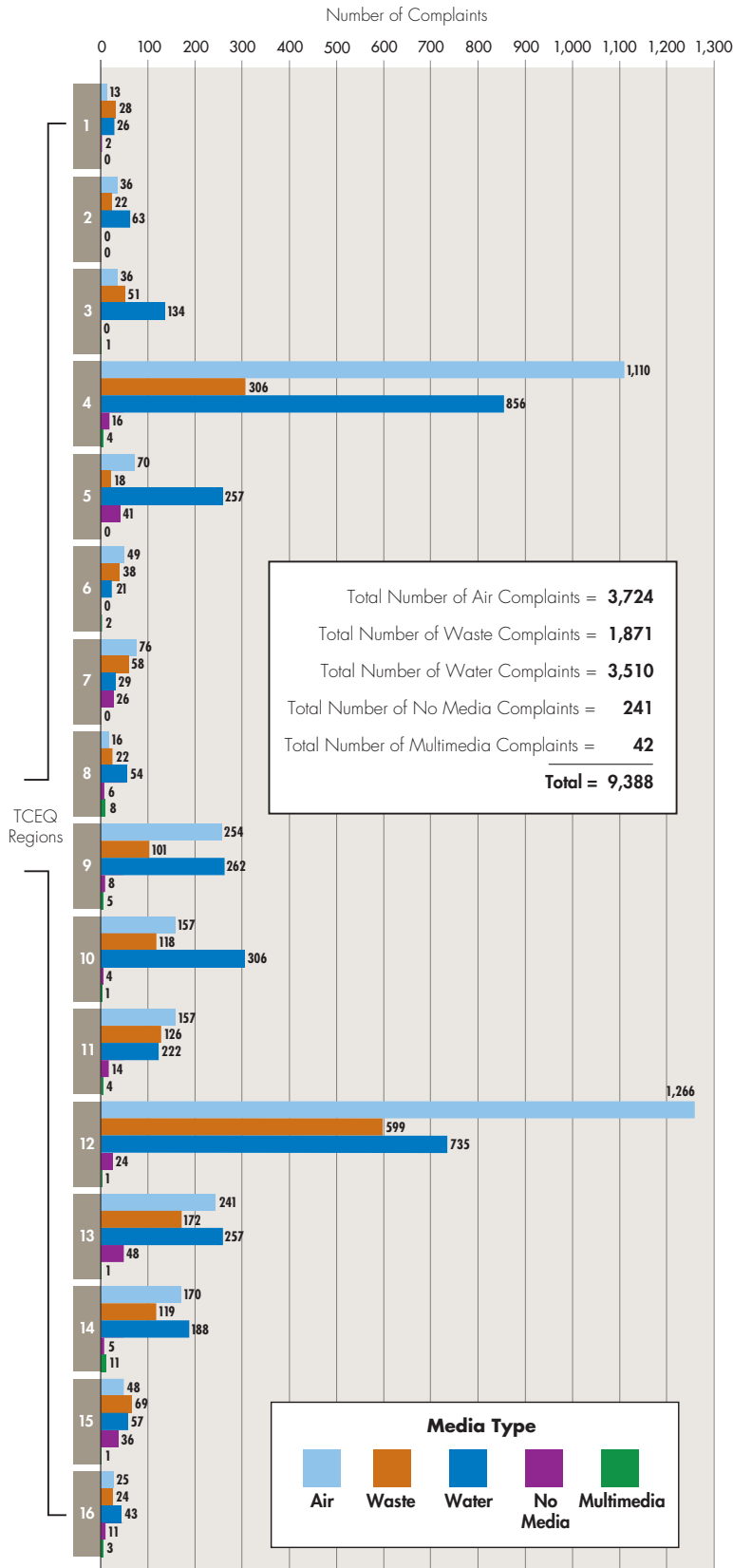
Complaints Received by Priority Level

Complaints received in regional offices are prioritized in the following categories, based on the relative threat that is posed 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 includes a new category established by the 81st Legislature of response within 18

Figure A-6
**Complaints by Region & Media Type
 FY 2016**



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 authorities for investigation, or for complaints that the TCEQ does not routinely investigate 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 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.

For this report, the distribution of complaints is shown by priority classification state-wide (Figure A-7). Approximately 77 percent of the complaints received during the last two years were classified as requiring investigation in 30 calendar days or less.

Figure A-7

Complaints by Priority, Statewide

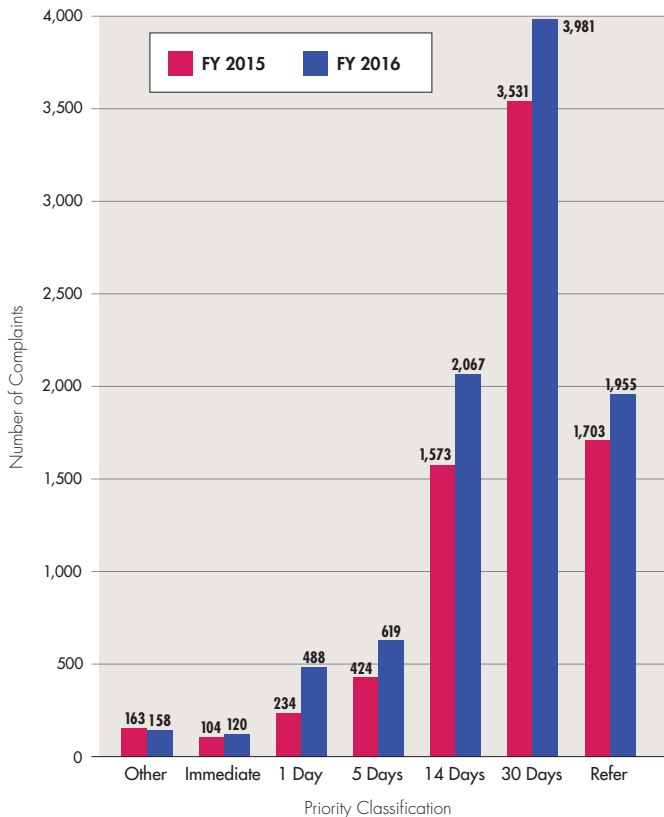
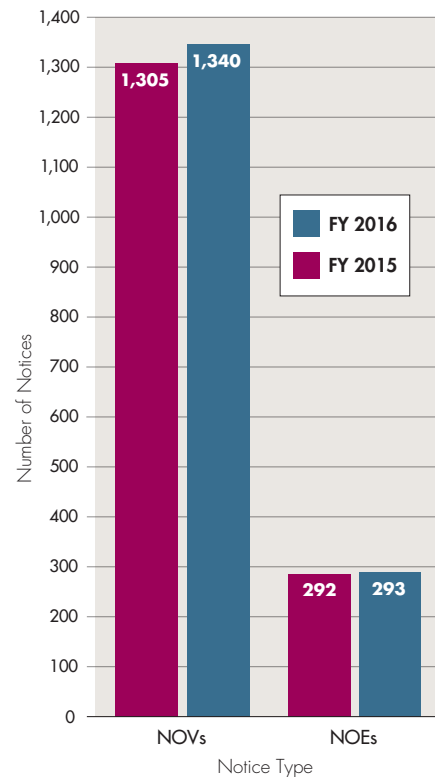


Figure A-8

Complaints Resulting in NOVs & NOEs, Statewide



Complaint Investigations that Trigger Enforcement Action

All complaint investigations are conducted according to priority levels, as described previously. Subsequent action depends on the outcome of the investigation. For approximately 81 percent of the complaints received during fiscal 2015 and 2016, no specific enforcement action was necessary. 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, state statutes, or permit requirements have been violated, but that the violation is not considered serious enough to require an enforcement order and that the violation is expected to be resolved within a time frame specified by the investigating office.

An NOE is issued when a substantial violation has been documented and formal action is required. Typically, an NOE leads to the assessment of administrative penalties.

In fiscal 2015, the agency issued 1,305 NOVs and 292 NOEs as a result of complaint investigations; in fiscal 2016, the totals were 1,339 NOVs and 293 NOEs.

Complaint Investigations by Program Type

Another analysis is by the program type of the investigations conducted to address complaints. Waste and water media each have several subcategories of programs. Air complaints are not further subdivided by program type. If a complaint investigation involves more than one program type, it is classified as “multi-program.”

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, aggregate production operations, landscape irrigation, and 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. Aggregate Production Operations was added as a program in fiscal 2015.

Figure A-9 shows the number of complaint investigations that were conducted in each program type. In fiscal 2015, 4,747 complaint investigations were conducted. In fiscal 2016, 4,832 investigations were conducted. One investigation may be conducted for multiple complaints for the same or similar incidents or conditions.

In fiscal 2015, air complaint investigations made up 34 percent of the total; water complaint investigations, 46 percent; waste investigations, 16 percent; and multi-program complaint investigations, 4 percent. In fiscal 2016, air investigations were 34 percent of the total; water investigations, 46 percent; waste investigations, 17 percent; and multi-program complaint investigations, 3 percent.

Conclusions

There continued to be an upward trend in overall complaints received for fiscal 2015 and 2016 when compared to previously reported fiscal years. The most

significant changes were for water between fiscal 2014 and 2015 and for air between fiscal 2015 and 2016.

The large increase in water complaints in fiscal 2015 may be attributed to the unprecedented rain events and subsequent flooding in multiple areas of the state. The large increase in air complaints in fiscal 2016 are related to large numbers of odor-related complaints near residential areas in the Dallas/Fort Worth and Houston areas.

As the number of complaints received has increased, the number of complaint investigations completed by TCEQ staff has also increased. Water complaint investigations increased from fiscal 2013 to fiscal 2015.

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 TCEQ jurisdiction, referred to the appropriate authority.

Figure A-9

Complaint Investigations by Program Type

