



TCEQ SUNSET SELF-EVALUATION REPORT

SEPTEMBER 2021
SFR-123/21



PROTECTING TEXAS BY
REDUCING AND PREVENTING POLLUTION

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I. Agency Contact Information**A. Please fill in the following chart.****Exhibit 1: Agency Contacts**

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II. Key Functions and Performance

A. Provide an overview of your agency's mission, objectives, and key functions.

Texas Commission on Environmental Quality (TCEQ) strives to protect the state's public health and natural resources consistent with sustainable economic development. The agency's goal is clean air, clean water, and safe management of waste.

To help accomplish this mission, the agency pursues the following objectives:

- Base decisions on the law, common sense, sound science, and fiscal responsibility
- Ensure regulations are necessary, effective, and current with federal requirements
- 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
- Attract, develop, and retain a high-quality, diverse workforce

The agency performs the following key functions:

- Protecting public health and the environment through monitoring, assessment, licensing, permitting, enforcement, remedial actions, and on-demand emergency response operations
- Generating environmental data through planning, assessment, analysis, and reporting
- Implementing programs in coordination with various public, private, local, state, federal and/or international interests
- Developing regulations and policies in accordance with state and federal statutes
- Providing effective customer service and outreach to customers which include the public, industry, other governmental entities, and public officials
- Managing environmental grants, funds, contracts, and fees
- Administering and supporting agency operations

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

TCEQ is charged with protecting the state's air, water, land resources, and public health. The agency's key functions represent a comprehensive program of managing and protecting the environment and public health in Texas. Elimination of these functions will result in the inevitable degradation of Texas' natural resources, backsliding of compliance with state regulations and federal programs delegated to the state, and endangerment to public health in the event of a lack of regulatory controls for a number of contaminants currently regulated by TCEQ.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

The agency's key functions continue to serve a clear and ongoing purpose.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

The agency's enabling law correctly reflects the mission, objectives, and approach to performing its key functions.

E. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.

85R Legislative Session

TCEQ recommended revising statutory public notice requirements for air permits to provide for explicit authority to consolidate two notices, the Notice of Receipt of Application and Intent to Obtain Permit and the Notice of Application and Preliminary Decision. This recommendation was adopted by Senate Bill (SB) 1045 effective September 1, 2017. Under the enacted bill, these notices may be consolidated if the commission determines an application to be administratively complete not later than 15 days after application receipt, and the preliminary decision and draft-permit are available at the time the air permit application is determined to be administratively complete. TCEQ adopted rules implementing SB 1045 on May 9, 2018.

TCEQ recommended repeal of Texas Water Code (TWC) Section 26.0285 which required, to the greatest extent practicable, all Texas Pollutant Discharge Elimination System permits within a single watershed contain the same expiration date, otherwise known as basin permitting. Basin permitting resulted in issuance of water quality permits for shorter durations than the five years allowed by United States Environmental Protection Agency (EPA) regulations. Imposing short durations on the terms of these permits resulted in unnecessary resource impacts to the regulated community and TCEQ. This recommendation was adopted by House Bill (HB) 3618 effective September 1, 2017.

TCEQ recommended transfer of Used Oil Recycling Account 146 activities to Water Resource Management Account 153, including the fee revenue on automotive oil sales, the existing fund balance, and program costs, with the intent to stabilize Water Resource Management Account 153 and to fund activities to ensure protection of Texas' water resources. This recommendation was adopted by SB 1105 effective September 1, 2017.

86R Legislative Session

TCEQ recommended a statutory revision to provide for use of surcharge revenue to cover all costs relating to processing expedited air applications, including costs of agency employees dedicated solely to those applications. Additionally, TCEQ recommended revisions to the rider in the General Appropriations Act (Rider 29, 85R Legislature) to allow employees processing expedited air applications to be compensated at twice the hourly rate for time worked over their regularly scheduled work hours. This recommendation was adopted by SB 698 effective September 1, 2019. TCEQ adopted rules implementing SB 698 on May 6, 2020.

TCEQ recommended TWC Chapters 49 and 54 be revised to allow the executive director to approve uncontested applications for water district dissolutions and district conversions without holding a hearing. This recommendation was adopted by HB 2914 effective September 1, 2019. TCEQ adopted rules implementing HB 2914 on October 7, 2020.

TCEQ recommended TWC Section 11.122 be amended to allow the agency to process simple water rights amendments without notice and technical review. This recommendation was adopted by HB 1964 effective June 10, 2019. TCEQ adopted rules implementing HB 1964 on May 6, 2020.

87R Legislative Session

The agency did not recommend any legislative changes in the 87R Legislative Session.

F. Do any of your agency's functions overlap or duplicate those of another local, state, or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

TCEQ is charged by the legislature with primary responsibility for conservation of resources and protection of Texas' environment. TCEQ's authorizing statutes provide a framework clearly defining its jurisdiction, which helps to ensure against overlap or duplication by other agencies. While several TCEQ functions may appear to overlap with powers or responsibilities of another local, state, or federal entity or agency, TCEQ strives to carry out its responsibilities and duties in a manner to avoid overlap or duplication.

TCEQ, its partner agencies, and local governments operate within a complementary regulatory framework outlining distinct responsibilities supported through development of written Memorandums of Agreement, Memorandums of Understanding, Letters of Agreement, or informal agreements. These documents, in addition to regular phone calls and email exchanges between relevant agency personnel, help to prevent regulatory crossover and duplication of effort. Section VII, responses to Questions H, I, and J provide a more detailed discussion of the agreements between TCEQ and other agencies and a description of how agencies coordinate activities to avoid duplication or conflict.

G. In general, how do other states carry out similar functions?

Most states maintain environmental agencies with similar responsibilities and authority by enforcing delegated federal programs, supported in part by federal funding, as well as implementing state environmental regulations supported by state fee funds. Although organizational structure varies from state to state, most state environmental agencies are organized along the lines of air, water, solid waste, and hazardous waste, which reflects the organization of federal programs delegated to states.

H. What key obstacles impair your agency's ability to achieve its objectives?

TCEQ faces a variety of challenges and obstacles impacting the agency's ability to achieve its objectives.

Federal / State Relationship

TCEQ experiences a variety of challenges and obstacles in its interactions with EPA which impact the agency's ability to achieve its objectives. Those obstacles include inadequate funding, changing positions regarding use of funds, delays in approvals, changing mandates, and lengthy negotiations to update implementation documents to reflect changes in mandates. The following are examples of these obstacles and challenges:

On an annual basis, EPA outlines national priorities that drive development and expansion of program requirements to meet those priorities. When a change in federal administration takes place, those priorities can also change. Instituting one-size-fits-all mandates for states with unique differences such as

population, industry, geography, etc., creates challenges for state program implementation. Given Texas' large regulated universe compared to other states, Texas is often not granted sufficient federal resources to fully implement program expansions. The federal Energy Policy Act of 2005 (eAct) is an example of how national priorities become unfunded mandates for Texas. The eAct requires states to investigate petroleum storage tank (PST) facilities on a three-year cycle, however, federal funding was not provided commensurate with the level of effort required of TCEQ to meet the investigation frequency for Texas' more than 18,000 existing PST facilities. Additionally, over the years, federal funding for this program has dwindled.

TCEQ receives EPA funding through performance partnership grants for implementation of certain activities to support delegated programs. For almost twenty years, TCEQ utilized a portion of the grant funds to reimburse third-party contractors for collection of routine public water system compliance samples. TCEQ disclosed this use of grant funds in workplans submitted annually to and approved by EPA. However, in 2021, EPA summarily notified TCEQ that this use of funds is not an allowable cost under the grant. TCEQ disagrees with EPA's determination since such use of grant funds is not expressly prohibited by federal statute or regulation and, in fact, has resulted in a high degree of efficiency in data collection from Texas' more than 7,000 public water systems. However, TCEQ agrees to cease using grant funds in this manner after FY 2021. Due to EPA's unexpected change in position regarding TCEQ's use of grant funds, the agency faces a budgetary challenge since contractual obligations to third-parties remain in effect.

The federal Clean Water Act (CWA) requires states to submit adopted surface water quality standards for EPA approval. Every three years, TCEQ reviews and revises the standards as appropriate. EPA is required to approve the standards within 60 days or disapprove within 90 days. Portions of the 2010, 2014, and 2018 revisions are still pending EPA review, including site-specific standards and other provisions.

Some federal laws, such as the Federal Clean Air Act, require EPA to re-assess certain existing federal rules to ensure continued protection of public health. These reassessments can result in additional or revised federal rules requiring states to evaluate and implement those changes. Updates to delegated programs and expanding mandates often require negotiations with EPA which result in significant time and resources to negotiate implementation details. TCEQ actively engages with EPA to identify the most effective program modifications.

Resource Demands

The ability to provide incentives to attract and retain a highly advanced and educated workforce across the state requires adequate resources. In many cases, TCEQ salaries are not competitive with other state agencies. This creates difficulty in recovering from vacancies due to turnover and economic changes.

Prolonged response efforts by staff for natural and industrial disasters, along with increased demand for providing real-time data related to those events, increases potential for backlogs of routine workload duties and investigations for participating regions and programs. Additionally, these events can often result in staff exhaustion when only a limited number of program staff possess technical skills and expertise necessary to support the event.

TCEQ is required by TWC to respond to all complaints received, including repeated unsubstantiated complaints. Responding to these complaints diverts resources from routine investigations.

TCEQ is managing a growing volume of data dependent upon agency expertise and research to ensure data can be collected, managed, and utilized in a manner supporting the agency's science-based decision making. TCEQ's technology resources need to match increased data demand to keep pace with increased customer expectations concerning data exchange and to capitalize on technological advances designed to promote efficiency.

Population Increase and Public Outreach

Growth in population and the economy have placed increasing demands on Texas' limited natural resources. According to the 2022 State Water Plan, population in Texas is projected to increase 73% between 2020 and 2070, from 29.71 million to 51.5 million people. As the population increases, so will the number of regulated entities, as well as unauthorized activities, all of which increase risk of additional pollutants entering the environment. Additionally, as more people move to Texas, to foster public engagement, a greater number of citizens will need to be educated about TCEQ's public participation process and the role of the agency.

I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

Changes to Federal Regulations

EPA's current trend of increasing technical and regulatory complexity with extensive qualitative reviews will continue to impact TCEQ's implementation of delegated programs, particularly because funding from EPA has not kept pace with the increased burden on the agency. Federal rule revisions require agency time and staff resources to hire or develop expertise and skills necessary to understand and implement rules. This trend also results in an increased reliance on state regulators by the regulated community to provide education and outreach to aid in understanding how to achieve compliance.

An example of a considerable impact resulting from increased regulatory complexity is revisions to the Safe Drinking Water Act (SDWA). EPA is currently revising its regulations under SDWA for the Lead and Copper Rule (LCR) and has also announced potential revisions to the Microbial and Disinfection Byproduct Rules, as well as development of new regulations for contaminants, such as, per- and polyfluoroalkyl (PFAS). If the LCR is finalized in December 2021 as proposed, efforts to ensure public water systems are complying with the rule will significantly exceed TCEQ's available staff resources. The current LCR is one of the most complex and challenging regulations to understand and execute for delegated agencies and regulated entities. TCEQ did receive additional staff resources and funding in the 87R legislative session to support current efforts. However, the proposed revisions once again increase the complexity of regulations requiring substantial interaction between delegated agencies and public water systems to ensure and enhance protection of public health through reduction of lead exposure. EPA has not indicated availability of funding for state implementation of SDWA revisions. Time and resources will be required to develop the technical expertise and skills necessary to understand and manage the rule and to provide outreach, training, and technical assistance to help regulated entities understand and comply with the revised regulations.

On July 30, 2021, EPA and the U.S. Army Corp of Engineers (USACE) announced an intent to publish a rule to restore the pre-2015 version of the "Waters of the United States" (WOTUS) definition by the end of 2021 and initiate a second rulemaking to develop a new WOTUS definition at a later date. The anticipated federal rulemaking will be the third attempt to revise the definition since 2015. The ongoing rulemaking

activities at the federal level have created confusion among stakeholders and the public. EPA and USACE developed tools to facilitate implementation of the rule; however, the tools are for internal use only, or, where publicly available, may not contain detailed information for all areas of interest.

In the May 30, 2018, issue of the *Federal Register* (83 FR 24664), EPA revised existing hazardous secondary material recycling regulations associated with the definition of “solid waste” under Resource Conservation and Recovery Act (RCRA) regulations to comply with the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacatur. To comply with the court’s ruling, the 2018 final rule: 1) vacated parts of the 2015 verified recycler exclusion and reinstated the 2008 transfer-based exclusion; 2) upheld the 2015 containment and emergency preparedness provisions for the reinstated transfer-based exclusion; and 3) vacated the fourth factor of the 2015 definition of legitimate recycling and reinstated the 2008 version of the fourth factor. The commission adopted the 2015 Definition of Solid Waste Rule January 2, 2015 (40 TexReg 77). On July 14, 2021, TCEQ proposed a rule in Title 30 Texas Administrative Code (30 TAC), Chapter 335 to address the federal changes. This rule, which is scheduled to be adopted in January 2022, will affect permitting, registration, and reporting requirements; compliance monitoring; and enforcement procedures. The agency has discussed the proposed rule at several agency Trade Fair events and other external conferences and continues to answer related stakeholder questions. Additionally, TCEQ held a stakeholder meeting to collect informal comments prior to proposal and will hold a public hearing during the formal public comment period. Upon rule adoption, TCEQ will provide outreach through conferences and newsletters. Because the revisions provide some flexibility for recyclers, the impact on the number and review of permit applications and recycling notifications is expected to be minimal.

In May 2021, EPA announced its plan to develop a proposed rule to reduce methane and other pollutants from existing sources in the oil and natural gas industry. EPA requested input from the public through the end of July in a pre-proposal docket. TCEQ and RRC submitted joint comments. A formal rulemaking process is expected to commence in September.

The Nuclear Regulatory Commission (NRC) has stated that revisions will be proposed for 10 Code of Federal Regulations (CFR) Part 61 but these revisions have not yet been published. The proposed rule changes may impact how a performance assessment is conducted and reviewed. The performance assessment for low-level radioactive waste disposal facilities is a quantitative analysis used in connection with demonstrating compliance with the 10 CFR Part 61 post-closure performance objective governing radiological protection of the public. The revised requirements may result in an increase in TCEQ’s workload associated with conducting the performance assessment and will require agency rulemaking.

The NRC has stated that revisions will be proposed for 10 CFR Part 40 but these have not yet been published. The revised requirements, which will require the agency to do rulemaking, may result in an increase in TCEQ’s workload associated with performing additional groundwater reviews for uranium recovery facilities.

Potential Changes to National Programs

Department of Energy (DOE)

Several years of a depressed uranium market prompted the federal government to propose the establishment of a United States strategic uranium reserve to purchase US-mined uranium from domestic producers. This new federal program will be managed by DOE’s Office of Nuclear Energy. Once executed,

this action will stimulate domestic production of uranium and will result in a significant increase in workload for TCEQ's Radioactive Materials and Underground Injection Control programs.

National Dam Safety Program

There is a national effort to identify low head dams (i.e., where water flows continuously over a structure that spans the width of a waterway) due to fatalities associated with these structures. These structures which do not meet TCEQ's definition of a dam are not regulated by the agency and are not included in the state's Inventory of Dams database. The Association of State Dam Safety Officials (ASDSO) requested TCEQ's assistance with developing an inventory of these structures to present to the United States Congress. If TCEQ participates in the development of the inventory for Texas, the agency would need additional staff resources to identify these structures and perform any other necessary activities requested by ASDSO.

The State Auditor's Office (SAO) refers to Federal Emergency Management Agency's (FEMA) *Model Dam Safety Program Guidelines* during audits of TCEQ's Dam Safety program and makes recommendations based on this document. The FEMA guidelines are currently under federal review with consideration being given to expanding national program responsibilities. ASDSO strongly recommends that states follow FEMA guidelines although not required. SAO conducted an audit of TCEQ's Dam Safety program in 2020; therefore, the next audit will be based on the revised guidelines. Any recommendations to expand the agency's program would lengthen the inspection process and require more resources to maintain the inspection schedule required under Legislative Budget Board (LBB) performance measures.

Clean Power Plan/Affordable Clean Energy Rules

EPA originally published its Clean Power Plan (CPP) on October 13, 2015, which required states to develop plans requiring extensive emission reductions from electric generating facilities to control carbon dioxide emissions (based on authority in the Federal Clean Air Act (FCAA), Section 111(d)). The CPP was based on an expansive interpretation of EPA's authority to require Best System of Emission Reduction (BSER) controls beyond the plant boundaries, which Texas opposed. When EPA finalized the Affordable Clean Energy (ACE) rule, which narrowed EPA's interpretation of BSER, litigation over the CPP was dismissed. Under the ACE rule, states are to develop plans requiring less extensive emission reductions to control carbon dioxide emissions, in conjunction with a repeal of the CPP. TCEQ obligations under the state plan requirements in Section 111(d) and 40 CFR Part 60 could be significant depending on how much flexibility EPA allows states in their development of revised greenhouse gas emission standards for existing coal plants and on the outcome of the pending appeal to the U.S. Supreme Court.

Decided Court Cases

Tex. Comm'n on Environmental Quality v. Tex. Farm Bureau, 460 S.W.3d 264 (Tex. App. – Corpus Christi 2015) (rev. denied 2016) - The 82R Legislature passed House Bill 2694, which added TWC Section 11.053 related to emergency orders concerning water rights. TCEQ adopted rules at 30 TAC Chapter 36 to implement the new statute. The Texas Farm Bureau filed a declaratory judgment action in Travis County District Court on December 14, 2012, challenging TCEQ's authority to adopt these rules. In April 2015, Texas' 13th Court of Appeals upheld the priority doctrine and declared the rule invalid. Water rights have priority dates which indicate the seniority of one water right over another, known as the priority doctrine, or "first in time, first in right." In times of drought, those with the earliest priority dates have the right to get water under their water right before those with later priority dates. TCEQ's Petition for Review was

denied by the Texas Supreme Court. As a result, TCEQ's ability to manage water rights in a manner that considers concerns regarding public health, safety, or welfare will be severely compromised. If TCEQ receives a priority call for surface water use, the agency may be required to curtail municipal uses for public drinking water or power generation if those water rights are junior to the priority date associated with the call.

Pending Court Cases

Texas v. EPA, Case No. 16-60118, 5th Circuit Court of Appeals - On February 29, 2016, Texas filed suit concerning EPA's partial disapproval of Texas' Regional Haze State Implementation Plan (SIP) Revision for the first planning period (2009-2018), partial Federal Implementation Plan (FIP), and disapproval of interstate visibility transport for National Ambient Air Quality Standards. In late 2016, EPA sought a voluntary remand of its 2016 action, which was granted in March of 2017. Since that time, EPA has filed several status reports with the court that evidence EPA's intent to "consider its options for addressing the remand in conjunction with the process of reviewing [the 2021 Regional Haze SIP Revision] from Texas, which may obviate the need" for the FIP. The Regional Haze SIP Revision for the second planning period (2019-2028) was submitted to EPA by TCEQ in July 2021. If implemented by EPA, TCEQ may need to consider whether to incorporate any control measures included in a FIP into the Texas SIP for Regional Haze. The FIP would be withdrawn by EPA if the revised SIP were then approved by EPA.

Startup/Shutdown/Malfunction (SSM) SIP Litigation - On June 12, 2015, EPA published its final action responding to a petition filed by Sierra Club regarding, among other things, the use of an affirmative defense in enforcement cases for certain excess emissions. Specifically, EPA rescinded its interpretation that the Federal Clean Air Act (FCAA) allows states to elect to create narrowly tailored affirmative defense provisions in SIPs. Instead, EPA promulgated its new interpretation of FCAA as prohibiting affirmative defense provisions in SIPs. In the final action, EPA issued a SIP Call for 36 states, including Texas, finding that SIP provisions regarding certain excess emissions due to SSM are substantially inadequate to meet FCAA requirements. In response to the 2015 SSM SIP Call, on November 2, 2016, TCEQ adopted: 30 TAC Section 101.222(k), which clarifies that the affirmative defense provisions for certain excess emissions are not intended to limit a federal court's ability to determine appropriate remedies; and 30 TAC Section 101.222(l), which delayed applicability of section (k) until all appeals on the 2015 SSM SIP Call have ended and there is a final and non-appealable court decision that upholds the SIP Call. On February 7, 2020, EPA published final action finding that Texas's affirmative defense provisions are consistent with FCAA requirements. Accordingly, EPA Region 6 withdrew the SIP Call issued to Texas. On March 19, 2021, the D.C. Circuit ordered the SSM case held in abeyance pending EPA's reconsideration of the withdrawal action. The outcome of this case could impact the implementation of the emissions event program with a potential increase in volume of enforcement actions. TCEQ receives and reviews approximately 4,000 emissions, excess opacity, and scheduled SSM events per year.

Pape Partners, Ltd, Glenn R. Pape and Kenneth W. Pape v. DRR Family Properties, LP and Louise W. Champagne; Cause No. 10-17-00180-C - After two entities, Pape Partners, Ltd. (Pape Partners) and DRR Family Properties, LP (DRR) claimed the same water right, TCEQ allocated the water right among the three entities based upon review of ownership documentation. After a motion to overturn was overruled by operation of law, Pape Partners failed to appeal the agency decision and filed a civil suit in McLennan County District Court, seeking a declaratory judgment as to Pape Partners' exclusive ownership of the water right. The trial court granted DRR's motion to dismiss based on failure to exhaust administrative remedies. Pape Partners appealed and the Waco Court of Appeals affirmed the trial court decision, opining that TCEQ has exclusive jurisdiction to determine ownership of water rights.

TCEQ requested Attorney General's Office representation to file an amicus brief because TCEQ's role in tracking ownership is ministerial in nature, as the agency only reviews documentation from property records to determine whether a chain of title is established on land to which a water right is appurtenant. Pape Partners filed a Motion for Rehearing, requesting, among other relief, that the Court reverse the judgment of the trial court asserting that the opinion expands TCEQ's jurisdiction beyond that conferred by the legislature and that such expansion abrogates the common law rights of Texas to have property rights determined by the courts; the Court should defer to TCEQ's reasonable interpretation that the agency lacks jurisdiction to determine ownership of water rights; and the opinion deprives the appellants of any adequate forum in which to have their ownership of the controverted water rights resolved. On December 4, 2020, Appellants' Motion for Rehearing was denied per curiam. A Petition for Review filed March 5, 2020, with the Texas Supreme Court remains pending. The outcome of this case is significant because TCEQ reviews documents regarding ownership of land associated with water rights but has no authority to adjudicate disputes over ownership of that land. If the Court of Appeals decision stands, individuals may attempt to bring title disputes to TCEQ for resolution rather than filing suits to remove a cloud on title, and may, in turn, sue TCEQ if the agency declines to resolve such disputes.

National Wildlife Federation vs. Texas Commission on Environmental Quality; Cause No. D-1-GN-20-007096 - The commission issued Water Rights Permit No. 12378 to Guadalupe-Blanco River Authority (GBRA) authorizing diversion of 75,000 acre-feet of water per year from the Guadalupe River at a maximum diversion rate of 500 cubic feet per second for municipal and industrial purposes and authorizing storage of the diverted water in off-channel reservoirs in Gonzales County. On October 23, 2020, National Wildlife Federation appealed to the Travis County District Court asking that the Commission's Order issuing the permit be reversed and remanded regarding the sufficiency of notice, the sufficiency of the assessment of impacts to wildlife and the environment, a missing construction schedule, and a procedural error. If the commission's decision is reversed, TCEQ could be required to reverse permitting decisions across the state for applications which have not been granted. This action would significantly disrupt the permit process because those permitting decisions will need to be re-evaluated through additional technical and legal review, causing delays in the processing of pending water rights applications.

Adams Garden Irrigation District #19 et al. vs. Texas Commission on Environmental Quality; Cause No. D-1-GN-16-002954 - The Rio Grande Watermaster debited storage accounts of water right holders within his jurisdiction from April-August 2015. Eighteen irrigation districts, collectively the Lower Rio Grande Valley Water Districts (LRGVWD), filed suit against TCEQ on July 8, 2016, challenging the debits, alleging that "No Charge Pumping" of water downstream of the Falcon Reservoir should have been allowed because inflows were abundant during that time and asking that those debits be credited back to the accounts. On TCEQ's motion, the trial court dismissed the case because LRGVWD filed suit before pursuing administrative remedies. LRGVWD appealed the trial court order on April 20, 2017. Proceedings in the appellate court were stayed during settlement negotiations but were reinstated on October 28, 2019. If LRGVWD eventually wins its case, TCEQ will have to reverse its decision from 2015 and adjust the international storage accounts for water rights held in the Middle and Lower Rio Grande. Ultimately, this adjustment will require the Watermaster to take away water allocated to storage accounts, or to restore the water debited from storage accounts, which was done based on the Watermaster's determination that the water was "no charge water" as defined in 30 TAC Section 303.2(14). Storage accounts are based upon monthly reports generated by the International Boundary and Water Commission. In addition, effectiveness of TCEQ's Watermaster programs and the executive director's oversight authority may be undermined if members of the regulated community may litigate issues without properly exhausting administrative remedies by timely appealing a Watermaster decision at the agency level.

Harrison County v. Texas Commission on Environmental Quality; Cause No. D-1-GN-17-002026 - Harrison County is seeking judicial review of a TCEQ Order. The Order was for an administrative case against Harrison County for failing to perform annual line leak detector and piping tightness tests on petroleum storage tanks at two of its facilities. Harrison County argued sovereign immunity against the violations. After an evidentiary hearing, a State Office of Administrative Hearings (SOAH) Administrative Law Judge issued a Proposal for Decision (PFD) finding the violations occurred, assessing the full recommended penalty, and finding that there was no sovereign immunity. The Commission approved the PFD in full.

Harrison County's suit claims TCEQ does not have jurisdiction over Harrison County due to sovereign immunity. Specifically, Harrison County argues that the TWC does not clearly and unambiguously waive political subdivisions' immunity, thereby demonstrating the legislature's intent to exclude political subdivisions from TCEQ's enforcement authority. Harrison County also argues that TCEQ did not meet its burden of proof for the violations cited and that TCEQ did not charge the county with the correct violation. After the district court vacated and dismissed TCEQ's Order by finding Harrison County's sovereign immunity had not been waived, the 14th Court of Appeals disagreed and reversed the district court's decision. The matter is now before the Supreme Court of Texas. A favorable ruling for Harrison County on the issue of sovereign immunity could seriously impact TCEQ's enforcement authority against political subdivisions.

Maverick County et al. v. TCEQ and Dos Republicas Coal Partnership; Cause No. D-1-GN-16-005038 – TCEQ issued a major amendment to the Texas Pollutant Discharge Elimination System (TPDES) permit held by Dos Republicas Coal Partnership (DRCP). Maverick County appealed to Travis County District Court on October 5, 2016, asking the court to reverse TCEQ's issuance of the permit. Eight aligned parties filed a joint lawsuit on October 6, 2016, which requested the same relief. The county alleged that Camino Real Fuels, LLC, the mine contract operator, should have been an applicant and co-permittee; TCEQ should have conducted a Tier 2 antidegradation review of two tributaries along the discharge routes; and TCEQ modified SOAH's PFD in violation of Texas Government Code Sections 2001.058(e) and 2003.047(m). The eight aligned parties alleged TCEQ failed to conduct the water quality antidegradation analysis required by TCEQ rules; TCEQ modified SOAH's PFD in violation of the Administrative Procedure Act; TCEQ failed to include chronic effluent limits; and TCEQ authorized an illegal discharge onto private property without a watercourse. On October 23, 2017, the district court issued an order reversing TCEQ's decision on the owner-operator issue but affirming it on all other grounds. TCEQ, DRCP, Maverick County, and the eight aligned parties all appealed the district court's decision to the Third Court of Appeals. On November 15, 2019, the Third Court of Appeals upheld the district court's reversal of TCEQ's decision on the owner-operator issue and vacated the district court's affirmation of TCEQ's decision on all other grounds. TCEQ and DRCP filed petitions for review with the Supreme Court of Texas on January 29, 2020. The court granted the petitions for review on June 11, 2021. Oral argument is scheduled for October 27, 2021.

The outcome of the case could impact the TPDES permitting program. If the Supreme Court of Texas finds that Camino Real Fuels should have been a co-applicant as the mine's contract operator, TCEQ will need to re-evaluate how it identifies entities as operators for the purposes of 30 TAC Section 305.43(a). This could lead to entities that have been identified as contract operators in the past being classified as operators for permitting purposes, which would especially impact municipal wastewater treatment facilities that employ contract operators to carry out their day-to-day functions. If contract operators are required to be co-permittees, TCEQ will be required to process a permit amendment application each time a facility owner changes the contract operator at the facility.

American Lung Association and American Public Health Association v. EPA; D.C. Circuit Court of Appeals, Consolidated Docket No. 19-1140 – Petitioners challenged the adoption of the ACE rule and CPP repeal rule, discussed above. West Virginia and 20 other states, including Texas, intervened as respondents in support of EPA, the ACE rule, and the CPP repeal. The court issued its opinion on January 19, 2021, vacating and remanding the ACE emission guideline and the CPP Repeal, based on EPA’s illegal interpretation of their authority under FCAA, Section 111(d). Additionally, the court vacated at least part of the new implementing regulations (40 CFR Subpart Ba) that extended compliance timelines for the ACE rule and future emission guidelines. On February 22, 2021, the court issued an order granting a partial stay of the mandate as to the vacatur of the CPP repeal until EPA responds to the Court’s remand in a new rulemaking action and issued a partial mandate as to the vacatur and remand of the ACE Rule and timing provisions of the implementing regulations. This means that states are not obligated to comply with the CPP; and therefore, the ACE deadlines do not apply to states either.

State of West Virginia, et. al., v. EPA; U.S. Supreme Court, No. 20-1530 – On April 29, 2021, a coalition of states (including Texas) filed a petition for cert to the U.S. Supreme Court in support of the ACE rule (providing for a limited interpretation of EPA’s authority under FCAA, Section 111(d)). Additional parties have also filed petitions for cert (The North American Coal Corporation v. EPA, No. 20-1531; Westmoreland Mining Holdings LLC v EPA, No. 20-1778; and State of North Dakota v EPA, No. 20-1780). On August 5, 2021, EPA filed its brief opposing the granting of cert.

J. Aside from additional staff or funding, what are your agency’s biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

Addressing some of the obstacles discussed in Item H, above, would provide the agency with opportunities for improvement. Frequently faced with the challenges of limited staff and funding, TCEQ has historically pursued creative solutions to improve efficiency, reduce duplication, and increase public transparency. These goals will continue to be paramount as the agency strives to meet the challenges of a growing state population while maintaining environmental protection in a manner consistent with sustainable economic development.

Relationships and Partnerships

On an ongoing basis, TCEQ dedicates resources to identify ways to constructively engage and/or partner with the public, elected and appointed officials, and the regulated community. TCEQ has an opportunity to strengthen these relationships with increased presence in the community and by engaging with a variety of stakeholders.

TCEQ works with researchers, local governments, metropolitan planning organizations, councils of governments, and stakeholders, including industry groups, to conduct specialized monitoring that enables it to improve the caliber of its air and water quality planning. Leveraging these partnerships provides an opportunity for increasing the use of monitoring technologies to assist the agency in making determinations based on the best available information. A specific example of this opportunity for improvement is the ongoing collaboration with researchers and local stakeholder groups in the Houston-Galveston-Brazoria area to evaluate black and brown carbon to better characterize smoke influence on ozone levels and to identify exceptional events, such as wildfires. Identifying exceptional events and submitting exceptional event demonstrations to EPA is important because it ensures that regulatory

decisions are not based on monitored air quality data over which the State has little or no control and which may be excluded under the federal Clean Air Act and EPA rules.

TCEQ is pursuing partnerships to address training of water and wastewater operators across the state, whose numbers are not keeping pace with Texas' population growth. Two such partners include Texas Education Agency for the development of a state-wide high school training program and with community colleges to promote the offering of courses at their campuses.

TCEQ can continue to build on its successes with Mexico (including Mexican border states) to address joint environmental problems and find common solutions. The agency's priorities in this ongoing effort are:

- implementing a binational water quality improvement plan for the Lower Rio Grande as part of the Lower Rio Grande Water Quality Initiative;
- reducing emissions in the Paso del Norte area through heavy duty vehicle and equipment replacement and improved transportation and mobility;
- ensuring deliveries to water rights holders through compliance with the 1944 Water Treaty, dam improvements, and emergency preparedness and response; and
- cooperating with Mexican states to prioritize sustainable materials management.

Monitoring

TCEQ is improving the way monitoring data is displayed and reported to make it easier for the public to access and interpret. While data are currently available to the public through TCEQ's webpage, the information can be difficult to locate and is not always accompanied by sufficient context. TCEQ is working to improve webpage navigation and has long-term plans to improve the data display by developing visual representations that are easier to understand. Additional improvements include the ability to generate graphs to show trends of selected data sets.

TCEQ is also incorporating the use of new and innovative air quality monitoring technologies, including low-cost sensors, which will augment the network of regulatory-grade monitors. These new monitoring technologies will provide the agency with additional air quality measurement tools to meet the growing demand for air monitoring across the state.

Information Technology, Public Participation, and Public Outreach

To continue meeting its regulatory challenges, it is critical that TCEQ maximize the use of technology, which includes maintaining and utilizing updated software and computing resources, as well as monitoring and field equipment.

The COVID-19 Pandemic created new challenges and expectations for the agency to provide the regulated community with more electronic processes and public access via virtual public meetings, as well as to employ a more mobile and agile workforce. Additionally, while TCEQ increased its use of electronic processes and virtual public meetings during the pandemic, the agency can improve efficiency by enhancing online functionality and expanding public participation through virtual meetings.

In response to public interest in protecting the environment and the increasing demand for information maintained by the agency, TCEQ is using emerging information technologies to communicate dynamically with interested parties. TCEQ is working to increase transparency of its activities by posting frequently

requested information on its public website. TCEQ is also exploring an opportunity to use an open data portal to provide greater transparency and to post data most often requested by the public.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

TCEQ utilizes a variety of performance measures to verify the agency's effectiveness.

State and Federal Oversight

TCEQ performs activities pursuant to various state and federal obligations and has reporting requirements for state performance measure targets and federal grant commitments. The agency provides quarterly and annual reports of progress towards key performance measures to LBB through the Automated Budget and Evaluation System of Texas. TCEQ also provides reports to LBB on certain on-demand events (emergency response, emissions events, and complaints), requests for assistance, and other activities as required. The state performance measures track both the agency's success in meeting performance numbers and provide justification when those numbers vary by $\pm 5\%$ or more.

Federal grant funding requirements include a commitment to perform certain activities as documented in grant workplans. TCEQ is required to assess performance with these commitments and provide midyear and end of year grant reporting to federal agencies.

Performance is also measured by external federal audits, such as the Nuclear Regulatory Commission's Integrated Materials Performance Evaluation Program, which evaluates program adequacy for carrying out delegated responsibilities.

TCEQ is required to compile an Annual Enforcement Report¹ in accordance with TWC Section 5.126. This annual report is posted on TCEQ's website and contains statistical indicators as well as a comparative analysis of compliance and enforcement related activities. TCEQ also evaluates and documents citizen complaint related information in the Biennial Report to the legislature. Both reports provide the agency an occasion to recognize and highlight success in meeting objectives. In addition, a monthly enforcement report² is publicly presented to the commission with key status and performance indicators related to agency enforcement and investigation activities, including, but not limited to, the number of notices of violation issued, the number of effective orders issued, amount of penalties assessed, and percentage of investigation commitments met by program media. The report provides a monthly status of relevant agency activity and provides an historical comparison for those performance indicators over multiple fiscal years. Receiving this report allows the commission to better understand trends or specific internal/external factors impacting agency performance and to provide direct guidance or recommendations.

TCEQ provides compliance and enforcement information electronically to EPA for the following delegated programs: National Pollutant Discharge Elimination System, RCRA, SDWA, and FCAA. This information is publicly available through EPA's Enforcement and Compliance History Online (ECHO) dashboard. TCEQ

¹ <https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/annenreport.html>

² https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/enf_reports.html

conducts an annual verification of Texas's data on ECHO to ensure TCEQ's performance is accurately presented.

In addition to semi-annual or quarterly meetings with TCEQ to judge the overall effectiveness and efficiency of federally delegated programs, EPA conducts a State Review Framework evaluation every three to five years to assess the accuracy of data collected by the agency and to make recommendations for any improvements needed to ensure consistent program implementation. EPA also reviews a subset of draft permits on an ongoing basis to ensure compliance with federal regulations.

Internal Tracking and Audits

In addition to required state and federal performance measures, TCEQ's management monitors internal performance tracking timeframes on a routine basis to determine the effectiveness of processes.

Performance is also measured by internal audits conducted by the Chief Auditor's Office (CAO). The CAO meets annually with TCEQ management to provide an opportunity for management to request specific CAO process audits to ensure efficiency and appropriateness for meeting agency goals and objectives.

Public Input

An annual report based on data collected from customer service surveys provides both positive and negative comments and enables the agency to make informed decisions regarding organizational and operational changes. Further, this review provides a benchmark for determining whether agency objectives respond to the needs of the public and the regulated community.

The agency incorporates stakeholder meetings into the rulemaking process to gain additional perspectives on rules undergoing revision, thereby ensuring a broad spectrum of input.

Advisory committees and work groups representing various geographic areas of the state, ethnicities, businesses, governments, associations, and industries provide an avenue for TCEQ to receive broad input on matters related to agency programs.

In the following chart, provide information regarding your agency's key performance measures, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. Also, please provide information regarding the methodology used to collect and report the data.

Exhibit 2: Performance Measures — Fiscal Year 2020 - Office of Air

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of Texans living where the air meets federal Air Quality Standards (Key) 1.1 outcome (oc) 3	N/A	The standard is measured by identifying the population within the counties exceeding federal standards and subtracting this population figure from the statewide total population figure. This number is divided by total population and multiplied by 100 to obtain the percentage.	43%	44%	102.33%
Number of days ozone exceedances are recorded in Texas 1.1.1 explanatory (ex) 1	N/A	The sum of days that the ozone concentrations in Texas exceeds the National Ambient Air Quality Standards (NAAQS). Ozone exceedances will be determined using a subset of 15 long-running regulatory ozone monitors in Texas.	21	26	123.81%
Percent of stationary and mobile source pollution reductions in ozone nonattainment areas (Key) 1.1 oc 1	N/A	This measure is calculated by subtracting nitrogen oxides (NO _x) and volatile organic compounds (VOC) emissions totals of the most recent emissions inventory from the total emissions of the previous year, divided by a base year (previous year) emissions.	3%	10%	333.33%
Percent decrease in the toxic releases in Texas (Key) 1.1 oc 7	N/A	Using the adjusted data reported in the annual Toxic Release Inventory, the amount of toxic releases during the reporting period, to air, land, and water will be subtracted from the previous year's level, and this difference will be divided by the previous year's level and multiplied by 100 to calculate the percent reduction.	2%	-12.55%	-627.50%
Number of point source air quality assessments (Key) 1.1.1 output (op) 1	OA-1	The count is based on the number of emissions inventories that are quality assured and loaded into the TCEQ database during each quarter of the fiscal year.	2,050	2,111	102.98%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of area source air quality assessments (Key) 1.1.1 op 2	OA-2	The number of assessments is calculated by multiplying the number of area source category emission inventories developed by the number of applicable counties.	2,250	10,160	451.56%
Number of on-road mobile source air quality assessments (Key) 1.1.1 op 3	OA-2	EPA computer models are the primary tool used to calculate mobile-source emissions. A particular set of inputs to the model will constitute a specific scenario being modeled. Collecting the input data, setting up and running the model, and applying the vehicle activity to estimate emissions for that scenario is considered one assessment. The number of assessments reported is based on a quarterly summation of weekly staff counts of mobile sources.	1,013	1,172	115.70%
Number of non-road mobile source air quality assessments 1.1.1 op 4	OA-2	The number of assessments is calculated by multiplying the number of non-road mobile-source category emissions inventories divided by the number of counties.	2,066	3,650	176.67%
Average cost per air quality assessment 1.1.1 efficiency (ef) 2	N/A	The average cost per assessment is the total funds expended and encumbered through the reporting period of salaries and operating costs for staff performing point-source, area-source, and non-road mobile and on-road mobile source air quality assessments divided by the total number of point-source, area-source, and non-road mobile and on-road mobile-source air quality assessments conducted during the reporting period.	\$306	\$134	43.79%
Percent of air quality permit applications reviewed within established time frames 1.2 oc 1	OA-5 OA-6	The number of applications reviewed within the target time frame divided by the total number of applications reviewed.	75%	90.88%	121.17%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of state and federal new-source-review air quality permit applications reviewed (Key) 1.2.1 op 1	OA-5	The measure is calculated as the sum of the total number of applications for new permits, permit amendments, permit alterations and permit-by-rule applications reviewed and processed by the Air Permits Division.	7,800	6,882	88.23%
Number of state and federal air quality permits issued 1.2.1 ex 1	OA-5	The measure value is calculated as the sum of the state and federal New Source Review permits issued or approved during the reporting period.	7,000	6,497	92.81%
Number of federal air quality operating permits reviewed (Key) 1.2.1 op 2	OA-6	The measure value is calculated as the sum of the total number of applications for federal air quality operating permits reviewed under Title V of the Clean Air Act.	900	989	109.89%
Number of federal air quality permits issued 1.2.1. ex 2	OA-6	The measure value is calculated as the sum of the number of Federal Operating Permits issued or approved during the reporting period.	650	670	103.08%
Number of Emissions Banking and Trading (EBT) transaction applications reviewed 1.1.1 op 8	OA-7	This measure is calculated as the sum of the total number of EBT transactions applications for the reporting period.	1,000	1,304	134.40%
Nitrogen Oxides (NOX) emissions reduced through the Texas Emissions Reduction Plan (Key) 1.1 oc 2	OA-11	Generated by totaling the annual emissions reductions reported by each grant recipient. That number is divided by an estimated number of days in an operational year: either 250 or 365 days, depending on the type of project. The final amount is expressed as tons per day reductions. Reported annually for all active grant projects.	19.2	20.8	108.33%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Tons of NO _x reduced through the Texas Emissions Reduction Plan* (Key) 1.1.1 op 6	OA-11	Calculated quarterly using the methodologies established in the TCEQ's Guidelines for Emissions Reduction Incentive Grants (RG-388). The calculations represent the reduction in NO _x emissions achieved by grants awarded during the reporting period and are different for each type of project.	2,552	0	0.00%
Average cost per ton of NO _x reduced through TERP expenditures (Key) 1.1.1 ef 4	OA-11	The total tons projected to be reduced by each project funded are divided by the incentive amount for that project. The total tons projected to be reduced by each project are calculated using the methodologies established in the TCEQ's Guidelines for Emissions Reduction Incentive Grants (RG-388). The calculations are different for each type of project.	\$13,000	0	0.00%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

* TCEQ awards grants on a biennial basis. TCEQ did not award any grants under the Diesel Emissions Reduction Incentive (DERI) Program in FY 2020 because grants under both the Rebate Program and the Emissions Reduction Incentive Grants Program were awarded in FY 2021. TCEQ expects to exceed this performance measure target in FY 2021 after all grant funds have been awarded under the DERI Program.

Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of Water

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of groundwater assessments (Key) 1.1.1 op 2	N/A	The number of groundwater protection activities completed by TCEQ including administration of the Texas Groundwater Protection Committee.	54	54	100%
Percent of water rights permit applications reviewed within established time frames 1.2.2 oc 3	N/A	The number of water right permit applications processed within timeframes established by TCEQ.	75%	56%	74.67%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of applications to address water-rights impacts reviewed 1.2.2 op 2	N/A	The number of water supply contracts and water right change of ownership, water right permit, and temporary water right applications reviewed.	595	1,122	188.57%
Number of water rights permits issued or denied 1.2.2 ex 2	N/A	The number of water right permits issued to applicants and the number of water right permit applications denied by TCEQ.	75	83	110.67%
Number of inspections and investigations of water rights sites 3.1.1 op 2	N/A	The number of water right site investigations performed by Watermaster staff.	38,600	40,269	104.32%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Canadian River Compact 5.1 oc 1	N/A	The appropriated equitable share of Canadian River water for Texas.	100%	306%	306%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Pecos River Compact 5.1 oc 2	N/A	The appropriated equitable share of Pecos River water for Texas.	100%	366%	366%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Red River Compact 5.1 oc 3	N/A	The appropriated equitable share of Red River water for Texas.	100%	100%	100%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact 5.1 oc 4	N/A	The appropriated equitable share of Rio Grande water for Texas.	100%	0%	0%
Percentage received of Texas' equitable share of quality water annually as apportioned by the Sabine River Compact 5.1 oc 5	N/A	The appropriated equitable share of Sabine River water for Texas.	100%	92%	92%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state 1.1 oc 4	N/A	The total permitted pollution load from all facilities discharging to the waters of the state divided by the total permitted discharge flow to the waters of the state. A lower number is desired and favorable.	0.10%	-1.39%	-1390.00%
Percent of water quality permit applications reviewed within established time frames 1.2 oc 2	N/A	The number of reviews completed within established time frames divided by the total number of reviews completed within the fiscal year.	90%	78%	86.50%
Number of applications to address water quality impacts reviewed (Key) 1.2.2 op 1	N/A	The sum of the number of permits and registrations filed with the Chief Clerk, general permit authorizations mailed to applicants, completed Edwards Aquifer plan reviews, and On-Site Sewage Facility applications reviewed.	12,197	11,700	95.93%
Number of concentrated animal feeding operation (CAFO) authorizations reviewed (Key) 1.2.2 op 3	N/A	The number of CAFO individual permits reviewed and the number of confirmation letters mailed for coverage under the general permit.	395	465	117.72%
Number of water quality permits issued 1.2.2 ex 1	N/A	The number of water quality permits issued for the reporting period.	768	797	103.78%
Percent of Texas classified surface waters meeting or exceeding water quality standards (Key) 1.1 oc 5	N/A	The number of rivers, reservoirs, and estuaries meeting or exceeding standards divided by the total amount of rivers, reservoirs, and estuaries assessed for the reporting period. The amounts assessed are expressed as miles for rivers, acres for reservoirs, and square miles for estuaries. The overall percent of waters meeting standards for the state is then calculated by totaling the percent of rivers, reservoirs, and estuaries meeting standards divided by three.	56%	56%	100%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of acres of habitat created, restored, and protected through implementation of estuary action plans 1.1 oc 10	N/A	The number of acres of habitat restored, created, or protected as determined through the use of aerial photography including both wetland and upland areas.	2,000	2,788	139.40%
Number of surface water assessments (Key) 1.1.2 op 1	N/A	The sum of the number of surface water assessments completed during the reporting period. Each assessment unit/parameter pair counts as one output for Total Maximum Daily Loads (TMDL), Implementation Plans, and TMDL equivalents. Each water body counts as one output for use-attainability analyses.	75	74	98.67%
Percent of Texas rivers, streams, reservoirs, wetlands, and bays protected by site-specific water quality standards 1.1.2 ex 1	N/A	The percentage of water body types with site-specific standards determined from the Texas Water Quality Inventory (TWQI) and the Texas Surface Water Quality Standards (TSWQS) protected by site-specific standards in the TSWQS. For each water body type, the percent of waters with site-specific standards is calculated. The percentages of each water body type are averaged to obtain a single statewide percentage.	36%	35.80%	99.44%
Percent of Texas population served by public water systems that meet drinking water standards (Key) 2.1 oc 1	N/A	The total population served by a public water system in compliance with health-based standards divided by the population served by a system that is out of compliance with health-based standards.	93%	99%	106.55%
Number of public drinking water systems that meet primary drinking water standards (Key) 2.1.1 op 1	N/A	The number of public water systems in compliance with primary health-based standards.	6,635	6,826	103%
Number of drinking water samples collected (Key) 2.1.1 op 2	N/A	The number of samples collected by TCEQ contractors and regional Investigators	58,359	58,853	100.85%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of district applications processed 2.1.1 op 3	N/A	The number of water district applications received, processed, and completed.	550	557	101.27%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of Waste

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of radiological monitoring and verification of air, water, soil/sediment, and flora samples collected 1.3.1 op 1	N/A	Sum	100	83	83%
Amount of revenue deposited to the general revenue fund generated from the 5 percent gross receipts fee of the disposal of low-level radioactive waste and other radioactive substances 1.3.1 ex 1	N/A	Sum	None	\$450,060	N/A
Volume of low-level radioactive waste accepted by the state of Texas for disposal at the Texas Compact Waste Facility (Key) 1.3.1 ex 2	N/A	Sum	184,750 cubic feet	40,963 cubic feet	22.17%
Number of new system waste evaluations conducted 1.2.3 op 1	OOW-4	Total number of completed audits. Audits considered complete when the auditee submits sufficient data.	570	585	102.63%
Number of industrial and hazardous waste permit applications reviewed (Key) 1.2.3 op 3	OOW-5	Total number of IHW permits applications reviewed during the fiscal year.	200	272	136%
Number of industrial and hazardous waste permits issued 1.2.3 ex 2	OOW-5	Total number of permit applications issued for the fiscal year.	200	268	134%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of solid waste diverted from municipal solid waste landfills 1.1 oc 6	OOW-3	Total amount of materials diverted from all active MSW landfills and processing facilities divided by (total diverted material plus total waste disposed) times 100.	4%	4%	100%
Percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills 1.1 oc 8	OOW-3	Total tons disposed for previous reporting period minus total tons disposed for the reporting period. Then divide this difference by the tons disposed for the previous year. Then multiply this final total times 100.	2%	3%	135%
Number of active municipal solid waste landfill capacity assessments (Key) 1.1.3 op 1	OOW-3	Total number of active MSW capacity assessments approved during the reporting period.	195	198	101.54%
Average number of hours per municipal solid waste facility capacity assessment 1.1.3 ef 1	OOW-3	This measure quantifies the time to obtain and review capacity assessments and create the annual report summary. For calculation, divide time by the total number of capacity assessments received during the reporting period.	2.0	1.65	82.5%
Number of councils of governments in the state with 10 or more years of disposal capacity 1.1.3 ex 1	OOW-3	Landfill life expectancy for each regional council of government (COG) is projected by dividing the capacity in tons by the number of tons disposed for the reporting period. Number of COGs with 10 or more years of capacity are reported.	24	24	100%
Number of municipal non-hazardous waste permit applications reviewed (Key) 1.2.3 op 2	OOW-2	Total number of municipal solid waste permit, registration, and notification applications reviewed during the fiscal year.	250	197	78.8%
Number of municipal non-hazardous waste permits issued 1.2.3 ex 1	OOW-2	Total number of permit, registration, and notification applications issued for the fiscal year.	200	176	88%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of corrective actions implemented by responsible parties for solid waste sites 1.2.3 ex 3	OOW-2	Number of corrective action plans authorized through permit modifications for the fiscal year.	3	1	33.33%
Number of registered waste tire facilities and transporters 3.1.3 ex 3	OOW-1	The number is a total of active entries in the database.	600	551	91.83%
Percent of waste management permit applications reviewed within established time frames 1.2 oc 4	OOW-2 & 5, OOW-29	Number of applications reviewed within agency-established time frames divided by the total number of reviewed applications; multiplied by 100. Does not include applications with review-time exceptions.	90%	98%	108.61%
Percent of leaking petroleum storage tank sites cleaned up (Key) 4.1 oc 1	OOW-10	The number of leaking petroleum storage tank sites issued "no further action" letters is divided by the total number of reported leaking petroleum storage tank sites, multiplied by 100 to derive a percentage.	94%	96%	102.13%
Number of Superfund remedial actions completed (Key) 4.1 oc 2	OOW-7	The total combined number of state and federal Superfund sites with completed remedial actions since program inception.	128	126	98.44%
Percent of voluntary and brownfield cleanup properties made available for redevelopment, community, or other economic reuse (Key) 4.1 oc 3	OOW-11	The percentage is obtained by dividing the total number of Voluntary Cleanup Program (VCP) certificates of completion issued since the inception of the program by the total number of VCP applications accepted since the inception of the program, multiplied by 100.	70%	86%	122.86%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of industrial solid and municipal hazardous waste (MSW) facilities cleaned up 4.1 oc 4	OOW-12	The number of facilities with no further action in the Industrial and Hazardous Waste Corrective Action Program divided by the total number of reported facilities in the program for the reporting period, multiplied by 100.	64%	79%	123.44%
Number of emergency response actions at petroleum storage tank sites 4.1.1 op 2	OOW-16	At the end of each quarter, the database is used to arrive at a total number of sites to which a state lead contractor was dispatched to address an emergency situation during that quarter. The total for each quarter is added to the total for any previous quarters during that fiscal year, to come up with a cumulative total of sites addressed during that fiscal year.	4	4	100%
Number of petroleum storage tank cleanups completed (Key) 4.1.1 op 3	OOW-10	The number of leaking petroleum storage tank sites issued "no further action" letters during the reporting period is calculated.	200	238	119%
Average days to authorize a state lead contractor to perform corrective action activities 4.1.1 ef 1	OOW-10	The number of state lead work-order proposals received is tracked, the number of days to review and respond to each proposal through issuance of a work order is recorded, and the average response time is calculated for the reporting period.	60	25	41.67%
Number of immediate response actions completed to protect human health and environment 4.1.2 op 1	OOW-7	At the end of a reporting quarter, a program database query will report the number of immediate response actions completed for that quarter.	2	0	0%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of Superfund site assessments 4.1.2 op 2	OOW-8	At the end of each quarter, a database query is conducted to arrive at a total number of Superfund program eligibility assessments completed during that quarter. The total for each quarter is added to the total for any previous quarters during that fiscal year to determine a cumulative total of eligibility assessments completed during that fiscal year	62	62	100%
Number of voluntary and brownfield cleanups completed (Key) 4.1.2 op 3	OOW-11	The Internal Data Application (IDA) reporting system is queried for the quarterly and cumulative totals of certificates issued for the fiscal year.	61	79	129.51%
Number of Superfund sites in Texas undergoing evaluation and cleanup (Key) 4.1.2 op 4	OOW-7	The total number of state and federal Superfund sites in Texas undergoing evaluation and cleanup for the reporting period is reported.	42	41	97.62%
Number of Superfund remedial actions completed (Key) 4.1.2 op 5	OOW-7	The query will report the number of state and federal Superfund sites for which remedial actions were completed during the reporting period.	2	0	0%
Number of dry cleaner remediation program (DCRP) site assessments initiated 4.1.2 op 6	OOW-9	The total number of site assessments initiated by the Dry Cleaner Remediation Program will be determined from the program's database. Quarterly and year-to-date totals will be generated for specific time periods as required by reporting schedules	12	9	75%
Number of dry cleaner remediation program site cleanups completed (Key) 4.1.2 op 7	OOW-9	The Internal Data Application (IDA) reporting system is queried for the quarterly and yearly totals of DCRP sites that have been issued "no further action" letters.	2	3	150%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Average days to process dry cleaner remediation program applications 4.1.2 ef 1	OOW-9	Using the Dry Cleaner Remediation Program database, the number of applications received is tracked, the number of days to review and rank each application is recorded, and the average review and ranking time is calculated for the reporting period.	90	43	47.78%
Number of state and federal Superfund sites in post-closure care (O and M) phase (Key) 4.1.2 ex 1	OOW-7	The sum of the number of state and federal Superfund sites in post-closure care phase, for the reporting period, as determined by a database query.	39	38	97.44%
Number of dry cleaner remediation program (DCRP) eligible sites 4.1.2 ex 2	OOW-9	The total number of eligible Dry Cleaner Remediation Program sites prioritized and added to the DCRP database. Quarterly and year-to-date totals will be generated for specific time periods as required by reporting schedules.	307	316	102.93%
Number of applications for occupational licensing 1.2.4 op 1	OOW-27	A query of Consolidated Compliance and Enforcement Data System (CCEDS) is run for all applications for environmental professional licensure and registration received and processed by the agency. The total is the number of all applications for occupational licensing received and processed for the reporting period.	23,500	22,306	94.92%
Number of examinations processed (Key) 1.2.4 op 2	OOW-27	A query of CCEDS is run for all examinations processed. The total is the number of all examinations processed during the reporting period.	11,200	9,504	84.86%
Number of licenses and registrations issued 1.2.4 op 3	OOW-27	A query of CCEDS is run for all registrations issued. The total is the number of all registrations issued during the reporting period.	21,000	18,176	86.55%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of TCEQ licensed environmental professionals and registered companies 1.2.4 ex 1	OOW-27	A query of CCEDS is run for new and renewed licenses and registrations issued to individuals and companies during the reporting period.	55,500	55,309	99.66%
Average cost per license and registration 1.2.4 ex 2	OOW-27	Total of all expenditure divided by the number of active licenses and registrants.	\$19	\$22	115.8%
Number of quarts of used oil diverted from improper disposal (in millions) 3.1.3 op 2	OOW-23	A query of the Internal Data Application (IDA) is run for the number of quarts of used oil collected for processing. The total is the number of quarts of used oil diverted from landfills.	55	81	147.3%
Number of petroleum storage tank self-certifications processed 4.1.1 op 1	OOW-17	A query of the automated agency systems is run for the number of self-certifications processed. The sum is the number of PST self-certifications processed by agency staff for the reporting period.	16,500	16,542	100.3%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of Compliance and Enforcement

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of high and significant hazard dams inspected within the last five years (Key) 1.1 oc 9	N/A	Number of high and significant-risk dams that have been inspected within the last five years divided by total number of high and significant-risk dams times 100	100%	89%	89.00%
Number of air monitors operated (Key) 1.1.1 op 5	N/A	Total number of air monitors operated with state and/or federal funds	397	404	101.76%
Percent of valid data collected by TCEQ continuous and non-continuous air-monitoring networks 1.1.1 ef 1	N/A	Valid measurements divided by the total possible measurements times 100	94%	94%	100.00%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of dam safety assessments (Key) 1.1.2 op 3	N/A	Total number of dam safety and security assessments	800	738	92.25%
Average cost per dam safety assessment 1.1.2 ef 1	N/A	Total funds expended for the Dam Safety Program divided by total number of dam safety assessments conducted	\$3,000	\$2,690	89.67%
Number of dams in the Texas Dam Inventory 1.1.2 ex 2	N/A	Number of existing dams	4,005	4,049	101.10%
Percent of investigated air sites in compliance (Key) 3.1 oc 1	N/A	Total number of sites investigated for compliance with air rules, regulations, and statutes - the total number of air cases screened and approved for enforcement action divided by the total number of sites investigated for compliance with air rules, regulations, statutes times 100	96%	96%	97.96%
Percent of investigated water sites and facilities in compliance (Key) 3.1 oc 2	N/A	Total number of facilities investigated for compliance with water rules, regulations, and statutes, plus the number of wastewater and public water supply facilities required to self-report and/or conduct chemical analyses - the total number of water cases screened and approved for enforcement action divided by the total number of facilities investigated and evaluated for compliance with water rules, regulations, and statutes, including self-reporting requirements, times 100	97%	99%	102.06%
Percent of investigated waste sites in compliance (Key) 3.1 oc 3	N/A	Total number of facilities investigated for compliance with waste rules, regulations, and statutes - total number of cases screened and approved for enforcement action divided by the total number of facilities investigated for compliance with waste rules, regulations, and statutes times 100.	97%	97%	100.00%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of identified noncompliant sites and facilities for which timely and appropriate enforcement action is taken (Key) 3.1 oc 4	N/A	Total number of cases with actions taken within appropriate time frames against noncompliant facilities divided by total number of cases with formal action taken times 100	85%	86%	101.18%
Percent of investigated occupational licensees in compliance 3.1 oc 5	N/A	Total number of licensees investigated minus the total number of occupational certification cases screened and approved for enforcement action divided by the number of investigations times 100	75%	58%	77.33%
Percent of administrative orders settled 3.1 oc 6	N/A	The number of orders settled by the Enforcement Division divided by total number of orders issued for the fiscal year times 100	80%	88%	110.00%
Percent of administrative penalties collected (Key) 3.1 oc 7	N/A	Divide the total amount of administrative penalty invoices outstanding at the end of the fiscal year by the total amount of administrative penalties invoiced and due for the fiscal year. This calculation times 100 will yield the percent of administrative penalties not collected during the fiscal year. Subtract this calculation from 100%	82%	90%	109.76%
Number of investigations of air sites (Key) 3.1.1 op 1	N/A	Number of investigations completed within the FY	11,177	10,060	90.01%
Number of investigations of water sites and facilities (Key) 3.1.1 op 3	N/A	Number of investigations completed	13,144	12,812	97.47%
Number of investigations of waste sites (Key) 3.1.1 op 4	N/A	Number of investigations completed	10,200	8,461	82.95%
Average days from air, water, or waste investigation to report completion 3.1.1 op 4	N/A	Total number of calendar days between the date of an investigation and the date of completion divided by the total number of completed investigations	35	35	100.00%

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of citizen complaints investigated 3.1.1 ex 1	N/A	Number of complaints investigated	4,500	4,559	101.31%
Number of emission events investigations 3.1.1 ex 2	N/A	Sum of the number of reported emissions events investigations	5,000	6,307	126.14%
Number of spill cleanup investigations 3.1.1 ex 3	N/A	Number of spill cleanup investigations.	1,200	1,568	130.67%
Number of environmental laboratories accredited (Key) 3.1.2 op 1	N/A	Accreditation information is compiled from primary records maintained by division staff	265	254	95.85%
Number of small businesses and local governments assisted (Key) 3.1.2 op 2	N/A	Total assistance provided to small businesses and local governments	66,000	138,916	210.48%
Average number of days to file an initial settlement offer 3.1.2 ef 1	N/A	Sum of the number of days from assignment of the Enforcement Action Referral to the mailing date of the initial proposed order or the filing date of the initial Executive Director's Preliminary Report and Petition (EDPRP) on a case divided by total number of initial draft orders and EDPRPs	70	94	134.29%
Amount of administrative penalties paid in final orders issued 3.1.2 ex 1	N/A	Total penalty amounts required to be paid in final administrative orders issued	No Target	\$10,031,656	N/A
Amount required to be paid for supplemental environmental projects issued in final administrative orders 3.1.2 ex 2	N/A	Total dollar amount in administrative orders that must be spent on supplemental environmental projects	No Target	\$4,193,823	N/A
Number of administrative enforcement orders issued 3.1.2 ex 3	N/A	Number of administrative orders issued during the fiscal year	1,000	1,528	152.80%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

Exhibit 2: Performance Measures — Fiscal Year 2020 – Office of the Executive Director

Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of presentations, booths, and workshops conducted on pollution prevention/waste minimization and voluntary program participation (Key) 3.1.3 op 1	N/A	Total of qualifying events	125	55	44.00%
Tons of hazardous waste reduced as a result of pollution prevention planning 3.1.3 ex. 1	N/A	Total of reported reductions	500,000	216,141	43.23%
Tons of waste collected by local and regional household hazardous waste collection programs 3.1.3 ex. 2	N/A	Total of the reported collection weights	8,500	10,014.35	117.82%

Note: TCEQ publishes an annual performance measure report as a tool to track office's performance and evaluate progress toward TCEQ's goals, objectives, and strategies; the [FY 2020 Annual Performance Measure Report](#) is available online.

L. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publicly available websites as required by statute, and in what format.

Exhibit 3: Key Datasets – Office of Air

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OA-1	Point Source Emissions Inventory	Site-level point source emissions inventory data required by the Federal Clean Air Act (FCAA) and used to develop revisions to the state implementation plan (SIP) (high-value)	TCEQ/Air Quality Division (AQD)	https://www.tceq.texas.gov/airquality/point-source-ei/psei.html https://www.tceq.texas.gov/assets/public/implementation/air/ie/ps_eisums/2014_2019statesum.xlsx	N
OA-2	Texas Air Emissions Repository (TexAER)	Statewide area, on-road mobile, and non-road mobile emissions inventory data required by the FCAA and used to develop revisions to the SIP (high-value)	TCEQ/AQD	N/A	N
OA-3	Texas Information Management System (TIMS)	Centralized emissions testing for the Texas Vehicle Emissions and Maintenance (I/M) program to fill data collection and analysis requirements in §382.206(b)(1) of the Texas Health and Safety Code and 40 CFR, §§51.365-366	3 rd Party [Gordon-Darby, Inc.]	Mytxcar.org (certain data are publicly available)	Y
OA-4	Prop 2 Database	Information submitted by applicants to TCEQ Tax Relief for Pollution Control Property Program and program staff use determinations	TCEQ/AQD	N/A	N
OA-5	NSR	New source review permitting information (high-value)	TCEQ/Air Permits Division (APD)	https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=airpermits.start	N
OA-6	Title V	Title V permitting information	TCEQ/APD	https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=tv.start	N
OA-7	EBT	Emissions banking and trading information (high value)	TCEQ/APD	https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=ebt_dpa.start	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OA-8	APAD	Air Permit allowable	TCEQ/APD	N/A	N
OA-9	Meteorological Data	AERMOD meteorological Data Sets	TCEQ/APD	https://www.tceq.texas.gov/permitting/air/modeling/aermod-datasets.html	N
OA-10	Air Geodatabase	Spatial GIS data of Air Sites	TCEQ/APD	N/A	N
OA-11	TERP-DERI	Projects awarded under the Diesel Emissions Reduction Incentive (DERI) Program	TCEQ/Air Grants Division (AGD)	N/A	N

Exhibit 3: Key Datasets – Office of Water

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OW-1	Water Rights Database and Related Files	Data from all active and inactive surface water rights permits and water supply contracts	OW/Water Availability Division (WAD)	https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wrwud	N
OW-2	Edwards Aquifer Viewer	Official Edwards Aquifer Protection maps	OW/WAD	https://www.tceq.texas.gov/gis/edwards-viewer.html	N
OW-3	Groundwater Contamination Viewer	Spatial data information about documented groundwater contamination cases	OW/WAD	https://www.tceq.texas.gov/gis/groundwater-contamination-viewer	N
OW-4	Water Well Viewer	Historical water well reports	OW/WAD	https://www.tceq.texas.gov/gis/waterwellview.html	N
OW-5	Priority Groundwater Management Areas (PGMAs) and Groundwater Conservation Districts (GCDs)	Spatial data information about PGMAs and GCDs	OW/WAD	https://www.tceq.texas.gov/gis/pgma-gcd-viewer	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OW-6	Interagency Pesticide Database (IPD)	Pesticide groundwater monitoring data	OW/WAD and USGS	www.tceq.texas.gov/groundwater/groundwater-planning-assessment/pesticides.html	Y
OW-7	Track Approval of Wastewater System Plans and Specifications	Provides the status TCEQ approval of plans and specifications for a wastewater system construction or maintenance project.	OW/Water Quality Division (WQD)	www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html	N
OW-8	Status of Water-Quality General Permit Authorizations and Applications	Provides the status of permits or applications covered under water-quality general permits, including stormwater.	OW/WQD	www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html	N
OW-9	Status of Water-Quality Individual Permit Applications	Provides the status of applications for a water-quality individual permit, including stormwater.	OW/WQD	www.tceq.texas.gov/agency/data/lookup-data/status-stormwater-wastewater.html	N
OW-10	GIS Data Sets (Hydrology Layers)	Spatial datasets for segments, assessment units, Watershed Protection Plans, and SWQM Stations (high-value)	OW/ Water Quality Planning Division (WQPD)	gis-tceq.opendata.arcgis.com/search?categories=water	N
OW-11	Nonpoint Source Project Viewer	View and interact with Texas Watershed Protection Plans and nonpoint source projects	OW/WQPD	www.tceq.texas.gov/gis/nonpoint-source-project-viewer	N
OW-12	Surface Water Quality Segment Viewer	Spatial data information to locate water bodies in Texas	OW/WQPD	www.tceq.texas.gov/gis/segments-viewer	N
OW-13	Surface Water Quality Data Viewer	Spatial data information to locate monitoring stations and download water quality data from SWQMIS	OW/WQPD	www80.tceq.texas.gov/SwqmisPublic/index.htm	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OW-14	Surface Water Quality Monitoring Information System (SWQMIS)	SWQMIS database serves as a repository for TCEQ surface water quality data (high-value)	OW/WQPD	www80.tceq.texas.gov/SwqmisWeb/ (Note: This login page is publicly accessible, but credentials to access SWQMIS are not provided to the general public. The public can access SWQMIS data using the Surface Water Quality Data Viewer.)	N
OW-15	Safe Drinking Water Information Systems	Compliance, sample results and inventory data for public water systems in Texas required to be maintained by Environmental Protection Agency (high-value)	OW/Water Supply Division (WSD)	dww2.tceq.texas.gov/DWW/ and www.tceq.texas.gov/gis/swaview	N
OW-16	Water Districts Database	Database houses information on water districts and plan and exception review information for public water systems	OW/WSD	www14.tceq.texas.gov/iwud/index.cfm	N

Exhibit 3: Key Datasets – Office of Waste

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-1	MSW Tires (IDA)	Internal agency database used to track application data for the Scrap Tire Program, including correspondence data, application details, and facility status (high-value)	OOW/Waste Permits Division (WPD)	N/A	N
OOW-2	MSW Permits (IDA)	Internal agency database used to track application data for the MSW Permits Program, which includes permits, registrations, and notifications. Database includes correspondence data, application details, and facility status (high-value)	OOW/WPD	N/A	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-3	MSW Reporting (IDA)	Internal agency database used to track MSW quarterly and annual reporting data received from authorized MSW facilities (high-value)	OOW/WPD	N/A	N
OOW-4	IHWTA (IDA)	Internal agency database used to track waste classification notifications and audits received from IHW generators. Database includes correspondence data, notification details, and final outcomes	OOW/WPD	N/A	N
OOW-5	IHW Permits (IDA)	Internal agency database used to track application data for the IHW Permits Program. Database includes correspondence data, application details, and facility status	OOW/WPD	N/A	N
OOW-6	IHW Permits (PARIS)	Internal agency database used to track IHW unit statuses, waste generation and disposal amounts, and corresponding fees paid (high-value)	OOW/WPD	N/A	N
OOW-7	Internal Data Application (IDA) / Superfund	State and Federal Superfund site data	OOW/Remediation Division (REM)	N/A	Y
OOW-8	IDA/SDA	Superfund Site Discovery and Assessment data	OOW/REM	N/A	Y
OOW-9	IDA/Dry Cleaning Remediation	Dry Cleaner Remediation Program site data	OOW/REM	N/A	Y
OOW-10	IDA/LPST Home	Leaking Petroleum Storage Tank site data	OOW/REM	N/A	Y
OOW-11	IDA/VCP	Voluntary Cleanup program site data	OOW/REM	N/A	Y
OOW-12	IDA/IHWCA	IHW Corrective Action site data	OOW/REM	N/A	Y
OOW-13	IDA/IOP	Innocent Owner/Operator Program site data	OOW/REM	N/A	Y
OOW-14	IDA/MSD	Municipal Setting Designation site data	OOW/REM	N/A	Y
OOW-15	IDA / Brownfields	Brownfields program site data	OOW/REM	N/A	Y

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-16	Contract Administration and Tracking System (CATS)	Internal Remediation Division application used to track contracts, draft work orders, and process invoices.	OOW/REM	N/A	N
OOW-17	Petroleum Storage Tank (PST) Dataset	Information associated with the PST facility data with optional tank data including ASTs; construction notification; contractor, consultant, and installer; facility billing contacts; facility; financial assurance; operator CN; owner CN; self-certification; self-certification USTs; PARIS PST dump utility programs; UST Compartment; UST (high-value)	OOW/ Occupational Licensing and Registration Division (OLRD)	www.tceq.texas.gov/agency/data/lookup-data/pst-datasets-records.html	Y
OOW-18	Dry Cleaner Facilities and Drop Stations Dataset	Statewide current dry cleaner site owner listing refreshed quarterly. Lists name, location of business, and contact information (high-value)	OOW/OLRD	www.tceq.texas.gov/agency/data/lookup-data/drycleaners-data-records.html	N
OOW-19	Dry Cleaner Property Owners	The number of property owners participating in the program (high-value)	OOW/OLRD	Not published on the agency website. Available upon request.	N
OOW-20	Industrial and Hazardous Waste (IHW) Notice of Registration Dataset	Information associated with IHW facilities and reports including: facility; owner; operator; contact; billing contact; waste; waste description; unit; unit description; one-time shipper; one-time shipper EPA hazardous waste numbers; unit waste; EPA hazardous waste numbers; annual waste summaries; waste shipment summaries; and monthly waste receipts (high-value)	OOW/OLRD	www.tceq.texas.gov/agency/data/lookup-data/ihw-datsets.html	N
OOW-21	Sludge Transporters	The number of transporters, initial registrations, amendments, renewals, and reports submitted	OOW/OLRD	Not published on the agency website. Available upon request.	Y
OOW-22	Used Oil	The number of used oil and used oil filter handlers, used oil collection centers, initial registrations, amendments, renewals, and reports	OOW/OLRD	Not published on the agency website. Available upon request.	Y
OOW-23	Used Oil Diverted from a Landfill	The number of quarts of used oil diverted from landfills as reported in the annual summary reports submitted by the regulated entities.	OOW/OLRD	Not published on the agency website. Available upon request.	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OOW-24	Medical Waste	The number of transporters, mobile on-site treaters, initial registrations, amendments, renewals, and reports	OOW/OLRD	Not published on the agency website. Available upon request.	Y
OOW-25	Aggregate Production Operations	The number of active sites, initial registrations, modifications, renewals, and cancelations	OOW/OLRD	Not published on the agency website. Available upon request.	N
OOW-26	Enclosed Collections	The number of active sites, initial registrations, amendments, and renewals for stationary compactors and special collection routes	OOW/OLRD	Not published on the agency website. Available upon request.	N
OOW-27	Licensing Data	Information associated with the occupational licensing program including applications, licenses, registrations, and exams	OOW/OLRD	Individual licensing information and company registration information is available through online query www2.tceq.texas.gov/lic_dpa/index.cfm	Y
OOW-28	Training Providers & courses	Information regarding the training providers and courses that have been approved by TCEQ	OOW/OLRD	www.tceq.texas.gov/licensing/training/AllTrainingProviders	N
OOW-29	UIC Permits (IDA)	Internal agency database used to track application data for the UIC Permits section. Database includes application details, permit information, permit activity, permit status, injection data and notes, well data and notes, and communication/correspondence data	OOW/RMD	N/A	N

Exhibit 3: Key Datasets – Office of Compliance and Enforcement

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OCE-1	Texas Air Monitoring Information System (TAMIS)	Air monitoring metadata, air quality measurement data, and toxicity factors (high-value)	OCE/ Monitoring Division (MD)	www17.tceq.texas.gov/tamis/index.cfm?fuseaction=home.welcome	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OCE-2	General air pollution and meteorological data	Current and historical air pollution and weather measurements including hourly data by day, month, or year, data from automated gas chromatographs, and West Texas web cameras (high-value)	OCE/MD	www.tceq.texas.gov/agency/data/lookup-data/air-met-data.html	N
OCE-3	Ozone data	Current and historical measured ozone levels, including 8-hour and 1-hour measurement statistics (high-value)	OCE/MD	www.tceq.texas.gov/agency/data/lookup-data/ozone-data.html	N
OCE-4	PM2.5 data	Current and historical measured PM2.5 levels, including hourly data by day, month, or year (high-value)	OCE/MD	www.tceq.texas.gov/agency/data/lookup-data/pm25.html	N
OCE-5	Compliance History	Contains information about a customer, a regulated entity that the customer is affiliated with, and the customer's record of compliance at that particular regulated entity (high-value)	OCE/Enforcement Division	www2.tceq.texas.gov/occe/ch/index.cfm	N

Exhibit 3: Key Datasets – Office of Administrative Services

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
OAS-1	Current Contracts and Purchase Orders	Spreadsheet of current contracts and purchase orders, identifying the PCR #, PO Contract #, the vendor's name, project name, start date, end date, total amount	OAS	www.tceq.texas.gov/agency/financial/contracts/current	N

III. History and Major Events

Efforts by the State of Texas to protect natural resources have gradually evolved from protecting the right of access (principally to surface water), to a broader role of protecting public health and conserving natural resources for future generations of Texans.

Natural resource programs were established in Texas at the turn of the 20th century, initially created due to concerns about the management of water resources and water rights. In conjunction with developments in states throughout the nation and at the federal level, efforts to protect the state's natural resources expanded at mid-century to include the protection of air and water resources, and later the regulation of hazardous and non-hazardous waste.

During the 1990s, the Texas Legislature began to take steps to make natural resource protection more effective and efficient by consolidating programs. This effort culminated in a comprehensive environmental protection agency named the Texas Natural Resource Conservation Commission.

After the 2001 Sunset review, the agency emerged with a new name, the Texas Commission on Environmental Quality. The 2011 sunset legislation continued TCEQ through 2023.

The major events in the history of TCEQ are outlined below.

1905

- The legislature authorizes the creation of the first drainage districts.

1913

- Irrigation Act creates the Texas Board of Water Engineers to establish procedures for determining surface water rights.

1914

- Texas Board of Water Engineers publishes its first rules and regulations.

1917

- A constitutional amendment authorizes the creation of conservation and reclamation districts as needed.

1919

- The legislature creates freshwater supply districts.

1925

- The legislature organizes water control and improvement districts.

1929

- The legislature creates the first river authority (the Brazos River Authority).

1945

- The legislature authorizes the Texas Department of Health to enforce drinking water standards for public water supply systems.

1949

- The legislature declares that groundwater is private property.
- The legislature authorizes designation of underground water reservoirs and creation of underground water conservation districts.

1952

- Texas Department of Health conducts the first air study in Texas.

1953

- The legislature creates the Texas Water Pollution Control Advisory Council in the Department of Health as the first state body given authority over pollution-related issues.

1954

- The U.S. Congress (Congress) passes the Atomic Energy Act.

1956

- Congress passes the Water Pollution Control Act.
- Texas' first air-quality initiative is established when the state Department of Health begins air sampling.

1957

- The legislature creates the Texas Water Development Board to forecast water supply needs and fund water supply and conservation projects.

1961

- Texas Pollution Control Act establishes the Texas Water Pollution Board, and eliminates the Water Pollution Advisory Council, creating the state's first true pollution control agency.
- A water well drillers' advisory group is established.
- The legislature passes the Injection Well Act, authorizing the Texas Board of Water Engineers to regulate waste disposal (other than that from the oil and gas industry) into the subsurface through injection wells.

1962

- Texas Board of Water Engineers becomes the Texas Water Commission, with added responsibilities for water conservation and pollution control.
- Texas Water Pollution Board adopts its first rules.

1963

- Congress passes the Federal Clean Air Act.

1965

- Congress passes the Federal Water Resources Planning Act.
- Texas Clean Air Act establishes the Texas Air Control Board in the Department of Health to monitor and regulate air pollution in the state.
- Texas Water Commission becomes the Texas Water Rights Commission and functions unrelated to water rights are transferred to the Texas Water Development Board.
- Water Well Drillers Act establishes the Water Well Drillers Board.

1966

- The first Texas Air Control Board members are appointed.

1967

- Texas Water Quality Act establishes the Texas Water Quality Board, which assumes all functions of the Water Pollution Control Board. The Texas Water Quality Board adopts its first rules.
- Texas Air Control Board adopts its first air quality regulations.

1969

- Texas takes over most federal air-monitoring responsibilities.
- Texas Solid Waste Disposal Act authorizes the Texas Water Quality Board to regulate industrial solid waste, and the Texas Department of Health to regulate municipal solid waste.
- A presidential order creates the U.S. Environmental Protection Agency (EPA).

1970

- Amendments to the Clean Air Act require states to develop State Implementation Plans.

1971

- EPA adopts National Ambient Air Quality Standards.
- The legislature authorizes municipal utility districts.
- Texas Air Control Board establishes an air permits program.

1972

- Congress passes the Federal Clean Water Act.
- Texas Air Control Board submits the first State Implementation Plan to EPA. It also deploys the first continuous air monitoring station.

1973

- The legislature splits off the Texas Air Control Board from the Department of Health, making it an independent state agency.

1974

- *Texas et al. vs. the U.S. Environmental Protection Agency* challenges EPA's plan for controlling ozone in Texas.
- Texas Air Control Board deploys the first continuous-monitoring network.
- Congress passes the Safe Drinking Water Act.

1975

- Texas Air Control Board proposes Texas' Five-Point Plan as an amendment to the Federal Clean Air Act.

1976

- Congress passes the Resource Conservation and Recovery Act to govern the management and disposal of solid and hazardous waste.

1977

- Congress amends the Clean Air Act and Clean Water Act.
- The three water agencies, the Texas Water Development Board, the Texas Water Rights Commission, and the Water Quality Board are combined by the legislature, to create the Texas Department of Water Resources. The new agency is charged with developing Texas' water resources, maintaining the quality of water, and ensuring equitable distribution of water rights.

1978

- EPA delegates primary enforcement authority (primacy) of the Public Water System Supervision Program to Texas.
- EPA establishes National Ambient Air Quality Standards for lead.
- Congress passes the Uranium Mill Tailings Radiation Control Act.

1980

- Congress passes the Comprehensive Environmental Response, Compensation, and Liability Act, better known as Superfund, to pay for the cleanup of contaminated sites.
- Congress passes the Federal Low-Level Radioactive Waste Act.

- Texas Air Control Board submits a plan to EPA to address lead pollution.

1981

- The legislature creates the Texas Low-Level Radioactive Waste Disposal Authority, with responsibility for siting, operating, and decommissioning a disposal facility for commercial low-level radioactive waste.

1982

- Texas Air Control Board submits a Harris County ozone plan to EPA. It also reorganizes its monitoring network and relocates continuous air monitoring stations.
- Texas receives primary authorization for registration and permitting of underground injection control from EPA.

1984

- Congress passes the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act.
- Texas receives final Resource Conservation and Recovery Act authorization from EPA.

1985

- Congress passes amendments to the 1980 Federal Low-Level Radioactive Waste Act.
- The legislature dissolves the Department of Water Resources and transfers regulatory enforcement to the newly formed Texas Water Commission, and planning and finance responsibilities to the newly formed Water Development Board.
- The legislature moves the Water Rates and Utilities Services Program from the Public Utility Commission of Texas to the newly created Texas Water Commission.
- Texas Air Control Board mobile sampling laboratory is first deployed.
- The legislature amends the Texas Solid Waste Disposal Act and moves the municipal hazardous waste program from the Texas Department of Health to the Texas Water Commission.
- The legislature requires consideration of water conservation and environmental flow protection in surface water permitting.

1986

- Congress passes the Superfund Amendments and Reauthorization Act, re-authorizes Comprehensive Environmental Response, Compensation, and Liability Act, and creates the Toxic Release Inventory.
- Congress amends the Safe Drinking Water Act.

1987

- Congress passes the Water Quality Act of 1987.
- Texas establishes an EPA-approved state wellhead-protection program.

1989

- The legislature expands and funds the Petroleum Storage Tank Program.
- Texas Radiation Control Act authorizes the Texas Department of Health to license the disposal of radioactive waste.

1990

- Congress adopts the Clean Air Act amendments of 1990.
- Congress passes the Oil Pollution Act.
- Texas Water Commission receives initial authority for the federal Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act.

1991

- Texas Air Control Board is expanded to implement the 1990 Amendments to the Federal Clean Air Act.
- The legislature, in special session, creates the Texas Natural Resource Conservation Commission (TNRCC), to be effective September 1, 1993. Preparation begins for the consolidation of the Texas Water Commission and the Texas Air Control Board into the TNRCC.

1992

- Texas Water Commission acquires responsibility for drinking water, municipal solid waste, and the licensing of radioactive substances from the Texas Department of Health.
- Water Well Drillers Board and Board of Irrigators are merged into the Texas Water Commission.

1993

- TNRCC begins operation, for the first time bringing together regulatory programs for air, water, and waste.
- The legislature establishes the Tax Relief for Pollution Control Equipment Program to be administered by the TNRCC. (HB 1920 73R)
- The legislature authorizes the TNRCC to consider the willingness of a respondent to contribute to approved supplemental environmental projects when determining the amount of certain civil penalties for settlement of administrative enforcement matters, giving preference to projects benefiting the affected community. (HB 2429 73R)

1995

- EPA establishes the Environmental Performance Partnership Grant program, funding states to administer environmental programs such as air pollution control (Clean Air Act Section 105), water pollution control (Clean Water Act Section 106), and nonpoint source management [Clean Water Act Sections 205(j)(5) and 319(h)].

1996

- Congress reauthorizes the Safe Drinking Water Act.

1997

- The legislature transfers regulation of water well-drillers from the TNRCC to the Texas Department of Licensing and Regulation.
- The legislature returns oversight of uranium mining, processing, and by-product disposal to the Texas Department of Health.
- TNRCC concludes a Performance Partnership Agreement with EPA, allowing limited flexibility in federally funded program organization and funding. The aim of the agreement is to allocate resources most appropriately throughout Texas on a regional basis.
- The legislature mandates water conservation plans for large water right holders, requires water right applicants to submit water conservation plans, and requires development of drought contingency plans by public water suppliers. (SB 1 75R)

1998

- EPA delegates to Texas the National Pollutant Discharge Elimination System program, becoming the Texas Pollutant Discharge Elimination System administered by the TNRCC.

1999

- The legislature transfers the functions of the Texas Low-Level Radioactive Waste Disposal Authority to the TNRCC.
- The legislature clarifies requirements for public notice and opportunity for hearing for certain permits administered by TNRCC. Early public notice, early public involvement, and substantive public comment and agency response are required. Criteria that would limit the scope of hearings by requiring referral of discrete issues that are in dispute and material to the decision of the commission are established. The process is applied to permits issued by the agency under Texas Water Code Chapters 26 and 27 and Texas Health & Safety Code Chapters 361 and 382. (HB 801 76R)

2001

- The legislature continues the agency for 12 years and changes the TNRCC's name to the Texas Commission on Environmental Quality (TCEQ). (HB 2912 77R)
- The legislature transfers responsibility for accreditation of environmental laboratories and certification of residential water treatment specialists from the Texas Department of Health to the TNRCC and requires all laboratory data used in commission decisions on certain matters must be from an accredited laboratory. (HB 2912 77R)
- Texas Environmental Health Institute is created by joint agreement between TNRCC and Texas Department of Health to identify health conditions related to living near a federal or state Superfund site.
- The legislature establishes the Texas Emissions Reduction Plan program and its flagship Diesel Emissions Reduction Incentive program to be administered by the TNRCC, the comptroller, the Public Utility Commission of Texas, and the Texas Council on Environmental Technology. (SB 5 77R)

2002

- On September 1, the TNRCC formally changes its name and begins doing business as TCEQ.

2003

- The legislature provides a stable funding source for the Texas Emissions Reduction Plan program activities under TCEQ's management through the increase and expansion of Texas Emissions Reduction Plan fees and surcharges. Funding under the Texas Comptroller and the Public Utility Commission of Texas ends. (HB 1365 78R)
- The legislature establishes a program for dry cleaning regulation and remediation at TCEQ. (HB 1366 78R)
- The legislature provides for the licensing of a facility for disposing of low-level radioactive waste and establishes procedures for TCEQ to accept and assess license applications from businesses to dispose of such waste. (HB1567 78R)
- The legislature transfers the technology research and development program within the Texas Emissions Reduction Plan program from the Texas Council on Environmental Technology to TCEQ.
- TCEQ implements the Permit Time-Frame Reduction Project, designed to shorten the time it takes to review major uncontested permits.

2004

- TCEQ initiates the Environmental Monitoring and Response System, designed to improve the agency's ability to measure environmental conditions in real time, notify the public of potential threats, and respond quickly and proactively.

2005

- TCEQ undertakes comprehensive review and overhaul of the state's regulations on municipal solid waste.
- TCEQ begins a comprehensive review, including extensive public involvement, of the agency's enforcement process.
- The legislature authorizes the Clean School Bus Program. (HB 3469 79R)
- The legislature brings significant changes to agency technology support and funding through creation of the State of Texas Data Center Services. (HB 1516 79R)
- The legislature establishes Rebate Grants under the Texas Emissions Reduction Plan Diesel Emissions Reduction Incentive Program. (HB 2481 79R)
- TCEQ adopts rules allowing disposal of nonhazardous drinking water treatment residuals, including naturally occurring radioactive materials, using Class I injection wells into bedded salt caverns.

2006

- TCEQ reviews the extensive public comments it received regarding the agency's enforcement process and adopts several significant revisions to the process.
- TCEQ adopts major revision, streamlining, and improvement of state regulations on municipal solid waste.

2007

- The legislature transfers regulatory authority from the Department of State Health Services (formerly the Texas Department of Health) to TCEQ for commercial radioactive waste processing, uranium mining, and by-product disposal. The legislature addresses the process for TCEQ's review of the pending low-level radioactive waste application submitted to the Department of State Health Services for a by-product disposal facility proposed for Andrews County. (SB 1604 80R)
- The legislature makes changes to TCEQ's underground injection control program for regulation of in situ uranium mining and requires TCEQ to administer a new state fee for the disposal of radioactive wastes other than low-level radioactive waste. (SB 1604 80R)
- The legislature transfers the responsibility for the National Floodplain Insurance Program from TCEQ to the Texas Water Development Board. (SB 1436 80R)
- The legislature extends the Texas Emissions Reduction Plan program through August 2013. (SB 12 80R)
- The legislature extends the reimbursement program for leaking underground storage tanks from 2008 to 2012 and requires insurance companies to notify TCEQ if the owner of a petroleum storage tank has cancelled or failed to renew insurance coverage.
- The legislature requires computer manufacturers to establish recycling programs for computers of their own brand. (HB 2714 80R)
- The legislature amends the Texas Water Code and establishes a new water rights regulatory and adaptive management process to address environmental flows for rivers, bays, and estuary systems. (HB 3, HB 4, and SB 3 80R)
- The legislature grants property owners the right to register and participate in the Dry Cleaner Remediation Fund and imposes additional fees and restrictions on the use of perchloroethylene.
- The legislature establishes incentives such as property tax exemptions and expedited permit processing for the use of clean coal, biomass, petroleum coke, solid waste, and new liquid fuel technology in generating electricity. (HB 3732 80R)
- TCEQ adopts the Texas Best Available Retrofit Technology rule, requiring emission controls for certain industrial facilities emitting air pollutants that contribute to regional haze.
- On December 18, the governor submits to EPA his recommendation that all areas of Texas meet the revised 24-hour standard for fine particulate matter (PM_{2.5}) under the National Ambient Air Quality Standards.

2008

- TCEQ upgrades its electronic permitting system (ePermits) for submissions of applications for the storm water general permit. After the upgrade, usage rises from 22% to 53%.
- TCEQ responds to the aftermath of Hurricane Ike and participates in the massive recovery effort.
- TCEQ responds to record flooding in the Rio Grande caused by flood releases in the Mexican Concho River watershed.
- EPA lowers the 1997 eight-hour ozone National Ambient Air Quality Standards of 0.08 parts per million to 0.075 parts per million.
- EPA proposes to lower the National Ambient Air Quality Standards for lead from the current 1.5 micrograms of lead per cubic meter of ambient air.
- EPA finalizes the lead standard of 0.15 micrograms per cubic meter lead in total suspended particles as a 3-month average.

- As required by the Federal Clean Air Act, the governor of each state submits to EPA the list of areas that the state believes are not meeting the federal ozone standard. To assist the governor in providing that list, TCEQ makes recommendations regarding the areas in Texas that do not meet the revised ozone standard.

2009

- In March, the governor submits to EPA the list of areas in Texas that do not meet the 0.075 parts per million eight-hour ozone standard.
- The legislature extends the Texas Emission Reduction Plan program through 2019. (HB 1796 81R)
- The legislature requires water and sewer service providers to submit emergency preparedness plans to demonstrate their ability to conduct emergency operations. (SB 361 81R)
- The legislature gives additional enforcement authority to TCEQ regarding the proper registration by owners or operators of dry-cleaning facilities and drop stations. (HB 3547 81R)
- The legislature adopts legislation amending the agency's sunset date from 2013 to 2011.
- The legislature assigns TCEQ an advisory role in the Railroad Commission of Texas permitting of underground injection of carbon dioxide (CO₂). In consultation with the General Land Office and Bureau of Economic Geology, the agencies prepare a joint preliminary legislative report regarding the geologic storage of CO₂. (SB 1387 81R)
- The legislature provides specific grounds for licensing agencies to deny, revoke, or suspend a license based on criminal history. (HB 963 81R)

2010

- TCEQ responds to Hurricane Alex's record flooding in the Rio Grande area performing essential duties to help control flooding and minimize damage to communities along the border.
- TCEQ enacts new performance standards for plumbing fixtures sold in Texas to help the state save water by 20 percent or more for each plumbing fixture that is installed. (HB 2667 81R)
- TCEQ revises the State Implementation Plan for the Houston-Galveston-Brazoria metropolitan area that would reduce the cap on highly reactive volatile organic compounds by 25 percent and bring the area into attainment with the 1997 eight-hour ozone standard.
- TCEQ implements rules to regulate volatile organic compound emissions created from offset lithographic printing and letterpress printing.
- TCEQ adopts EPA amendments to the Clean Air Interstate Rule that modifies control periods and heat inputs used to measure nitrogen oxides under this program.
- EPA enacts several rules relating to greenhouse gas emissions including greenhouse gas emission standards for light duty vehicles, mandatory reporting of greenhouse gases from large sources and suppliers of greenhouse gas, and regulation of greenhouse gas emissions for power plants, refineries, and large industrial plants under the Clean Air Act.
- EPA adopts new one-hour standards for nitrogen dioxide at 100 parts per billion and sulfur dioxide at 75 parts per billion.

2011

- TCEQ responds to and manages the worst one-year drought on record in much of Texas.
- The legislature continues TCEQ for 12 years, until 2023. (HB 2694 82R)

- The legislature increases the maximum administrative penalty the commission may assess to match the civil penalty maximum in most cases and requires TCEQ to adopt a general enforcement policy by rule and update, assess, and publicly adopt specific enforcement policies regularly. (HB 2694 82R)
- The legislature requires TCEQ to establish a “Don't Mess with Texas Water” program to prevent illegal dumping that affects Texas surface waters. (HB 451 82R)
- The legislature modifies TCEQ's Air Pollutant Watch List process, including changes to the requirements for publishing notices and allowing public comment, requiring a publicly available online database for emission events, and requiring legislative notification of releases that substantially endanger human health or the environment. (HB 1981 82R)
- The legislature creates a program to recycle television equipment including shared responsibility among consumers, retailers, manufacturers, and state government. (SB 329 82R)
- The legislature prohibits TCEQ from promulgating new or amending existing authorizations (permits by rule or standard permits) for the oil and gas industry without performing a regulatory impact analysis, extensive monitoring, and consideration of geographical limitations. (SB 1134 82R)
- TCEQ executive director issues a written authorization for the commencement of construction for the Texas Compact Waste Disposal Facility and the Federal Waste Disposal Facility under Radioactive Material License, R04100.
- TCEQ executive director sets interim disposal rates for low-level radioactive waste.
- The legislature requires certain aggregate production operations to register with TCEQ and requires TCEQ to inspect active aggregate production operations once every three years. (HB 571 82R)
- The legislature amends the Texas Natural Resource Code transferring the surface casing program from TCEQ to the Texas Railroad Commission. (HB 2694 82R)

2012

- In preparation for the 2012 hurricane season, TCEQ assigns emergency response functions to all 16 of its regional offices, enabling the agency to respond to multiple emergencies within the state.
- TCEQ hosts its 20th annual Environmental Trade Fair and has over 3,000 attendees and 1,100 exhibitors.
- Fifth Circuit Court of Appeals rules against EPA's rejection of the Texas Flexible Permit Program and finds EPA's rejection to be without basis in the Clean Air Act or implementing regulations. The court remands consideration of the program to EPA.
- TCEQ enacts eligibility and requirement rules for the Texas Natural Gas Vehicle Grant Program and Alternative Fueling Facilities Program and announces \$2.3 million in grants to create facilities for alternative fuel in the nonattainment areas of Texas.
- TCEQ conducts eight drought emergency planning workshops across the state for local government officials, board members, and water system operators.
- TCEQ takes over research responsibilities for the Texas On-Site Wastewater Treatment Research Council and adopts rules requiring risers and covers for on-site sewage facilities. (HB 240 and HB 2694 82R)
- TCEQ updates the permit by rule for oil and gas sites in urban locations in close proximity to the public in the Barnett Shale region and increases the number of local investigators and gas monitors in the area.
- TCEQ adopts rules for implementation of a “Don't Mess with Texas Water” program.

- All applications received for a permitted area with major new source review permits must include a major new source review summary table identifying monitoring, recordkeeping, reporting, and testing requirements for each emission point as reflected on the maximum allowable emission rate table.
- TCEQ authorizes the commencement of disposal operations at the Compact Waste Disposal Facility and the first waste shipment of low-level radioactive waste is received two days later.
- TCEQ adopts rules regarding the registration and investigation of certain aggregate production operations.
- Federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act becomes law and the Texas Governor appoints then Commissioner and now Executive Director Toby Baker to represent Texas on the federal RESTORE Council (a federal agency).
- TCEQ adopts rules regarding emergency orders concerning water rights.

2013

- The legislature transfers most of water and wastewater utility regulatory authority from TCEQ to the Texas Public Utility Commission. (HB 1600 and SB 567 83R)
- The legislature requires retail public utilities to report to TCEQ when their available water supply is less than 180 days and increases penalties for water rights holders who fail to submit an annual water use report to TCEQ. (HB 252 and HB 2615 83R)
- The legislature directs the agency to promulgate rules that allow it to issue greenhouse gas air permits. (HB 788 83R)
- The legislature grants TCEQ authority to allow small scale injection wells into the Edwards Aquifer within certain portions of the Barton Springs–Edwards Aquifer Conservation District to facilitate research projects in desalination and aquifer storage and recovery. (SB 1532 83R)
- EPA issues a final rule that creates exemptions from its hazardous-waste regulations for wells that capture and sequester carbon.
- The legislature replaces the dual inspection/registration sticker system with a single registration sticker. (HB 2305 83R)
- The legislature makes the dam exemptions permanent and changes the dam exemption criteria related to population by increasing the county population requirement to less than 350,000. (HB 677 83R)
- The legislature charges TCEQ with conducting and submitting an updated capacity study for low-level radioactive waste by the end of 2016 and makes changes to volumes and curie amounts, including volume reduction for nonparty compact waste. (SB 347 83R)
- TCEQ adopts a disposal rate schedule and sets maximum disposal rates the licensee may charge generators for low-level radioactive waste.

2014

- EPA approves the Texas Flexible Permit Program.
- TCEQ transfers regulatory authority for retail public utilities; certificates of convenience and necessity; and the sale, transfer, and merger of public water and sewer utilities to the Public Utility Commission.
- The legislature gives TCEQ authority to issue greenhouse gas permits consistent with federal law. (HB788 83R)

- TCEQ modifies the prohibition on outdoor burning to allow prescribed burning for preventing wildfire hazards.
- TCEQ takes the lead role in hiring contractors for the cleanup and decontamination of Ebola-virus sites in Dallas.
- EPA finalizes its Tier 3 motor-vehicle emission and fuel standards designed to reduce numerous volatile organic compounds including nitrogen oxides and benzene, as well as sulfur.
- Expedited processing of air permit applications begins.
- EPA publishes two notices in the Federal Register related to greenhouse gas permitting in Texas: The State Implementation Plan approval, and the Federal Implementation Plan withdrawal. These combined actions give TCEQ the authority to issue Prevention of Significant Deterioration permits for greenhouse gases.

2015

- The legislature transfers the Tier II Chemical Reporting Program from the Texas Department of State Health Services to TCEQ. (HB 943 84R)
- The legislature requires TCEQ to adopt revised regulations for the transportation, storage, and disposal of medical waste in the state. (HB 2244 84R)
- The legislature directs TCEQ to adopt standards for the reuse of greywater and alternative on-site water for domestic, commercial, and industrial purposes. (HB 1902 84R)
- The legislature allows TCEQ to issue permits for water diversion from the Gulf of Mexico and coastal areas for desalination and allows TCEQ to issue discharge permits. (HB 2031 and HB 4097 84R)
- The legislature requires TCEQ, under certain conditions, to approve supplemental environmental projects for local governments to come into compliance with environmental laws or remediate environmental harm caused by that government. (SB 394 84R)
- TCEQ adopts rules for desalination technologies making it easier for public water systems to submit proposals to the agency.
- The legislature enacts requirements for aquifer storage and recovery projects by expanding the types of agency authorizations for aquifer storage and recovery, establishing standards, and addressing recoverability of stored water. The legislature streamlines the water rights permitting process for aquifer storage and recovery projects. The legislature also streamlines the underground injection control authorization process for aquifer storage and recovery projects, removes the requirement for a pilot project, and specifies that TCEQ may not impose more stringent water quality standards than is required under the federal standards. (HB 655 84R)
- The legislature makes changes relating to TCEQ authority to issue underground injection control Class V authorizations for disposal of nonhazardous desalination brine or drinking water treatment residuals in Class II injection wells permitted by the Railroad Commission of Texas. (HB 2230 84R)
- EPA announces a new allocation methodology for Resource Conservation and Recovery Act hazardous waste grants to states and provides projected regional grant distributions for fiscal years 2016-2020. The allocation methodology results in a reduction of \$1.22 million in federal funding for TCEQ.
- EPA amends the federal underground storage tank regulations by revising the existing requirements and creating new requirements for secondary containment and operator training.

- EPA finalizes the National Pollutant Discharge Elimination System Electronic Reporting Rule which requires regulated entities to provide certain information electronically and requires TCEQ to share data electronically with EPA.
- Texas' 13th Court of Appeals declares TCEQ's rules regarding emergency order concerning water rights to be invalid.

2016

- TCEQ marks 25 years of the Mickey Leland Environmental Internship Program.
- TCEQ completes its move to the State of Texas Data Center Services.
- TCEQ's regional environmental lab in Houston moves into a new state of the art facility in Sugar Land.
- Texas Supreme Court strikes down two air pollution ordinances enacted by the City of Houston and rules that the ordinances overstepped state law and TCEQ's enforcement authority.
- Congress passes the Frank R. Lautenberg Chemical Safety for the 21st Century Act amending the Toxic Substances Control Act. The law gives EPA broader regulatory authority in evaluating the health risks for new and existing chemicals.
- Texas files Case No. 16-60118 concerning EPA's partial disapproval of Texas' Regional Haze State Implementation Plan Revision, partial federal implementation plan, and disapproval of interstate visibility transport for multiple National Ambient Air Quality Standards.
- EPA amends existing regulations regarding generators of hazardous waste in order to improve their usability, address regulation gaps, provide greater flexibility for cost-effective and protective management of hazardous waste, and make technical corrections.

2017

- TCEQ staff responds to Hurricane Harvey, one of the most destructive hurricanes on record to hit the state and nation. Eighty-eight people lose their lives during the storm. Total damage estimates range from \$150-200 billion according to Moody's Analytics, placing it on par with damage costs experienced with Hurricane Katrina in 2005. TCEQ employees respond to the Hurricane Harvey disaster sometimes working 24-hour shifts. TCEQ staff work in a coordinated effort with federal, state, and local authorities to restore public drinking water and wastewater systems in 58 counties.
- Collin County achieves compliance with National Ambient Air Quality Standards for lead. The past three years of air monitoring data show no violation prompting EPA to announce Collin County in compliance with the lead standard.
- TCEQ adopts rules that allow area and mobile source credits in the Emissions Banking and Trading program.
- TCEQ amends its greenhouse gas provisions in the Texas Federal Operating Permits Program after the U.S. Supreme Court strikes down certain requirements for the permitting of greenhouse gases.
- TCEQ adopts specific burning rules for certified and insured prescribed burn managers.
- TCEQ amends its public drinking water rules to match changes made in the federal rules for the Revised Total Coliform Rule and the Groundwater Rule.
- The legislature allows TCEQ to request that the Texas Attorney General's office file suit to appoint a receiver for utilities that violate a final judgment issued by a district court. (HB 294 85R)

- The legislature allows surface water rights holders using desalinated water expedited consideration to amend their water rights. (SB 1430 85R)
- The legislature transfers money from the used oil recycling account to the water resource management account to help with water program funding. (SB 1105 85R)
- The legislature ensures that fees assessed on all low-level radioactive waste go to support the Texas Low-Level Radioactive Waste Disposal Compact Commission. (SB 1330 85R)
- The legislature allows an air permit applicant to consolidate Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision into a single notice if TCEQ determines the application is administratively complete within 15 days and the preliminary decision and draft permit related to the application are available at the time of the determination of administrative completeness. (SB 1045 85R)
- Governor Abbott submits the required certifications and assigns TCEQ as the lead agency to administer the Volkswagen mitigation trust funds allocated to Texas.
- The 5th Circuit Court of Appeals grants EPA's motion to remand for reconsideration of its 2016 action that partially disapproved the 2008 Regional Haze State Implementation Plan Revision and promulgated a federal implementation plan (*Texas v. EPA* [No. 16-60118]).
- Governor Abbott vetoes funding for the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program.
- EPA issues a federal implementation plan for best available retrofit technology that establishes an intrastate SO₂ trading program for 13 coal-fired and 6 gas-fired power plants in Texas.
- The legislature extends the Texas Emissions Reduction Plan program until areas in Texas have been designated by EPA as in attainment or unclassifiable/attainment, or EPA has approved a re-designation substitute making a finding of attainment. (SB 1731 85R)
- TCEQ begins the Texas Local Emergency Planning Committee Grant Program to implement the requirements of the Emergency Planning and Community Right-to-Know Act.
- The legislature requires TCEQ to conduct and submit an updated low-level radioactive waste capacity study every four years, temporarily reduces the fees paid by the Compact Waste Disposal Facility license holder for nonparty compact waste from 20 percent to 10 percent of the gross receipts for waste disposed in the facility, and temporarily eliminates the 5 percent state fee to the state general revenue until September 1, 2019. (HB 2662 85R)
- The legislature funds a state Coal Combustion Residuals program.
- EPA revises regulations regarding the export and import of hazardous wastes from and into the United States. No person can assert confidential business information claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes.

2018

- TCEQ is named by Forbes magazine as one of the top 500 mid-sized employers in the country, officially making the list at number 247. The agency is one of nine government entities throughout the country to be named to the prestigious list.
- TCEQ creates a mitigation plan to distribute funds from the Volkswagen State Environmental Mitigation Trust. At least \$209 million funds lower-emission vehicles and infrastructure in priority areas across Texas.
- TCEQ holds its first Autumn Environmental Conference and Expo. The three-day event offers a wide range of sessions on air permitting, wastewater and stormwater permitting, and waste classification.

- U.S. Court of Appeals for the D.C. Circuit issues its opinion in *South Coast Air Quality Management District v. EPA* (No.15-1115). The case challenges EPA's final implementation rule for the 2008 eight-hour ozone standard. The court vacates the rule's substitute provision for redesignation to attainment for revoked National Ambient Air Quality Standards. To address the vacatur of the redesignation substitute mechanism, TCEQ submits to EPA redesignation requests and maintenance plan State Implementation Plan revisions for Dallas-Fort Worth and Houston-Galveston-Brazoria metropolitan areas for the revoked one-hour and 1997 eight-hour ozone National Ambient Air Quality Standards.
- TCEQ decommissions the Stage II vapor recovery program with a deadline of August 31, 2018.
- EPA revises hazardous secondary material recycling regulations associated with the definition of solid waste.
- EPA launches the Electronic Manifest (e-Manifest) system for tracking shipments of hazardous and state-regulated wastes.

2019

- The legislature improves reporting and alert systems for dam safety levels and release events. (HB 26 and HB 137 86R)
- The legislature increases the maximum administrative and civil penalties that may be assessed for drinking water violations. (SB 530 86R)
- The legislature requires TCEQ to investigate aggregate production operations every two years during the first six years in which the aggregate production operations are registered, and at least once every three years thereafter; increases the maximum annual registration fee; increases the maximum penalty assessed to unregistered aggregate production operations; and increases the maximum penalty assessed to aggregate production operations that are operated three or more years without being registered. (HB 907 86R)
- The legislature extends the fees and establishes the Texas Emissions Reduction Plan Fund as a trust fund, outside of the state treasury, to be held by the comptroller and administered by TCEQ as trustee. (HB 3745 86R)
- The legislature expands the Expedited Air Permitting Program to increase the number of staff and promote efficiency in permit processing. (SB 698 86R)
- For the second year in a row, TCEQ is recognized as one of United States' top 500 mid-sized employers by Forbes magazine—the only state agency to make the list.
- TCEQ responds to an incident at Intercontinental Terminals Co. in Deer Park, monitoring and contributing to incident command for over five months. The agency also responds later in the year during the TPC Group Plant incident in Port Neches, this time for two months.
- State environmental officials from TCEQ and the Coahuila Secretariat of the Environment sign an agreement to work together for a healthier environment along the Texas-Coahuila, Mexico, border.
- TCEQ issues the first 11 contracts as part of the Texas Volkswagen Environmental Mitigation Trust settlement.
- Texas Supreme Court determines that the commission abused its discretion in issuing negative determinations under the Tax Relief for Pollution Control Property Program and remands the applications to the commission for further proceedings consistent with its opinion.
- The legislature directs TCEQ to seek Texas Pollutant Discharge Elimination System program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities and transfers state permitting

authority from the Texas Railroad Commission to TCEQ upon Texas Pollutant Discharge Elimination System delegation. (HB 2771 86R)

- The legislature appropriates funding to expand and make technology upgrades to TCEQ's mobile monitoring fleet, improving the agency's ability to conduct air monitoring during regional responses to emergencies, incidents, and natural disasters, and support investigations related to local air quality concerns.
- The legislature streamlines the water rights permitting process for aquifer storage and recovery or aquifer recharge projects and requires TCEQ to develop water rights rules for these projects. The legislature also provides standards and requires TCEQ to develop rules for aquifer recharge projects. (HB 720 86R)
- The legislature authorizes injection of fresh water into a well that transects the Edwards Aquifer within the Barton Springs-Edwards Aquifer Conservation District and authorizes a City of New Braunfels-owned utility to inject fresh water into a well in a saline portion of the Edwards Aquifer. (SB 483 86R)
- The legislature requires any state agency that receives a required report of a release of a radioactive substance into the environment to immediately provide notice to each political subdivision of the state into which the substance was released. The legislature identifies required notice information and makes the information confidential. (HB 2203 86R)
- EPA creates new management standards for hazardous waste pharmaceuticals.

2020

- Responsive to COVID-19 pandemic, TCEQ quickly transitions to almost 100% remote work without significant disruption. Increases remote network access from typical range of 30 to 40 employees to almost 2,800 within one week.
- TCEQ adopts EPA's coal combustion residuals requirements.
- EPA extends the compliance deadline for Phase II of the National Pollutant Discharge Elimination System Electronic Reporting Rule from December 21, 2020 to December 21, 2025.
- TCEQ adopts rules relating to sludge use, disposal, and transportation.
- TCEQ submits the authorization application to EPA for National Pollutant Discharge Elimination System delegation for oil and gas wastewater discharges.
- EPA approves the maintenance plans and removal of anti-backsliding requirements for the revoked ozone standards effective March 15, 2020 for Houston-Galveston-Brazoria metropolitan area and May 6, 2020 for Dallas-Fort Worth metropolitan area.
- TCEQ develops an inhalation toxicity risk value for ethylene oxide that uses a more robust and scientifically complete database than was available to EPA in 2016.

2021

- TCEQ responds to Winter Storm Uri, one of the most destructive statewide winter storms on record. TCEQ staff work with federal, state, and local authorities to restore public drinking water and wastewater systems, industry start-ups, temporary debris sites and other response efforts for well over a month.
- The legislature splits the Texas Emissions Reduction Plan funds giving TCEQ 65 percent and Texas Department of Transportation 35 percent. (HB 4472 87R)
- The legislature clarifies Texas Railroad Commission authority for underground injection of CO₂, places restrictions on formerly operated injection wells, and requires TCEQ to provide application

determinations on Texas Railroad Commission Class VI impacts to TCEQ authorized wells. (HB 1284 87R)

- TCEQ marks 30 years of the Mickey Leland Environmental Internship Program.
- The legislature extends the Dry Cleaner Environmental Response Program to September 1, 2041. (SB 872 87R)
- The legislature creates a new Storage Vessel Performance Standards Program for storage vessels with a capacity over 21,000 gallons and requires TCEQ to establish performance standards for existing and newly installed storage vessels. (SB 900 87R)
- EPA grants National Pollutant Discharge Elimination System delegation to TCEQ for oil and gas wastewater discharges.
- The legislature requires drinking water emergency preparedness plans state-wide. (SB 3 87R)
- EPA approves TCEQ's Coal Combustion Residual Program that requires registration, sampling, and monitoring of coal ash impoundments.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Exhibit 4: Policymaking Body

Member Name	Term / Appointment Dates / Appointed by	Qualifications	City
Commissioner Jon Niermann – Chairman	Appointed October 1, 2015, by Governor Abbott. Term expires August 31, 2021.	Fellow, American College of Environmental Lawyers Former Chief, Environmental Protection Division, Texas Office of the Attorney General Former environmental attorney at Baker Botts, L.L.P. J.D., University of Oregon MBA, University of Oregon B.A., University of California at Santa Barbara	Austin
Commissioner Emily Lindley	Appointed August 20, 2018, by Governor Abbott. Term expires August 31, 2023.	Former Chief of Staff for EPA Region 6 Over ten years of service in various roles at TCEQ B.A., Baylor University	Bastrop
Commissioner Bobby Janecka	Appointed September 16, 2019, by Governor Abbott. Term expires August 31, 2025.	Former advisor to Governor Greg Abbott covering general government agencies and civil jurisprudence issues Former Section Manager in Radioactive Materials Division of TCEQ Master of International Affairs, Texas A&M Bush School of Government & Public Service B.A., University of Texas at Dallas	Austin

B. Describe the primary role and responsibilities of your policymaking body.

The governor appoints three full-time commissioners to establish overall agency direction and policy and to make final determinations on contested permitting and enforcement matters. Consistent with the agency's philosophy, the commissioners:

- base decisions on the law, common sense, good science, and fiscal responsibility;
- ensure regulations are necessary, effective, and current;
- apply regulations clearly and consistently;
- ensure consistent, just, and timely enforcement of environmental laws, providing flexibility when doing so will achieve compliance with environmental laws; and
- hire, develop, and retain a high-quality, diverse workforce.

C. How is the chair selected?

The chair is selected by the governor, as set forth in Texas Water Code (TWC) Section 5.058.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The commission has jurisdiction over a variety of issues affecting air, water, and waste. The commissioners are the ultimate decision makers on the agency's policy direction and contested matters requiring resolution. Because of the breadth of the subjects that the commission regulates, a commissioner's working knowledge of matters within the agency's jurisdiction is similarly extensive. Furthermore, because the agency administers many federal environmental permitting programs, commissioners must meet strict standards prohibiting conflicts-of-interest.

TWC Chapter 5, Subchapter C contains the specific criteria that a person must meet for appointment as a commissioner.

Because the commission is a three-person body, the Open Meetings Act uniquely affects the commissioners' ability to communicate with one another outside of an open meeting. Also, provisions in the Texas Government Code prohibiting *ex parte* communications can limit information the executive director may share with a commissioner during an emergency, when the emergency could be the subject of future administrative enforcement.

Chairman Niermann serves as:

- Agency representative on the Environmental Council of the States (ECOS). The purpose of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States of America.
- Governor's appointee to the Western States Water Council (WSWC). The purposes of WSWC are: (1) to accomplish effective cooperation among western states in the conservation, development, and management of water resources; (2) to maintain vital state prerogatives, while identifying ways to accommodate legitimate federal interests; (3) to provide a forum for the exchange of views, perspectives, and experiences among member states; and (4) to provide analysis of federal and state developments in order to assist member states in evaluating impacts of federal laws and programs and the effectiveness of state laws and policies.
- Governor's appointee to the Good Neighbor Environmental Board (GNEB). The GNEB is an independent federal advisory committee. Its mission is to advise the President and Congress of the United States on good neighbor practices along the U.S. border with Mexico. Its recommendations are focused on environmental infrastructure needs within the U.S. states contiguous to Mexico.

Commissioner Lindley serves as:

- The Governor's appointee to the Environmental Flows Advisory Group. The Advisory Group provides oversight of the environmental flows process. The Advisory Group conducts public hearings and studies the public policy implications of balancing human and environmental needs for water and any other issues that the Advisory Group determines have importance and relevance to the protection of environmental flows.

Commissioner Janecka serves as:

- Governor's appointed State Liaison Officer (SLO) with U.S. Nuclear Regulatory Commission (NRC). The SLO Program was established in 1976 in response to recommendations from the National Governors Association and other organizations to improve cooperation between the NRC and the States. The NRC relies on SLOs to act as the primary communication channel between the States and the NRC. The SLO serves as the key person in the State to keep the governor informed on issues under the NRC's jurisdiction.
- A liaison on border issues, working closely with international stakeholders on environmental issues affecting the U.S.- Mexico border region. This includes actively engaging the Joint Advisory Committee, a collection of stakeholders including EPA, TCEQ, and a variety of Mexican and local governments; the U.S. EPA through their Border 2020 and Border 2025 framework; the International Boundary and Water Commission, which monitors compliance with the 1944 water treaty between Mexico and the U.S. relating to the Colorado River, the Tijuana River, and the Rio Grande; and the North American Development Bank, supporting a wide variety of international development projects, including the establishment of a binational trust fund to finance cross-border air monitoring.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2019? In FY 2020? Explain if the policymaking body met in-person or virtually during this time.

In general, the commission meets every two to three weeks in open session. On occasion, the commission may meet three times during a four-week period. During FY 2019, the commission met in an Agenda meeting 21 times and in Work Session twice. All meetings in FY 2019 were in-person. During FY 2020, the commission met in Agenda 22 times and in Work Session twice. In FY 2020, 11 Agendas were in-person, and 11 were virtual. The FY 2020 Work Sessions were both in-person.

F. Please list or discuss all the training the members of the agency's policymaking body receive. How often do members receive this training?

The nature and content of the required commissioner training is set forth in TWC Section 5.0535. This broad spectrum of subject-matter training is provided to each newly appointed commissioner by knowledgeable staff from various programs across the agency. In addition to oral training, detailed written materials on all aspects of commission operations are developed and provided to each newly appointed commissioner. Each commissioner also completes training on ethics and on statute-specific responsibilities and procedures, including the Open Meetings Act, the Public Information Act, the Administrative Procedures Act, and cyber-security. Commissioners regularly receive refresher training on the Open Meetings Act, the Public Information Act, and the Administrative Procedures Act, as issues regarding their application arise. Commissioners complete cyber-security training annually.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

The executive director provides information to the commissioners, both formally and informally, on a wide variety of matters pertaining to agency performance. Such matters include reports on enforcement efforts and penalty/fee collections, legislative implementation efforts, staffing and personnel information, and performance and operational requirements mandated under state or federal law. The commission considers and approves the agency's annual operating budget. The commission also reviews the Office of

Public Interest Council's annual report on performance measures and budget needs and approves agency audit plans developed by the chief auditor. Other agency operating processes and protocols are brought before the commission for approval within varying contexts, including rule promulgations.

H. How does your policymaking body obtain input from the public regarding issues under the agency's jurisdiction? How is this input incorporated into the operations of your agency?

The commission receives input from the public through advisory committees, work groups, and task forces; stakeholder groups; rule petitions; notice and comment periods for rulemakings and applications for permits and other authorizations; the contested-case hearing process for permits and other authorizations; motions to overturn executive director actions; open commission meetings; and public meetings. The commission considers this input when considering rules, permits, and other authorizations issued by the agency.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 28.

Exhibit 5: Subcommittees and Advisory Committees

Name of Subcommittee or Advisory Committee	Size / Composition / How are Members Appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Brazos Watermaster Advisory Committee	The advisory committee must include between nine and fifteen members (currently thirteen) who are water rights holders or representatives of water rights holders in the water division of the Brazos Watermaster.	The watermaster committee advises on the program's annual operating budget, makes recommendations about water rights administration and distribution activities, and performs other operations-related duties requested by the executive director or water rights holders.	TWC Section 11.4531.	Creation: March 10, 2015 Abolishment: Until watermaster removed.

Name of Subcommittee or Advisory Committee	Size / Composition / How are Members Appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Compliance Advisory Panel	Seven members: two who are not owners or representatives of owners of small business stationary sources, appointed by the governor; four members who are owners or representatives of owners of small business stationary sources, two appointed by the lieutenant governor and two appointed by the speaker of the Texas House; and one member appointed by the TCEQ chairman to represent the commission.	The panel advises on the effectiveness of the small business compliance assistance program (SBCA) and the incidence and severity of enforcement; reports to EPA regarding the SBCA's effectiveness; reviews information that the SBCA provides to small businesses to assure it is understandable to nonexperts; and distributes opinions, reports, and information developed by the panel.	42 United States Code (USC) Section 7661f; TWC Section 5.135(c).	Creation: September 1, 1991 Abolishment: None, required by federal law. 42 USC Section 7661f.
Concho River Watermaster Advisory Committee	The committee includes six members: one representing the City of Paint Rock and one representing each of the following stream segments or tributaries of the Concho River: Spring Creek, Dove Creek, South Concho, Middle Concho, and main stem of the Concho below Certificate of Adjudication No. 14-1337 (River Order No. 5460010000); six members selected from a list of candidates submitted by the City of San Angelo; and one member selected at the executive director's discretion. Members are selected by the executive director.	The watermaster committee advises on the program's annual operating budget, makes recommendations about water rights administration and distribution activities, and performs other operations-related duties requested by the executive director or water rights holders.	TWC Section 11.557.	Creation: September 1, 2005 Abolishment: Until watermaster removed.

Name of Subcommittee or Advisory Committee	Size / Composition / How are Members Appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Dry Cleaner Remediation Program Advisory Committee	The committee includes five members composed of three representatives of the dry-cleaning industry, one public representative of urban areas, and one public representative of rural areas. Members are appointed by the executive director.	The advisory committee: reviews and comments on the methodology used by the commission to rank dry cleaner remediation sites under THSC Sections 374.004 and 374.154; reviews and comments on the report the commission prepares each biennium under THSC Section 374.056 (related to the status and use of the fund and the status of sites undergoing cleanup); and assists in the ongoing development of rules to implement, administer, and enforce THSC Chapter 374.	THSC Section 374.004.	Creation: September 1, 2003 Abolishment: September 1, 2041
Environmental Flows Advisory Group	The advisory group is composed of three members appointed by the governor; three members of the Texas Senate, appointed by the lieutenant governor; and three members of the Texas House appointed by the speaker of the Texas House. One must be a member of the commission; one must be a member of the Texas Water Development Board; and one must be a member of the Texas Parks and Wildlife Commission.	The advisory group provides oversight of the environmental flows process. The advisory group conducts public hearings and studies the public policy implications of balancing human and environmental needs for water and any other issues that the advisory group determines have importance and relevance to the protection of environmental flows.	TWC Section 11.0236.	Creation: September 1, 2007 Abolishment: The date that environmental flow standards are adopted by the commission.
Galveston Bay Council	The council is composed of forty-one members representing: federal agencies, state agencies, regional and local governments, environmental and citizen groups, industry and the business sector, and research and academia. The commission appoints members.	The members of the Galveston Bay Council are appointed by and advise TCEQ on implementing the Galveston Bay Plan to protect and restore the bay.	Commission resolution, 30 TAC Chapter 5.	Creation: November 21, 1995 Abolishment: November 15, 2035, unless renewed.

Name of Subcommittee or Advisory Committee	Size / Composition / How are Members Appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Irrigator Advisory Council	Nine members appointed by the commissioners at the recommendation of the executive director. Three members are representatives of the public, six members are licensed irrigators experienced and familiar with the irrigation industry.	The council advises the commission on matters relating to landscape irrigation.	TOC Sections 1903.151-.159; 30 TAC Section 344.80.	Creation: September 1, 1991 Abolishment: February 1, 2027, unless renewed.
Municipal Solid Waste (MSW) Management and Resource Recovery Advisory Council	Eighteen members that represent local governments, industry, solid waste professionals, environmental groups, and the public. Members appointed by the commission.	The council reviews and evaluates the effect of state policies on MSW management, makes recommendations to the commissioners on MSW matters, recommends legislation to encourage efficient management of waste, and recommends special studies and projects to further the effectiveness of MSW management.	THSC Sections 363.041-363.046; Commission resolution; 30 TAC Chapter 5.	Creation: September 1, 1989 Abolishment: August 31, 2025, unless renewed.
Rio Grande Watermaster Advisory Committee	The advisory committee must include between nine and fifteen members (currently fourteen) who are water rights holders or representatives of water rights holders in the water division of the Rio Grande Watermaster Program. Members are selected by the executive director.	The watermaster committee advises on the program's annual operating budget, makes recommendations about water rights administration and distribution activities, and performs other operations-related duties requested by the executive director or water rights holders.	TWC Section 11.3261.	Creation: September 1, 1997 Abolishment: Until watermaster removed.
South Texas Watermaster Advisory Committee	The advisory committee must include between nine and fifteen members (currently fourteen) who are water rights holders or representatives of water rights holders in the water division of the South Texas Watermaster Program. Members are selected by the executive director.	The watermaster committee advises on the program's annual operating budget, makes recommendations about water rights administration and distribution activities, and performs other operations-related duties requested by the executive director or water rights holders.	TWC Sections 11.556 and 11.3261.	Creation: September 1, 1997 Abolishment: Until watermaster removed.

Name of Subcommittee or Advisory Committee	Size / Composition / How are Members Appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Tax Relief for Pollution Control Property Advisory Committee	The committee includes thirteen members from industry, appraisal districts, taxing units, school district or junior college district in which a tax exemption under Texas Tax Code (TTC) Section 11.31 has been granted, environmental group representatives, and other members not representatives of these groups with substantial technical expertise in pollution control technology and environmental engineering. Members are appointed by the commission.	Advises the commission regarding the implementation of TTC Section 11.31 regarding pollution control property.	TTC Section 11.31(n).	Creation: September 1, 2009 Abolishment: None; Texas Government Code Chapter 2110 does not apply to the size, composition, or duration of this committee.
Water Utility Operating Licensing Advisory Committee	The committee includes thirteen members appointed by the commission. The committee membership represents various geographic areas of the state, ethnicity, businesses, governments, associations, and industries.	The advisory committee advises the commission on matters related to training and licensing of water and wastewater operators.	Commission resolution; 30 TAC Chapter 5.	Creation: 1987, name changed March 23, 1994. Abolishment Date: August 30, 2024, unless renewed.

V. Funding

A. Provide a brief description of your agency's funding, including information about the most recent five percent budget reduction and any funding related to disaster relief or COVID-19, if applicable.

The commission was appropriated approximately \$398 million in FY 2020. The agency is largely funded with General Revenue Dedicated (GRD) Accounts or fee generating sources at 82% of the agency's budget, while General Revenue is 7%, federal funds are 9%, and other funding sources are 2%.

The agency's 5% reduction totaled \$34.1 million in potential savings related to the COVID-19 disaster relief. In FY 2020, the commission identified operational savings and reimbursements from the Low-Income Repair and Assistance Program, totaling approximately \$9.5 million. The remainder was realized in FY 2021 from operational savings and the Texas Emission Reduction Plan Account totaling \$24.7 million.

The commission applied for Federal Emergency Management Agency Public Assistance through the Texas Department of Emergency Management and received reimbursement in the amount of \$18,335 in COVID-19 Category B Emergency Protective Measures in FY 2020 for expenses related to the disposal of Personal Protective Equipment from COVID-19 testing stations.

B. List all riders that significantly impact your agency's budget.

Article VI (HB1 86R)

Rider 4. Local Air Pollution Grants Allocation. The agency is appropriated approximately \$2.7 million each year out of the Clean Air Account No. 151 to fund grants or cooperative agreements with eligible local air pollution programs.

Rider 5. Pollution Control Equipment Exemptions. The agency is appropriated \$229,424 each fiscal year from fee revenue collected pursuant to Tax Code, Section 11.31, for the purpose of determining whether pollution control equipment is exempt from taxation. In addition to amounts appropriated above, any amounts in excess of \$229,424 in each fiscal year of the biennium are appropriated to the agency.

Rider 7. Air Quality Planning. The agency is appropriated \$4.5 million for the biennium out of the Clean Air Account No. 151 for air quality planning activities to reduce ozone in areas not designated as nonattainment areas during the 2018-19 biennium and as approved by the agency. These activities may be carried out through interlocal agreements. Eligible areas include, but are not limited to, the cities of Waco, El Paso, Beaumont, Austin, Corpus Christi, Granbury, Killeen-Temple, Longview-Tyler-Marshall, and the counties of Victoria, Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson.

Rider 10. Refinement and Enhancement of Modeling to Demonstrate Attainment with the Clean Air Act. The agency was appropriated \$750,000 in FY 2020 out of the Clean Air Account No. 151 for research to obtain the data and information to refine and enhance any model used to demonstrate attainment with the National Ambient Air Quality Standard and to assess air quality associated with other pollutants under the Federal Clean Air Act.

Rider 12. Automobile Emission Inspections. The agency is appropriated \$2,004,799 each year for the operation of the vehicle emissions inspection and maintenance program.

Rider 14. Environmental Radiation and Perpetual Care. The agency is appropriated \$3.0 million out of the Environmental Radiation and Perpetual Care Account No. 5158 to remediate the Lamprecht and Zamzow radioactive material mitigation projects. In addition, the agency is appropriated any revenues from TCEQ licensees in excess of the Texas Comptroller's Biennial Revenue Estimate, including the proceeds of securities and interest earned, in the event of an incident involving the release of radioactive material at a disposal, source material recovery, processing, or storage facility licensed by the agency.

Rider 17. Unexpended Balance Authority within the Biennium. Any unobligated and unexpended balances remaining as of August 31, 2020, are appropriated for the same purposes for FY 2021.

Rider 19. Texas Emissions Reduction Plan (TERP): Grants and Administration. The agency is appropriated \$77.4 million each year out of the TERP Account No. 5071. The agency is authorized to reallocate unexpended balances between programs to meet the objectives of the TERP program, provided such reallocations are within the statutory limitations on the use of TERP Account No. 5071.

Rider 24. Unexpended Balances from Cost Recovery for Site Remediation and Cleanups. The agency is authorized to carry forward any unobligated and unexpended balances across the biennium from cost recovery funds received from responsible parties. These funds are deposited to the Hazardous and Solid Waste Remediation Fee Account No. 550. The funds shall be used to pay the cost of site cleanups and remediation during the biennium.

Rider 25. Litigation Expenses for the Rio Grande Compact Commission. The agency is authorized to carry forward unobligated and unexpended balances across the biennium in Strategy E.1.4, Rio Grande River Compact, for the purpose of covering expenses incurred by the Rio Grande Compact Commission relating to investigations and legal expenses resulting from litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande Compact. The agency is also required to request approval of the Legislative Budget Board to expend the funds in incremental funding amounts of \$1 million.

Rider 27. Expedited Processing of Permit Applications. The agency is appropriated approximately \$1.3 million for the biennium in Clean Air Account No. 151 from surcharges assessed to support the expedited processing of air permit applications. In addition, the agency is appropriated all fee revenues collected and deposited to the account from expedited permit review surcharges assessed (estimated to be \$0) in excess of the Comptroller's Biennial Revenue Estimate. Further, the agency is exempt from the provisions of Article IX related to the inclusion of temporary or contract workers associated with Strategy A.2.1, for the purposes of the expedited permit process, in the calculation of the number of full-time equivalent employees by a state agency.

Rider 28. Donna Reservoir and Canal System Federal Superfund Site. The agency is appropriated \$2.0 million in FY 2020 in General Revenue-Dedicated Hazardous and Solid Waste Remediation Fee Account No. 550 for remediation of the Donna Reservoir and Canal System Federal Superfund Site.

Rider 29 Emission Reductions Technologies using Supercritical Carbon Dioxide. The agency is appropriated \$4.0 million in General Revenue funding in FY 2020 to support projects that reduce emissions through improvements in energy production efficiency using supercritical carbon dioxide. The agency transfers the \$4.0 million through an interagency contract to the University of Houston for such purposes.

Rider 30. Contingency for House Bill 2771. The rider transfers responsibility from the Texas Railroad Commission to TCEQ to issue permits for the discharge into water in this state of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities.

Rider 31. Contingency for House Bill 723. The agency is appropriated approximately \$2.2 million in FY 2020 out of General Revenue-Dedicated Water Resource Management Account No. 153 for the agency to obtain or develop updated water availability models for the river basins of the Brazos River, Neches River, Red River, and Rio Grande River.

Article IX (HB1 86R)

Section 18.71. Contingency for Senate Bill 711. The agency is appropriated \$800,000 in FY 2020 from the Clean Air Account to modify emissions analyzer software to align the safety inspection sequence to the items of inspection as provided in the bill.

C. Show your agency's expenditures by strategy.

Exhibit 6: Expenditures by Strategy — Fiscal Year 2020 (Actual)

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
A.1.1 - AIR QUALITY ASSESSMENT AND PLANNING	\$55,591,129	16.32%	\$7,890,271
A.1.2 - WATER ASSESSMENT AND PLANNING	\$29,075,310	8.54%	\$2,288,098
A.1.3 - WASTE ASSESSMENT AND PLANNING	\$6,637,738	1.95%	\$225,364
A.2.1 - AIR QUALITY PERMITTING	\$17,424,368	5.12%	\$1,344,895
A.2.2 - WATER RESOURCE PERMITTING	\$13,921,447	4.09%	\$1,176,975
A.2.3 - WASTE MANAGEMENT AND PERMITTING	\$10,183,354	2.99%	\$1,311,049
A.2.4 - OCCUPATIONAL LICENSING	\$1,509,991	0.44%	\$31,246
A.3.1 - LOW-LEVEL RADIOACTIVE WASTE ASSESSMENT	\$6,206,045	1.82%	\$3,143,727
Goal A - Assessment, Planning, and Permitting Total	<u>\$140,549,382</u>	<u>41.27%</u>	<u>\$17,411,625</u>
B.1.1 - SAFE DRINKING WATER	\$18,791,395	5.52%	\$6,702,040
Goal B – Drinking Water Total	<u>\$18,791,395</u>	<u>5.52%</u>	<u>\$6,702,040</u>
C.1.1 - FIELD INSPECTIONS AND COMPLAINTS	\$53,682,635	15.76%	\$3,721,214
C.1.2 - ENFORCEMENT AND COMPLIANCE SUPPORT	\$14,158,708	4.16%	\$2,138,969
C.1.3 - POLLUTION PREVENTION AND RECYCLING	\$2,462,686	0.72%	\$601,120

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Goal C – Enforcement and Compliance Support Total	<u>\$70,304,029</u>	<u>20.64%</u>	<u>\$6,461,303</u>
D.1.1 - STORAGE TANK ADMINISTRATION AND CLEANUP	\$16,138,879	4.74%	\$11,230,365
D.1.2 - HAZARDOUS MATERIALS CLEANUP	\$27,885,123	8.19%	\$19,320,431
Goal D – Pollution Cleanup Total	<u>\$44,024,002</u>	<u>12.93%</u>	<u>\$30,550,796</u>
E.1.1 - CANADIAN RIVER COMPACT	\$14,776	0.00%	\$0
E.1.2 - PECOS RIVER COMPACT	\$119,645	0.04%	\$3,206
E.1.3 - RED RIVER COMPACT	\$30,314	0.01%	\$0
E.1.4 - RIO GRANDE RIVER COMPACT	\$5,018,623	1.47%	\$4,816,859
E.1.5 - SABINE RIVER COMPACT	\$50,689	0.01%	\$0
Goal E – River Compact Commissions Total	<u>\$5,234,047</u>	<u>1.54%</u>	<u>\$4,820,065</u>
F.1.1 - CENTRAL ADMINISTRATION	\$27,298,791	8.02%	\$1,075,491
F.1.2 - INFORMATION RESOURCES	\$26,090,402	7.66%	\$12,406,214
F.1.3 - OTHER SUPPORT SERVICES	\$8,286,850	2.43%	\$2,225,746
Goal F – Indirect Administration Total	<u>\$61,676,043</u>	<u>18.11%</u>	<u>\$15,707,451</u>
GRAND TOTAL:	<u>\$340,578,898</u>	<u>100.00%</u>	<u>\$81,653,280</u>

D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

Exhibit 7: Sources of Revenue — Fiscal Year 2020 (Actual)

Source	Amount
Motor Vehicle Sales and Use Tax (3004)	\$17,185,625
Motor Vehicle Registration Fees (3014)	\$12,842,311
Motor Vehicle Sales and Use Tax – Seller Financed (3016)	\$25,664
Motor Vehicle Inspection Fees (3020)	\$55,761,646
Petroleum Product Delivery Fee (3080)	\$16,030,839

Source	Amount
Limited Sales and Use Tax (3102)	\$76,820,035
General Business Filing Fees (3133)	\$55,000
Professional Fees (3175)	\$3,240,554
Water/Sewer Utility Service Regulatory Assessments/Penalties (3242)	\$11,044,094
Water Use Permits (3364)	\$9,461,044
Business Fees – Natural Resources (3366)	\$27,202,273
Boat Sewage Disposal Device Certificate (3370)	\$28,925
Waste Treatment Inspection Fee (3371)	\$35,676,505
Injection Well Regulation (3373)	\$12,000
Underground and Above Ground Storage Tank Fees (3374)	\$3,450
Air Pollution Control Fees (3375)	\$55,985,036
Engineering Registration Program Fees (3386)	\$21,052
Purchase of Dry-Cleaning Solvent Fees (3390)	\$513,184
Health Care Facility Fees (3557)	\$786,725
Health Related Professional Fees (3562)	\$120,697
Hazardous Waste Cleanup Application Fees (3571)	\$940,864
Tier II Forms Filing Fees (3577)	\$1,133,730
Toxic Chemical Release Form Reporting Fees (3585)	\$133,119
Radioactive Materials and Devices for Equipment Registration (3589)	\$2,934,535
Low-Level Radioactive Waste Disposal Fees (3590)	\$2,822,800
Waste Disposal Facilities, Generators, Transporters (3592)	\$50,965,499
Automotive Oil Sales Fee (3596)	\$1,701,760
Battery Sales Fee (3598)	\$23,046,031
Judgment and Settlements (3714)	\$5,124
Fees for Copies or Filing of Records (3719)	\$135,144
Conference, Seminars, and Training Registration Fees (3722)	\$114,910

Source	Amount
Fees for Administrative Services (3727)	\$184,400
Interagency Sales of Supplies/Equipment/Services (3765)	\$80,325
Administrative Penalties (3770)	\$7,872,703
Reimbursements – Third Party (3802)	\$1,554,053
TOTAL	\$416,441,656

E. If you receive funds from multiple federal programs, show the types of federal funding sources.

Exhibit 8: Federal Funds — Fiscal Year 2020 (Actual)

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
12.113 - State Memorandum of Agreement Program for the Reimbursement of Technical Services	0%/100%	\$0	\$224,220	\$224,220
66.034 – Surveys, Studies, Research, Investigations, Demonstrations, and Special Purpose Activities Relating to the Clean Air Act	0%/100%	\$0	\$1,430,388	\$1,430,388
66.204 – Multipurpose Grants to States and Tribes	0%/100%	\$0	\$405,241	\$405,241
66.419 – Water Pollution Control State, Interstate, and Tribal Program Support	0%/100%	\$0	\$2,900,977	\$2,900,977
66.444 – Lead Testing in School and Child Care Program Drinking Water [SWDA 1464(d)]	0%/100%	\$0	\$65,690	\$65,690
66.454 – Water Quality Management Planning	0%/100%	\$0	\$597,802	\$597,802
66.456 – National Estuary Program	50%/50%	\$467,287	\$467,287	\$934,574
66.460 – Nonpoint Source Implementation Grants	40%/60%	\$0	\$2,728,489	\$2,728,489
66.605 – Performance Partnership Grants	33%/67%	\$9,122,573	\$19,836,191	\$28,958,764
66.608 – Environmental Information Exchange Network Grant Program and Related Assistance	0%/100%	\$0	\$47,160	\$47,160
66.802 – Superfund State, Political Subdivision, and Indian Tribe Site – Specific Cooperative Agreements	0%/100%	\$0	\$319,298	\$319,298
66.804 – Underground Storage Tank Prevention, Detection, and Compliance Program	25%/75%	\$431,054	\$1,316,119	\$1,747,173
66.805 – Leaking Underground Storage Tank Trust Fund Corrective Action Program	10%/90%	\$246,398	\$3,003,141	\$3,249,539

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
66.809 – Superfund State and Indian Tribe Core Program Cooperative Agreements	10%/90%	\$16,767	\$150,909	\$167,676
66.817 – State and Tribal Response Program Grants	0%/100%	\$0	\$410,152	\$410,152
97.041 – National Dam Safety Program	0%/100%	\$0	\$311,514	\$311,514
97.091 – Homeland Security BioWatch program	0%/100%	\$0	\$2,166,235	\$2,166,235
TOTAL		\$10,284,079	\$36,380,813	\$46,664,892

Note: In some cases, state share is provided by other entities, such as local governments, which is not represented in these figures.

F. If applicable, provide detailed information on fees collected by your agency. Please explain how much fee revenue is deposited/returned to the General Revenue Fund and why, if applicable.

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to General Revenue Fund (GR – 0001)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Television Recycling Manufacturer Registration – THSC Sections 361.976 and 361.977; 30 TAC Section 328.171 (Subchapter J)	\$2,500	Statute	\$2,500	22	\$55,000	GR - 0001
Radioactive By-Product Gross Receipts – THSC Section 401.271(a)(1); 30 TAC Section 336.105(i)	5% of gross receipts	Statute	5% of gross receipts	0	\$0	GR - 0001
Radioactive Compact Waste Gross Receipts – THSC Sections 401.2445 and 401.271	5% of gross receipts and 20% of gross receipts for storage > 1 year	Statute	5% of gross receipts	1	\$1,402,664	GR - 0001
Municipal Solid Waste Application Fee – THSC Section 361.0675	\$2,000 per application	Statute	\$2,000 per application	3	\$6,000	GR - 0001
Closed Landfill Development Application – THSC Section 361.532(c); 30 TAC Section 330.59(h)(3) (Subchapter B)	\$2,500 initial application	Rule	N/A	1	\$2,500	GR - 0001

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Recovered Costs, Quarries – Texas Water Code (TWC) Section 26.558	Cost Recovery	Statute	Varies based on case and judgments	0	\$0	GR - 0001
Water Treatment Specialist License Class I, II, and III – THSC Section 341.034(e); 30 TAC Section 30.30 (Subchapter A)	\$111 new or renewal	Rule	N/A	320	\$31,067	GR - 0001
Tier I Pollution Control Property Application Fee – Tax Code Section 11.31; 30 TAC Section 17.20	\$150 application fee	Rule	N/A	586	\$87,900	GR - 0001
Tier II Pollution Control Property Application Fee – Tax Code Section 11.31; 30 TAC Section 17.20	\$1,000 application fee	Rule	N/A	38	\$38,000	GR - 0001
Tier III Pollution Control Property Application Fee – Tax Code Section 11.31; 30 TAC Section 17.20	\$2,500 application fee	Rule	N/A	14	\$35,000	GR - 0001
Water Quality Act Violations (Admin Penalties) – TWC Sections 7.051 and 7.052	N/A	Statute	\$25,000 per day	717	\$2,702,618	GR - 0001
Waste Disposal Act Violations (Admin Penalties) – TWC Sections 7.051 and 7.052	N/A	Statute	\$25,000 per day	807	\$2,149,430	GR - 0001
Clean Air Act Violations (Admin Penalties) – TWC Sections 7.051 and 7.052	\$5,000 per day-\$25,000 per day	Statute	\$25,000 per day	256	\$2,980,636	GR - 0001
Quarry Water Violation – TWC Sections 11.0842, 13.4151, and 26.556; HSC Section 341.049	\$2,500-\$25,000 for discharge violation and not less than \$100 for other violations (TWC 26.556); not less than \$50 and not more than \$5,000 (HSC 341.049); not to exceed \$5,000 per day (TWC 11.0842); not to exceed \$5,000 per day (TWC 13.4151)	Statute	Not less than \$50 and not more than \$25,000	0	\$0	GR - 0001

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Low Level Radioactive Waste Fund Account (GRD - 0088)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Compact Waste Disposal Facility License – THSC Sections 401.229 and 401.246; 30 TAC Section 336.103	\$500,000 or more application fee and based on agency costs calculated annually	Rule	N/A	1	\$455,999	GRD - 0088
Party State Compact Low-Level Radioactive Waste Disposal – THSC Section 401.246(a)(6)	Based on fees set by TCEQ to support the activities of the Texas Low-Level Radioactive Waste Disposal Compact Commission	Statute	N/A	1	\$257,904	GRD - 0088
Low-Level Radioactive Waste Disposal Fees – THSC Sections 401.250 and 403.006	\$30,000,000 from each participating non-host state joining between Jan 11 – Aug. 31, 2018; \$50,000,000 from each non-host joining between Sept. 1, 2018 – Aug. 31, 2023	Statute	\$50,000,000	N/A	\$0	GRD - 0088

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Clean Air Account (GRD - 0151)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Motor Vehicle Safety Inspection Fee – THSC Section 382.0622	\$2.00 per sticker sold by DPS to inspection stations	Statute	\$2.00/ sticker	Collected by DMV	\$44,336,819	GRD - 0151

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Air Inspection Fees – THSC Section 382.062, 30 TAC Section 101.24 (f) (Subchapter A)	\$80,000 max; 2003 rule rates range from \$840 to \$25,090 based on manufacturing type and amount of emission; 2003 rate adjusted annually by CPI	Rule	\$80,000	2,269	\$7,406,284	GRD - 0151
Air Temporary/Emergency Order – TWC Section 5.515; 30 TAC Section 35.30 (Subchapter C)	\$500 per order plus cost of required notice	Rule	\$500 per order plus cost notice	Not assessed at this time	\$0	GRD - 0151
Motor Vehicle Emissions Inspection Fee – THSC Section 382.202(e); 30 TAC Section 114.53 (Subchapter C; Division 1); GAA Article VI Rider 12	\$0.50 per vehicle (20% x \$2.50 sticker fee)	Rule	\$0.50 per vehicle (20% x \$2.50 sticker fee)	Collected by DMV	\$4,900,063	GRD - 0151
Auto Emission Inspection, On-board Diagnostic – THSC Sections 382.209(a) and (b) and 382.302(c); 30 TAC Sections 114.53 (Subchapter C; Division 1) and 114.87	\$6.00 to TCEQ for OBD test on '96 or newer cars; \$8.50 total is \$6 OBD + \$2.50 inspection and maintenance	Rule	\$8.50	Collected by DMV; currently no participating counties	\$0	GRD - 0151
Air Permit Fees – THSC Section 382.062; 30 TAC Sections 116.141 (Subchapter B; Division 4) and 116.750 (Subchapter G)	0.30% of capital cost or \$32 per ton under flexible permit; \$900 min \$80,000 max	Rule	\$80,000	1,815	\$3,396,392	GRD - 0151
Air Permit Renewal Fees – THSC Section 382.062; 30 TAC Section 116.313 (Subchapter D)	\$600-\$10,000 based on emission tonnage; issued for 5 years	Rule	\$10,000	294	\$897,066	GRD - 0151
Air Permit Amendment Fee – THSC Section; 30 TAC Section 116.141 (Subchapter B; Division 4)	0.30% of capital cost; \$900 min, \$80,000 cap by statute	Rule	\$80,000	376	\$2,237,854	GRD - 0151
Air Permit Expedited Fee – THSC Section 382.05155 (d); 30 TAC Section 101.601 (Subchapter J)	\$500 - \$20,000 plus any additional costs to expedite the permit	Rule	N/A	986	\$1,252,380	GRD - 0151

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Permit by Rule Fee – THSC Section 382.062; 30 TAC Section 106.50 (Subchapter B)	\$100 for small businesses, cities, and independent school districts less than 10,000; \$450 for all others	Rule	\$80,000	4,696	\$1,360,900	GRD - 0151

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Operating Permit Fee Account (GRD – 5094)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Air Inspection Fees – THSC Section 382.062; 30 TAC Section 101.24 (f) (Subchapter A)	\$80,000 max; 2003 rule rates range from \$840 to \$25,090 based on manufacturing type and amount of emission; 2003 rates are adjusted annually by CPI	Rule	\$80,000	391	\$6,199,280	GRD - 5094
Air Emissions Fees – THSC Section 382.0621; 30 TAC Section 101.27 (Subchapter A)	Based on formula (rate per ton = $\$25 \times (1 - CO) \times (1 + \{(CPI - 122.15)/122.15\})$); 4,000-ton cap; CO= tons of carbon monoxide	Rule	4,000 tons cap per year from any source	879	\$33,234,880	GRD - 5094

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Water Resource Management Account (GRD – 0153)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Wastewater Treatment Research Council Fee – THSC Section 367.010	\$10 per application for an on-site septic facility	Statute	\$10	2,042	\$426,115	GRD - 0153

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Automotive Oil Sales Fee – THSC Section 371.062 (i)	\$0.01 per quart or \$0.04 per gallon	Statute	\$0.04 per gallon	Collected by Comptroller	\$1,701,760	GRD – 0153
General Permits Storm Water (Multi-sector, Municipal Separate Storm Sewer System, and Construction) – TWC Sections 26.040, 26.021, and 26.029; 30 TAC Section 205.6 (Subchapter A)	\$100 application fee, \$100-\$200 annual water quality fee, and \$225-\$325 construction fee	Rule	N/A	6,502	\$1,690,625	GRD – 0153
General Permit Wastewater Livestock Manure Compost Operation – TWC Section 26.040; 30 TAC Section 205 (Subchapter A)	\$100 application fee; \$100 annual water quality fee	Rule	N/A	835	\$853,634	GRD – 0153
Consolidated Water Quality Fee – TWC Sections 26.0291 and 26.0135(h); 30 TAC Section 21.3	\$620 to \$124,654 depending on volume, pollutants, toxicity, etc. FY 2021 max \$124,654	Rule	Amount is adjusted annually by CPI up to a maximum of \$150,000	2,982	\$28,664,935	GRD – 0153
Water Use Assessment Fee – TWC Section 26.0135(h); 30 TAC Section 21.3(c)	For consumptive use, \$0.385 < 20,000 per acre foot < \$.08; for non-consumptive use \$0.021 < 20,000 per acre foot < \$.0021; Hydro \$0.04 < 20,000 per acre foot < \$.004 (2010 Rates \$.0385 for consumptive and \$.021 non-consumptive per acre foot); FY 2021 max \$124,654	Rule	\$124,654; Amount is adjusted annually by CPI up to a maximum of \$150,000	342	\$1,298,922	GRD – 0153

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Boat Sewage Disposal Device Certification – TWC Section 26.044; 30 TAC Sections 321.7 and 321.8 (Subchapter A)	\$15 fee for marine sanitation device; \$35 for initial certification of pump out facility with \$25 dollar renewal fee	Rule	\$35 for initial certification of pump out facility with \$25 renewal fee	1,904	\$28,925	GRD – 0153
Water Utility Regulatory Assessment Fee – TWC Section 5.701(n); 30 TAC Section 291.76 (Subchapter D)	0.5% to 1% of utility companies' retail water service charges	Rule	0.5% to 1% of utility companies' retail water service charges	2,152	\$11,042,308	GRD – 0153
Water Utility Bond Issue Application Fee – TWC Section 5.701(f); 30 TAC Section 293.43 (Subchapter E)	\$500 plus cost of notice	Rule	N/A	288	\$143,600	GRD – 0153
Water Utility Bond Issue Proceeds Fee – TWC Section 5.701(f); 30 TAC Section 293.45 (Subchapter E)	0.25% of bond issue principal	Rule	0.25% of bond issue principal	285	\$3,982,394	GRD – 0153
Public Health Service Fee – THSC Section 341.041; 30 TAC Section 290.51(a) (Subchapter E)	<25 connections – up to \$200; 25-160 connections up to \$300; >=161 connections – up to \$4.00 per # of retail connections	Rule	N/A	6,758	\$25,599,945	GRD – 0153
Aggregate Production Operations – TWC Section 28A.101; 30 TAC Section 342.26 (Subchapter B)	0-10 acres \$474; <10and<=50 acres \$790; >50and<=100 acres \$1,106; >100 acres \$1,500 rates effective March 1, 2021	Rule	\$1,500	1,071	\$478,625	GRD – 0153
Edwards Aquifer Development Application Fee (San Antonio Region) – TWC Section 26.0461(d); 30 TAC Section 213.14 (Subchapter A)	\$650 - \$10,000 based on acreage, sewage system, linear feet of pipe, etc.	Rule	\$13,000	232	\$747,972	GRD – 0153

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Edwards Aquifer Development Application Fee (Austin Region) – TWC Section 26.0461(d); 30 TAC Section 213.14 (Subchapter A)	\$650 - \$10,000 based on acreage, sewage system, linear feet of pipe, etc.	Rule	\$13,000	523	\$1,752,845	GRD – 0153
Water Use Permit Application Fee – TWC Section 5.701(c); 30 TAC Sections 295.132 (Subchapter B) and 295.139(d)	\$100-\$2,000 per application based on acre feet	Rule	\$2,000	403	\$345,572	GRD – 0153
Water District Creation Application Fee – TWC Section 5.701(e); 30 TAC Section 293.11 (Subchapter B)	\$700 plus cost of notice	Rule	\$700 plus cost of notice	40	\$26,700	GRD – 0153
Temporary or Emergency Water Use Permits – TWC Section 11.138(g); 30 TAC Sections 295.132 and .134 (Subchapter B)	\$100 - \$250, based on # acre-feet, plus notice, max \$500	Rule	\$500	381	\$44,041	GRD – 0153
Miscellaneous Water District Application Fees – TWC Section 5.701(b); 30 TAC Section 293.80 (Subchapter G)	\$100 plus cost of notice	Rule	\$100 plus cost of notice	216	\$26,938	GRD – 0153
Water Use Permit (Construction Delay) – TWC Section 11.145; 30 TAC Section 295.132 and 295.134 (Subchapter B)	Varies based on # acre-feet, plus cost of notice, \$2,000 max	Rule	\$2,000	5	\$6,172	GRD – 0153
Water Quality Permit Application Fee – TWC Section 5.701; 30 TAC Section 305.53 (Subchapter C)	\$100 - \$2,000	Rule	\$2,000	806	\$756,840	GRD – 0153
Water Rate Appeals Filing, Application, Petition, Recording Fees – TWC Sections 5.701(b) and 11.041(b)	\$100 application + \$25 deposit	Statute	\$100 application + \$25 deposit	0	\$0	GRD – 0153
Disposal Waste, Injection, or Gas Well Fee – TWC Section 27.014; 30 TAC Section 305.53 (Subchapter C)	Application fee, \$100 non-hazardous and \$2,000 hazardous	Rule	N/A	22	\$12,000	GRD – 0153

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
General Permit Wastewater Discharge (Concrete Production, Aqua Culture, Petroleum Bulk Station and Terminals, Hydrostatic Test Water, Petroleum Fuel or Substance, and CAFO) – TWC Section 26.040; 30 TAC Section 205.6 (Subchapter A)	\$100-\$300 application; \$100-\$800 annual fee depending on permit type	Rule	N/A	9,710	\$1,966,495	GRD – 0153
Municipal Waste Permit – TWC Section 5.701; 30 TAC Section 330.59(h)(2) (Subchapter B)	\$100 application + \$50 notice	Rule	N/A	48	\$8,200	GRD – 0153
On-Site Sewage Disposal System Permit (Wastewater Treatment Inspection) – THSC Section 366.058; 30 TAC Section 285.21 (Subchapter C)	\$200 for single family dwelling, \$400 for other	Rule	N/A	1,206	\$265,100	GRD – 0153

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Watermaster Administration Account (GRD – 0158)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
South Texas Watermaster Assessment – TWC Section 11.329; 30 TAC Section 304.62(b) (Subchapter G)	0.1904 per acre foot irrigation, 0.2380 an acre foot municipal (rates change annually)	Rule	N/A	852	\$758,119	GRD - 0158
Rio Grande Watermaster Assessment – TWC Section 11.329; 30 TAC Section 303.72(b) (Subchapter H)	0.3411 per acre foot irrigation, 0.4264 an acre foot municipal (rates change annually)	Rule	N/A	684	\$980,270	GRD - 0158
Brazos Watermaster Assessment – TWC Section 11.329; 30 TAC Section 304.62(b) (Subchapter G)	0.1302 per acre foot irrigation, 0.1628 an acre foot municipal (rates change annually)	Rule	N/A	839	\$844,191	GRD - 0158

Concho River Watermaster Assessment – TWC Section 11.329; 30 TAC Section 304.62(b) (Subchapter G)	0.6781 per acre foot irrigation, 0.8476 an acre foot municipal (rates change annually)	Rule	N/A	231	\$238,959	GRD - 0158
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Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Occupational Licensing Account (GRD – 0468)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Occupational Training Approval – TWC Sections 37.003 and 37.009; 30 TAC Section 30.28 (Subchapter A)	Classroom (existing material), association meeting, and conferences training \$10 per hour, minimum \$50; Classroom (new material), technology based, and correspondence training \$25 per hour, minimum \$100; Association meeting review single \$100 and multiple \$400 chapters	Rule	N/A	164	\$23,294	GRD - 0468
Underground Storage Tank Contractors License Fee – TWC Sections 26.452, 26.456, and 37.003; 30 TAC Sections 30.315 and 30.30 (Subchapter I)	\$232 new or renewal	Rule	N/A	68	\$15,776	GRD - 0468
Underground Storage Tank Installers License Fee – TWC Sections 26.452, 26.456, and 37.003; 30 TAC Section 30.30 (Subchapter I)	\$111 new or renewal	Rule	N/A	169	\$18,353	GRD - 0468
Board of Irrigators Fee (IRR) – TWC Section 37.003; Texas Occupations Code (TOC) Section 1903.251; 30 TAC Section 30.30 (Subchapter D)	\$111 new or renewal, both irrigators and installers	Rule	N/A	3,456	\$379,989	GRD - 0468

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Water System Operators License and Water System Operating Company Registration – TWC Section 37.003; THSC Sections 341.034(a) and (b); 30 TAC Section 30.30 (Subchapter K and Ch. 290)	Varies based on # of facilities served: 0-4 = \$122; 5-9 = \$240; 10-19 = \$399; 20 or more = \$636	Rule	N/A	6,781	\$756,294	GRD - 0468
Backflow Prevention Assembly Tester Licenses – TWC Section 37.003; THSC Section 341.034; 30 TAC Section 30.30 (Subchapter B)	\$111 new or renewal	Rule	N/A	2,430	\$266,783	GRD - 0468
Customer Service Inspector License – TWC Section 37.003; THSC Section 341.034(d); 30 TAC Section 30.30 (Subchapter C)	\$111 new or renewal	Rule	N/A	912	\$100,626	GRD - 0468
Petroleum Storage Tank Corrective Action Specialist Fee – TWC Sections 26.364, 26.367, and 37.003; 30 TAC Sections 30.190 and 30.192 (Subchapter E)	\$232 new or renewal	Rule	N/A	85	\$19,720	GRD - 0468
Leaking Petroleum Storage Tank (LPST) Project Manager Fee – TWC Sections 26.366 and 37.003; 30 TAC Section 30.30 (Subchapter E)	\$111 new or renewal	Rule	N/A	12	\$1,332	GRD - 0468
Municipal Solid Waste Supervisor License – TWC Sections 26.366 and 37.003; 30 TAC Section 30.30 (Subchapter F)	\$111 new or renewal	Rule	N/A	345	\$38,204	GRD - 0468
Aerobic System (OSSF) Maintenance Provider – TWC Section 37.003; THSC 366.071; 30 TAC Section 30.30 (Subchapter G)	\$111 new or renewal	Rule	N/A	745	\$87,000	GRD - 0468
Wastewater Operator Certification Fee – TWC Sections 26.0301(c) and 37.003; 30 TAC Section 30.30 (Subchapter J)	Varies based on # of facilities served: 0-4 = \$122; 5-9 = \$240; 10-19 = \$399; 20 or more = \$636	Rule	N/A	4,535	\$560,000	GRD - 0468
On-Site Septic Installers Certification Fee – TWC Section 37.003; THSC Section 366.071; 30 TAC Section 30.30 (Subchapter G)	\$111 new or renewal	Rule	N/A	2,401	\$290,000	GRD - 0468

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Waste Management Account (GRD – 0549)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Radioactive Disposal Site License Fees – THSC Section 401.301; 30 TAC Section 336.105 (Subchapter B)	Sub F & K: \$50,000 app, \$25,000 annual; Sub G: \$10,000 app, \$8,400 annual; Sub L: \$463,096 or \$322,633 or \$325,910 or \$374,729 based on mining type app, \$60,929.50 or \$52,011.50 annual based on operational status; Sub M: \$3,850 or \$39,959 or \$94,661 or \$273,800 app and annual based on waste class	Rule	N/A	13	\$975,692	GRD - 0549
Toxic Chemical Release Reporting Fee – THSC Section 370.008	\$25 per release report form, \$250 max	Statute	\$250	1,568	\$122,119	GRD - 0549
Hazardous Waste Facility Fee (HWF) – THSC Section 361.135; 30 TAC Section 335.324 (Subchapter J)	\$2,500-\$25,000 annually based on capacity	Rule	\$25,000	134	\$1,622,267	GRD - 0549
Hazardous Waste Generation Fee (HWG) – THSC Section 361.134; 30 TAC Section 335.323 (Subchapter J)	\$100 for 1 to 50 tons; \$2.00 per ton if total more than 50 tons; \$50,000 max	Rule	\$50,000	1,478	\$2,663,777	GRD - 0549
Non-Hazardous Waste Facility Fee (NWF) – THSC Section 361.135; 30 TAC Section 335.324 (Subchapter J)	\$500-\$5,000 annually based on capacity	Rule	\$5,000	40	\$113,002	GRD - 0549
Non-Hazardous Waste Generation Fee (NWF) – THSC Section 361.134; 30 TAC Section 335.323 (Subchapter J)	\$50 for 1 to 100 tons; \$0.50 per ton if total more than 100 tons; \$10,000 max	Rule	\$10,000	1,484	\$959,596	GRD - 0549

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Hazardous Waste Permit Application Fee – THSC Section 361.137; 30 TAC Section 305.53 (Subchapter C)	\$2,000- \$50,000	Rule	\$50,000	222	\$114,342	GRD - 0549
Municipal Setting Designation Application Fee – THSC Section 361.804(b)	\$1,000 per application	Statute	\$1,000	21	\$21,000	GRD - 0549
Sludge Class B Land Application Permits – THSC Section 361.121; 30 TAC Section 312.9 (Subchapter A)	\$1,000 to \$5,000 depending on volume	Rule	N/A	13	\$20,100	GRD - 0549
Aboveground Storage Tank Registration Fee (AST) – TWC Section 26.358(f); 30 TAC Section 334.128 (Subchapter F)	\$25 per tank	Rule	N/A	0	\$0	GRD - 0549
Voluntary Cleanup Program Fee (VCP) – THSC Section 361.604	\$1,000 initial application then hourly thereafter	Statute	\$1,000 initial application then hourly thereafter	457	\$867,209	GRD - 0549
Radioactive By-Product Fees – THSC Sections 401.2625 and 401.412 (b)(c), (d), and (f); 30 TAC Section 336.105(b)(4) (Subchapter B)	\$60,929.50 annual licensing fee	Rule	N/A	1	\$54,612	GRD - 0549
Class 1 Commercial Waste Management Fee (25% of commercial goes to counties) – THSC Sections 361.136 (b)(1)(B) and (b)(2); 30 TAC Section 335.325(j)(2) (Subchapter J)	\$3.20-\$7.50 per ton based on source and method of disposal	Rule	annual collection shall not exceed \$16 million after making payments to counties	386	\$1,413,500	GRD - 0549
Hazardous Waste Management Fee – THSC Sections 361.136 (b)(1)(A) and (d); 30 TAC Section 335.325 (j)(1) (Subchapter J)	\$1.00-\$37.50 per ton based on source and method of disposal	Rule	annual collection shall not exceed \$16 million after making payments to counties	827	\$4,048,513	GRD - 0549

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Hazardous and Solid Waste Remediation Account (GRD – 0550)

Fee Description / Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Hazardous Waste Management Fee (25% of commercial to counties) – THSC Section 361.136(b)(1)(A)(d); 30 TAC Section 335.325 (b) (Subchapter J)	\$1.00-\$37.50 per ton based on source and method of disposal	Rule	annual collection shall not exceed \$16 million after making payments to counties	824	\$4,039,525	GRD - 0550
Class 1 Commercial Waste Management Fee (25% of commercial goes to counties) – THSC Section Code 361.136(b)(1)(B) and (b)(2); 30 TAC Section 335.325(j)(2) (Subchapter J)	\$3.20-\$7.50 per ton based on source and method of disposal	Rule	annual collection shall not exceed \$16 million after making payments to counties	386	\$1,413,501	GRD - 0550
Lead-Acid Battery Fee (collected by the Comptroller for TCEQ) – THSC Section 361.138(b)	\$2.00 on each retail sale of battery <12 volts; \$3.00 on battery 12+ volts	Statute	\$2.00 on battery <12 volts; \$3.00 on battery 12+ volts	Collected by Comptroller	\$23,046,031	GRD - 0550
Innocent Landowner Program Fee (ILP) – THSC Section 361.753(b); 30 TAC Section 333.35(b)(E)(3) (Subchapter B)	\$1,000 initial application	Rule	N/A	68	\$73,655	GRD - 0550

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Petroleum Storage Tank Remediation Account (GRD – 0655)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Petroleum Storage Delivery Fee – TWC Section 26.3574(b); 30 TAC Section 334.19	Delivery fee rates: \$1.70 < 2,500 gallons; \$3.45 for 2,500-5,000 gallons; \$5.45 for 5,000-8,000 gallons; \$6.95 for 8,000-10,000 gallons; \$3.45 for every 5,000 gallons above 10,000.	Rule	(1) <\$3.75 for each delivery into a cargo tank having a capacity of <2,500 gallons; (2) <\$7.50 for each delivery into a cargo tank having a capacity of 2,500 to 4,999 gallons; (3) <\$11.75 for each delivery into a cargo tank having a capacity of 5,000 to 7,999 gallons; (4) <\$15.00 for each delivery into a cargo tank having a capacity of 8,000 to 9,999 gallons; and (5) <\$7.50 for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more	Collected by Comptroller	\$16,030,839	GRD - 0655

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Workplace Chemicals List Account (GRD – 5020)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
TCOT Specialty License Plate – Texas Transportation Code (TTC) Section 504.801(d-e)	\$30 fee; TCEQ receives \$22	Statute	\$30 fee	Collected by DMV	\$1,358	GRD - 5020
Tier II Manufacturing – THSC Section 505.016	\$100 for 1-25 chemicals; \$200 for 26-50 chemicals; \$300 for 51-75 chemicals; \$400 for 76-100 chemicals; \$500 for 101 or more chemicals	Statute	\$500 for 101 or more chemicals	2,140	\$379,552	GRD - 5020
Tier II Non-Manufacturing – THSC Section 507.013	\$100 for 1-25 chemicals; \$200 for 26-50 chemicals; \$300 for 51-75 chemicals; \$400 for 76-100 chemicals; \$500 for 101 or more chemicals	Statute	\$500 for 101 or more chemicals	4,001	\$679,488	GRD - 5020
Tier II Public Employer – THSC Section 506.017	\$100 for 1-25 chemicals; \$200 for 26-50 chemicals; \$300 for 51-75 chemicals; \$400 for 76-100 chemicals; \$500 for 101 or more chemicals	Statute	\$500 for 101 or more chemicals	968	\$74,690	GRD - 5020

Exhibit 9: Fee Revenue — Fiscal Year 2020**Fees Deposited to Environmental Testing Lab Accreditation Account (GRD – 5065)**

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Environmental Lab Accreditation – TWC Section Water 5.803; 30 TAC Section 25.30 (Subchapter B)	\$500 primary, \$350 secondary + \$255-\$510 fee per media type	Rule	N/A	305	\$786,725	GRD - 5065

Exhibit 9: Fee Revenue — Fiscal Year 2020**Fees Deposited to Texas Emission Reduction Plan Account (GRD – 5071)**

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
TERP Fees Motor Vehicle Sales and Use – THSC Section 386.251; Tax Code Section 152.0215	2.5% on diesel vehicles made before 1997 and 1% on vehicles since 1997 based on total consideration	Statute	2.5% on diesel vehicles made before 1997	Collected by Comptroller	\$17,185,625	GRD - 5071
TERP Motor Vehicle Certified Titles - THSC Section 386.251; TTC Section 501.138	\$15 fee for attainment and \$20 fee for non-attainment	Statute	\$20 fee for non-attainment	Collected by Tx DoT	\$138,851,750	GRD - 5071
TERP Motor Vehicle Registration - THSC Section 386.251; TTC Section 502.358	10% of the total registration fees due	Statute	10% of the total registration fees due	Collected by Comptroller	\$12,840,952	GRD - 5071
TERP Motor Vehicle Inspection – THSC Section 386.251; TTC Section 548.5055	\$10 per inspection	Statute	\$10 per inspection	Collected by DPS	\$6,384,312	GRD - 5071
TERP Diesel Equipment Surcharge – THSC Section 386.251; Tax Code Section 151.0515	The fee is 1.5% of sale or rental price	Statute	1.5% of sale or rental price	Collected by Comptroller	\$76,820,035	GRD - 5071

Motor Vehicle Sale and Seller Finance – THSC Section 386.251; Tax Code Sections 152.0215 and 152.047	2.5% on vehicles made before 1997 and 1% on vehicles since 1997 based on total consideration	Statute	2.5% on vehicles made before 1997 and 1% on vehicles since 1997 based on total consideration	Collected by Comptroller	\$25,664	GRD - 5071
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Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Dry Cleaning Facility Release Fund Account (GRD – 5093)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Dry Cleaning Facility Registration – THSC Section 374.102	Facility: \$250 per yr if < \$150K annual receipts or nonparticipating, otherwise \$2,500 per yr; Drop Stations \$250 if < \$150k, \$750 if > \$150k, \$125 if nonparticipating	Statute	\$2,500 per yr	1,606	\$2,768,522	GRD - 5093
Dry Cleaning Penalties – THSC Section 374.252 and TWC Section 7.0525	\$1,000 - \$10,000 for violation; \$5-\$50 per day for expired permit	Statute	\$10,000 per violation	6	\$3,718	GRD - 5093
Dry Cleaning Solvent Fees – THSC Section 374.103	\$20 per gallon on perchloroethylene (perc); \$3 per gallon on other solvents	Statute	\$20 per gallon on perchloroethylene	51	\$513,184	GRD - 5093
Dry Cleaning Deductible – THSC Section 374.203	\$5,000 deductible toward corrective action costs	Statute	\$5,000 deductible toward corrective action costs	0	\$0	GRD - 5093

Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Waste Management Account at 66.7% and Solid Waste Disposal Fee Account at 33.3% (GRD – 0549/5000)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Sludge Hauler Registration Fee (WMS) – THSC Section 361.013(c); 30 TAC Section 312.9 (c) (Subchapter A)	\$100-\$500 per year based on volume hauling	Rule	\$500	1,486	\$617,790	GRD - 0549/5000
Sludge Beneficial Land Use Fee – THSC Section 361.013(a); 30 TAC Section 312.9(b) (Subchapter A)	\$.75 per dry ton for beneficial use, \$100 minimum	Rule	N/A	128	\$112,326	GRD - 0549/5000
Sludge Hauler Sticker Fee (WSS) – THSC Section 361.013(c); 30 TAC Section 312.142 (Subchapter G)	\$10 per motor transport vehicle	Rule	\$500	1,322	\$52,250	GRD - 0549/5000
Sludge Beneficial Land Use Permit Fee – THSC Section 361.013(a); 30 TAC Section 312.9(g)(4) (Subchapter A)	\$100-\$500 based on quantity	Rule	N/A	8	\$1,792	GRD - 0549/5000
Sludge Surface Disposal Permit Fee – THSC Section 361.013(a); 30 TAC Section 312.9(b)(3)(4) (Subchapter A)	\$1.25 per ton, \$100 minimum	Rule	N/A	7	\$24,525	GRD - 0549/5000
Medical Waste Transport Fee – THSC Section 361.013(a); 30 TAC Section 326.87(b) (Subchapter G)	\$100-\$500 Based on weight	Rule	N/A	79	\$32,184	GRD - 0549/5000
Solid Waste Disposal Permit Fees – THSC Section 361.013(a); 30 TAC Section 305.59 (Subchapter C)	\$100 application fee and \$50 per notice	Rule	N/A	83	\$10,075	GRD - 0549/5000

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Solid Waste Disposal Fee (SWD) – THSC Section 361.013(a); 30 TAC Sections 330.673 (Subchapter P) and 326.87(a) (Subchapter G)	330.673 \$0.94 per ton by weight. By volume, \$0.30 per cu. yd. compacted, \$0.19 per cu. yd. un-compacted 326.87 \$0.47 per ton by weight. By volume, \$0.15 per cu. yd. compacted, \$0.095 per cu. yd. un-compacted	Rule	330.673 \$0.94 per ton by weight. By volume, \$0.30 per cu. yd. compacted, \$0.19 per cu. yd. un-compacted 326.87 \$0.47 per ton by weight. By volume, \$0.15 per cu. yd. compacted, \$0.095 per cu. yd. un-compacted	232	\$32,269,575	GRD - 0549/5000

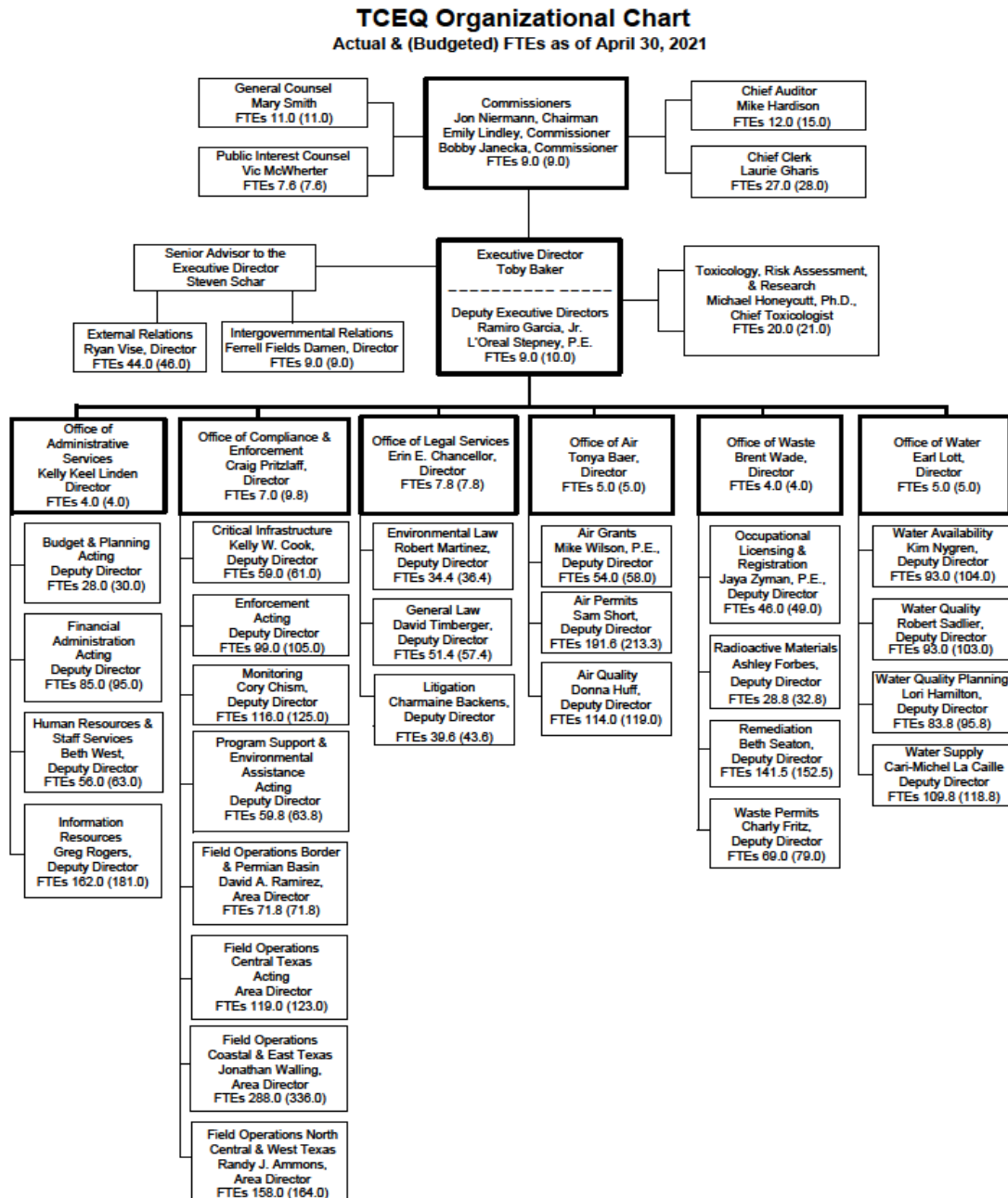
Exhibit 9: Fee Revenue — Fiscal Year 2020

Fees Deposited to Environmental Radioactive Perpetual Care Account (GRD – 5158)

Fee Description / Program / Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	FY 2020 Fee Revenue	Where Fee Revenue is Deposited
Nonparty Compact Waste Surcharge – THSC Sections 401.207(g) and 401.249	20% surcharge on the gross amounts of nonparty waste disposed at the compact waste disposal facility	Statute	20% surcharge on gross amounts of nonparty waste disposed	1	\$2,564,896	GRD - 5158
Radioactive License Surcharge – THSC Section 401.301(d)	5% surcharge on radioactive license fees	Statute	5% surcharge on radioactive license fees	11	\$45,568	GRD - 5158

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



*Actual FTEs count number of filled positions. Budgeted FTEs count filled and vacant positions as of April 2021.

B. If applicable, fill in the chart below listing field or regional offices.**Exhibit 10: FTEs by Location — Fiscal Year 2021**

Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs FY 2021	Number of Actual FTEs (as of SER submission)
Austin Headquarters	Austin	2,020.2	1,847.7
Region 1 - Amarillo	Amarillo	27.0	27.0
Region 2 - Lubbock	Lubbock	20.0	19.0
Region 3 - Abilene	Abilene	22.0	21.0
Region 4 - Dallas-Fort Worth	Dallas-Fort Worth	101.0	95.0
Region 5 - Tyler	Tyler	51.0	51.0
Region 6 - El Paso	El Paso	21.0	21.0
Region 7 - Midland	Midland	23.0	23.0
Region 8 - San Angelo	San Angelo	18.0	17.0
Region 9 - Waco	Waco	39.0	39.0
Region 10 - Beaumont	Beaumont	63.0	59.0
Region 11 - Austin	Austin	41.0	39.0
Region 12 - Houston	Houston	212.0	172.0
Region 13 - San Antonio	San Antonio	67.0	65.0
Region 14 - Corpus Christi	Corpus Christi	56.0	51.0
Region 15 - Harlingen	Harlingen	29.8	27.8
Region 16 - Laredo	Laredo	17.0	16.0
Field Office - Andrews County	Andrews County	2.0	2.0
Field Office - Angleton	Angleton	1.0	1.0
Field Office - Eagle Pass	Eagle Pass	4.0	4.0
Field Office - Galveston	Galveston	9.0	8.0
Field Office - Stephenville	Stephenville	7.0	7.0
Field Office - Sugar Land	Sugar Land	22.0	20.0
		TOTAL: 2,873.0	TOTAL: 2,632.5

C. What are your agency's FTE caps for fiscal years 2019–22?**FTE Caps for FY 2019 – FY 2022**

FY 2019	FY 2020	FY 2021	FY 2022
2,794.8	2,829.3	2,829.3	2,811.8

D. How many temporary or contract employees did your agency have in fiscal year 2020? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

TCEQ reported an average of 8.8 FTEs for FY 2020 related to temporary or contract employees to the State Auditor's Office. The following table provides details on FY 2020 expended amount, method, and purpose.

Temporary or Contract Employees in FY 2020

Contract Number	FY 2020 Expended	Procurement Method	Office	Purpose
582-20-10295	\$49,313	TIBH - WorkQuest	Office of Air	The contracted employees review complex air permit renewal applications, identify all sources of contaminants and related federal and state requirements, correspond with staff as well as state and federal agencies, and prepare and issue public notices.
582-20-10297	\$40,769	TIBH - WorkQuest	Office of Air	The contracted employees review complex air permit renewal applications, identify all sources of contaminants and related federal and state requirements, correspond with staff as well as state and federal agencies, and prepare and issue public notices.
582-20-10615	\$44,146	TIBH - WorkQuest	Office of Waste	The contracted employees evaluate geological and non-engineering sections of Underground Injection Control Class I Permit applications and a list of draft Notice of Deficiency (NOD) items for permit project manager to incorporate into NOD letter to applicant.
582-20-10411	\$21,038	TIBH - WorkQuest	Office of Waste	The contracted employees provide support for the Municipal Solid Waste (MSW) annual reporting project and assist with maintenance of the MSW Permits Section registration and notification records library.
582-20-10409	\$69,636	TIBH - WorkQuest	Office of Waste	The contracted employees provide contract management and development support to the Regional Solid Waste Grants Program, draft contract language, solicit comments, and correlate and document comments on contract language.
582-19-93526	\$82,489	TIBH - WorkQuest	Office of Waste	The contracted employees organize and file large volumes of information, maintain records associated with license and permit applications, assist with maintaining program data related to licensed and permitted activities, and develop a cataloging system for document management.

Contract Number	FY 2020 Expended	Procurement Method	Office	Purpose
582-20-10383	\$33,667	TIBH - WorkQuest	Office of Compliance and Enforcement	The contracted employees perform moderately complex administrative support.
582-20-10384	\$23,180	TIBH - WorkQuest	Office of Compliance and Enforcement	The contracted employees assist with preparing emission event investigation reports and other on demand investigation reports, participate in the evaluation of plans and criteria for the emission event completion project, and attend related meetings.
582-20-10388	\$25,801	TIBH - WorkQuest	Office of Compliance and Enforcement	The contracted employees assist with preparing emission event investigation reports and other on demand investigation reports, participate in the evaluation of plans and criteria for the emission event completion project, and attend related meetings.
582-20-10399	\$5,927	TIBH - WorkQuest	Office of Compliance and Enforcement	The contracted employees assist with preparing emission event investigation reports and other on demand investigation reports, participate in the evaluation of plans and criteria for the emission event completion project, and attend related meetings.
582-20-10400	\$36,711	TIBH - WorkQuest	Office of Compliance and Enforcement	The contracted employees assist with preparing emission event investigation reports and other on demand investigation reports, participate in the evaluation of plans and criteria for the emission event completion project, and attend related meetings.
582-20-10401	\$17,036	TIBH - WorkQuest	Office of Compliance and Enforcement	The contracted employees assist with preparing emission event investigation reports and other on demand investigation reports, participate in the evaluation of plans and criteria for the emission event completion project, and attend related meetings.
582-20-10640	\$26,095	TIBH - WorkQuest	Office of Administrative Services	The contracted employees support the Website Remediation Project, review metrics to determine compliance for documents posted to agency websites, and develop video training materials, curriculum for PDF accessibility, video presentations, transcripts, and communication plans.
582-19-90352	\$159,795	DIR - C & T Information Technology Consulting, Inc.	Office of Administrative Services	The contracted employees assist with developing design documents and SQL-driven screen prototypes in a rapid turnaround cycle, present and demonstrate screen content, and transform the approved prototype.
582-19-90354	\$178,290	DIR - C & T Information Technology Consulting, Inc.	Office of Administrative Services	The contracted employees support the development and maintenance of applications that operate in the complex JAVA/Oracle environments, develop detailed flowcharts and models, implement specifications, and perform modifications from design reviews and prototype evaluation.
582-19-94617	\$188,265	DIR - Kforce, Inc.	Office of Administrative Services	The contracted employees coordinate the planning and initiation of projects at various levels of completion, monitor the progress and schedule of projects, and keep project stakeholders and management informed.

Contract Number	FY 2020 Expended	Procurement Method	Office	Purpose
582-19-95058	\$286,020	DIR - Allied Consultants, Inc.	Office of Administrative Services	The contracted employees assist with adopting the human resources modules in the Centralized Accounting and Payroll/Personnel System (CAPPS), by documenting current and future business processes, performing gap analysis, mapping USPS data to CAPPS data, and assisting in the development of chart of accounts to meet CAPPS requirements.
582-19-96450	\$296,296	DIR - Loblolly Consulting, LLC	Office of Administrative Services	The contracted employees assist with adopting CAPPS human resources modules by documenting current and future business processes, performing gap analysis, mapping USPS data to CAPPS data, and assisting in the development of chart of accounts to meet CAPPS requirements.
582-19-96510	\$254,856	DIR - Loblolly Consulting, LLC	Office of Administrative Services	The contracted employees assist with adopting CAPPS human resources modules by documenting current and future business processes, performing gap analysis, mapping USPS data to CAPPS data, and assisting in the development of chart of accounts to meet CAPPS requirements.
582-19-90555	\$122,436	DIR - C & T Information Technology Consulting, Inc.	Office of Administrative Services	The contracted employees work with program area personnel to gather requirements to develop a data mapping document to submit data to an external customer and will create an SQL or PL/SQL script to build multiple CSV or Flat File reports to facilitate loading data directly.
582-20-10531	\$178,647	DIR - Allied Consultants, Inc.	Office of Administrative Services	The contracted employees coordinate the planning and initiation of projects at various levels of completion, monitor the progress and schedule of projects, and keep project stakeholders and management informed.
582-20-10530	\$159,885	DIR - Allied Consultants, Inc.	Office of Administrative Services	The contracted employees review and update requirements, use case, webpage specification, test case, and user guide documentation, and update documentation based on changes needed in design or development using a traceability matrix.

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2020

Program	Actual FTEs FY 2020	Budgeted FTEs FY 2021	Actual Expenditures FY 2020	Budgeted Expenditures FY 2021
Office of the Executive Director				
Toxicology Program	21.0	21.0	\$2,310,564	\$2,980,316

Program	Actual FTEs FY 2020	Budgeted FTEs FY 2021	Actual Expenditures FY 2020	Budgeted Expenditures FY 2021
Office of Air				
Air Quality Planning	114.3	116.3	\$23,161,278	\$16,285,200
Tax Relief for Pollution Control Property	2.7	2.7	\$153,106	\$181,337
New Source Review Permits Program	82.7	82.7	\$4,887,182	\$5,603,371
Title V – Operating Permits Program	116.4	116.6	\$7,486,509	\$7,175,603
Banking & Trading Program	14.0	14.0	\$735,260	\$738,942
Texas Emissions Reduction Plan (TERP)	52.7	52.7	\$16,422,891	\$98,069,507
Office of Water				
Water Rights Program	41.5	41.5	\$2,709,138	\$3,914,025
Watermaster Program	31.0	31.0	\$1,908,894	\$2,050,825
Groundwater Program	9.0	9.0	\$1,354,297	\$1,350,638
River Compacts	8.0	8.0	\$5,195,588	\$3,047,354
Wastewater Permitting Program	104.0	103.0	\$6,907,936	\$7,196,082
Water Quality Planning	46.8	46.8	\$9,237,902	\$11,453,035
Total Maximum Daily Load (TMDL)	10.0	9.0	\$2,094,880	\$2,150,215
Nonpoint Source Program	7.0	8.0	\$3,484,748	\$4,793,357
Estuary Programs	8.0	8.0	\$1,935,694	\$2,097,848
Public Drinking Water Program	97.3	97.3	\$16,152,303	\$17,835,445
Districts Program	21.5	21.5	\$1,471,346	\$1,646,003
Office of Waste				
Occupational Licensing Program	19.4	21.6	\$1,000,251	\$1,017,136
Registration and Reporting Program	23.6	26.9	\$1,234,476	\$1,171,709
Radioactive Materials Licensing Program	21.0	21.0	\$4,932,861	\$2,034,593
Underground Injection Control Permits Program	11.8	11.8	\$1,039,987	\$1,072,442
Superfund Program	51.7	53.2	\$19,230,171	\$19,004,943
Petroleum Storage Tank Remediation Program	43.3	45.4	\$14,046,863	\$15,021,977
Dry Cleaner Remediation Program	4.1	4.1	\$3,539,807	\$3,650,545
Voluntary Cleanup and Corrective Action Program	48.6	49.9	\$3,024,101	\$3,139,707
Industrial and Hazardous Waste Permits Program	32.3	35.3	\$2,394,099	\$2,194,559
Municipal Solid Waste Permits Program	40.7	43.7	\$8,273,643	\$8,073,781

Program	Actual FTEs FY 2020	Budgeted FTEs FY 2021	Actual Expenditures FY 2020	Budgeted Expenditures FY 2021
Office of Compliance and Enforcement				
Dam Safety Program	26.0	26.0	\$2,107,605	\$3,064,469
Emergency Management Support	5.0	5.0	\$1,742,233	\$1,263,405
Homeland Security Program	3.0	3.0	\$357,854	\$301,145
Radioactive Materials Compliance Program	5.4	5.4	\$429,921	\$410,175
BioWatch Program	2.0	2.0	\$2,166,235	\$2,203,044
Tier II Chemical Reporting	9.6	9.6	\$568,326	\$824,819
Enforcement Program	74.0	73.6	\$4,692,446	\$4,081,167
Wastewater Compliance Monitoring Program	29.7	31.4	\$1,026,856	\$1,529,424
Stationary Air Monitoring Network	103.6	103.6	\$11,151,766	\$12,667,727
Mobile Monitoring Program	5.4	5.4	\$1,167,928	\$641,642
Laboratory Accreditation Program	7.7	7.7	\$705,593	\$729,397
Quality Assurance Program	8.3	8.3	\$1,605,027	\$1,728,375
Landscape Irrigation Program	0	0	\$87,772	-0
On-Site Sewage Facility Program	1.7	1.7	\$119,405	\$105,954
Clean Water Certification Program	0.4	0.4	\$17,680	\$26,488
Small Business and Local Government Assistance	28.7	28.7	\$2,515,220	\$2,582,768
Edwards Aquifer Protection Program	21.4	21.4	\$1,534,857	\$1,476,640
Field Operations Program	679.0	688.3	\$44,663,197	\$45,112,010
TOTAL	2,095.3	2,123.5	\$242,985,696	\$323,699,144

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VII. Guide to Agency Programs

This Section VII provides a discussion of the offices that comprise TCEQ. Following the discussion of each office is a description of the programs that report to that office. To facilitate an overall understanding of where the following described programs reside within the agency, here is a high-level overview of the commission: The commissioner's office is headed by a chairman and two commissioners. This office includes four divisions, Office of General Counsel, Chief Auditor's Office, Office of the Chief Clerk, and Public Interest Counsel. The executive director's office includes an executive director and executive staff. The executive office includes three divisions: External Relations; Toxicology, Risk Assessment and Research; and Intergovernmental Relations, as well as the Border Affairs team. Six program offices report to the executive director, including, Office of Legal Services, Office of Administrative Services, Office of Air, Office of Water, Office of Waste, and Office of Compliance and Enforcement.

Office of the Commissioners

The governor appoints three full-time commissioners for six-year staggered terms to establish overall agency direction and policy. The commissioners meet at public agenda throughout the year to make final determinations on contested permitting and enforcement matters. The governor also names the chairman of the commission. The following four divisions report to the commissioners.

General Counsel

The general counsel is the chief legal advisor and the chief ethics advisor for the agency. The general counsel provides legal assistance to the commissioners for their review of permits, proposed enforcement actions, rules, and other matters, in addition to managing the administrative affairs of the commissioners' office. Alternative Dispute Resolution (ADR) staff under the general counsel assist permit applicants and persons opposed to the applications resolve their differences informally, if possible, to avoid the time and expense of a contested public evidentiary hearing. ADR is voluntary, and participation in ADR does not forfeit a person's right to a hearing if ADR does not result in a settlement.

Chief Auditor

The Chief Auditor's Office provides assurance and advisory services that help the commissioners and management meet agency goals and objectives. The office provides independent and objective information, analyses, and recommendations to assist management in effecting constructive change, managing business risk, and improving the compliance and accountability of the regulated community and business partners.

Office of the Chief Clerk

The Office of the Chief Clerk issues required notices of applications, public hearings, and public meetings. They also prepare and maintain the agendas and backup material for commission agenda meetings and work sessions, transmit final decision documents (issued by the commission and the executive director) as required, and maintain the official records of pending commission proceedings. The chief clerk tracks the status of all matters pending before the commission and executive director for approval after notice is issued. These include enforcement cases, rules, permit and license applications, registrations, and actions involving water districts. The Office of the Chief Clerk schedules and conducts public meetings and hearings where the public may obtain information and provide comments on pending permitting

actions. The Office also serves as an agency contact for environmental equity discrimination complaints regarding TCEQ programs and activities.

Public Interest Counsel

The Public Interest Counsel was created by the legislature to ensure the public's interest is represented in issues considered by the commission. The counsel makes recommendations to the commission on cases and rules before the commission. The counsel does not formally represent individuals at commission proceedings. However, citizens who have questions about the legal aspects of dealing with TCEQ, its hearing process, and its rules can obtain help from the Public Interest Counsel. Assistance is available to anyone who is affected by a particular permit application or other agency authorization. The staff of the Public Interest Counsel also helps people with questions about enforcement proceedings.

Office of the Executive Director

The executive director is hired by the commissioners and is responsible for managing the agency's day-to-day operations. Major responsibilities include directing operations of approximately 2,800 employees in 17 offices statewide, implementing commission policies, making recommendations to the commissioners regarding contested permitting and enforcement matters, and approving uncontested permit applications and registrations. Two deputy executive directors serve as the chief operating officers to assist the executive director in the administration of the agency. Six program offices, including, Office of Legal Services, Office of Administrative Services, Office of Air, Office of Water, Office of Waste, and Office of Compliance and Enforcement, report directly to the executive director with each office managed by a director. These directors are responsible for administering the regulatory and administrative programs within their respective offices.

External Relations Division

The External Relations Division works to deliver information to the public and within the agency. The division coordinates agency responses to all media inquiries, prepares and distributes agency [news releases](#), coordinates news conferences, and updates agency social media content. The division includes a publishing staff that coordinates, produces, or distributes regulatory and general information materials. Through the Take Care of Texas campaign, the division encourages all Texans to help keep the state's air and water clean, conserve water and energy, and reduce waste. This division also implements TCEQ's Public Education Program. The program answers questions about pending TCEQ permits, explains the permitting process, helps the public learn of opportunities for public participation on permit applications, and staffs a toll-free hotline for the public (800-687-4040). In addition, the Public Education Program distributes the TCEQ Customer Satisfaction Survey, which encourages customers' feedback on their experiences with the agency. Every two years, the most recent survey responses are published in a Report on Customer Service.

Toxicology, Risk Assessment, and Research Division

The Toxicology, Risk Assessment, and Research Division helps the agency make scientifically sound decisions by applying toxicological principles when evaluating environmental data, issuing authorizations, developing environmental regulations, and making policy decisions. TCEQ toxicologists identify chemical hazards, evaluate potential exposures, assess human health risks, and communicate risk to the public and stakeholders. A critical role of the division is to support human health protection and toxicology outside the agency by answering questions and responding to inquiries from the public, the media, regulated entities, stakeholders, legislators, and other government agencies regarding the activities and functions of TCEQ. As part of the Executive Office, the division offers fast and efficient technical support to all other programs in the agency. A detailed summary is included in Section VII.

Intergovernmental Relations Division

The Intergovernmental Relations Division coordinates the agency response to legislative inquiries and constituent issues, legislative initiatives, and interim committee studies affecting the agency and ensures that the legislature is informed of TCEQ's initiatives and activities. The division serves as a clearinghouse for [border affairs information](#) for TCEQ and coordinates agency comments on national policy issues.

The role of the Border Affairs team is to meet the regional needs of Texans near the border. The team is organized within the Intergovernmental Relations Division and supports agency leadership on transboundary air, water, and waste issues, and environmental policy along the Texas border with Mexico. The bilingual Border Affairs team liaises with Mexican officials, the Texas Secretary of State's office, and the Office of the Governor to support commitments under the 1983 La Paz agreement, the United States-Mexico-Canada Agreement, as well as binational Memoranda of Cooperation. The Border Affairs team is part of a broader effort called the TCEQ Border Initiative, which includes the four regional offices in South and West Texas near the border as well as subject matter experts from across the agency who dedicate part or all of their time to the border region.

Toxicology Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Toxicology

Location/Division: Austin Headquarters / Toxicology, Research, and Risk Assessment Division

Contact Name: Michael Honeycutt, Ph.D., Chief Toxicologist

Statutory Citation for Program: N/A

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Toxicology, Risk Assessment, and Research Division (TD) is to support all TCEQ offices and programs with respect to toxicology, risk assessment, and potential health effects of chemical exposures. TD helps TCEQ make scientifically sound decisions and helps focus agency resources by applying toxicological principles when evaluating environmental data, issuing authorizations, developing environmental regulations, and making policy decisions. An important role of TD is to promote consistency between programs by coordinating agency activities that assess risks to human health. TD toxicologists identify chemical hazards, assess chemical dose-response, evaluate potential exposures, assess human health risks, and communicate risk to other TCEQ programs and offices, the public, and stakeholders.

A critical role of TD is to support human health protection and toxicology outside the agency by answering questions and responding to inquiries from the public, the media, regulated entities, stakeholders, legislators, and other government agencies regarding the activities and functions of TCEQ. As TD is part of the Executive Office, it can offer fast and efficient technical support to all other programs in the agency.

Significant activities of TD include:

- Reviewing and updating the TCEQ Guidelines to Develop Effects Screening Levels, Reference Values, and Unit Risk Factors (2015).
- Developing effects screening levels (ESLs), reference values (ReVs), and unit risk factors (URFs) used in health effects reviews of air permitting, evaluation of ambient air monitoring data, and in the Texas Risk Reduction Program (TRRP) rule.
- Developing instantaneous comparison values (ICVs) and acute action levels (AALs) for use during in-motion monitoring and emergency events. ICVs and AALs will assist TCEQ staff in the field (non-first responders) and perhaps others in taking or developing exposure avoidance strategies deemed necessary to mitigate the potential for adverse human health effects in an emergency response situation.
- Maintaining TD-developed toxicity factors in the Toxicity Factor Database, hosted within the Texas Air Monitoring Information System (TAMIS) database. This serves as a user-friendly access point for internal and external stakeholders to query the most up-to-date ESLs, air monitoring comparison values (AMCVs), and associated documentation.
- Improving air quality by conducting health effects reviews of air permit applications, amendments, and other authorizations. TD gives timely support to the Air Permits Division and to the public regarding air permit applications.

- Improving air quality by continually evaluating the health protectiveness of air monitoring data. TD evaluates data collected by the TCEQ regional offices, the ambient air monitoring network, during mobile monitoring trips, and from industry-sponsored air monitors to determine whether there is any potential for adverse effects on health and welfare from exposure to the measured air pollutants.
- Improving air quality by maintaining the Air Pollutant Watch List (APWL) (Texas Health and Safety Code [THSC] Section 382.0161). TD has a process and procedure for identifying pollutants and areas of interest for the APWL. The procedure for adding pollutants and areas, directing agency resources toward resolving problem pollutants and areas, and for removing pollutants and areas from the APWL has been formalized. In addition, the process has been made more transparent with opportunities for public comment and notifications sent to local elected officials and state legislators when an APWL change is contemplated. Information on the APWL and specific areas is available on the TCEQ webpage.
- Reviewing modeled emissions and providing impacts statements to TCEQ regional investigators which ultimately are reviewed by the Excessive Emissions Events Review Team, whose role is to determine whether an emissions event is excessive (after evaluating 6 criteria for each incident). This team of six is comprised of staff representing four TCEQ Offices/Divisions, including staff representing TD.
- Ensuring the health protectiveness of remediation activities by reviewing portions of remediation risk assessments relating to health effects and assisting the Remediation Division in developing protective concentration levels for multiple environmental media.
- Assisting the TCEQ regional offices with evaluations relating to health effects of chemicals measured in air, soil, groundwater, surface water, and sediment.
- Assisting in emergency situations, responding to natural disasters (e.g., hurricanes) and industrial accidents (e.g., fires, storage tank leaks), reviewing air data during and after these events on a daily basis to identify potential health concerns associated with emissions from shutdowns and the aftermath of the incidents themselves, and later reviewing air data as facilities startup.
- Representing the agency at public meetings and hearings, and testifying at legislative hearings. TD also attends community advisory council meetings across the State of Texas, presenting the status of ambient air quality in a given area of interest.
- Attending toxicology conferences to stay abreast of the latest science, and making presentations at conferences and publishing peer-reviewed articles to further the scientific reputation of Texas and to increase understanding of the robustness of the science serving as a basis of Texas actions and regulations.
- Serving on federal peer review committees and scientifically reviewing federal assessments and rulemakings to help ensure federal regulations, assessments, and actions affecting Texas and TCEQ-permitted facilities are founded in sound science.
- Conducting research activities on environmental topics of importance to the State of Texas; including, for example, unregulated contaminants in sewage sludge and health-protective levels of cyanotoxins from harmful algal blooms.
- Preparing technical reports and informational webpages on environmental topics of concern such as air emissions from [aggregate production operations](#) and health effects from [wildfire smoke](#).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

No specific performance measures or key measures are associated with TD; however, TD supports multiple TCEQ programs by applying toxicological principles when evaluating environmental data, issuing authorizations, developing environmental regulations, and making policy decisions. An important role of TD is to promote consistency between programs by coordinating agency activities that assess risks to human health. Inquiries from the public, legislators, the media, other agencies, and staff are responded to promptly, usually in less than 24 hours. In a typical year, TD personnel attend anywhere from five to 20 public meetings on air permits, remediation projects, or other meetings at the request of legislators, management, local agencies, or citizen organizations. TD accomplishments in specific areas are discussed further below.

Air Permit Reviews. TD completed 69 air permit reviews for the Air Permits Division and responded to approximately 195 requests for interim ESLs for chemicals not on the current ESL list during FY 2020. In FY 2020, TD responded to over 60 technical inquiries regarding preliminary ESL reviews.

Air Monitoring Reviews. TD completed nine reviews of air monitoring data collected by TCEQ regional offices in FY 2020. The number of reviews of air monitoring data was lower than the 37 and 21 reviews completed in FY 2018 and FY 2019, respectively, due to a lower number of samples collected. In addition, in FY 2020 TD reviewed more than 12 million ambient monitoring data points in the 13 regions of the state with air toxics monitors. The regional reviews are focused on site-specific issues and chemicals and the annual reviews summarize all the ambient data available for an entire TCEQ region. When requested, TD will also review mobile monitoring trip data (none were requested in FY 2020); the mobile monitoring reviews focus on specific areas of concern with multiple potential sources of air pollutants.

APWL Areas and Chemicals. Although no new areas or chemicals were added to the APWL and none were removed in FY 2020, significant progress has occurred over the past several years in addressing air quality issues in APWL areas. As a result of a significant focus of agency resources, TD has been able to remove four areas/chemicals from the APWL since 2016. As of July 2021, there are only four remaining active APWL areas in the entire state. Combined, the four APWL areas cover 137 square miles or 0.01% of the total surface area of Texas (nearly 270,000 square miles).

Benzene Fenceline Monitoring. Since reporting began in 2019, TD has been reviewing the quarterly data submitted by refineries in Texas under EPA's Refinery MACT (maximum achievable control technology) Rule. Twenty-eight refineries and storage terminals across the state began collecting two-week passive benzene samples at the fenceline in 2018 and were required to submit quarterly reports beginning in spring 2019. TD downloads the reports from the Compliance and Emission Data Reporting Interface (CEDRI) website, reviews the raw data and calculated EPA compliance values, conducts a health assessment based on the individual sampling sites, and publishes a report of the findings. TD works with both internal and external stakeholders to ensure data is reported accurately and to improve the air quality around these facilities.

Final ESLs. TD finalized two development support documents (DSDs) with information supporting five final ESLs and four ReVs in FY 2020 for high-priority chemicals and their isomers. Each DSD was proposed, went

through a public comment period, and was finalized. The ethylene oxide carcinogenic dose-response assessment DSD went through an external expert peer review prior to finalization.

Remediation Documents. TD reviewed approximately 40 documents and several data sets for the Remediation Division in FY 2020. TD participated in four public meetings and served as an expert witness for the Office of the Attorney General in five cases in FY 2020.

TRRP Toxicity Factors. On an as-needed basis, TD developed oral toxicity factors for three chemicals in FY 2020. TD also developed an inhalation toxicity factor for one chemical in FY 2020. These toxicity factors were incorporated into the TRRP tables.

Groundwater Contamination (Texas Water Code Section 26.408). TD addressed 39 cases of groundwater contamination in FY 2020 with approximately 450 notices sent to adjacent well owners and/or well users. The notices included information on the levels of contamination measured in groundwater, accredited laboratories for water analysis, and TD contact information. TD is a member of TCEQ's Impact Evaluation Team (IET), is a point of contact for the public, and provides follow-up human health support via phone calls and emails. Notices are also sent to the appropriate groundwater conservation district, if there is one, and the Texas Department of Licensing and Regulation to inform water well drillers of locations of groundwater contamination.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In general, TD has added functions and gained in importance at the agency since its inception as part of the Texas Air Control Board.

2009

- The Toxicology Section (TS) became the Toxicology Division. The move from a section to a division reflects the increased responsibilities and importance placed on the functions of TD, both internally and externally to the agency.

2019

- The name of the Division changed to the Toxicology, Risk Assessment, and Research Division (TD) to reflect the risk assessment functions of the division, additional research responsibilities, and the addition of the Environmental Research Library.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Air. Indirectly, the ESLs developed by TD affect regulated air permit holders and impact compliance and enforcement decisions related to air monitoring. Health-based toxicity values are used to evaluate air quality affecting the general public and industries in APWL areas.

APWL. The addition and removal of areas and chemicals from the APWL directly affect industries and local communities by drawing agency attention to these areas. Additional attention may lead to cooperative

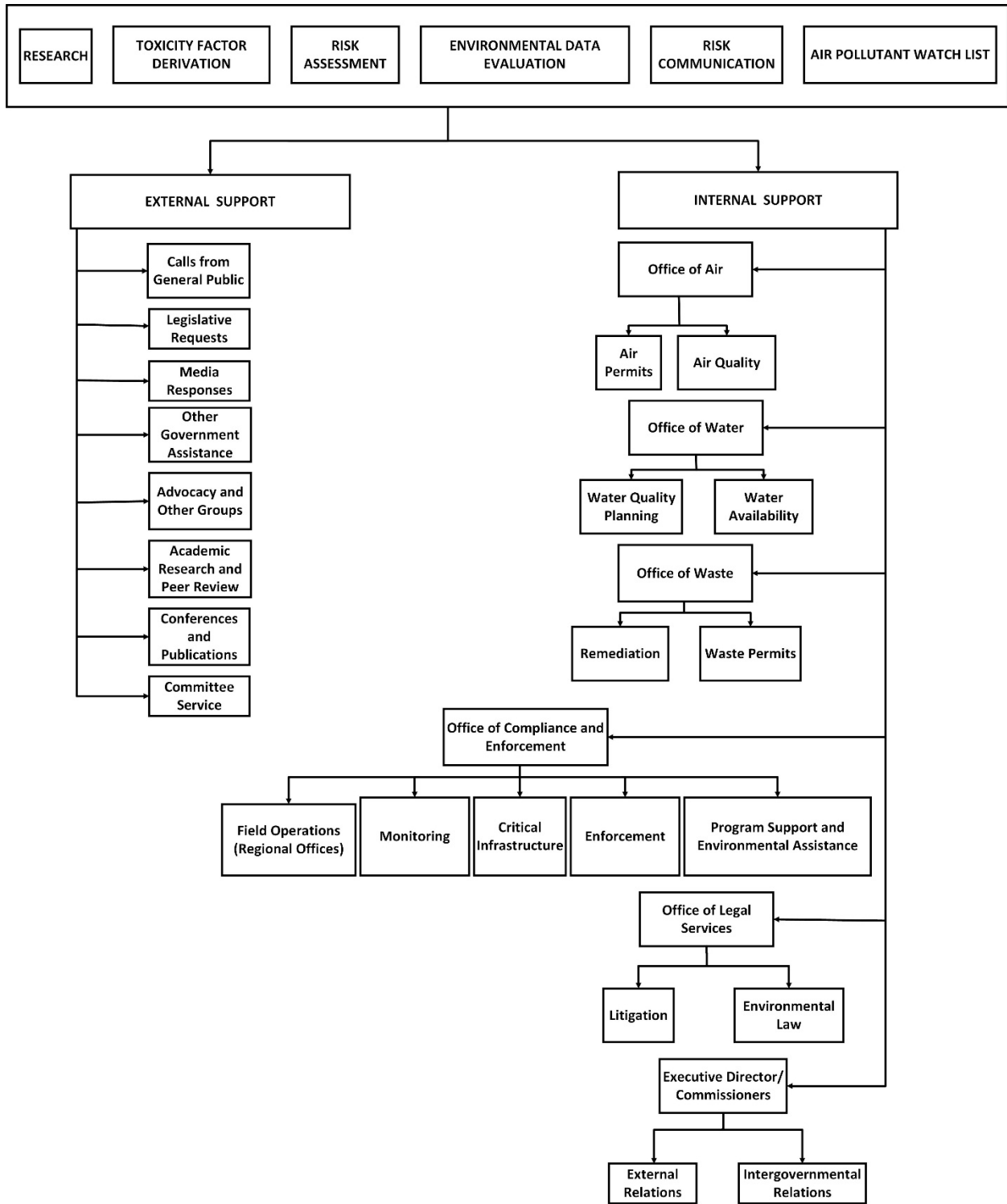
agreements with industry to make changes to facility operations, additional monitoring, more stringent air permit requirements, and compliance and enforcement investigations. Based on figures from the 2020 census, approximately 21,000 people (~0.07% of the Texas population) are estimated to live within the boundaries of the four APWL areas.

Soil and Water. The toxicity factors provided to the Remediation Division affect the calculation of health-based protective concentration levels (PCLs) in soil and water for the TRRP rule and affect remedial decisions. These toxicity factors and PCLs are also used by TCEQ regional offices to prioritize contamination issues and make decisions about local issues and other central office programs. Toxicity factors are also used in the Texas Surface Water Quality Standards which are used to maintain the quality of surface waters in Texas and are used in wastewater permits.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Toxicology conducts research activities and responds to internal and TCEQ-related external requests for toxicology and human health risk assessment assistance. Each support function of TD is administered a little differently, depending on the internal program involved, or the external stakeholder supported. The following flowchart illustrates Toxicology Division Functions.

Toxicology, Risk Assessment, and Research Division Functions Flowchart



Research Activities

TD contracts with consulting firms and universities to conduct research activities on environmental topics of importance to the State of Texas. Descriptions of the projects and final work products are provided on the agency's website at <https://www.tceq.texas.gov/toxicology/research-projects>.

External Support

Calls from the General Public. Questions, calls, and e-mails about human health risk and toxicology are answered daily by toxicology personnel. If an answer is not immediately available to address a question or concern, every attempt is made to find the answer within 24 hours. TD has a dedicated email address, tox@tceq.texas.gov, and phone number (512-239-1795) that are provided in letters, emails, and at public meetings to make it easier to contact TD. The APWL also has its own dedicated email address, apwl@tceq.texas.gov, which is provided to the public.

Legislative Requests. TD serves a critical role in reviewing legislative issues during the session each biennium, in addition to special legislative requests at any time. TD assigns a bill coordinator and bill analysts to review bills during legislative sessions. A goal of TD is to provide prompt, accurate, scientifically sound responses on human health risk and toxicology issues.

Media Responses. TD is often called upon to answer media inquiries on human health risk and toxicology issues. The division works with the External Relations Division as appropriate to ensure prompt, accurate, and state-of-the-science responses to the media.

Advocacy and Other Groups. TD works with advocacy and industry groups to explain the scientific basis of TCEQ positions on human health risk and toxicology issues. In addition, and as appropriate, TD collaborates with citizen advocacy groups, industry groups, and semi-government organizations, like regional planning councils.

Academic Research and Peer Review. TD collaborates with experts on human health risk, toxicology, and epidemiology at universities in Texas and elsewhere to supply and obtain the latest relevant information. TD participates in some agency-sponsored research, and serves as technical adviser on non-agency sponsored research. In FY 2020 TD was involved in several research projects and used outside peer review for its DSD activities.

Conferences & Peer Review. TD staff attend toxicology conferences to stay abreast of the latest science to help ensure agency decisions are based on the best available science. TD staff also make presentations at scientific conferences to bolster TCEQ's robust reputation for utilizing sound science for regulatory decision-making and to receive external input to help staff make agency scientific assessments even stronger.

Similarly, TD staff publish articles in the peer-reviewed literature to further the scientific reputation of Texas. External peer review increases the scientific robustness of the agency's scientific work, the publication of which increases awareness of the scientific soundness of Texas actions and regulations.

Lastly, TD subjects DSDs that differ significantly from other agencies to independent external expert peer review. External scientific critical review ensures that important chemical assessments by the agency represent the best available science.

Committee Service. TD staff serve on multiple federal peer review committees for the scientific review of federal assessments and rulemakings. These review activities help ensure federal regulations, assessments, and actions affecting Texas and TCEQ-permitted facilities are founded in sound science.

Internal Support

Air Permits. TD reviews air permit applications, amendments, and renewals to determine whether the predicted air concentrations resulting from emissions are protective of human health and welfare, odor, and vegetative effects.

Air Monitoring. TD reviews air monitoring data collected by various ambient monitoring networks in the state, in addition to data collected by mobile monitoring trips and TCEQ regional offices. Annual interoffice memoranda evaluating the available monitoring data in each region are prepared for each Regional Director. Mobile monitoring data and data collected by TCEQ regional offices are evaluated by TD via interoffice memoranda and/or email reviews. Benzene data collected in response to the EPA Refinery MACT rule is reviewed on a quarterly basis by TD, and support is provided to the regional offices.

Toxicity Factor Derivation. TD develops ESLs, AMCVs, ReVs, and URFs, which are used to evaluate air permits and air monitoring data. These values are also incorporated into the TRRP rule for the remediation division. TD also develops ICVs and AALs, which are used during in-motion monitoring and emergency events. These values assist TCEQ staff in the field (non-first responders) and perhaps others in taking or developing exposure avoidance strategies deemed necessary to mitigate the potential for adverse human health effects in an emergency response situation.

Air Pollutant Watch List–Texas Health and Safety Code (THSC) Section 382.0161. TD uses air monitoring data, emissions estimates, health and odor complaints, and compliance investigations to make recommendations on areas of the state needing additional TCEQ resources to address particular air contaminants. This information forms the basis for the administration of the APWL.

Groundwater Contamination–Texas Water Code (TWC) Section 26.408. When groundwater contamination is discovered by TCEQ or other agencies (e.g., the Railroad Commission of Texas (RRC)), TD notifies adjacent well owners and/or users about the detected contaminant(s), the levels measured, and whether there are potential health concerns from using the water. There are legislatively-mandated timelines and actions required of TCEQ to provide notice to landowners.

Water Contamination. TD supports TCEQ with answers to human-health risk and toxicology questions about contaminants in public drinking water, private drinking water, and surface water.

Waste. TD supports the Waste Permits Division by helping to evaluate human health concerns with exposure to contaminated waste and reuse of materials for applications other than for which they were originally intended.

Remediation Risk Assessments. TD supports the Remediation Division by technically reviewing assessments of human health risk and evaluating data on chemicals in soil, sediment, groundwater, air, and other environmental media (e.g., fish tissue) for remediation sites.

Texas Risk Reduction Program (TRRP) Rule. TD helped write the TRRP rule and continues to provide technical support and guidance on toxicology and human health risk issues related to the rule. Each year

the division updates the toxicity factors used to calculate risk- and hazard-based protective concentration levels (PCLs) for ingestion, inhalation, and dermal contact with soil, sediment, groundwater, air, and other media (e.g., fish tissue risk-based exposure levels).

TCEQ Regional Office Support. TD routinely answers human health risk and toxicology questions from the TCEQ regional offices regarding soil, sediment, groundwater, surface water, and air exposures. TD staff support may include conference calls with regulated entities, members of the public, and other personnel, and participation in public meetings.

TD plays an important role in emergency situations, responding to extreme weather events (e.g., hurricanes) and industrial accidents (e.g., fires, storage tank leaks), reviewing air data on an hourly to daily basis to identify potential health concerns associated with facility shutdowns and startups in the aftermath of these incidents. This often requires TD to be on call for an extended period. Similar dedication is required for public drinking water system crises (such as recent events in San Angelo and Lake Jackson). TD staff expedite the development of scientifically sound toxicity factors and drinking water screening values for released substances; collaborate with EPA as they develop analytical capabilities; and urgently evaluate data to assess allowable use (e.g., drinking, showering, clothes/dish/hand washing versus no use at all). The role of TD after emergency situations has expanded as the agency has acquired new vans capable of reporting real-time air concentrations requiring continuous evaluation and in-motion screening values (e.g., ICVs and AALs) to inform investigative efforts and to mitigate health risks.

Enforcement Support. TD supports enforcement efforts of TCEQ by providing technical information on human health risk and toxicology issues.

Office of Legal Services. TD supports the Office of Legal Services by providing expert testimony or technical information on human health risk and toxicology issues, including participation in public meetings and administrative hearings.

Executive and Commissioner Requests. TD is routinely called upon by the Office of the Executive Director, and individually by the commissioners, to answer questions, brief them on topics, attend public meetings, or assist them in responding to human health risks and toxicology issues as they arise.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Toxicology Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0151	Clean Air Account	N/A	N/A	\$1,866,923
0153	Water Resource Management Account	N/A	N/A	\$8,460
0549	Waste Management Account	N/A	N/A	\$8,019
0550	Hazardous & Solid Waste Account	N/A	N/A	\$2,095
0555	Federal Funds	66.605	Performance Partnership Grants	\$138,452
5071	Texas Emissions Reduction Plan Account	N/A	N/A	\$200,000
5094	Operating Permit Feed Account	N/A	N/A	\$86,615
TOTAL				\$2,310,564

The program includes the following strategies:

- Air Quality Assessment and Planning;
- Water Assessment and Planning;
- Waste Assessment and Planning; and
- Waste Management and Permitting.

The program includes a portion of Rider 19 - Texas Emission Reduction Plan (TERP): Grants and Administration.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other internal TCEQ programs duplicate the efforts of TD, although several complement it. Water programs that must consider human health risks include the Public Drinking Water Program and the Water Quality Planning Program. The Radioactive Materials Division assesses human health risks from radioactive materials, while TD assesses human health risks from chemical contaminants. In addition, the ecological risk assessment program in the Remediation Division has some similar functions to TD; however, its focus is ecological health rather than human health.

The Texas Department of State Health Services (DSHS) has some similar functions. DSHS has an Environmental Surveillance and Toxicology Branch that uses principles of epidemiology, toxicology, and surveillance to identify populations at risk, to develop evidence-based actions, and to protect and promote the health of the people of Texas. This branch has specific legislatively-mandated functions that are different than those of TD.

To the best of our knowledge there are toxicologists at other state agencies including RRC who deal specifically with remediation issues under RRC's regulatory authority; and at the Texas Department of Agriculture (TDA) who deal exclusively with pesticide registration, application, and releases. The Texas Department of Public Safety (DPS) has emergency response capability for hazardous waste spills and

releases but does not hire its own environmental toxicologists. In addition, the Texas Department of Transportation works on mobile source issues and environmental impact statements but does not specifically hire environmental toxicologists.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TD has regular communication with DSHS on cross-jurisdictional issues, for public meetings, and for coordinated responses to questions from the public on health effects and toxicology. For example, groundwater contamination may be discovered in a private well as a result of remediation activities. The well owner may call with specific questions about health concerns related to drinking the water, or using it for showering or gardening. TD would respond. The well owner may then ask about a particular form of cancer that seems to be occurring at higher rates than normal in his or her family or neighborhood. Those questions would be answered by DSHS in coordination with the family's physician. In addition to site-by-site responses to citizens, the two agencies have participated in several joint public health efforts.

Toxic Substances Coordinating Committee

The Toxic Substances Coordinating Committee (TSCC) was created in 1987 by SB 537 (70R). The TSCC's purpose is to coordinate communication among member agencies concerning each agency's efforts to regulate toxic substances and harmful physical agents. Participating agencies, in addition to TCEQ and DSHS, include the Texas Parks and Wildlife Department, TDA, DPS, the Texas General Land Office, and RRC. The mission of the TSCC is to protect and promote the health and environment of Texas through the prevention and control of adverse health and environmental effects related to toxic substances and harmful agents. This mission is accomplished through interagency coordination of regulation development, risk assessments, cooperative studies, information dissemination, and public education efforts. TD is the TCEQ program that serves on the TSCC, meeting quarterly. TD also serves on subcommittees formed as part of the TSCC (e.g., subcommittees on harmful algal blooms, human health risk, or chemical levels in fish tissues).

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

United States Environmental Protection Agency (EPA) Region 6 and Agency for Toxic Substances and Disease Registry (ATSDR)

EPA Region 6 has toxicologists and risk assessors who work with TD on federal Superfund remediation sites, during the response to emergency events, and with benzene fence-line monitoring data. TD gets information from many EPA programs and offices and the ATSDR to make decisions on human health risk and toxicology issues. In addition, TD provides technical advice and guidance to federal agencies on such issues.

Other State Agencies and City and County Environmental and Health Departments

TD communicates and coordinates with other state (e.g., DSHS and RRC) and local government agencies (e.g., City of Houston and Harris County) dealing with human health risk and toxicology. TD gives support in interpreting data, evaluating human health risks and hazards, and responding to environmental issues.

In addition, TD has participated in research projects with various governmental organizations, either as an active participant or an adviser.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

These contracts allow the program to do more in a shorter time and to offer specialized toxicological services outside of the agency not normally performed by the program.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$471,460.

- the number of contracts accounting for those expenditures;

Five contracts.

- the method used to procure contracts;

The program had one Request for Proposal (RFP) resulting in one new contract. One other contract was procured with an RFP and two contracts were state contracts with universities.

- top five contracts by dollar amount, including contractor and purpose;

Toxicology Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-20-10030	NERA Economic Research Associates	Study spatial variation in a simulation study to evaluate decomposed PM2.5 trends	\$325,000
582-19-91305	University of Cincinnati	Letter peer review of the Ethylene Oxide Carcinogenic Dose Response Assessment Development Support Document	\$105,000
582-20-10533	ToxStrategies	Records of decision risk, levels for remediation sites	\$8,460
582-20-13790	WorkQuest	Intern to assist with program needs	\$10,200
582-20-12697	Websedge	Video, Thought Leadership broadcast on closed circuit TV as part of the Society of Toxicology 59th Annual Meeting and ToxExpo	\$22,500

- the methods used to ensure accountability for funding and performance; and

Contracts are monitored to ensure expenditures meet contract requirements and do not exceed the contract. Separate division personnel audit contractor performance to verify costs and troubleshoot potential problems that would impede the contractor's ability to fulfill the required deliverables.

- a short description of any current contracting problems.

The program did not experience contracting problems.

L. Provide information on any grants awarded by the program.

The Texas A&M Engineering Experiment Station (OSRS) provides technical expertise to the program in area of mathematics and statistics related to air pollutant toxicology and epidemiology.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Office of Legal Services

This office manages legal services for the agency in environmental law, enforcement litigation, bankruptcy, and general agency operations. The office provides legal counsel and support to the executive director, agency programs, and, along with the general counsel and the public interest counsel, the commissioners. The office ensures that commission decisions follow the law, and that any rules developed by the agency comply with statutory authority and are consistently applied.

Environmental Law Division

The Environmental Law Division primarily supports the offices of Air, Waste, and Water. This division provides legal counsel to the agency in all areas of permitting and rulemaking and represents the executive director in contested permitting matters in accordance with state law and agency rules regarding participation in hearings. The division's functions also include legal support related to federal program delegation, interpretation of environmental statutes and rules, and support for the Office of the Attorney General in state and federal court litigation.

General Law Division

The General Law Division serves as legal counsel to the agency on issues related to contracts, grants, procurement, employment law and public-service ethics; processing and distribution of information for the public; and records retention. The division deputy director serves as the agency ethics adviser. The division also prepares administrative records for appeals under the Administrative Procedures Act and supports the Office of Legal Services with administrative personnel (paralegals and legal secretaries) and administers the RESTORE program. The division supports the agency administratively by coordinating rulemaking and preparing documents for publication in the *Texas Register*.

Litigation Division

The Litigation Division is comprised of two Enforcement sections, a Remediation section, and an Environmental Crimes section. The Enforcement sections provide legal representation and support to the Enforcement and Field Operations divisions of the Office of Compliance and Enforcement, including negotiation of agreed enforcement orders, litigation of enforcement actions, and coordination of the Supplemental Environmental Projects and the Texas Environmental, Health, and Safety Audit Privilege programs. The Remediation section provides legal support to the Remediation Division of the Office of Waste, including negotiation of Superfund orders, recovery of cleanup costs, and ongoing legal support related to implementation of the agency's remediation programs. The Enforcement and Remediation sections also provide support for the Office of the Attorney General in state and federal court civil litigation. The Environmental Crimes section investigates and gathers evidence on environmental crimes for prosecution in state and federal courts.

Office of Administrative Services

The Office of Administrative Services, through the following divisions support the agency program areas and external customers:

Budget and Planning Division

Budget and Planning develops and monitors the agency's annual operating budget; prepares, monitors, and submits federal grant applications and work plans; provides centralized grants management; develops the agency's biennial legislative appropriations request; and coordinates development of the strategic plan, quarterly performance reports, and fiscal notes for rulemaking and legislative proposals.

Financial Administration Division

Financial Administration manages the agency's financial transactions, ensuring the integrity and adequacy of accounting records and internal controls. Included among the division's functions are: management of payroll processing and timekeeping; payments to employees and vendors; revenue management including fee collection; billing of federal grants; financial estimating, analysis, and financial reporting; procurement and contracting; Historically Underutilized Business Program administration; and financial assurance.

Human Resources and Staff Services Division

Human Resources and Staff Services (HRSS) provides strategic support for TCEQ's workforce. The division is responsible for agency recruitment and staffing services, the Mickey Leland Environmental Internship Program, and oversight of job classification and employee compensation. HRSS provides staff and management development services, including administration of the performance management system, providing professional training, and the agency's leadership development program. The division supports continuous improvement efforts through training and coaching support within the TCEQ's Lean Management System (TLMS). The division administers employee benefits, special leave, and workers' compensation, facilitates employee relations, and coordinates wellness and other engagement programs. HRSS organizes the agency's succession and workforce planning and produces reports for management decision making. The division is also responsible for risk, asset, and fleet management. It reviews and processes health, safety, and security concerns; conducts safety training and inspections; and provides centralized receiving and distribution services. HRSS provides copying, bulk printing, and mail and messenger services, and functions as the agency's liaison on facilities and leasing responsibilities.

Information Resources Division

Information Resources (IRD) provides services in coordination with agency program areas and the Texas Data Center with a focus on cybersecurity and information security protocols. Operating within a governance structure that includes the agency's Information Resources Manager, TCEQ's executive staff, and office directors, IRD offers technical expertise, synced with agency priorities, available resources, and project and system focused analyses and best practices. IRD manages infrastructure, databases, telecommunications, and applications; provides hardware and software to program areas along with application development services; coordinates the agency's public information requests and records management programs; leads continuity of operations planning; and is key in the implementation of TCEQ's continuous improvement program (TLMS).

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Office of Air

This office is divided into three divisions, Air Quality, Air Permits, and Air Grants. The office develops and implements plans to protect and restore air quality in cooperation with local, regional, state, and federal stakeholders. The office also oversees all air permitting activities and provides grants to reduce air pollution.

Air Quality Division

The Air Quality Division protects and restores air quality by coordinating the development of the state implementation plan (SIP), the state's plan for meeting the National Ambient Air Quality Standards (NAAQS). This involves developing, reviewing, and reporting the emissions inventory of stationary and mobile sources and developing control strategies to protect and improve air quality for the SIP. The division also performs data analysis and photochemical modeling to estimate future expected air quality for planning purposes and to evaluate potential pollution control strategies. In addition, the division supports the SIP by designing and managing air quality research programs to further the agency's understanding of air quality science. The division is also responsible for assessing emissions and inspection fees funding multiple agency air programs and managing the Tax Relief for Pollution Control Property program (Tax Relief program). The Tax Relief program provides relief, through property tax exemptions, to individuals, companies, and political subdivisions making capital investments to meet or exceed environmental regulations.

Air Permits Division

The Air Permits Division processes air permits and authorizations for facilities that, when operational, will emit contaminants into the atmosphere. There are two air permitting programs in the division, New Source Review (NSR) Permits and Title V Federal Operating Permits (FOPs). NSR Permits are required for certain facilities before construction begins. Several potential air authorizations fall under the category of NSR Permits including Permits by Rule, Standard Permits, and case-by-case permits (minor NSR permits and major NSR permits, including, but not limited to, Prevention of Significant Deterioration (PSD) permits and nonattainment (NA) permits). Title V FOPs apply to all major sites and certain non-major sites identified by United States Environmental Protection Agency (EPA) and are required prior to operation. There are two types of FOPs, Site Operating Permits and General Operating Permits.

The division also manages the Emission Banking and Trading (EBT) program. The EBT program uses market-based strategies to address air quality issues in non-attainment (NA) areas throughout Texas and to provide a mechanism for regulated entities to create and/or obtain emission credits necessary for emission offsets required for permitting.

Air Grants Division

The Air Grants Division administers the Texas Emissions Reduction Plan (TERP) program which includes incentive funding for a variety of grant programs designed to reduce pollutant emissions in Texas. The primary TERP program provides grants to reduce nitrogen oxides (NO_x) emissions from mobile sources in areas of Texas designated as NA for ground-level ozone under the Federal Clean Air Act (FCAA), as well as other affected counties. Other programs include funding for natural gas vehicles and other alternative fuel vehicles, and infrastructure to provide fuel for those vehicles. TERP also includes funding to reduce emissions from school buses, advance technologies reducing NO_x and other emissions from stationary

sources, and to conduct studies and pilot programs for port authorities to encourage cargo movement that reduces emissions.

Air Quality Planning

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Air Quality Planning

Location/Division: Austin Headquarters / Air Quality Division

Contact Name: Donna F. Huff

Statutory Citation for Program: 42 United States Code (USC) Sections 7401 et seq., 7506, 7511a, and 11001 et seq. Federal Clean Air Act (FCAA); Texas Health and Safety Code (THSC) Chapter 382, Subchapters G and H and Sections 382.002, 382.011–382.014, 382.017–382.0173, 382.0191, 382.0205, 382.021, 383.023–383.027, 382.062, 382.0621, 382.0622, and 382.063; THSC Sections 370.001 et seq.; THSC Section 386.051(b).

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Air Quality Planning program is responsible for meeting state and federal air quality requirements. The program develops U.S. Environmental Protection Agency (EPA) approvable air quality State Implementation Plan (SIP) revisions. The SIP is the state's comprehensive plan to clean the air and meet federal ambient air quality standards, the National Ambient Air Quality Standards (NAAQS). The program activities include SIP, mobile sources, rule-writing/control strategy development, modeling, data analysis, emissions assessment, and research.

SIP Program

The SIP Program coordinates plan revisions required by the FCAA showing how Texas will attain and maintain the NAAQS for the six criteria pollutants (carbon monoxide (CO), ozone, sulfur dioxide (SO₂), nitrogen dioxide, particulate matter (PM), and lead), and other related FCAA requirements. Areas not meeting NAAQS are known as non-attainment (NA) areas, and TCEQ is required to submit to EPA a SIP revision showing how a NA area will come into compliance with the standard by a deadline specified by the FCAA. A SIP revision includes work developed by the other Air Quality Planning programs and various other agency programs, such as permitting, enforcement, implementation grants, and monitoring.

Mobile Source Programs

Mobile source programs include SIP and federally required programs to ensure air quality is protected and emissions reduced.

The vehicle Inspection and Maintenance (I/M) program requires emissions testing for applicable vehicles.

Several fuel programs reduce evaporative refueling emissions and reduce nitrogen oxides (NO_x) and other ozone-forming emissions.

Conformity, a FCAA requirement, ensures federal actions will not cause or aggravate a violation of NAAQS or delay timely attainment of NAAQS. Transportation conformity requirements must be met for federal actions undertaken by the Federal Highway Administration (FHWA) and Federal Transit Administration

(FTA), and general conformity requirements must be met for all other federal actions. General conformity regulations allow for early emissions reduction programs to be implemented by federal agencies for use as offsets in future general conformity demonstrations.

The Federal Aviation Administration (FAA) created the Voluntary Airport Low Emission (VALE) program in 2005 to provide sponsors with financial and regulatory incentives to increase their investments in proven low-emission technology, thereby reducing emissions of harmful pollutants.

The National Environmental Policy Act (NEPA) is an environmental law promoting evaluation of environmental, social, and economic effects of a proposed federal action. TCEQ often performs environmental reviews as a “participating agency” as defined in 40 Code of Federal Regulations (CFR) Part 1508.1(w).

Other mobile source programs include the coordination of local mobile emission reduction strategies, such as, idling restrictions, transportation control measures, and voluntary mobile emissions reduction strategies. These strategies have been included in the SIP to demonstrate attainment of NAAQS for affected areas.

Control Strategies Development

Pollution control measures and technologies are evaluated as part of SIP development to identify feasible control strategies that will help affected areas attain NAAQS. Control strategies apply to specific emissions sources and are implemented through the agency rulemaking process or formal agreements, such as, agreed orders, memorandums of understanding (MOU), and memorandums of agreement (MOA). The following rules in Title 30 Texas Administrative Code (30 TAC) address the following sources: Chapter 111 rules address sources emitting particulate matter, Chapter 112 rules address sources emitting sulfur, Chapter 115 rules address sources emitting volatile organic compounds (VOCs), and Chapter 117 rules address sources emitting NO_x. Some types of sources addressed by these rules include chemical plants, petroleum refineries, electric generating facilities, and oil and natural gas production and processing.

Air Modeling and Data Analysis

The Air Modeling and Data Analysis Section (AMDA) conducts photochemical modeling, data analysis, and scientific research to provide technical support for the development of the SIP. Major activities include photochemical modeling for ozone and regional haze and air dispersion modeling for SO₂ to predict outcomes for air quality planning; analysis of trends in air quality and meteorological data to help predict progress toward meeting federal air quality standards; and assessments of the causes and sources of high pollutant concentrations, including for exceptional event and international transport demonstrations.

Emissions Assessment

Emissions Assessment is responsible for administering five major activities: the point source emissions inventory (EI), the area source EI, the mobile source EI, management of air emissions and inspection fees, and the toxics release inventory (TRI). These emissions assessment activities allow TCEQ to track and better understand air quality emissions data used for SIP development, modeling, setting air emissions fees, tracking trends, placing air monitors, assessing potential emission reductions from air quality control strategies, publishing data, and planning other air quality activities.

For the point source EI, Emissions Assessment annually collects, quality assures, and publishes air pollution emissions data reported by industrial sites in Texas. Air pollutants reported include any criteria air pollutant subject to NAAQS and other regulated air pollutants. Federal rule requires the state-wide point source EI to be submitted annually to EPA for inclusion in the National Emissions Inventory (NEI).

For the area source EI, Emissions Assessment develops air emissions inventories for stationary sources such as gas stations and dry cleaners below point source reporting thresholds and too numerous to inventory individually. For the mobile source EI, Emissions Assessment develops air emissions inventories for mobile sources such as vehicles and construction equipment too numerous to inventory individually. Federal rule requires area and mobile source emissions inventories to be developed, quality assured, and submitted to EPA every three years for criteria pollutants and precursors for each mobile source category.

To manage air emissions and inspection fees, Emissions Assessment collects, reviews, and assesses two fees for industrial sites: air emissions fees to cover the direct and indirect costs to administer the federal (Title V) operating permit program, and inspection fees to cover the costs for other air programs.

Federal law requires certain industries to annually report site-level toxic releases to both EPA and the state. For the TRI, Emissions Assessment reviews toxic release data and assesses each site a fee for the number of toxic chemical release forms submitted.

Air Quality Research and Development

The Air Quality Research and Development (AQRD) program provides technical and scientific support for the assessment of air quality. This program sponsors scientific research related to Texas air quality in the areas of atmospheric chemistry, meteorology, air quality modeling, and data analysis. The AQRD program activities also include development of emissions inventories, software development, and targeted monitoring efforts, including field studies and local monitoring networks. This program includes technical projects by local entities through the Rider 7 program, monitoring in the Dallas Fort Worth area by the North Texas Commission (NTC), work related to supercritical carbon dioxide (CO₂) through the Rider 29 program, and energy efficiency work by the Texas A&M Energy Systems Laboratory (ESL).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to," but do not repeat measures listed in Exhibit 2.

SIP Program. The SIP Program has developed, or is currently developing, SIP revisions to meet FCAA requirements. No key performance measures are associated with the SIP Program. However, the following table outlines how the design values for the eight-hour ozone standards are trending downward despite increases in population in all areas. Decreasing ozone levels show SIP revisions and associated rules are improving air quality. The design value for attainment of the 2008 eight-hour ozone standard is 75 parts per billion (ppb) and 70 ppb for the 2015 eight-hour ozone standard.

Eight-Hour Ozone Design Values in Parts per Billion

Area	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
HGB	84	84	89	88	87	80	80	79	81	78	81	79
DFW	86	86	90	87	87	81	83	80	79	76	77	76
ELP	75	71	71	72	72	72	71	70	71	73	75	76
SAN	74	75	75	80	81	80	78	73	74	72	73	72
BPA	77	74	79	80	75	70	68	68	67	67	70	68
AMA	NM	NM	NV	NV	73	70	66	64	65	68	69	68
KT	NV	NV	70	75	74	72	69	67	69	68	69	67
ARR	75	74	75	74	73	69	68	66	69	68	69	65
NET	75	74	77	79	77	71	68	66	65	65	66	65
WAC	72	70	72	72	74	69	67	63	NV	NV	NV	64
BB	66	64	69	70	71	65	64	62	62	63	64	63
CC	69	71	72	72	70	66	65	64	62	61	61	61
Polk	NM	NM	NV	NV	NV	NV	NV	61	60	60	61	59
LRG	62	65	64	64	60	58	59	57	57	57	59	57
MEM	57	61	62	62	59	57	56	55	55	55	55	55
VIC	65	66	70	69	67	63	64	65	65	NV	NV	NV
LAR	55	57	NV	NV	NV	NV	59	54	NV	NV	NV	NV

Design values are from EPA's Air Quality System. Design values are calculated in accordance with the 2015 eight-hour ozone NAAQS. An "NV" value in the table indicates there was not enough data to calculate a valid design value. "NM" indicates there was no monitor in the area.

HGB – Houston-Galveston-Brazoria ozone NA area

DFW – Dallas-Fort Worth ozone NA area

ELP – El Paso County

SAN – Bexar County ozone NA area

BPA – Beaumont-Port Arthur metropolitan area

AMA – Amarillo metropolitan area

KT – Killeen-Temple metropolitan area

ARR – Austin-Round Rock metropolitan area

NET – Northeast Texas (Tyler metropolitan area and

Longview-Marshall metropolitan area)

WAC – Waco metropolitan area

BB – Big Bend (Brewster County)

CC – Corpus Christi metropolitan area

Polk – Polk County

LRG – Lower Rio Grande Valley (Brownsville-Harlingen metropolitan area)

MEM – McAllen-Edinburg-Mission metropolitan area

VIC – Victoria metropolitan area

LAR – Laredo metropolitan area

In addition, all areas of Texas have attained the revoked one-hour ozone and 1997 eight-hour ozone standards. Furthermore, a portion of El Paso County previously designated NA for CO and a portion of Collin County previously designated NA for lead have since been redesignated to attainment.

Mobile Source Programs. A number of mobile source programs are included as part of the SIP. Federal regulations 40 CFR Part 51.353 require the I/M program to perform a program evaluation every two years. The evaluation continues to show I/M is a vital component of overall strategies to improve air quality. Key dataset OA-3 Texas Emissions Management System applies to the I/M program.

Control Strategies Development. Development of control strategies does not have specific performance measure requirements, but the control strategies and rules developed by the program have resulted in significant reductions in pollution to help improve air quality in NAAQS NA areas in Texas. The rules developed are included in the SIP and must be approved by EPA. See the SIP Program discussion above for additional information regarding air quality improvement.

Air Modeling and Data Analysis. Program effectiveness is evidenced by developing attainment, international transport, and exceptional event demonstrations meeting the relevant EPA guidance. Program efficiency is determined by meeting internal deadlines to support TCEQ decision making. Modeling and data analyses have contributed to the overall improvement in air quality in Texas, with positive trends in monitored readings of regulated pollutants, especially when population growth is taken into consideration. The following performance measures are reported in Section II, Exhibit 2.

- Percent of Texans living where the air meets federal air quality standards; and
- Number of days ozone exceedances are recorded in Texas.

Emissions Assessment. For FY 2020, Emissions Assessment demonstrated effectiveness by meeting or exceeding its four output performance measures and one of its outcome measures, reduction in ozone precursor emissions in Texas NA areas as shown in Section II, Exhibit 2. The following performance measures are reported in Section II, Exhibit 2.

- Percent of stationary and mobile source pollution reduction in ozone non-attainment areas;
- Number of point source air quality assessments;
- Number of area source air quality assessments;
- Number of on-road mobile source air quality assessments;
- Number of non-road mobile source air quality assessments; and
- Average cost per air quality assessment.

Emissions Assessment also demonstrated effectiveness by assessing TRI data from 1,789 regulated entities which submitted a total of 8,508 toxic chemical release forms. The following performance measure is reported in Section II, Exhibit 2.

- Percent decrease in the toxic releases in Texas.

Emissions Assessment administered the air inspection, air emissions, and TRI fee program as evidenced by assessing 880 regulated entities an emissions fee totaling \$33 million; assessing 2,282 regulated entities an inspection fee totaling \$13 million; reviewing fee inapplicability requests from 515 regulated entities; identifying under-reported emissions of 6,376 tons, resulting in \$341,753 in additional emissions fee revenue; and assessing \$130,950 in toxic release fees in FY 2020. Key datasets OA-1, Point Source Emissions Inventory, and OA-2, Texas Air Emissions Repository apply to emissions assessment.

Air Quality Research and Development. Efficacy of the AQRD program is evidenced by the use of extensive technical support and through the information gathered by regional efforts, including NTC monitoring and Rider 7 activities in revisions to the SIP. The program has contributed to overall improvement in ambient air quality in Texas, particularly in positive trends in ozone in urban areas of the state. In addition, research efforts through this program have resulted in contributions to scientific literature, including over 100 publications and presentations through the Air Quality Research Program (AQRP) and directly funded research portions of the program.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Mobile Source Programs. In 2014, EPA approved revisions to 30 TAC Chapter 115, Subchapter C, Division 4, and Texas' SIP for decommissioning Stage II vapor recovery equipment at gasoline dispensing facilities. Stage II vapor recovery is technology that prevents gasoline vapors from escaping into the air during refueling. It was required under the FCAA until EPA issued a decision that vehicle on-board vapor recovery was in widespread use throughout the vehicle fleet, allowing states to request requirements for Stage II be removed from their SIPs.

On June 12, 2017, Governor Greg Abbott vetoed the legislative appropriations for FY 2018 and FY 2019 for the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program, which was referred to in TCEQ's 2009 Self Evaluation Report as Mobile Emissions Reduction Grants. All 16 participating counties subsequently ended their programs by August 31, 2019.

Air Modeling and Data Analysis. In 1995, the legislature (74R) included rider funds in the Texas Natural Resource Conservation Commission (TNRCC) Appropriations Bill to support an air quality program designed to keep areas of the state in attainment of the ozone standard. It was known as the Near-NA Area program and initially included the areas of Austin, San Antonio, Corpus Christi, and Tyler-Longview.

In 2000, a major air quality study was conducted along the eastern half of the state designed to research ground-level ozone and fine particle air pollution in the Houston region and the eastern half of Texas. The data were used to develop better assessment tools and more efficient and cost-effective strategies to manage air quality. The state joined forces with more than 40 public, private, and academic institutions to complete this study as well as an additional field study during 2005 and 2006 with many of the same partners.

In 2015 and 2021, TCEQ submitted demonstrations showing wildfires drove high ozone readings in El Paso and Dallas-Fort Worth, respectively. Monitor values affected by events that cannot reasonably be controlled, such as wildfires, may be excluded from air quality planning or regulatory decisions under EPA's Exceptional Events Rule.

In 2020, TCEQ submitted a demonstration showing Bexar County would have attained the 2015 eight-hour ozone standard but for international emissions. The FCAA allows EPA to consider international emissions, through FCAA, Section 179B demonstrations in air quality decisions.

In 2020 and 2021, TCEQ responded to EPA designating NA areas under the 2010 one-hour SO₂ standard. The responses included data analysis and modeling to justify NA area boundaries, attainment designations, and attainment demonstrations.

Emissions Assessment. In June 2002 EPA promulgated the Consolidated Emissions Reporting Rule (CERR) which expanded emissions inventory reporting requirements to the entire state and added additional pollutants. In December 2008, EPA promulgated the Air Emissions Reporting Requirements (AERR) to replace the CERR and shorten the timeline to submit EI data to EPA from 18 months to 12 months. From 2008 to 2010, TCEQ developed an online reporting system to simplify and streamline point source EI reporting and increase the accuracy of reported point source information.

TNRCC adopted emissions and inspection fee rule revisions to 30 TAC Sections 101.24 and 101.27 that became effective October 20, 2002. These revisions changed the emissions and inspection fees from self-reported fees to a billed system beginning in fiscal year 2003 in accordance with a previous Texas Sunset Advisory Commission (Sunset) recommendation. These rule revisions also adjusted the air emissions and inspection fee annually for inflation using the consumer price index. In accordance with the 2010-2011 Sunset recommendations, TCEQ adopted emissions and inspection fee rule revisions to 30 TAC Section 101.27 that became effective August 11, 2011. These rules allow the program area to adjust the emissions fee rate as necessary to ensure adequate funding of the Title V Operating Permit program.

The TRI program was created in 1986 by the federal Emergency Planning and Community Right-to-Know Act as Title III of the Superfund Amendment and Reauthorization Act. These statutes require applicable industries manufacturing, processing, or using toxic chemicals above certain thresholds to annually report the toxic releases, discharges, waste generation, and disposal at their site on toxic-chemical-release forms to EPA and to supply a copy of the forms to the state. Periodically, since the passage of the federal Pollution Prevention Act in 1990, the TRI program has modified or expanded reporting requirements for industry sectors, chemicals, or chemical categories and adjusted reporting thresholds for certain chemicals or chemical categories, such as persistent bio accumulative toxics in 1999 and lead in 2001. In 2013, EPA mandated web-based TRI reporting.

Air Quality Research and Development. Beginning with the 2010-2011 biennium, the AQRP was administered by The University of Texas at Austin and funded by TCEQ, through the TERP, which funds emission reduction projects in communities throughout Texas. In order to ensure these emission reductions are as effective as possible in improving air quality, a fraction of the TERP funding is used to improve scientific understanding of how emissions impact air quality in Texas.

Since 2001, TCEQ has directly funded dozens of projects related to air quality modeling, data analysis, emissions inventory development, and air quality planning to address federal mandates and emerging air quality issues in Texas and to support development of the SIP.

The State and Local Air Quality Planning program originated as an appropriations rider with a \$500,000 appropriation from the legislature (74R) in 1995 to support local air quality planning efforts in Austin, San Antonio, Northeast Texas, and Corpus Christi toward attaining the ozone NAAQS. Over the biennia, the Rider has appropriated various amounts and revised the areas eligible for the program. In 1999 the legislature (86R) Rider 7 provided \$4.5 million in the FY 2020 –2021 biennium for air quality grants with certain specified areas and limited to inventorying emissions, monitoring pollution levels, and administration of the program.

In 2011, SB 527 (82R) directed TCEQ to fund a regional air monitoring program, limited to TCEQ Regions 3 and 4, using a portion of the appropriated funds for the TERP and overseeing its implementation through a regional nonprofit located in North Texas that met specific eligibility requirements. NTC was found to meet all eligibility requirements, and a direct award was granted. A total of 21 monitoring sites have been established under the program since 2012. The regional air monitoring program was designed to collect

air toxics data to determine the potential for health effects with the extensive growth in the region due to Barnett Shale gas production.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

SIP Program. The SIP Program goal is to develop and submit SIP revisions to meet standards and rules established by EPA under the FCAA. The program develops three types of SIP revisions: including area, regional, and statewide. In Texas, which in 2020 had a population of 29,360,759, the following populations are affected:

- Population with SIP revisions specific to an area: 21,843,343; and
- Percentage of population represented in SIP Program Areas: 74.4%.

The following table includes a breakdown, by population, of each county for the 2008 and 2015 eight-hour ozone standard NA areas as well as other areas in Texas with current SIP revisions in place for a NAAQS.

Estimated 2020 Population for NAAQS NA Counties with SIP Revision in Place

County / Area	Estimated 2020 Population
Collin County / DFW Area	1,072,069
Dallas County / DFW Area	2,635,888
Denton County / DFW Area	919,324
Ellis County / DFW Area	191,760
Johnson County / DFW Area	179,575
Kaufman County / DFW Area	143,198
Parker County / DFW Area	148,198
Rockwall County / DFW Area	109,888
Tarrant County / DFW Area	2,123,347
Wise County / DFW Area	71,084
DFW Area Total	7,594,331
Brazoria County / HGB Area	380,518
Chambers County / HGB Area	45,590
Fort Bend County / HGB Area	839,706
Galveston County / HGB Area	345,089
Harris County / HGB Area	4,738,253
Liberty County / HGB Area	91,547
Montgomery County / HGB Area	626,351
Waller County / HGB Area	57,452
HGB Area Total	7,124,506
Hardin County / BPA Area	58,305
Jefferson County / BPA Area	250,127
Orange County / BPA Area	82,878
BPA Area Total	391,310

County / Area	Estimated 2020 Population
Bexar County	2,026,823
El Paso County	841,286

(Population information is from the U.S. Census Bureau at <https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates/2020-evaluation-estimates/2010s-counties-total.html>. Estimates are for July 1, 2020.)

The SIP Program is also required under the FCAA to develop a plan to improve visibility in national parks and wilderness areas, such as Big Bend National Park and Guadalupe Mountains National Park, affecting 463,832 and 188,833 recreational visitors respectively in 2019. The estimated 9,232 residents in Brewster County and 2,149 in Culberson County (total: 11,381), will benefit as well. Park population information is from the National Park Service.

Several areas in Texas were designated by EPA as NA for the SO₂ NAAQS, and SIP revisions will be required to demonstrate attainment and/or maintenance of the standard. The NA areas comprise portions of the following counties: Rusk, Panola, Titus, Freestone, Anderson, Howard, Hutchinson, and Navarro.

Mobile Source Programs. The I/M program affects motorists who own gasoline-powered vehicles (excluding motorcycles) 2 through 24 years old and registered and primarily operated in one of the 17 affected counties. The affected counties are Brazoria, Collin, Dallas, Denton, El Paso, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall, Tarrant, Travis, and Williamson.

The El Paso and Regional Low Reid Vapor Pressure (RVP) Gasoline programs affect fuel producers, importers, suppliers, and retail gasoline-dispensing facilities. Low RVP gasoline is fuel refined to have a lower evaporation rate and lower volatility than conventional gasoline. It also reduces evaporative emissions generated during vehicle refueling and therefore decreases the emissions of VOCs and other ozone-forming emissions. These programs require only low RVP may be sold in 95 central and eastern Texas counties and El Paso County during the summer months when ozone pollution is at its worst. The El Paso Oxygenated Fuel program affects fuel producers, importers, suppliers, and retail gasoline dispensing facilities in El Paso County and was implemented to control CO emissions in the area.

The Texas Low-Emission Diesel Fuel (TxLED) program affects diesel fuel producers, importers, common carriers, distributors, transporters, bulk terminal operators, and retailers. The TxLED program is implemented to reduce emissions of NO_x from diesel-powered motor vehicles and non-road equipment. The program covers 110 counties in the central and eastern part of Texas.

Transportation and general conformity requirements, and NEPA apply to entities sponsoring or undertaking projects requiring federal funding or approval in the state's ozone, CO, and PM₁₀ NA and maintenance areas including: Bexar, Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Hardin, Harris, Jefferson, Johnson, Kaufman, Liberty, Montgomery, Orange, Parker, Rockwall, Tarrant, Waller, and Wise counties; and the City of El Paso. Only general conformity requirements and NEPA apply to entities sponsoring or undertaking projects requiring federal funding or approval in the state's SO₂ NA and maintenance areas including: portions of Rusk and Panola counties, a portion of Titus County, portions of Freestone and Anderson counties, a portion of Howard County, a portion of Hutchinson County, and a portion of Navarro County. Eligible airports in areas subject to general conformity requirements may participate in the voluntary FAA VALE program.

Control Strategies Development. Rules, agreed orders, MOUs, and MOAs developed to implement air quality control strategies can affect a wide range of industrial, commercial, institutional, and utility

sources. Some control strategies are only applicable in specified NAAQS NA areas, while others apply to larger regions or even statewide. For example, the 30 TAC Chapter 115 VOC and 30 TAC Chapter 117 NO_x rules discussed previously affect areas such as the Dallas-Fort Worth and Houston-Galveston-Brazoria ozone NA areas. TCEQ has Agreed Orders with entities such as a cement kiln operator located in Ellis County. Additional information regarding NAAQS NA areas in Texas is provided in the SIP Program discussion above.

The SIP currently includes a 1991 MOU between the City of El Paso local government and the Texas Air Control Board, which was revised as an MOA in 2001 and updated in 2012, as well as an MOU with the Texas Department of Public Safety (DPS). The SIP also includes two 2002 MOAs—one with TCEQ, Texas Department of Transportation (TxDOT), EPA, and the Houston-Galveston Area Council and one with TCEQ, a number of member companies of the Texas Waterway Operators Association, EPA, and the Houston-Galveston Area Council—to cooperate to improve air quality in the Houston-Galveston-Brazoria ozone NA area.

Air Modeling and Data Analysis. This program primarily affects residents of areas not meeting NAAQS. See the description provided for the SIP Program for more information.

Emissions Assessment. In general, the overall EI and fee requirements primarily impact regulated stationary source entities. Approximately 2,100 regulated entities are required to submit point source emissions inventories annually per 30 TAC Section 101.10. In general, regulated entities must submit emissions inventories if the regulated entity is a major stationary source of emissions or is located in an ozone NA area and meets certain emissions thresholds. Per 30 TAC Section 101.10, regulated entities are area sources subject to special emissions inventories specifically requested by the program area.

Air emissions and inspection fees impact regulated entities that either: are required to obtain a Title V operating permit or have specific industry types as identified in 30 TAC Section 101.24. Approximately 3,680 regulated entities reported air fee information in FY 2020.

The TRI program requires applicable industries manufacturing, processing, or using toxic chemicals above certain thresholds to annually submit reports to both EPA and TCEQ. In FY 2020, 1,789 regulated entities located in Texas met the TRI reporting requirements and submitted a total of 8,508 toxic chemical release forms.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

SIP Program. Each state has one SIP revised as necessary to establish control strategies and target dates for reducing emissions necessary to attain and maintain NAAQS set by EPA for each criteria pollutant and meet other FCAA requirements.

The SIP describes the steps the state will take to monitor air quality, determine compliance with NAAQS, and reduce air pollution in the regions that do not meet a particular NAAQS. The SIP also addresses other requirements specified by the FCAA, such as enforcement programs, preconstruction permitting, etc.

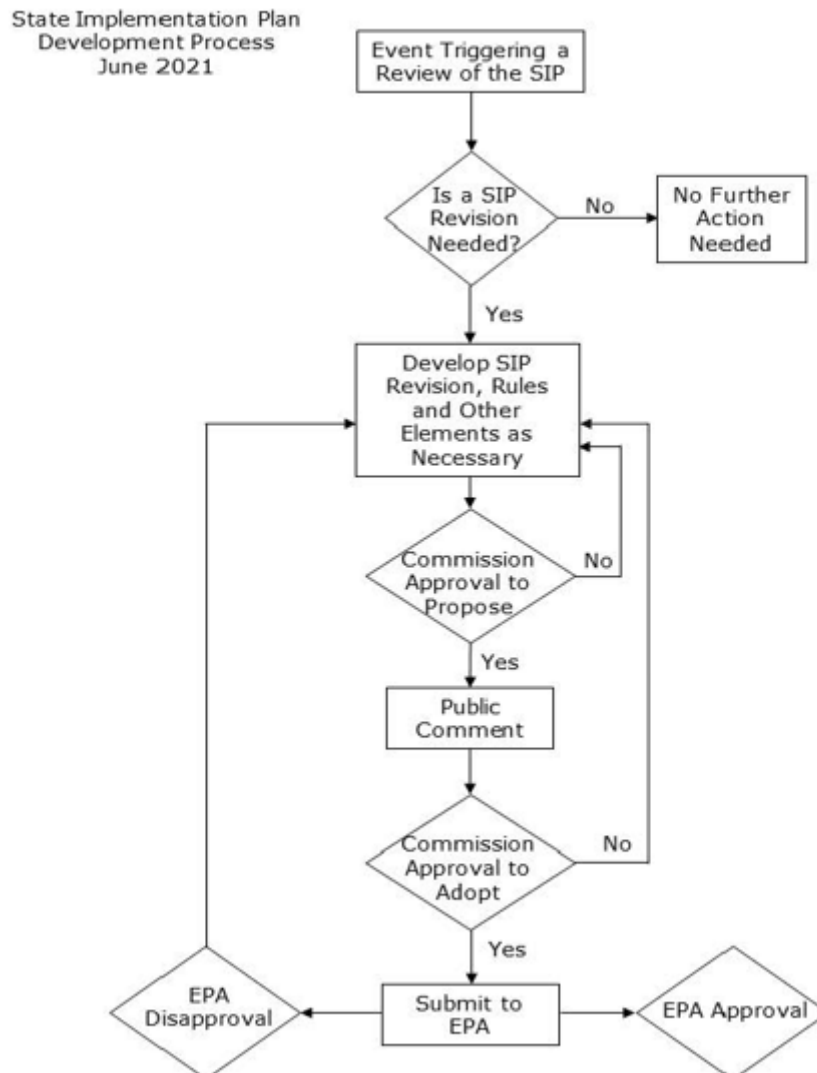
SIP revisions are required when:

- NAAQS for one of the six criteria pollutants is revised;
- the state submits a request for redesignation when an area attains NAAQS;
- an area does not attain the standard during the federally specified timeframe;
- an area is reclassified (e.g., an ozone NA area is reclassified from a moderate NA area to a serious NA area);
- new or revised rules or guidelines are adopted by EPA changing or adding requirements (e.g., Oil and Gas Control Techniques Guidelines for reasonably available control technology requirements and SIP requirements rule changes); or
- EPA finds a SIP is substantially inadequate to attain or maintain the relevant NAAQS, to mitigate interstate pollution transport, or otherwise comply with any requirement of the FCAA.

Depending on the complexity of the issues, the development of a SIP revision may require up to four years. The FCAA specifies deadlines for submitting SIP revisions and provides for sanctions if the deadlines are not met. EPA generally allows states 12 to 18 months to correct a failure to submit, after which the federal government is obligated to withhold highway money, require increased emission offsets from companies that want to build new or modify existing facilities, and implement a federal implementation plan in place of the applicable SIP element. These deadlines may also be modified, clarified, or revised by additional federal legislation and rulemaking or court action, which then changes the timelines for states to complete work associated with SIP revisions.

The following flowchart provides details of the SIP development process.

State Implementation Plan Development Process Flowchart



Mobile Source Programs. Timelines associated with work in the mobile source programs are driven by deadlines established by EPA under the FCAA. These programs work in conjunction with the SIP planning efforts to ensure federal requirements are met.

The I/M program is administered as part of the DPS vehicle safety inspection program. Since March 2015 a passing vehicle inspection has been a prerequisite for annual vehicle registration through the Texas Department of Motor Vehicles. To meet the registration requirements in one of the affected counties, a subject vehicle must pass the prescribed emissions tests in addition to meeting the vehicle safety inspection requirements. If a motorist's vehicle is not in compliance, enforcement is through citations issued by law enforcement agencies and registration denial of the subject vehicle.

The state's motor vehicle fuel programs, including the Regional Low RVP Gasoline program, El Paso Oxygenated and Low RVP Gasoline program, and TxLED program, are administered by TCEQ. The regulations for these programs reside in 30 TAC Chapters 114 and 115.

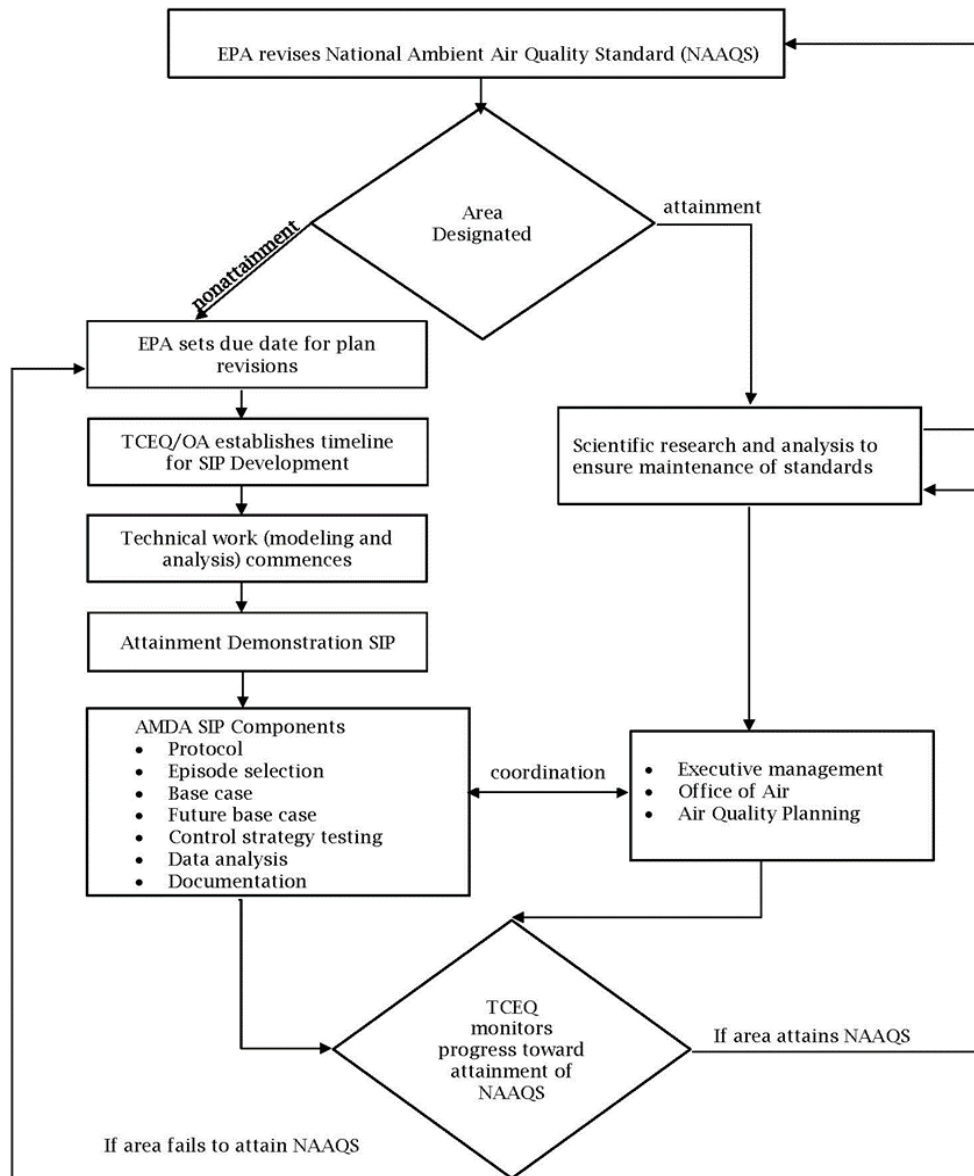
The Idling program is administered through MOAs between TCEQ and local governments. The local government adopts a resolution or ordinance incorporating TCEQ's idling rule into an MOA. The MOA is then signed by the appropriate local official and TCEQ. Enforcement occurs at the local level.

Transportation conformity links transportation planning with air quality planning and must be conducted in areas subject to transportation conformity requirements (ozone, CO, and PM₁₀ NA/maintenance areas) at least once every four years. This process is led by an affected area's metropolitan planning organization (MPO) and includes consultation and agreement by state and federal transportation partner agencies and state and federal air quality partner agencies. General conformity links air quality planning with individual, non-transportation federal actions and must be conducted for actions in areas subject to general conformity requirements (ozone, CO, PM₁₀, and SO₂ NA/maintenance areas) before an individual federal action can be approved to proceed. This process is led by the affected federal agency or project sponsor and includes consultation and agreement by the federal agency and TCEQ, in consultation with EPA.

Control Strategies Development. Development of control strategies is administered under the same general process as the SIP Program (see flowchart *SIP Development Process* for more information). Any rules developed by the program must conform to agency and the Texas Secretary of State's Office rulemaking guidelines, requirements, and timelines. This process applies to revisions to 30 TAC discussed in previous sections.

Air Modeling and Data Analysis. This program's main functions are driven by federal requirements for photochemical and dispersion modeling and data analysis. The following flowchart provides details for AMDA program's process for SIP demonstrations.

AMDA Program SIP Demonstration Process Flowchart



Emissions Assessment. Regulated entities determine whether they meet the requirements of 30 TAC Section 101.10 and submit point source emissions inventories annually by March 31 each year. Program staff quality assures and reviews all emissions data in accordance with EPA-approved Quality Assurance Project Plan (QAPP). Program staff documents its findings in accordance with point source EI review guidance and protocols. Regulated entities are provided an opportunity to approve or revise their quality assured emissions data. The annual EI data are stored and maintained in the point source EI database. The statewide point source EI are extracted from the point source EI database, formatted, and submitted to EPA for inclusion in the NEI. Program staff develops point source EI trends, provides training and technical assistance to regulated entities, and provides data to the public.

As required by the FCAA, area and mobile source emissions are developed, quality assured, and submitted to EPA every three years for criteria pollutants and precursors for specific source categories. Program staff either develops an EI or oversees development of an EI for each identified source category by using EPA-approved models and methods. Program staff quality assures all emissions data in accordance with the EPA-approved QAPP. The area and mobile source EIs are loaded and maintained in the area and mobile source EI database. Program staff develops EI trends.

Regulated entities determine whether they are subject to the assessment of an emissions fee and/or inspection fee each fiscal year and submit the fee basis information. Program staff reviews the self-reported fee basis information and reconciles this information with the regulated entity's reported company data, permits, and/or point source emissions inventories to determine the appropriate fee type and fee amount. A regulated entity subject to both emissions and inspection fees is only required to pay the higher of the two fees. Because these fees are billed, program staff provide the fee data to TCEQ's Financial Administration Division to invoice companies, collect the fees, and assess late fees and penalties.

For the TRI, program staff reviews toxic release data and assesses a fee for the number of toxic chemical release forms submitted by regulated entities determining their sites are subject to the TRI reporting requirements. Regulated entities submit toxic chemical release forms for each applicable chemical annually by July 1 of each year to both EPA and the state's TRI program.

Program staff develops TRI trends, reviews the Texas TRI data, and provides training and technical assistance specific to the industry in Texas. Program staff also compares TRI and EI data to identify any significant changes or potential TRI reporting issues.

Program staff determines the toxic chemical release fee owed and generates the TRI fee billing files. These files are transmitted to TCEQ's Financial Administration Division to invoice companies, collect the fees, and assess late fees and penalties.

Air Quality Research and Development. EPA establishes schedules for SIP submission as part of its rule implementation process following adoption of revisions to NAAQS. The technical support is developed in advance of the deadline for SIP submission and generally begins three years before a SIP revision is due to be submitted to EPA.

Each biennium, research topics are identified through input from stakeholders, AQRP Advisory Council, and TCEQ. Research project proposals are solicited through a request for proposal (RFP) and then reviewed and ranked by the Independent Technical Advisory Committee (ITAC). TCEQ then reviews the ITAC recommended projects for relevancy to Texas air quality needs. Finally, the AQRP Advisory Council selects research projects to be funded by the AQRP from the list of recommended and ranked projects.

Prior to the start of each biennium, TCEQ develops proposed research and development projects for consideration to meet the needs of SIP development and to build capacity for future SIP-related technical work.

For Rider 7, each of the ten eligible organizations were required to develop a statement of work (SOW) outlining their proposed projects allowed under Rider 7 before requesting funding. TCEQ provided input and feedback to the performing parties to help develop the proposed projects. Following the approval of the SOW, each organization then submits a QAPP for those projects listed in the SOW for TCEQ acceptance. Upon acceptance of the QAPP, the organizations then work to complete the projects described in the SOW and under the terms of the grant.

For the Regional Air Monitoring program, the NTC assembled a monitoring committee comprised of local municipalities, higher education, and private sector interests in the region to aid in the development of the monitoring proposal for submittal to TCEQ for review and approval. A total of 21 monitoring sites have been funded by SB 527 (82R) to include three new air toxics monitors in Region 3 and nine new air toxics monitors in Region 4 as well as the preservation of nine existing air toxics monitoring sites deployed by TCEQ in response to Barnett Shale activities where funding was limited.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Air Quality Planning Program Funding

Account	Account Title	CFDA	CFDA Name	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$4,000,000
0151	Clean Air Account - Dedicated	N/A	N/A	\$11,755,967
0555	Federal Funds	66.605	Performance Partnership Grant	\$1,152,917
5071	TERP Account - Dedicated	N/A	N/A	\$4,013,061
5094	Operating Permit Fee Account - Dedicated	N/A	N/A	\$2,239,333
TOTAL				\$23,161,278

The program is funded in the Air Quality Assessment and Planning Strategy.

The program includes the following riders:

- Rider 7 - Air Quality Planning;
- Rider 10 - Refinement and Enhancement of Modeling to Demonstrate Attainment with the Clean Air Act;
- Rider 12 - Appropriation Limited to Revenue Collections: Automobile Emission Inspections;
- Rider 19 - TERP: Grants and Administration; and
- Rider 29 - Emission Reductions Technologies using Supercritical CO₂.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

SIP Program. No programs either internal or external to TCEQ provide identical or similar services or functions of the SIP Program.

Mobile Source Programs. As required by THSC Chapter 382 Subchapter G, the I/M Program is administered by both TCEQ and DPS.

The transportation conformity program requires interagency consultation bringing together local, state, and federal air quality and transportation stakeholders in NA and maintenance areas, and each partner brings the following particular expertise to achieve a common result:

- MPOs coordinate local transportation planning and develop periodic transportation conformity demonstrations;

- FHWA and the FTA set federal rules and guidance related to transportation planning and implementation and review and approve regional transportation conformity demonstrations;
- TxDOT oversees state transportation planning and reviews and consults on regional transportation conformity demonstrations;
- EPA sets federal air quality planning and implementation rules and guidance, reviews and determines approval of the state's air quality SIP, and reviews and consults on regional transportation conformity demonstrations; and
- TCEQ maintains the state's transportation conformity requirements in the SIP and associated rule, develops SIP motor vehicle emissions budgets for use in transportation conformity, and reviews and consults on regional transportation conformity demonstrations.

Emissions Assessment. No other program collects and assesses statewide point, area, or mobile source emissions data and reports them to EPA per the AERR. EPA develops default area and mobile source emissions inventory data to assist states with complying with reporting requirements, but these data can be imprecise and result in inaccurate emissions. Because area and mobile source data are used for SIP revisions, the program area submits more accurate state-specific data to EPA when available, and EPA replaces its default data with the Texas-specific data for inclusion in EPA's NEI.

The state has an approved federal operating permitting program and collects emissions fees sufficient to cover the direct and indirect costs for administering the federal operating permit program.

EPA administers the TRI program at the national level. Per 42 USC Section 11023(a), the governor shall appoint a designee for the state TRI program. Both EPA and TCEQ TRI programs provide technical assistance to regulated industries and the general public. Per the THSC Chapter 370, program staff assesses a toxics chemical release fee. No other program assesses this fee.

Air Quality Research and Development. Air Quality Planning receives funds through a rider (Rider 7 86R) to support local governmental organizations. Recipients include:

- Heart of Texas Council of Governments for Waco;
- El Paso MPO for El Paso;
- South East Texas Regional Planning Commission for Beaumont;
- Capital Area Council of Governments for Austin;
- City of Corpus Christi for Corpus Christi;
- City of Granbury for Granbury;
- Central Texas Council of Governments for Killeen-Temple;
- East Texas Council of Governments for Longview-Tyler-Marshall;
- City of Victoria for Victoria; and
- Alamo Area Council of Governments (AACOG) for Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson counties.

The funds support emission inventory and air quality monitoring projects supporting the SIP. The projects are limited to the specific counties of the local governments, which are in attainment of the eight-hour ozone standard. Air Monitoring and Data Analysis completes projects of similar scope but focuses on NA areas, the entire state, or larger geographic areas.

The Regional Air Monitoring program is implemented under TCEQ oversight, through the NTC. The regional air monitoring program provides data used for SIP development and revisions for NA areas. This

work is not required for SIP development but complements efforts to achieve a more comprehensive dataset and analyses.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Mobile Source Programs. To ensure there is no conflict or duplication of duties in implementing the I/M program, TCEQ and DPS initiated an MOU dated December 13, 1996, and updated it on January 22, 1997.

Local, state, and federal transportation conformity consultation partners all work to achieve the same goal for transportation plans, projects, and programs conform to the SIP. Because each partner's expertise and responsibilities are different, there is no duplication of work in the transportation conformity process. While the consultation process is intended to achieve consensus among the partner agencies, the state's transportation conformity rule, which is part of the SIP, lays out procedures for navigating conflict among the partner agencies so disagreements do not impede the transportation conformity process. A MOU between TxDOT and TCEQ (43 TAC Chapter 2 Subchapter I and adopted by reference in 30 TAC Section 7.119) provides a formal mechanism by which TCEQ reviews transportation projects having the potential to affect resources within TCEQ's jurisdiction and promotes mutually beneficial information sharing between the agencies.

Emissions Assessment. Emissions Assessment submits accurate state-specific area and mobile source EI data to EPA and coordinates with EPA to ensure EPA default data are replaced with TCEQ Texas-specific data.

EPA administers the TRI program at the national level. Both EPA and TCEQ TRI programs provide technical assistance to regulated industries and the general public. Per 42 USC Section 11023(a), the governor is required to appoint a designee for the state TRI program. Emissions Assessment focuses on aiding regulated entities within the state. Per THSC Chapter 370, program staff assesses a toxics chemical release fee. No other program assesses this fee.

Air Quality Research and Development. The activities of regional and local governmental agencies under Rider 7 are performed through grant contracts. Work carried out through those agreements is negotiated with TCEQ staff and management.

The activities of the regional air monitoring program are performed through a grant contract with the NTC. Work carried out under the grant is negotiated with TCEQ staff and management.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

SIP Program. The SIP Program works with EPA, local governments, MPOs, councils of government, and stakeholders—including industry and environmental groups—to develop SIP revisions.

Mobile Source Programs. Mobile source programs work with regional councils of government and local law enforcement task forces by providing access to emissions inspection data to assist in identifying potential fraud in the I/M program.

The state emission reduction fuel programs are approved under the SIP, so the state and EPA have authority to enforce for noncompliance.

The Idling program is implemented by having governmental entities sign an idling MOA with TCEQ.

TCEQ consults with local, state, and federal transportation planning agencies (MPOs, TxDOT, FHWA, and FTA) as well as EPA to ensure emissions from the transportation system in the state's applicable NAAQS NA and maintenance areas conform to the SIP. This includes a demonstration estimating emissions from the area's transportation system do not exceed the emissions limit established in the SIP, which is referred to as the motor vehicle emissions budget (MVEB). TCEQ develops the MVEB in the SIP, and it must be found adequate or approved for use in transportation conformity analysis before an MPO can use it to conduct a transportation conformity demonstration.

Control Strategies Development. Control Strategies Development staff periodically meet with EPA representatives, typically from EPA Region 6 in Dallas. EPA Region 6 is responsible for reviewing and approving control measures and rules included in the Texas SIP.

Air Modeling and Data Analysis. AMDA participates in a group of local, state, regional, and federal air quality modelers to develop collaborative photochemical modeling platforms, sharing knowledge and resources.

AMDA works with EPA as required to reach agreement on technical components included in attainment, exceptional event, and international transport demonstrations. Staff also address issues and comments raised by EPA during the SIP comment period, prior to adoption by TCEQ and submission of the revised SIP by the governor to EPA.

Program staff works with federal land managers, such as the National Park Service, in the consultation phase of Regional Haze SIP development to discuss elements of the plan.

Emissions Assessment. Emissions Assessment program staff works with EPA's emissions inventory group to assess and submit annual point source emissions inventory data and triennial (every three years) area and mobile source emissions inventory data. EPA's emissions inventory group develops the guidance and instruction for each state's EI programs. EPA also uses the statewide data for other EPA initiatives and programs.

Program staff works with EPA's operating permits program on air emissions and inspection fees. EPA's operating permits program ensures the states' Title V programs are being administered in accordance with federal requirements. The state's fee program must demonstrate to EPA sufficient emissions fees are collected to cover the direct and indirect costs associated with administering the Title V program.

For the TRI, program staff works with EPA's TRI program. EPA is responsible for administering the TRI program, including compliance and enforcement duties, maintenance, and storage of the TRI data in a national database, and publication of the TRI data. EPA also issues and updates TRI guidance and reporting requirements. The Emissions Assessment staff attends numerous public outreach events to provide technical assistance to the regulated entities subject to the TRI reporting requirements.

Air Quality Research and Development. Projects are carried out through contracts with local entities, including the ones mentioned above, and also in collaboration with the North Central Texas Council of Governments and the Houston-Galveston Area Council.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Mobile source programs use contracts to satisfy federal or state air quality implementation, reporting, and/or data requirements.

Emissions Assessment uses contracts to accomplish specific tasks the program area cannot perform with existing resources, such as aerial surveys of air pollution sources or SIP emissions inventories for specific areas and/or sources.

AQRD uses contracts for: upgrades to software used to analyze vehicle emissions, deployment of specialized monitoring, analysis of data collected during field studies, supplemental photochemical modeling support for the SO₂ SIP revision, investigative studies to improve understanding of the complex nature of ozone formation along the Texas Gulf coast, development of emissions inventories and growth projections used in developing SIP revisions, collection of data used to improve emissions inventories, and collaborations with local governments on air quality programs designed to keep areas in attainment of the ozone air quality standard.

- **the amount of those expenditures in fiscal year 2020**

Expenditures total \$2,080,120.

- **the number of contracts accounting for those expenditures;**

28 contracts.

- **the method used to procure contracts;**

Contracts were procured through direct award, solicitation work orders, and proposals for grant activities.

- **top five contracts by dollar amount, including contractor and purpose;**

Air Quality Planning Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-19-90500	Ramboll Environmental US Corporation	Air Quality Research projects to support the SIP	\$723,169
582-19-90502	Eastern Research Group, Inc	Air Quality Research projects to support the SIP	\$715,771
582-19-90498	Atmospheric and Environmental Research, Inc	Air Quality Research projects to support the SIP	\$323,311
582-17-70025	LEAK Surveys, Inc	Aerial and/or ground passive infrared camera survey services	\$145,737
582-18-84318	Department of Information Resources	Maintenance and development of TexAER system	\$135,647

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing, and tracking projects. This includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

No contracting problems were encountered in FY 2020.

L. Provide information on any grants awarded by the program.

North Texas Commission Monitoring. The TERP program funds a regional air monitoring program, limited to TCEQ Regions 3 and 4. It is implemented through a regional nonprofit located in North Texas meeting specific eligibility requirements. The NTC was found to meet all eligibility requirements and a direct award was granted to the NTC. Since 2012, a total of 21 monitoring sites have been funded. The regional air monitoring program was designed to collect air toxics data to determine the potential for health effects with the extensive growth in the region due to Barnett Shale gas production. The monitors are in the communities of Abilene, Arlington, Bowie, Dallas, Decatur, DISH, Eagle Mountain Lake, Everman, Flower Mound, Fort Worth, Gainesville, Godley, Keller, Kennedale, Lancaster, Mansfield, Mineral Wells, Rhome, Weatherford, and Wichita Falls.

Rider 7 – Air Quality Planning Grants (86R). In 2019, the legislature (86R) provided \$4.5 million for air quality grants within certain specified areas. Ten organizations for 16 areas receive funding under a direct award. Each area receives \$281,250. AACOG of represents seven areas and receives \$1,968,750.

Rider 29 – House Bill 1 (86R). This rider requires TCEQ to provide \$4 million to the University of Houston through a direct award contract to fund projects reducing emissions through improved energy production efficiency using supercritical carbon dioxide (CO₂). Contract No. 582-20-10498 between TCEQ and the University of Houston was executed October 15, 2019. The university is using the funds to support a project with Gas Technology Institute which has partnered with Southwest Research Institute and General Electric to design, build, and operate a new supercritical CO₂ power generation facility.

The State of Texas Air Quality Research Program. AQRP is administered by The University of Texas at Austin and funded by TERP to ensure emission reductions projects are as effective as possible in improving air quality and are used to improve our scientific understanding of how emissions impact air quality in Texas. Some of the directly funded research projects and development of some emissions inventory data are funded through grants. For example, TCEQ obtains assistance with the development of on-road mobile inventories through a grant to the Texas Transportation Institute. TCEQ also works with universities through grants to fund specialized monitoring and field studies.

Texas A&M Engineering Experiment Station. THSC Chapter 386 Sections 386.051(b)(9) and 386.252(a)(12) require TCEQ to enter into a direct award contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station (not more than \$216,000 annually) for the development and annual computation of creditable statewide emissions reductions from wind and other renewable energy resources for the SIP.

TCEQ and the University of Texas at El Paso. These agencies entered into a direct award agreement allowing the Border Affairs Team and Air Quality Division to collaborate to better understand ozone formation in El Paso. This work will include studies to characterize PM formed during wildfires and to better characterize the complex meteorology of the area.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Timely and thorough implementation guidance from EPA for NAAQS revisions and their associated increase in regulatory requirements helps to reduce uncertainty for states throughout the SIP planning process and allows states to take steps to ensure resources are properly allocated. Implementation guidance received late in the process or not at all, reversal of prior federal actions, and/or expedited timelines for review and implementation for states, which have all occurred historically, create a challenge for the program.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Air quality research has been a key component in the development of the SIP, regulations, and control strategies during the past decade. For example, field studies demonstrated the important role of a class of VOCs in ozone formation. Consequently, the agency adopted rules to reduce these compounds, resulting in an effective strategy for addressing industrial pollution. In carrying out the mission of TCEQ, the agency strives to base decisions on sound science. Air quality research supports this goal.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Tax Relief for Pollution Control Property Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Tax Relief for Pollution Control Property

Location/Division: Austin Headquarters / Air Quality Division

Contact Name: Donna F. Huff

Statutory Citation for Program: Texas Tax Code (TTC) Section 11.31.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Tax Relief for Pollution Control Property program (Tax Relief program) was created in 1993 to provide relief through property tax exemptions, to individuals, companies, and political subdivisions making capital investments to meet or exceed environmental regulations. Pollution control property includes pollution control equipment, pollution prevention technology, or changes to processes or methods meeting or exceeding existing environmental standards.

TCEQ determines whether property meets the requirements for receiving a tax exemption under TTC Section 11.31. The program evaluates applications to determine if the property was installed to meet or exceed an adopted environmental regulation, and if the equipment is used to prevent, monitor, or control air, water, or land pollution.

Once reviewed, the property receives a "use" determination. A positive use determination means the equipment is partially or wholly used for pollution control or prevention. A negative use determination is issued if the property is not pollution control property. After receiving a positive use determination, the applicant applies to the local appraisal district to receive a property tax exemption.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The first Tax Relief program application was received on November 21, 1994. As of December 31, 2020, the program has processed 23,346 applications. The total listed property value listed on applications, which may be different from the appraised value, is \$52.2 billion. Since January 1994, the average annual number of applications received is 865. Positive use determinations have been issued for approximately 92% of the applications processed. Negative use determinations have been issued for approximately 1.3% of the applications, and approximately 6.7% have been withdrawn by the applicant or returned to the applicant by the program for failure to provide requested information.

By rule, staff has a 230-day time frame after an application is declared administratively complete to complete the technical review. In FY 2020, the average technical review time was three days with 100% of technical reviews being completed in 45 days or less.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The Tax Relief program was created in 1993 by the passage of House Bill (HB) 1920 (73R), which added TTC Section 11.31. In November 1993, Texas voters approved Proposition 2 adding Section 1-I to Article VIII of the Texas Constitution. In 1999, administrative rules were adopted in 30 TAC Chapter 277 and later moved to 30 TAC Chapter 17. In 2001, HB 3121 (77R) amended TTC Section 11.31 by creating an appeals process and requiring TCEQ to adopt by rule an application review process. In 2002, the appeals process was adopted in 30 TAC Section 17.25. The application review process was adopted as the Decision Flow Chart (30 TAC Section 17.15) and the Cost Analysis Procedure (30 TAC Section 17.17).

In 2007, HB 3732 (80R) amended TTC Section 11.31 by adding three new subsections: (k), requiring the adoption of 18 categories of potential pollution-control property; (l), requiring review of the list in (k) at least once every three years; and (m), establishing a 30-day review for applications containing property in one of the categories in Subsection (k). The list in TTC Section 11.31(k) was combined with the previous predetermined equipment list defined in 30 TAC Section 17.2 and in 2008 adopted into 30 TAC Section 17.14 as the Equipment and Categories List (ECL).

In 2009, HB 3206 (81R) and HB 3544 (81R) amended TTC Section 11.31 by adding two new subsections. New Subsection (g-1) requires applications containing equipment adopted under TTC Section 11.31(k) be reviewed using the methods and standards adopted under Section 11.31(g). New TTC Subsection (n) requires the establishment of a permanent advisory committee charged with advising the commission on the implementation of TTC Section 11.31. In 2010, the Tier I Table replaced the ECL in 30 TAC Section 17.14, and the Expedited Review List containing property listed in TTC Section 11.31(k) was added to 30 TAC Section 17.17.

HB 1920 (73R) also added TTC Section 26.045, which enabled a political subdivision required to incur capital expenditures due to a TCEQ-issued permit to increase their tax rate to cover the expenditures. In 2007, the 80th legislature amended Section 26.045, requiring TCEQ to adopt a list of 18 categories of property, a formal policy for reviewing the list, and an expedited review process for applications containing the items on the list. In 2008, TCEQ adopted 30 TAC Chapter 18 to establish the procedures and mechanisms for obtaining a use determination under the Rollback Tax Rate Relief program. In 2019, the 86th legislature amended Section 26.045 to change the title and accordingly TCEQ revised the title of 30 TAC Chapter 18 from "Rollback Relief for Pollution Control Requirements" to "Voter-Approval Tax Rate Relief for Pollution Control Requirements." Since its inception, only four applications have received positive use determinations under 30 TAC Chapter 18.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Businesses and individuals in Texas having capital expenditures for pollution control equipment may participate in the Tax Relief program, though property used for residential purposes is not eligible for a tax exemption under the program. The Tax Relief Program requirements specify the property eligible for a tax exemption must have been constructed, acquired, or installed after January 1, 1994; must not have been taxable prior to January 1, 1994; and must be used, constructed, acquired, or installed wholly or partly to meet or exceed an environmental law, rule, or regulation. Historically the primary customers for this program have been industries and other businesses, with the largest number of applications from

chemical plants, gasoline service stations, electric utilities, and oil and gas facilities. Since the program began, TCEQ has received applications from approximately 2,300 individual property owners. The following table provides details on the five counties with the largest number of filings. Note that nearly 20% of applications have been for facilities located in Harris County, representing just over 20% of the total dollar value of property for which a tax exemption has been applied for since the beginning of the Tax Relief program.

Counties with Largest Number of Tax Relief for Pollution Control Property Filings

County	Number of Applications Received	% of Total Applications Received	Application Listed Dollar Value	% of Listed Dollar Value of Total Applications
Harris	4,636	19.9%	\$11,228,296,713	20.7%
Dallas	1,351	5.8%	\$353,790,984	0.6%
Brazoria	1,309	5.6%	\$4,390,007,678	8.1%
Tarrant	1,010	4.3%	\$516,336,929	1.0%
Jefferson	899	3.9%	\$6,435,211,690	11.9%
Five-County Total	9,205	39.5%	\$22,923,643,994	42.3%

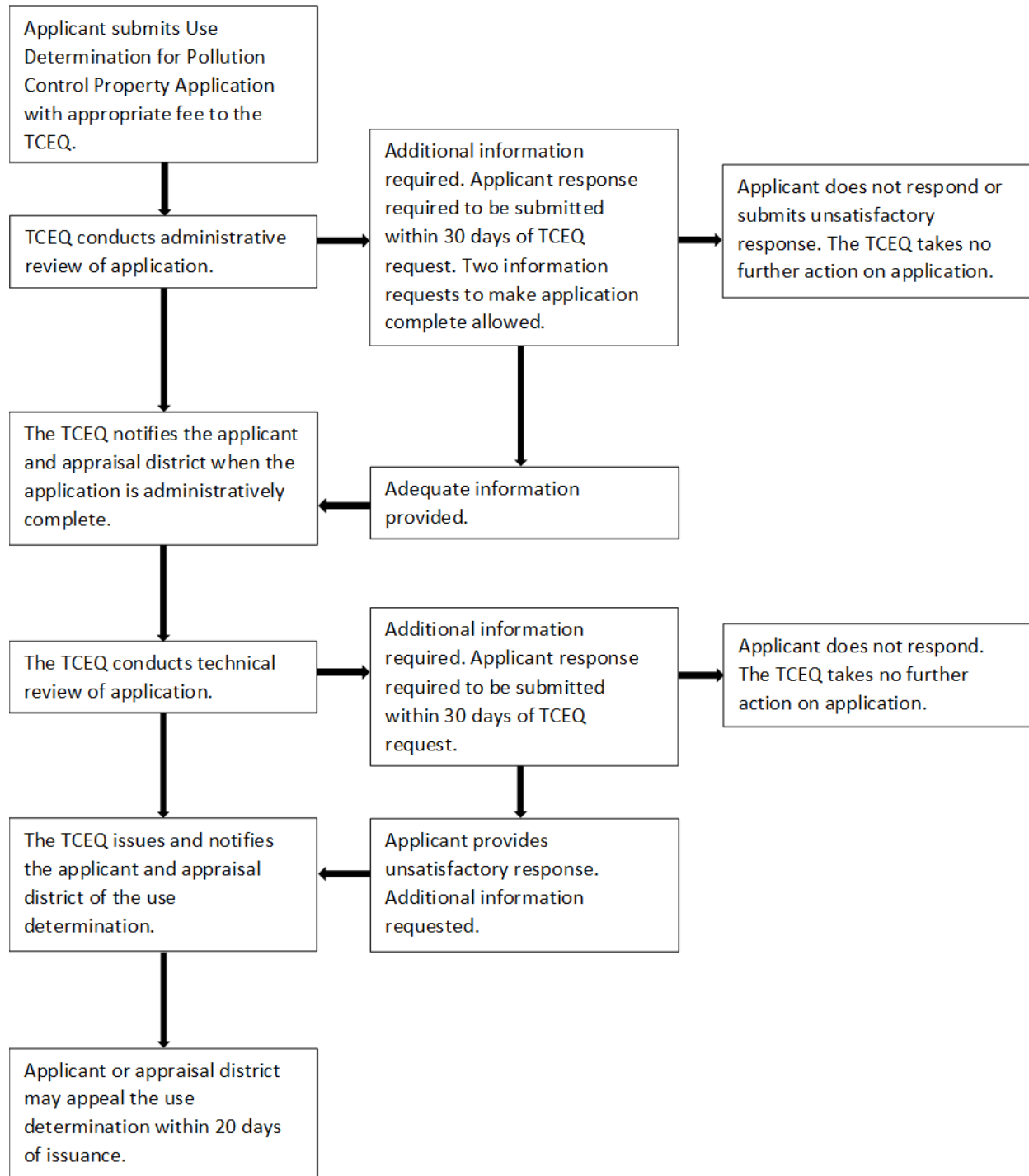
F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The tax relief application process consists of three parts:

- Administrative review of the application. The administrative review ensures the application is complete. Once an application has been declared administratively complete, the appropriate appraisal district is notified of its receipt;
- Technical review. All portions of the application are reviewed to ensure the application meets the technical requirements as stated in the rules. Technical requirements for which the application is reviewed include demonstrating the purpose of the property is to meet or exceed an environmental law, rule, or regulation; the property is used at least partly as pollution control, and there is anticipated environmental benefit for the use of the property. Next, the application and review documents are forwarded for management approval; and
- Final determination. The final determination is sent to the applicant with a copy to the appropriate appraisal district.

The following flowchart illustrates application review process steps.

Tax Relief Application Review Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Tax Relief for Pollution Control Property Program Funding

Account	Account Title	FY 2020 Expended
0001	General Revenue	\$153,106

The program is funded in the Pollution Prevention Recycling Strategy and includes Rider 5 - Fee Revenue: Pollution Control Equipment Exemptions.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other programs, internal or external to TCEQ, that review property in Texas to determine if it qualifies as pollution control property for purposes of exemption from property tax.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Tax Relief program is required to notify the affected appraisal district that an application has been filed and send the district a copy of the final determination.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

New Source Review Permits

A. Provide the following information at the beginning of each program description.

Name of Program or Function: New Source Review (NSR) Permits

Location/Division: Austin Headquarters / Air Permits Division

Contact Name: Samuel Short

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 382; Federal Clean Air Act (FCAA) Sections 110(a)(2)(c), 165(a)(2), 172(c)(5), and 173.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Texas Clean Air Act (TCAA), THSC Chapter 382, governs all air quality permitting in the state and implements provisions of the Federal Clean Air Act (FCAA). The TCAA requires authorization for all air contaminants in addition to authorization of federally regulated pollutants.

The main objective of the Air Permits Division (APD) is to review and authorize air applications and registrations for facilities that, when operational, would emit contaminants into the air. The division meets its objective through two air permitting programs: NSR Permits and Title V Federal Operating Permits (FOPs). The NSR Permits Program has a major and a minor component. The term “major” is based on a stationary source’s annual potential to emit a federally regulated pollutant. The state’s “minor” NSR program applies to all facilities that emit pollutants at levels less than a major source.

The NSR Permit Program requires stationary sources of air pollution to obtain authorization before construction or alteration of a facility. For “major” NSR facilities, the authorization types include, but are not limited to, a Prevention of Significant Deterioration (PSD) permit and a NA permit. Several types of “minor” NSR authorizations are available, and a source’s facilities may be authorized by more than one type of permit under the NSR permits program (e.g., a stationary source may be required to have a PSD permit and may also be required to obtain minor NSR permits for activities at the same site that do not require changes to the PSD permit).

The NSR program is also referred to as construction permitting or preconstruction permitting. Under the TCAA, the NSR program addresses all air contaminants emitted from a facility including those pollutants for which there is a National Ambient Air Quality Standard (NAAQS) and precursors to the formation of identified pollutants, if applicable.

Primary NSR Authorization Types

Before work begins, a person who plans to construct a new facility or to modify an existing facility must satisfy the criteria of a streamlined authorization for a de minimis facility or source, a permit by rule (PBR), or standard permit (SP) or obtain a case-by-case permit (Minor NSR permit or major NSR PSD or NA permit).

- *De Minimis Facilities/Sources*. De minimis emissions are so small a registration, authorization, or certification before construction is not required. To qualify, emissions must meet the conditions specified by TCEQ rule.
- *PBR Claims and Registrations*. PBRs are for facilities with insignificant emissions of air contaminants producing more than de minimis emissions but less than other permitting options. Some PBRs require registration. Facilities must meet all conditions specified by TCEQ rules for PBR requirements. A PBR can never be used to authorize emissions that must undergo PSD or NA review. The public participates in rule development and adoption.
- *SP Claims and Registrations*. If an applicant cannot claim a PBR for a facility, the facility may qualify for a SP. SPs are tailored to industry type. Facilities must meet all conditions specified by the SP. An SP can never be used to authorize emissions that must undergo PSD or NA review. The public participates in the SP adoption process.
- *New Construction or Modification Permit*. Applicants with facilities that do not qualify for PBRs or SPs can submit an NSR permit application. New construction and modifications to existing facilities are also known as case-by-case permits for major or minor sources. Applicants shall propose the best available control technology (BACT) and the application have no indication that emissions from the facility will contravene the intent of the TCAA, including protection of the public's health and physical property. An applicant must demonstrate compliance with all applicable rules and regulations and acceptability of off-property impacts due to permitted emissions. The public participates in the permitting process and has the opportunity to provide comments and request meetings and hearings on individual applications. A minor NSR construction permit must be renewed every 10 years in most circumstances.
- *PSD Permit*. A PSD permit is a major NSR permit required if an applicant wants to locate in an area meeting NAAQS and permitted emissions would exceed federal significant emission levels for regulated pollutants. Applicants must identify control technologies and demonstrate compliance with all applicable rules and regulations and acceptability of off-property impacts due to permitted emissions. The public participates in the permitting process and has the opportunity to provide comments and request meetings and hearings. A PSD permit does not expire but can be modified.
- *NA Permit*. An NA permit is a major NSR permit required if an applicant wants to locate a source of emissions in an area that does not meet NAAQS and permitted emissions would exceed federal significant emission levels for the area. Unlike PSD permits, NA permits require lowest achievable emission rate (LAER) controls and emission reductions to offset the proposed emissions increases. The public participates in the permitting process and has the opportunity to provide comments and request meetings and hearings.

Other NSR Authorization Mechanisms

- *FCAA Section 112(g) Permit*. A FCAA Section 112(g) permit is a NSR construction or modification permit establishing federally enforceable case-by-case maximum achievable control technology (MACT) emission limitations and controls for hazardous air pollutants (HAPs) at a major stationary source. Under FCAA Section 112(g), relating to HAPs, the division must determine appropriate MACT standards for major sources of HAPs for which a standard has not been promulgated by EPA or which has been vacated by the courts.
- *Plant-wide Applicability Limit (PAL) Permit*. Major source permit applicants have the option of establishing a PAL for all facilities at a site. A PAL permit is not a pre-construction permit. A PAL permit establishes a site-wide emission limit, in tons per year, for a regulated NSR pollutant. The site-wide emission limits provide facilities with greater flexibility to modernize operations without

triggering major NSR review (requiring a PSD or NA permit or revisions to those permits). A PAL must be renewed every 10 years.

- Greenhouse Gas (GHG) Permits. A separate GHG PSD permit is required when GHG emissions exceed the thresholds in 30 TAC Section 116.164. Sources must apply BACT, but an air quality analysis for GHGs is not required.
- Flexible Permit. A flexible permit is a type of minor NSR construction or modification permit covering emissions from many facilities at the same site. This type of authorization allows an owner or operator more flexibility in managing operations by staying under an overall emissions cap or individual emission limitation. Owners or operators are allowed to structure flexible permits to best serve their needs while assuring BACT equivalent controls and acceptable impacts.
- Permit Amendment and Alterations. After a case-by-case permit is issued, the permit holder may need to change the manner in which the facility is operated. An amendment consists of a change in method of control, change in the character of emissions, or increase in actual or allowable emissions. A revision consists of changes that would not involve an increase in emissions or a change in the character or method of control of emissions. Amendments go through the same review process as an NSR permit for a new facility, which may include public participation if the emissions increases exceed the de minimis criteria defined by commission rule and change in character. Revisions do not require public participation.
- Permit Renewals. Permits must be renewed every 10 years at which time the facilities in the permit must be evaluated and reauthorized. The renewal is intended to continue the operation for which a permit was originally sought. It is not intended to authorize changes in operation, physical modifications, or construction of new facilities. A review is conducted to ensure the facilities continue to operate as originally permitted and continue to meet BACT considering the age of the facilities.
- Changes to a Qualified Facility. Senate Bill (SB) 1126 (74R), THSC Chapter 382.0512, gave qualified facilities the flexibility to make physical and operational changes without a permit. All facilities involved must be qualified at the time of the change. A facility is qualified if it had a permit or amendment issued within 120 months before the change occurred or it is exempted from permitting requirements or has controls at least as effective as BACT. There can be no net increases or new contaminants, and the qualified facility authorization cannot be used to authorize new facilities. A qualified facility authorization requires notification, documentation, and recordkeeping.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and the efficiency of the NSR Permits program is evidenced by the timely review and issuance of permits. In FY 2020, APD exceeded its production goal and achieved 121% of its performance measure target for permits reviewed within specified timeframes. As discussed more fully in Section XII, the increase in performance is attributed to the permit reforms enacted by APD, including the creation of automated processes, backlog reduction initiatives, and streamlining efforts. The following performance measures are reported in Section II, Exhibit 2.

- Percent of air quality permit applications reviewed within established time frames;
- Number of state and federal NSR air quality permit applications reviewed; and
- Number of state and federal air quality permits issued.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting NSR Permits.

2001

- House Bill (HB) 2912 (77R) makes the permitting of “grandfathered” facilities mandatory. Facilities not modified since August 31, 1971, were previously "grandfathered" from the requirement to obtain a permit.

2006

- The commission adopts rules to remove, over a seven-year period, the ability for regulated entities to claim an affirmative defense for planned maintenance, startup, and shutdown activities. While the rule did not require authorization, it resulted in increased requests to permit planned maintenance, startup, and shutdown emissions.

2007

- The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issues a final ruling on the court’s December 2006 decision on the rule to implement the eight-hour ozone NAAQS. This ruling restores NSR applicability thresholds and emission offsets pursuant to classifications previously in effect for areas designated in NA for the one-hour ozone standards.

2008

- The D.C. Circuit Court of Appeals restores electric utility steam generating units to the list of regulated source categories subject to MACT standards and invalidates EPA’s Clean Air Mercury Rule.
- Since 1992, when EPA approved Texas' major clean air permitting plan, the state has submitted more than 30 regulatory changes. The Business Coalition for Clean Air (BCCA) Appeal Group, Texas Association of Business (TAB), and Texas Oil and Gas Association (TxOGA) sued EPA seeking deadlines for it to act on the state's proposed changes to its previously approved plan. Although EPA approved the original and many updates to the Texas NSR permitting program.

2009

- The BCCA, TAB, TxOGA, and EPA agree to a schedule whereby EPA shall sign for publication in the *Federal Register* notices of final rulemaking to approve or disapprove, in whole or in part, key SIP revisions.

2013

- HB 788 (83R) authorizes TCEQ permitting of GHG Emissions.

2018

- EPA's January 25, 2018, memorandum rescinded EPA's 1995 "Once-in-always-in" policy concerning the applicability of 40 CFR Part 63 MACT standards to major sources of HAPs. TCEQ developed guidance to supplement the memo which outlined the basic process by which a major source of HAP subject to a MACT standard can become an area source.
- Effective February 1, 2018, all applicants must submit PBR and SP registration applications via ePermits. Effective July 1, 2018, all applicants must submit requests for change in ownership for all NSR authorizations including registrations under PBRs or SPs via ePermits.
- In November 2018 new tools and policies were released to process NSR applications more efficiently and reduce permitting timeframes.

2019

- Effective January 1, 2019, all APD-Certs and all notifications associated with 30 TAC Section 106.264, Replacement of Facilities, must be submitted electronically via ePermits.
- Effective January 1, 2019, all enclosed painting projects authorized through a case-by-case permit must submit the Paint Emission Calculation and Impacts Analysis workbook with the application.
- Effective June 1, 2019, the NSR General Application form (PI-1) workbook is required for all applications and the Electronic Modeling Evaluation workbooks are required for all minor projects utilizing modeling to complete an impacts analysis.

2020

- Effective September 1, 2020, the form for concrete batch plant (CBP) registrations (PI-1S-CBP) workbook is required for all CBP SP registration applications.

2021

- Effective January 1, 2021, application submittal is required through ePermits for the following: NSR case-by-case permits, excluding stand-alone permit actions for GHG PSD, PAL, and HAP Major source (all action types); all SP registrations, excluding Temporary Rock and Concrete Crushers (all action types); and all PBR registrations, including portables.
- Effective April 1, 2021, the PBR General Facilities workbook is required with any 30 TAC Section 106.261 or Section 106.262 registration.
- Effective April 1, 2021, the Fugitive workbook is required for all applications with fugitive emissions.
- Revisions were made to 30 TAC Chapter 116 to make rule language for major NSR applicability consistent with EPA's March 2018 guidance and rules on Project Emissions Accounting. The commission adopted revisions on June 9, 2021, and notice of the adopted changes was published in the *Texas Register* on June 25, 2021.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Air permitting affects any organization or person planning to construct a new facility or modify an existing facility that will emit air contaminants, including the public; universities; city and county governments; small businesses; manufacturers; industries; semiconductor plants; power plants; refineries; chemical

plants; mechanical; construction; and agricultural activities, etc. The APD does not track specific affected persons or organizations but does track certain permit authorizations by major or minor source categories. There are approximately 90,303 active NSR permits and authorizations, including registered PBRs and standard permits, at 67,400 sites.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The APD issues permits and authorizations meeting the requirements of the TCAA and the FCAA. APD issues both minor and major NSR permits and provides for other authorization mechanisms under its SIP approved NSR program. The program receives an application and assigns it to staff. Staff perform both an administrative and a technical review of the application to ensure the permit meets all applicable legal requirements. Certain authorization mechanisms do not require preapproval, application, or staff review.

During the administrative review, public notice packages, if applicable, are developed and the public is given an opportunity to comment. During the technical review, program staff check compliance history, evaluate control technology and impacts, draft permit conditions, and if applicable, develop another public notice package, conduct public meetings, and respond to comments.

If the permit application is not contested, the permit is issued or approved. If the permit is contested, hearing requests are considered by the commission at an open meeting. If hearing requests are granted, the permit may be referred to the State Office of Administrative Hearings for a hearing on contested matters. The commission will consider the Proposal for Decision by the Administrative Law Judge and approve or deny the issuance of a permit. If the commission denies the hearing request, the permit may be issued.

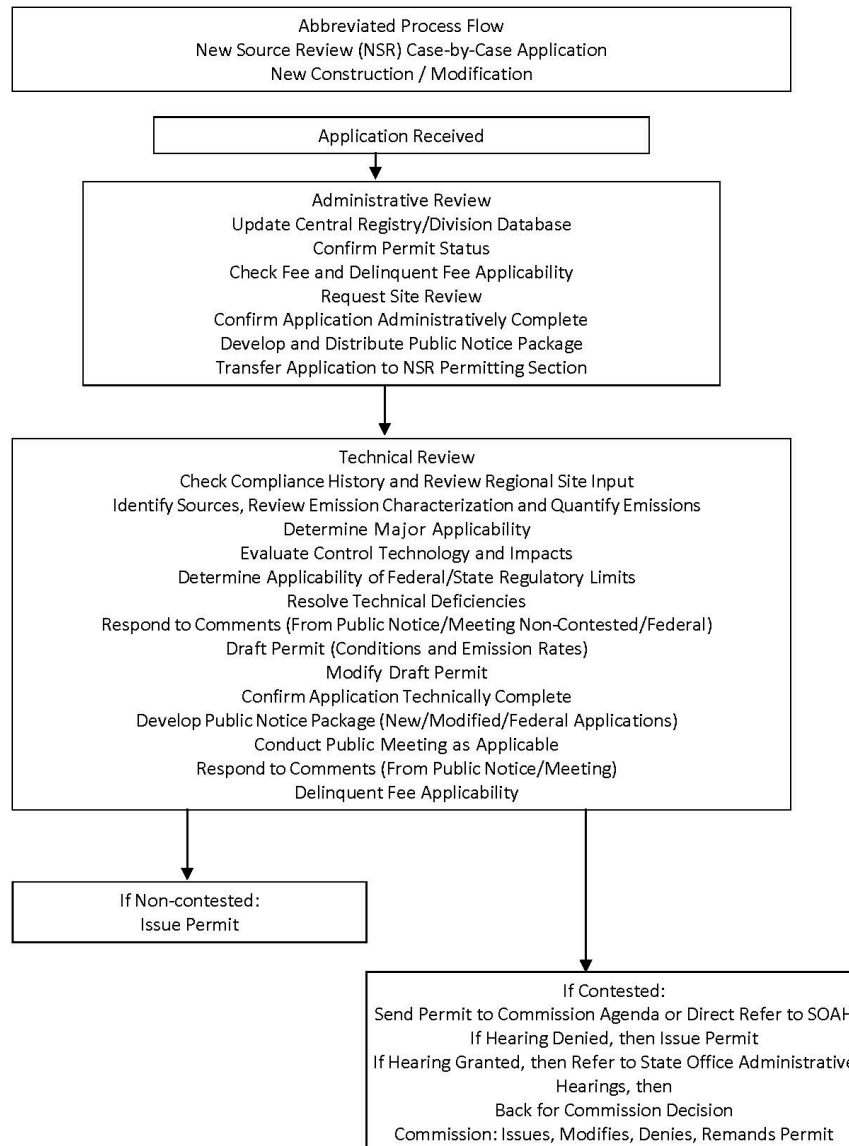
Air quality permits are legally binding documents and include enforceable conditions with which the owner or operator must comply. Some conditions are general to all types of facilities, while some are developed for specific facilities. Overall, the permit conditions establish limits on the types and amounts of air pollution allowed, operating requirements for pollution control devices or pollution prevention activities, and monitoring and recordkeeping requirements. These conditions are based on the technical review which primarily relate to source identification and air emission quantification, analysis of the off-property health impacts of those emissions, determination of BACT, and applicability of source category or emission-based state and federal regulations, as applicable.

If the facility is in a NA area, additional permitting requirements may apply. In addition to the requirements discussed above for NSR permits, NA permit review is required if the facility has emissions above the major source and significant thresholds for the specific county designated as NA. NA permitting requires the installation of LAER control technology and the acquisition of emissions reductions to offset the proposed emissions increases. If the new facility is a major stationary source, or construction is a major modification, located in an attainment or unclassifiable area, a PSD permit will be required. A PSD permit review will require additional modeling.

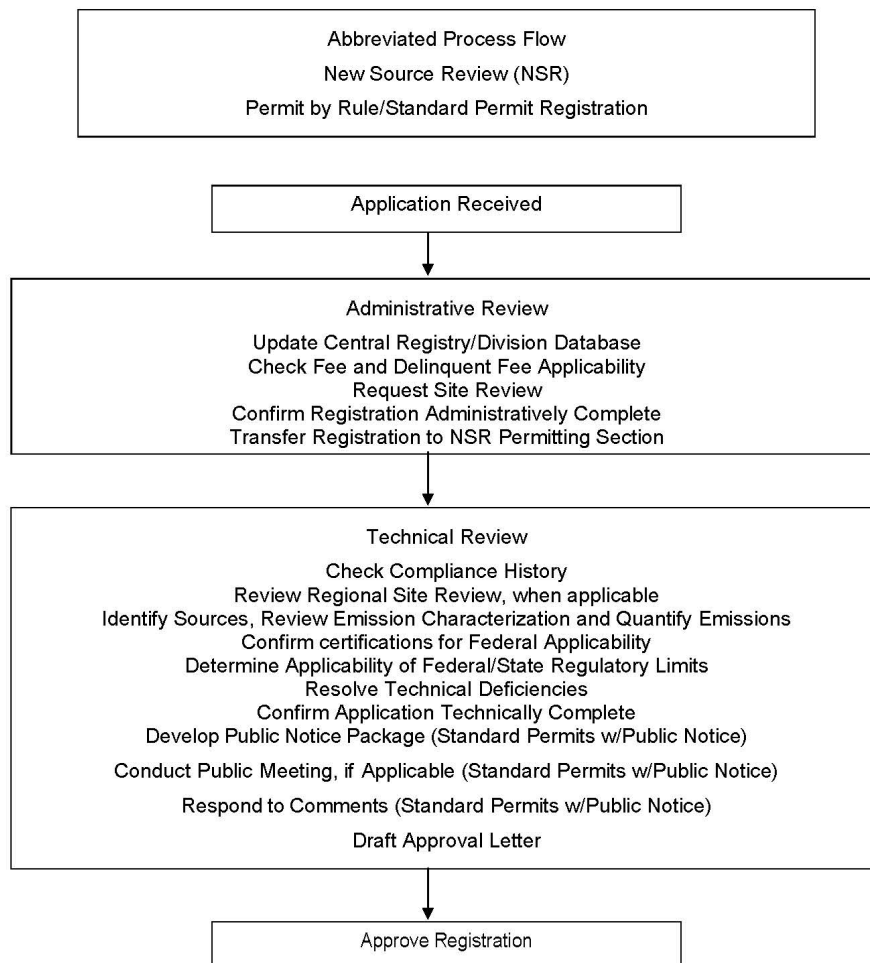
Technical reviews are conducted for PBR and standard permit registrations. Reviewers must ensure each PBR and standard permit registration meet all the general conditions and specific applicable rules. The reviewer checks the registrant has included necessary emission calculations, federal applicability, and determines the applicability of federal limits based on specific NA county designations.

The following flowcharts illustrate the abbreviated process flow for the highest volume NSR applications: case-by-case applications for new construction or modification permits and permit by rule or standard permit registrations.

New Source Review Case-by-Case Application for New Construction or Modification Process Flowchart



New Source Review Permit by Rule or Standard Permit Registration Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

NSR Permits Program Funding

Account	Account Title	FY 2020 Expended
0151	Clean Air Account - Dedicated	\$4,887,182

The program is funded in the Air Quality Permitting Strategy and includes Rider 27: Expedited Processing of Permit Applications.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other internal or external programs provide identical or similar services or functions.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The APD works with EPA Region 6 Office of Air and Radiation implementing the federal NSR Permit program. The two agencies conduct monthly meetings.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The general purpose of the contracts was the employment of temporary staff and contractors to assist with processing permit applications.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$116,075.

- the number of contracts accounting for those expenditures;

Nine contracts.

- the method used to procure contracts;

Purchase orders are used to procure the contracts.

- top five contracts by dollar amount, including contractor and purpose;

New Source Review Permits Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-20-10300	WORKQUEST	Temporary services to support the permitting processes	\$50,905
582-20-10295	WORKQUEST	Temporary services to support the permitting processes	\$29,588
582-20-10297	WORKQUEST	Temporary services to support the permitting processes	\$26,636
Procard 2200572	Dallas Morning News	Notice of public hearing for proposed air quality permits	\$2,188
Procard 2200590	Hearst Newspapers	Notice of public hearing for proposed air quality permit	\$1,919

- the methods used to ensure accountability for funding and performance; and

The APD reconciled monthly payments and kept track of weekly hours to ensure appropriate expenditure.

- a short description of any current contracting problems.

No contracting problems were encountered in FY 2020.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Title V Federal Operating Permits Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Title V FOPs

Location/Division: Austin Headquarters / Air Permits Division

Contact Name: Samuel Short

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 382; Federal Clean Air Act (FCAA) Sections 501–507.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Texas Clean Air Act (TCAA), THSC Chapter 382, governs all air quality permitting in the state and implements provisions of the Federal Clean Air Act (FCAA). The TCAA requires authorization for all air contaminants in addition to authorization of federally regulated pollutants.

The main objective of the Air Permits Division (APD) is to review and authorize air applications and registrations for facilities that, when operational, would emit contaminants into the air. The division meets its objective through two air permitting programs: New Source Review (NSR) Permits and Title V Federal Operating Permits (FOPs). The term “major” is used to determine the applicability of Title V FOP and is based on a stationary source’s annual potential to emit a federally regulated pollutant. Title V FOPs are also required for certain minor sources.

“Title V” refers to the section of the FCAA requiring operating permits. The Title V FOP program requires major sources and certain federally identified minor sources to obtain a permit consolidating all applicable air requirements in a single document to improve compliance. A Title V permit grants a source permission to operate.

Title V Federal Operating Permit Program

There are two types of operating permits:

- **General Operating Permit (GOP)**. The GOP is a streamlined Title V authorization designed to cover numerous similar sources at a single site. An owner or operator can apply for an authorization to operate under a GOP. The GOP, like a NSR permit, contains uniform conditions that may apply to all sources in a defined class which are determined by unit specific attributes. Applicants cannot apply for authorization to operate under a GOP if they are subject to NSR case-by-case construction or modification permits. Additionally, they must meet other GOP qualification criteria and certify compliance each year with the authorization to operate under a GOP. The public participates in GOP adoption process, rather than each individual authorization to operate under the GOP.
- **Site Operating Permit**. The Site Operating Permit documents all applicable requirements applying at a specific site, or an area for large sites (a large site may have multiple site operating permits). An owner or operator can apply for authorization to operate under the Site Operating Permit and the permit contains specific conditions applying to the site. The public participates in the process

and is notified through public notice in newspapers and sign postings. The public may provide comments, request a notice and comment hearing, and petition the U.S. Environmental Protection Agency (EPA) to object to the issuance of the site operating permit, if EPA does not object to the permit prior to issuance. Applicants must certify compliance with the Site Operating Permit annually and report deviations on a semi-annual basis.

Other Title V Authorization Actions

- *Permit Revisions and Renewals.* After initial permit issuance, changes at a site or in applicable requirements may result in the need to revise the Title V permit. Changes at a site may include the addition or removal of emission sources, operational changes, or changes to existing monitoring, reporting, recordkeeping, and testing requirements identified in the permit. Revision applications may be submitted to revise the permits. Site Operating Permits and authorizations to operate under the GOPs must be renewed every five years by applicants. The public participates in the process and is notified through a public announcement on TCEQ's website for minor Site Operating Permit revisions or public notice in newspapers and sign postings for all other Site Operating Permit actions. The public may request a notice and comment hearing and can petition EPA. The public participates in the GOP revision and renewal process, but not the individual authorizations to operate.
- *The GOP must be renewed every five years by the APD.* Before the issuance or significant permit revision of any GOP, the executive director must publish notice for public comment and hearing on the draft GOP. The notice must be published in the *Texas Register*; on TCEQ's website; and in a newspaper of general circulation in the area affected by the GOP, or, in a newspaper within Austin, Houston, and Dallas if the GOP has statewide applicability. For a minor permit revision to a GOP, the executive director is required to publish an announcement on TCEQ's website. For any issuance or revision of a GOP, the executive director is required to notify EPA and any affected state. The public may participate in the issuance, renewal, or revision of a GOP through public comment, and can request meetings and petition EPA.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and the efficiency of the Title V Federal Permits program is evidenced by the timely review and issuance of permits. As stated for NSR permits, in FY 2020, APD exceeded its production goal and achieved 121% of its performance measure target for all permits reviewed within specified timeframes. The program also exceeded all of its other performance measures. As discussed more fully in Section XII, the increase in performance is attributed to the permit reforms enacted by APD, including backlog reduction initiatives and streamlining efforts. The following performance measures are reported in Section II, Exhibit 2.

- Percent of air quality permit applications reviewed within established time frames;
- Number of federal air quality operating permits reviewed; and
- Number of federal air quality permits issued.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting APD.

2009

- BCCA, TAB, TxOGA, and EPA agree to a schedule whereby EPA shall sign for publication in the Federal Register notices of final rulemaking to approve or disapprove, in whole or in part, key SIP revisions.

2010

- Effective August 1, 2010, all vents constructed on or before January 31, 1972, must be identified in the Title V permit to address EPA's concerns.

2020

- TCEQ implements programmatic changes to Title V permits to incorporate PBR requirements. Effective August 1, 2020, all Site Operating Permit and GOP applications for initial and renewal projects, and significant revisions more than two years from renewal are required to include the new PBR Supplemental Table.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Air permitting affects any organization or person planning to construct a new facility or modify an existing facility that emits air contaminants, including the public; universities; city and county governments; small businesses; manufacturers; industries; semiconductor plants; power plants; refineries; chemical plants; mechanical, construction, and agricultural activities; etc. The APD does not track specific affected persons or organizations but does track Title V permit authorizations. There are approximately 440 GOPs and 1,128 Site Operating Permits at 1,387 Title V sites.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

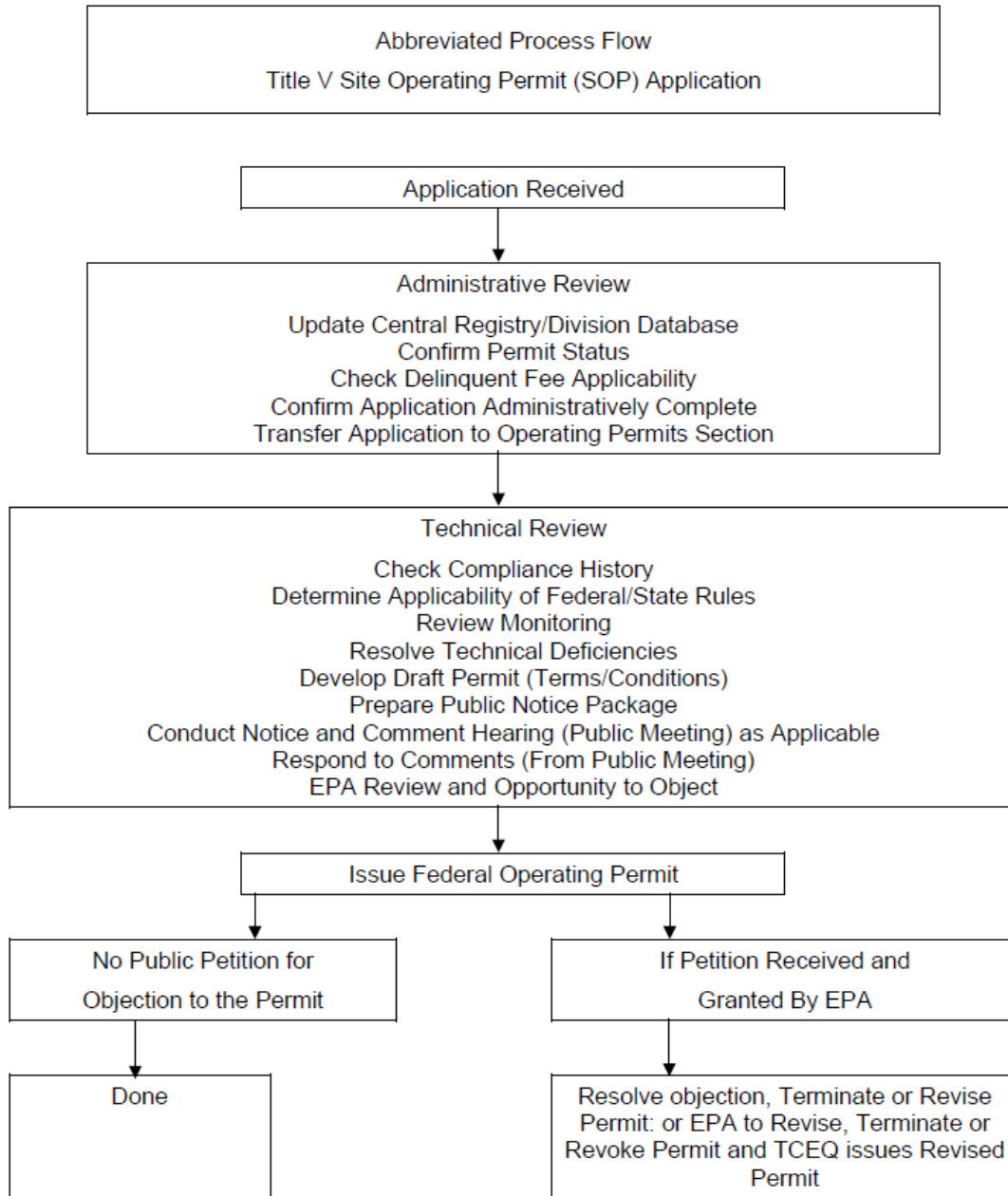
The APD issues permits and authorizations meeting the requirements of the FCAA. In addition, EPA has approved the APD's Title V program. The program receives applications for operating permits. Once the application is received, it is assigned to program staff. Program staff conduct an administrative review and a technical review of the application to ensure the permit meets all applicable legal requirements. During the administrative review, staff confirm the application is administratively complete, check for delinquent fees, and update databases. During the technical review, program staff check compliance history, determine applicable state and federal requirements, review monitoring requirements, draft a permit, develop a public notice package, conduct a notice and comment hearing (if applicable), and respond to comments. Concurrent with public notice, affected states within 50 miles of the site and EPA are also able

to review and comment on the application. After APD issues the Site Operating Permit, the public has 60 days in which to petition EPA for review.

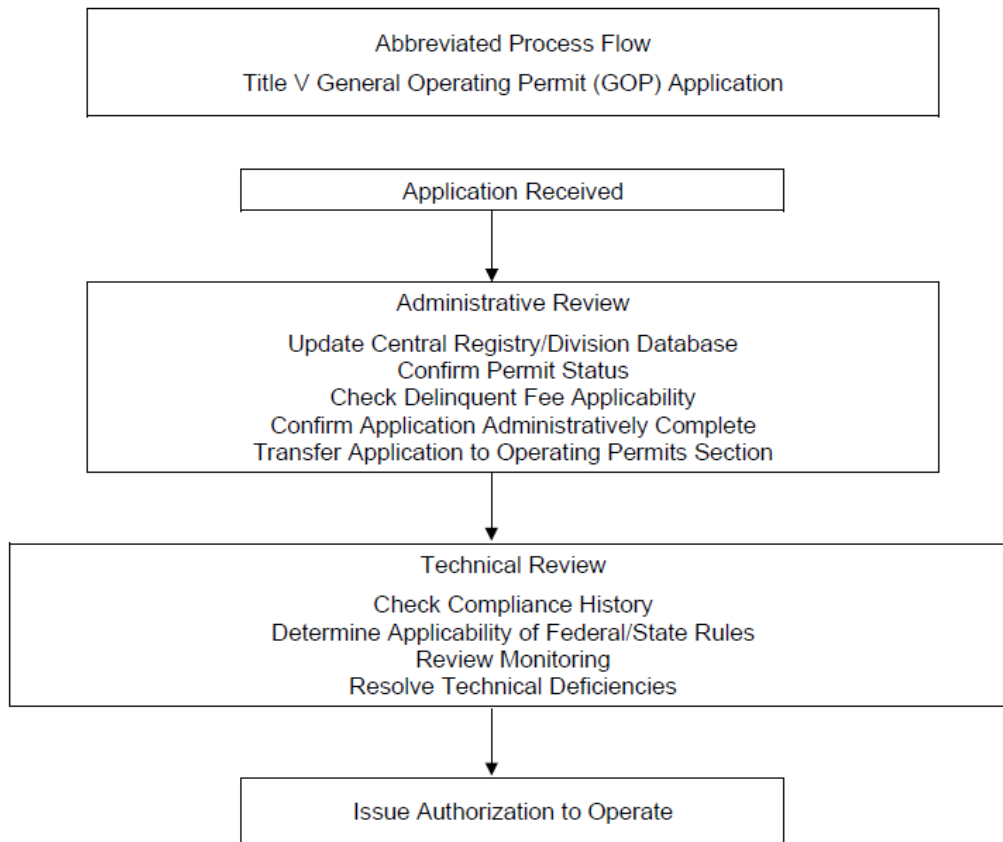
A Title V permit codifies previously authorized air emissions and documents all state and federal requirements are applicable to a site in a single document. In addition, a Title V permit contains monitoring, recordkeeping, reporting and testing requirements. The Title V program helps assure compliance with all requirements through semi-annual deviation reports and annual compliance certifications. Title V permits do not authorize any air emissions. The permits contain requirements applying to the site as a whole, as well as requirements specific to individual facilities. All Title V Site Operating Permits are subject to public notice or public announcement requirements and the public may provide comments or request a notice and comment hearing.

The following flowcharts illustrate the process flow for Title V Site Operating Permits and General Operating Permits.

Title V Site Operating Permit Application Process Flowchart



Title V General Operating Permit Application Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Title V Federal Operating Permits Program Funding

Account	Account Title	FY 2020 Expended
5094	Operating Permit Fees Account - Dedicated	\$7,486,509

The program is funded in the Air Quality Permitting Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other internal or external programs provide identical or similar services or functions.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The APD works with EPA Region 6 Office of Air and Radiation implementing the Title V FOP program. The two agencies conduct monthly meetings.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The general purpose of the contracts was the employment of temporary staff and contractors to assist with processing permit applications.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$78,351.

- the number of contracts accounting for those expenditures;

Four contracts.

- the method used to procure contracts;

Purchase Orders are used to procure the contracts.

- top five contracts by dollar amount, including contractor and purpose;

Title V Federal Operating Permits Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-20-10293	WorkQuest	Develop and Review Requirements Reference Tables (RRT)	\$39,364
582-20-10295	WorkQuest	Temporary services to support the permitting processes	\$19,725
582-20-10297	WorkQuest	Temporary services to support the permitting processes	\$17,758
Procard 2120159	Brazil and Co.	Court reporting services for public hearing	\$1,505

- the methods used to ensure accountability for funding and performance; and

The APD reconciled monthly payments and kept track of weekly hours to ensure appropriate expenditure of the encumbrance.

- a short description of any current contracting problems.

No contracting problems were encountered in FY 2020.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Banking and Trading Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Emissions Banking and Trading

Location/Division: Austin Headquarters / Air Permits Division

Contact Name: Samuel Short

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 382.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Air Permits Emissions Banking and Trading (EBT) Programs are market-based strategies used to address air quality issues in non-attainment (NA) areas throughout Texas. These programs are designed to provide flexibility in complying with the Texas Clean Air Act (TCAA) and the Federal Clean Air Act (FCAA), while also providing incentives to reduce emissions from stationary, areas, and mobile sources through the trading of emission reductions within a market-based framework. TCEQ currently maintains and administers six different EBT Programs across the state, each targeting specific criteria pollutants or air quality issues. Five programs are described below, while the sixth, the Clean Air Interstate Rule (CAIR), is no longer administered by TCEQ. On July 6, 2011, EPA finalized the Cross-State Air Pollution Rule to replace CAIR.

- ***Discrete Emission Credit Program.*** The Discrete Emission Credit program allows participants to generate credits by creating temporary emission reductions from point, area, and mobile sources. This program encourages emission reductions and provides participants flexibility in complying with various federal and state air regulations. Participation in the program is voluntary.
- ***Emissions Banking and Trading of Allowances Program (EBTA).*** The EBTA program is a market-based cap-and-trade program implementing annual nitrogen oxides (NO_x) and sulfur dioxide (SO₂) emission caps for grandfathered and electing electric generating facilities in the State of Texas.
- ***Emission Credit Program.*** The Emission Credit program allows participants to generate credits by creating permanent emission reductions from stationary, area, and mobile sources in NA areas. This program encourages emission reductions and provides participants flexibility in complying with various federal and state air regulations. Emission Credits provide an additional method and flexibility for air permit holders to meet the emissions offset requirements of NA New Source Review (NSR) permits. Participation in the program is voluntary.
- ***Highly Reactive Volatile Organic Compound (HRVOC) Emissions Cap and Trade Program.*** The HRVOC program is market-based cap-and-trade program implementing an annual HRVOC emission cap for affected facilities in Harris County. Program participants are required to use allowances to cover HRVOC emissions on an annual basis. The allowances available for use each year are capped at a level necessary to attain the National Ambient Air Quality Standards (NAAQS) for ozone.
- ***Mass Emissions Cap and Trade (MECT) Program.*** The MECT program is a market-based cap-and-trade program implementing an annual NO_x emission cap for affected facilities in the Houston-Galveston-Brazoria ozone NA area. Program participants are required to use allowances to cover NO_x emissions on an annual basis. The allowances available for use each year are capped at a level necessary to attain NAAQS for ozone.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and efficiency of the EBT Program is evidenced by the number of transactions staff review and issue each year. The program has established a target to complete 1,000 EBT projects each fiscal year. This figure includes Emission Reduction Credit generations, trades, and annual reports. In FY 2020, The program staff completed 1,340 projects and achieved 134.4% of its performance goal. The following performance measure is reported in Section II, Exhibit 2.

- Number of Emissions Banking and Trading transaction applications reviewed.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Air Permits EBT Program.

2007

- The D.C. Circuit Court of Appeals issues a final ruling on the court's December 2006 decision on the rule to implement the eight-hour ozone NAAQS. This ruling restores NSR applicability thresholds and emission offsets pursuant to classifications previously in effect for areas designated in NA for the one-hour ozone standards.

2015

- Effective on June 25, 2015, TCEQ adopts rules amending the divisions under 30 TAC Chapter 101 Subchapter H (relating to Emissions Banking and Trading). Amendments to Divisions 3 and 6 provide clarity and additional flexibility for the use of MECT and HRVOC Emissions Cap and Trade (HECT) Program allowances for NA NSR offsets.

2017

- TCEQ adopts rules, effective on October 12, 2017, amending 30 TAC Chapter 101 Subchapter H, Division 1 and Division 4, relating to the Emission Reduction Credit (ERC) Program and Discrete Emission Reduction Credit (DERC) Program. The amendments allow for the generation of credits from area and mobile sources, which may be used as NA NSR offsets.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The EBT Programs are available to entities that have obtained air permits or authorizations. The APD does not track specific affected persons or organizations but does track companies and entities participating in one or more emissions banking programs. As of June 30, 2021, there are approximately 876 separate companies with 1040 regulated entities.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The EBT Programs are designed to provide flexibility in complying with the requirements of the TCAA and the FCAA, while also providing incentives to reduce emissions from various sources through the trading of emission reductions within a market-based framework.

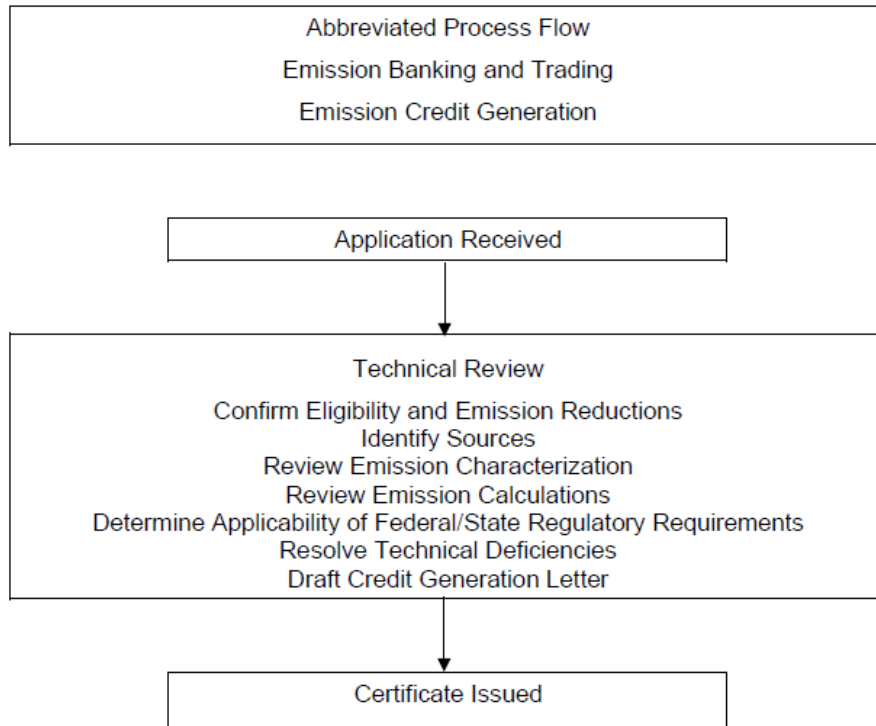
The emission credit generating program is available to a wide range of area, point, and mobile sources. Sources can voluntarily participate in the program and reduce emissions of certain pollutants to generate credits. Program staff reviews credit generation applications to confirm the eligibility of sources to generate the credits and to ensure the emissions reductions are from a criteria pollutant (excluding lead). The application review identifies the source types, verifies emission rate calculations and reductions, and confirms the applicability of regulatory requirements. Once program staff completes the review and approves the application, the applicant is issued an ERC certificate.

The MECT, HECT, and EBTA programs are all market-based cap and trade programs. Program participants are required to use allowances to cover emissions on an annual basis. Participants submit an annual report detailing the emissions for the previous year. These reports are reviewed by program staff to verify emissions calculations and other data. The program participant is issued a letter summarizing the allowance balance in their account.

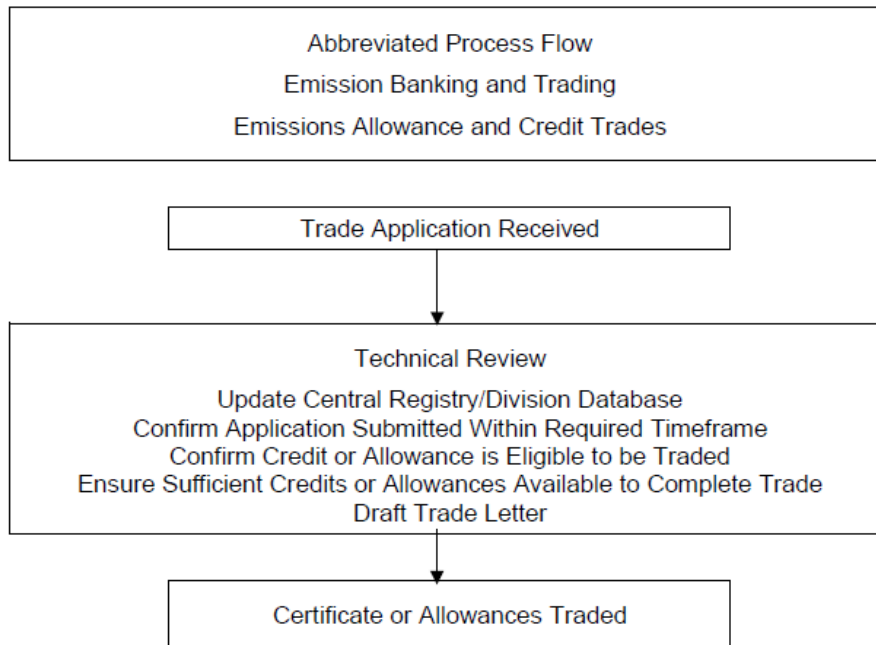
ERCs and allowances may be traded or used for compliance purposes, such as to meet the offset requirements in NA NSR permits or to meet compliance with 30 TAC Chapters 115 and 117. APD maintains a credit and allowance registry which includes the amount of credits and allowances held by participants. Program staff reviews use and trade applications and verifies calculations, confirms applicability of regulatory requirements, and the availability of credits or allowances in the applicant's account. If the application is approved, program staff updates the registry.

The following flowcharts illustrate EBT program processes for emission credit generation; emissions allowance and credit trades; MECT, HECT, and EBTA report; emissions credit use; and use of allowance for offsets.

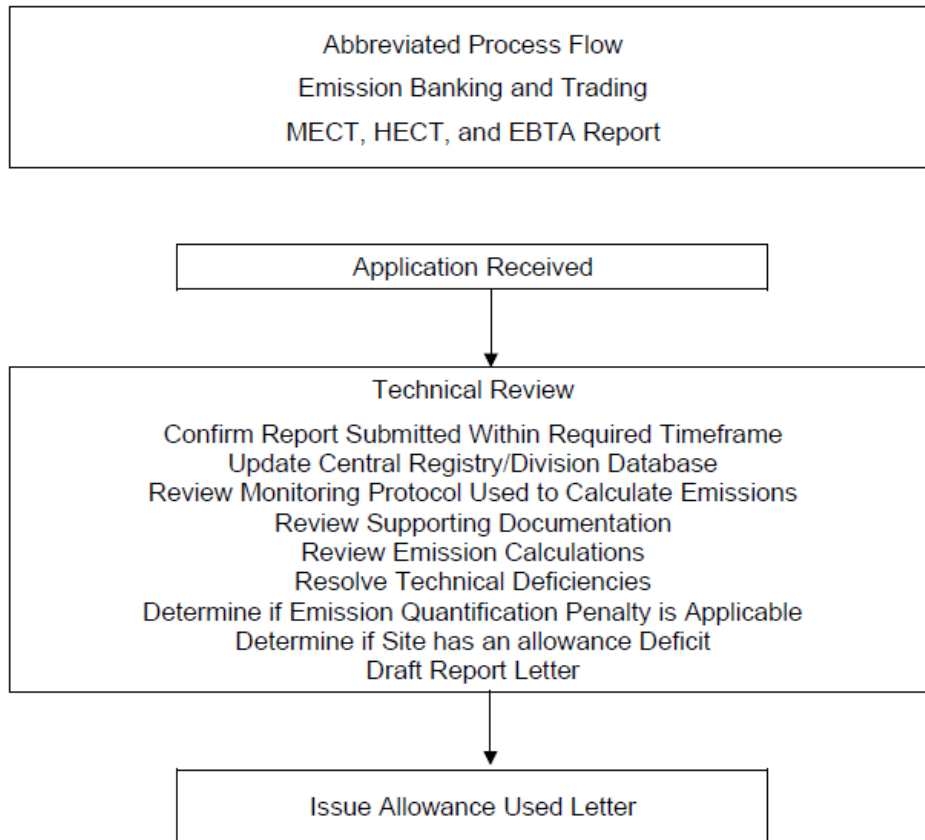
**Emission Banking and Trading
Emission Credit Generation Process Flowchart**



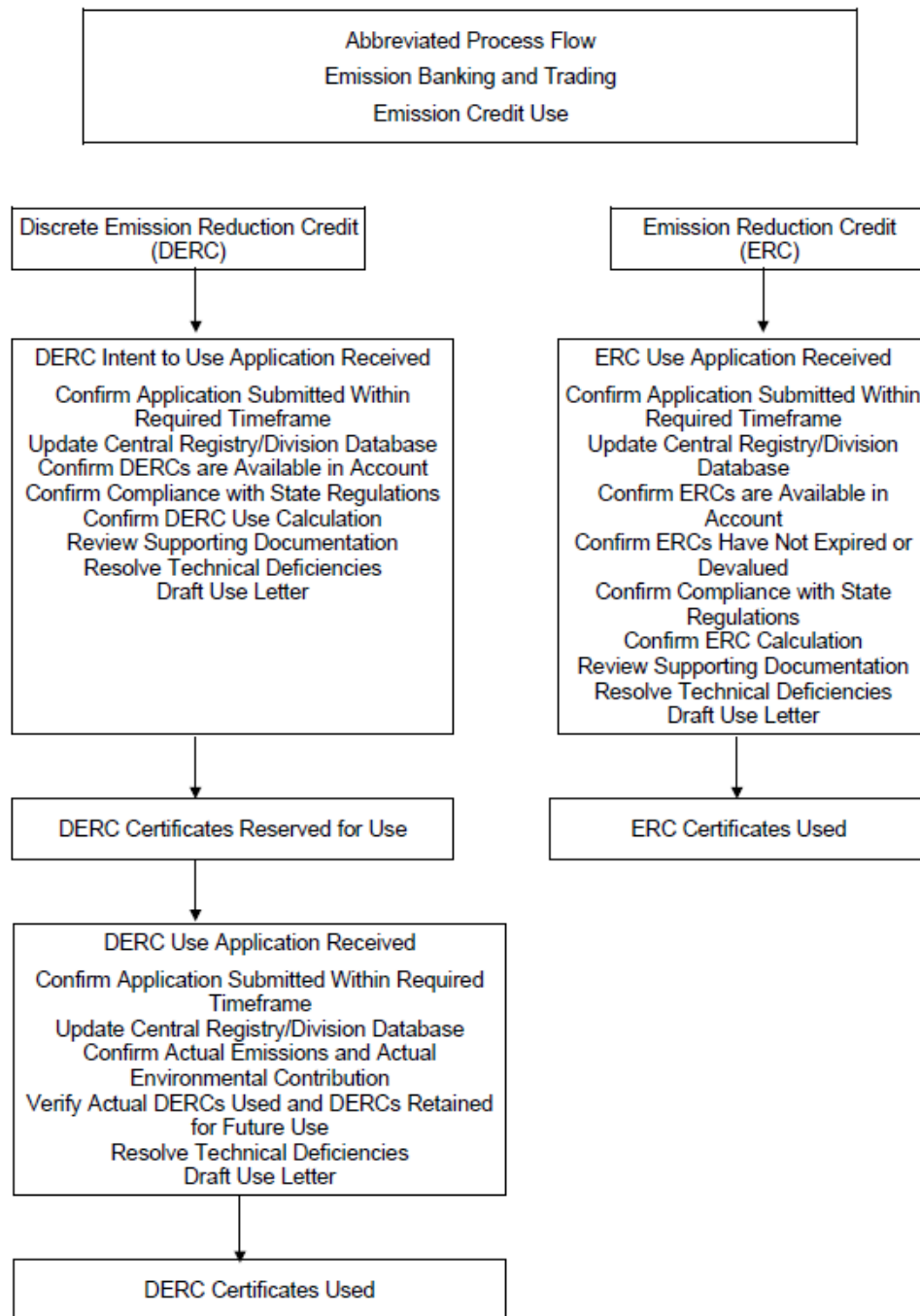
**Emission Banking and Trading
Emissions Allowance and Credit Trades Process Flowchart**



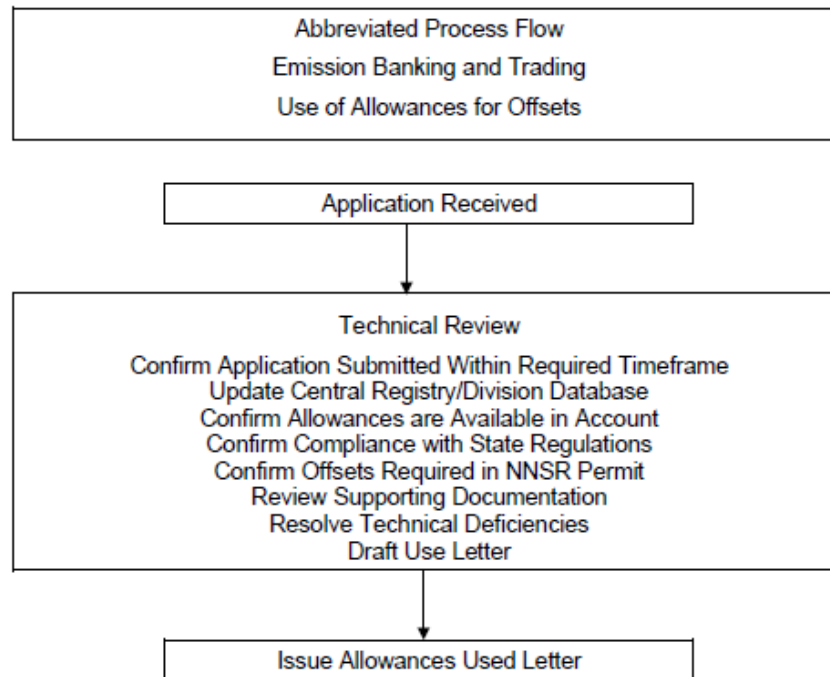
**Emission Banking and Trading
MECT, HECT, and EBTA Report Process Flowchart**



**Emission Banking and Trading
Emission Credit Use Process Flowchart**



**Emission Banking and Trading
Use of Allowances for Offsets Process Flowchart**



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

EBT Program Funding

Account	Account Title	CFDA	CFDA Name	FY 2020 Expended
0151	Clean Air Account - Dedicated	N/A	N/A	\$269,049
0555	Federal Funds	66.605	Performance Partnership Grant	\$8,497
5071	TERP Account - Dedicated	N/A	N/A	\$79,248
5094	Operating Permit Fees Account – Dedicated	N/A	N/A	\$378,466
TOTAL				\$735,260

The program is funded in the Air Quality Assessment and Planning Strategy.

The program includes:

- Rider 12 - Appropriation Limited to Revenue Collections: Automobile Emission Inspections; and
- Rider 19 - TERP: Grants and Administration.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other internal or external programs provide identical or similar services or functions.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Texas Emissions Reduction Plan Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Texas Emissions Reduction Plan

Location/Division: Austin Headquarters / Air Grants Division

Contact Name: Michael Wilson, P.E.

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 386.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Air Grants Division (AGD) of TCEQ administers the Texas Emissions Reduction Plan (TERP) grant programs. TCEQ awards TERP grants through vendor solicitations selected either in the order of receipt (first-come, first-served), or competitively based upon pre-determined program scoring criteria. TCEQ also has authority to execute direct awards for specific projects or as a pass-through grant for third parties to administer.

The TERP provides financial incentives for activities to reduce nitrogen oxides (NO_x) emissions, a precursor to the formation of ground-level ozone. Activities include the upgrade or replacement of older diesel vehicles and equipment with newer, cleaner models. The TERP primarily targets areas in Texas designated as non-attainment (NA) for ground-level ozone under the Federal Clean Air Act (FCAA), as well as other affected counties for ozone.

TERP also provides financial incentives for activities to:

- Encourage the use of natural gas vehicles and other alternative fuel vehicles, and infrastructure to provide fuel for those vehicles;
- Achieve reductions of emissions of diesel exhaust from school buses;
- Advance technologies to reduce NO_x and other emissions from facilities and other stationary sources;
- Conduct studies and fund pilot programs for port authorities to encourage cargo movement to reduces emissions; and
- Implement new technologies to reduce emissions from certain stationary facilities.

TERP grant programs currently administered by the AGD are listed and explained briefly below.

- The Alternative Fueling Facilities Program (AFFP) provides grants for the construction or expansion of facilities to store, compress, or dispense alternative fuels in the area designated the Clean Transportation Zone.
- The Diesel Emissions Reduction Incentive (DERI) Program provides grants for projects to reduce NO_x emissions in the NA areas and affected counties. The DERI Program awards projects under the Emissions Reduction Incentive Grants (ERIG) Program and Rebate Grants Program.
- The ERIG Program provides grants for the lease or purchase, replacement, repower, or retrofit of non-road equipment, heavy-duty on-road vehicles, marine vessels, locomotives, and stationary equipment. Grants may also be available for the acquisition and installation of refueling and idle-

reduction infrastructure for heavy-duty non-road equipment, heavy-duty on-road vehicles, marine vessels, locomotives, and stationary equipment.

- The Rebate Grants Program is a simplified first-come, first-served grant program to replace or repower diesel heavy-duty vehicles and/or non-road equipment.
- The Governmental Alternative Fuel Fleet (GAFF) Program provides grants statewide 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 grant-funded vehicles.
- The Light-Duty Motor Vehicle Purchase or Lease Incentive Program (LDPLIP) provides rebates statewide for the purchase of light-duty vehicles operating on natural gas, propane, or electricity.
- The New Technology Implementation Grant (NTIG) Program provides grants statewide to offset the incremental cost of emissions reductions of pollutants from facilities and other stationary sources in Texas.
- The Port Authority Studies and Pilot Programs (PASPP) provides grants for port authorities located in the NA areas or affected counties to implement studies of and pilot programs for incentives to encourage cargo movement to reduce emissions of NO_x and PM.
- The Seaport and Rail Yard Areas Emissions Reduction (SPRY) Program provides grants to replace older drayage trucks and equipment operating at eligible seaports and Class I rail yards in NA areas.
- The Texas Clean Fleet Program (TCFP) provides grants to owners of at least 75 vehicles in Texas to replace a minimum of ten diesel vehicles with new alternative-fuel or hybrid vehicles.
- The Texas Clean School Bus (TCSB) Program provides grants statewide to replace or retrofit older school buses to reduce the exposure of school children to diesel exhaust in and around school buses.
- The Texas Natural Gas Vehicle Grant Program (TNGVGP) provides grants to replace or repower existing diesel or gasoline vehicles with natural gas vehicles and engines.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The TERP Program achieved 108% of its performance measure goal for the tons per day of NO_x estimated to have been reduced by projects funded under the Diesel Emissions Reduction Incentive (DERI) Program in FY 2020. The upgrade or replacement of older equipment with newer, cleaner models resulted in an estimated 20.8 tons per day of NO_x reduced. This measure demonstrates TERP's effectiveness at reducing NO_x emissions in areas of the state designated as NA for ground-level ozone under the FCAA, as well as other affected counties for ozone. The following performance measures are reported in Section II, Exhibit 2.

- NO_x emissions reduced through the TERP Program;
- Tons of NO_x reduced through the TERP Program; and
- Average cost per ton of NO_x reduced through TERP expenditures.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In 2021 the legislature passed House Bill 4472 (87R) which: redirects the transfer of the Motor Vehicle Certificate of Title Fee revenue from the Texas Mobility fund to the TERP Trust Fund; directs TCEQ may not remit less than 35% of the TERP Trust Fund to the state highway fund for the Texas Department of Transportation (TxDOT) to administer congestion mitigation projects; and requires TxDOT to report emissions reductions and other information related to congestion mitigation projects to TCEQ. The Act is effective September 1, 2021.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Participation in the TERP Program is voluntary. Eligible applicants under the TERP grant programs include individuals, corporations, organizations, governments or governmental subdivisions or agencies, school districts, business trusts, partnerships, associations, or any other legal entity. Applicants must be eligible to conduct business in Texas.

The following table provides a breakdown of applicants considered for a grant during FY 2020-2021 by applicant type.

FY 2020-2021 TERP Program Applications by Applicant Type

Applicant Type	Total Applications Received
Individual (not owning a business)	2,423
Texas Corporation or Limited Liability Corporation	492
Sole Ownership	116
School District	88
Limited Partnership	65
Out-of-State Corporation	53
Other Governmental Entity	32
City	29
County	23
Partnership	22
State Agency or University	7
Other	6
Professional Corporation	4
Total	3,360

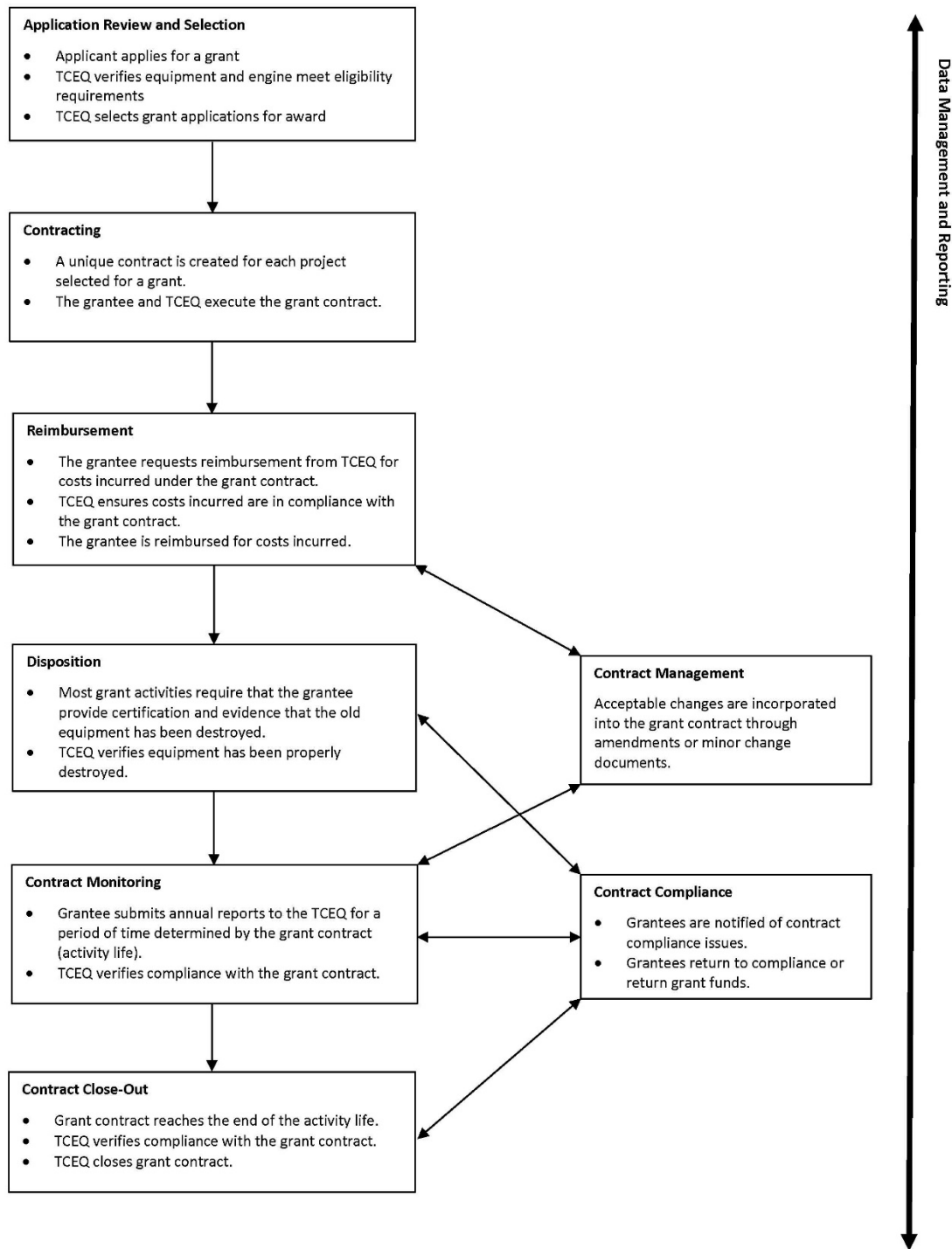
F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The AGD is responsible for implementing each of the TERP grant programs and managing the complete lifecycle of each grant awarded, including:

- Developing program rules and guidelines for adoption by the commissioners;
- Creating grant documents including solicitation documents, application forms, contract terms and conditions, and other grant administration forms;
- Conducting outreach and education to promote opportunities for funding under the TERP grant programs;
- Opening grant rounds through formal Requests for grant applications;
- Receiving, tracking, and reviewing grant applications for eligibility;
- Pre-application monitoring through on-site visits by a TCEQ contractor to confirm vehicle and equipment condition and use;
- Managing the grant selection and approval process in coordination with the Office of Air and Office of the Executive Director;
- Developing grant agreements and managing the contract approval and execution process in coordination with the General Law Division and Financial Administration Division;
- Receiving reimbursement requests from grant recipients, reviewing for compliance with the grant agreement, and managing the approval process in coordination with the Financial Administration Division;
- Managing grant agreements through the execution of amendments and minor-change documents;
- Long-term monitoring and tracking of grant-funded vehicles and equipment;
- Periodic on-site monitoring of grant-funded vehicles and equipment by a TCEQ contractor to ensure grantee compliance with the grant agreement;
- Enforcing the conditions of the grant agreement, including invoicing for the return of grant funds for non-compliant grantees in coordination with the General Law Division and Office of Attorney General, and
- Tracking project data and information in a TERP database.

The following flowchart illustrates TERP grant process.

Lifecycle of a TERP Grant Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

TERP Program Funding

Account	Account Title	FY 2020 Expended
5071	TERP Account - Dedicated	\$16,422,891

The program is funded in the Air Quality Assessment and Planning Strategy and includes Rider 19 - TERP: Grants and Administration.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Internal

Governor Greg Abbott selected TCEQ as the lead agency responsible for the administration of funds received from the Volkswagen State Environmental Mitigation Trust (Trust). The Trust is part of an Environmental Mitigation Trust Agreement resulting from litigation between EPA, the State of California, and Volkswagen (VW) and its related entities. The Trust has allocated a minimum of \$209 million to Texas for projects to reduce NO_x emissions. While the TERP Program provides grants to reduce NO_x emissions that would otherwise occur in the future if the grant-funded project were not awarded, the VW Trust is intended to help mitigate the impact of NO_x emissions that should not have previously occurred. The AGD will administer grants, as part of the Texas Volkswagen Emissions Mitigation Program until these funds are exhausted.

External

Federal Congestion Mitigation and Air Quality (CMAQ) grants from the Federal Highways Administration and Diesel Emissions Reduction Act (DERA) grants from EPA may also be used for projects similar to the types of projects funded under TERP. Eligibility requirements and criteria for determining maximum grant amounts under the CMAQ and DERA Programs differs from TERP grant programs.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TERP grant applications include a section for applicants to identify other funding sources for the same project. Program staff then coordinate with the applicant to confirm the source of funds and the requirements for use of the emissions reductions associated with the project. Program staff also review reports from the TERP database to ensure applications do not include vehicles or equipment previously funded under the TERP grant programs.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Local, state, and federal governmental authorities are eligible to receive grants under the TERP grant programs. These entities also play an important role in helping to promote TERP funding opportunities within their respective areas and communities.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purpose is provided in the TERP Program Contracts table.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$792,007.

- **the number of contracts accounting for those expenditures;**

27 contracts.

- **the method used to procure contracts;**

The AGD works alongside TCEQ's Financial Administration Division and General Law Division to ensure all state procurement laws and requirements are followed when soliciting and awarding a contract for these services.

- **top five contracts by dollar amount, including contractor and purpose;**

Texas Emissions Reduction Plan Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-18-80021	McLane Group	Maintenance and enhancement of the TERP data management system and development of TERP online application	\$523,757
582-16-63039	IPSO Facto	External auditor for pre-award site visits and compliance monitoring	\$190,000
582-20-12291	WORKQUEST	Temporary staff for processing higher than anticipated volume of grant applications	\$17,876
582-20-13082	Focus Advertising	Billboard promotion of the TERP grant programs	\$16,975
582-20-13942	WORKQUEST	Intern to assist with grant program projects	\$11,813

- **the methods used to ensure accountability for funding and performance; and**

AGD has a separate fiscal unit to review reimbursement and payment requests. All payment requests are reviewed by a contract manager. The contracts have scopes of work describing performance expectations and reporting requirements to explain results to date and how the funds have been used. Payment

requests are routed to TCEQ's Financial Administration Division for additional review and payment by the Texas Comptroller of Public Accounts.

- **a short description of any current contracting problems.**

No contracting problems were encountered in FY 2020.

L. Provide information on any grants awarded by the program.

See, Texas Emissions Reduction Program, Section VII.B. above. Grant summaries for each TERP grant program, from inception through FY 2020, are available at <https://www.tceq.texas.gov/airquality/terp/leg.html> (see "Project Summary Reports").

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Emissions reductions achieved under the TERP will continue to support attainment demonstrations in the SIP revisions as an existing control measure; as a long-term strategy for reasonable progress; or as additional measures called "Weight of Evidence," which include activities that are expected to further reduce ozone levels in the NA areas.

The TERP Program is funded from revenue deposited to the TERP Fund established under THSC Section 386.251 as an account in the state treasury. The revenue going to the TERP Fund comes from the fees and surcharges listed below.

- Texas Tax Code (TTC) Section 151.0515(b): A 1.5% surcharge on the sale price or lease/rental amount of off-road diesel equipment sold, rented, or leased. A surcharge is also applied to the storage, use, or consumption of this equipment in Texas.
- TTC Section 152.0215(a): A 2.5% surcharge of the total consideration on sale or lease of model year pre-1997 on-road diesel vehicles over 14,000 pounds and a 1% surcharge for vehicle model year 1997 and newer.
- Texas Transportation Code Section 502.358: A 10% surcharge of the total fees due for the registration of truck-tractors and commercial motor vehicles.
- Texas Transportation Code Section 501.138(a): A portion of the vehicle certificate of title fee, \$20 of the \$33 fee for applicants in the NA counties and affected counties and \$15 of the \$28 fee for applicants in all other counties.
- Texas Transportation Code Section 548.5055: A \$10 fee on commercial motor vehicles required to have an annual safety inspection.

Use of the revenue deposited to the TERP Fund was authorized through appropriation by the legislature through August 31, 2021. The TERP Fund will be established as a trust fund, outside of the state treasury, to be held by the Texas Comptroller of Public Accounts and administered by TCEQ as trustee beginning September 1, 2021. The fund will consist of money deposited from the TERP fees and surcharges and from

grant money recaptured under the TERP programs. TCEQ can use money in the fund only as directed by THSC Chapter 386 relating to the TERP programs, allocations, and criteria.

Refer to Appendix 1 and 2 of the [TERP Biennial Report](#) for a summary of the estimated revenue to the TERP Fund, the TERP Fund balance, and TERP funding allocations for FY 2020-2021.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure.

N/A

Office of Water

This office works to ensure clean and available water and is responsible for planning, permitting, and monitoring to protect the state's water resources.

Water Availability Division

The Water Availability Division includes the Water Rights Permitting, Watermaster, and Groundwater Programs and the River Compact Commissions. This division:

- Processes water rights applications;
- Monitors, enforces, and manages water rights in the Watermaster program areas;
- Administers the activities of the Texas Groundwater Committee and supports TCEQ's groundwater management activities; and
- Ensures Texas receives its equitable share of interstate waters as allocated by Texas' interstate compacts.

Water Quality Division

The Water Quality Division is responsible for implementing the Wastewater Permitting Program which protects the quality of surface and groundwater in Texas by regulating the types and amounts of pollutants introduced into water through the issuance of written authorizations. Other activities within the division that contribute to the protection of water quality and support the wastewater permitting function, but are not involved in issuing authorizations, are the engineering review program, the pretreatment program, the Water Quality Management Plan (WQMP), receiving water assessments, and the 401 certification program. This division:

- Processes permit applications to authorize the discharge or land application of wastewater, stormwater, biosolids, and water treatment residuals;
- Updates the Water Quality Management Plan which provides planning and technical data for water quality management activities;
- Conducts individual Clean Water Act (CWA) Section 401 state water quality certifications of CWA Section 404 permit applications for federally regulated dredging and filling activities administered by the U.S. Army Corps of Engineers;
- Administers the pretreatment program, which regulates industrial discharges into publicly owned treatment works;
- Conducts receiving water assessments to assess the habitat, biology, and physicochemical attributes of streams in order to assign aquatic life uses which are used to establish effluent limits in discharge permits; and
- Reviews wastewater system plans and specifications to ensure the system will be capable of treating the wastewater sufficiently to comply with the effluent limits in the permit.

Water Quality Planning Division

The Water Quality Planning Division preserves and improves the quality of the state's surface waters by establishing quality standards; monitoring, assessing, and reporting conditions; and implementing plans to reduce pollution and improve water quality. The division uses an adaptive, iterative cycle of management activities to ensure actions taken achieve desired goals for achieving water quality

standards. The Sugar Land Lab is housed within the division, and provides analytical support for monitoring, compliance, assessment, and permitting programs of the agency. The division:

- Develops and implements plans to protect, maintain, or restore the quality of Texas surface waters;
- Collects, evaluates, and manages surface water quality data to allow TCEQ and stakeholders to make informed decisions about the status, protection, and restoration of water resources;
- Operates an environmental laboratory which analyzes samples of surface water, wastewater, soils, and sediments; develops analytical procedures and supports special investigations, projects, and monitoring activities through cooperative agreements with other agencies; and meets national standards developed by the National Environmental Laboratory Accreditation Program;
- Assesses surface waters of the state and provides information on the condition of inland and coastal surface waters and their ability to support healthy biological communities as well as attainment of designated uses; and
- Manages grants and develops contracts in support of division programs which address aspects of the Clean Water Act and Texas Water Code including Total Maximum Daily Load, Nonpoint Source, Galveston Bay Estuary, and Clean Rivers programs.

Water Supply Division

The Water Supply Division ensures the efficient administration of the production, treatment, and protection of safe and adequate drinking water for the public and is responsible for the general supervision and oversight of water districts. The division:

- Oversees the production, treatment, and quality of drinking water for the public by implementation of the Safe Drinking Water Act;
- Assesses and protects sources of public drinking water;
- Offers technical assistance on the design and operation of public water systems;
- Guides public water systems on resiliency and homeland security preparation, response, and recovery;
- Reviews applications for district creation and district bond issues;
- Reviews engineering plans for new or significantly modified public water systems or exceptions to TCEQ rules;
- Assists public water systems in developing and maintaining financial, managerial, and technical capacity;
- Manages the Water Districts Database and the Safe Drinking Water Information System/Texas Drinking Water Watch; and
- Provides technical assistance to public water systems impacted by natural disasters or other emergency conditions threatening a safe water supply.

Water Rights Permitting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Water Rights Permitting

Location/Division: Austin Headquarters / Water Availability Division

Contact Name: Kim Nygren, Deputy Director, Water Availability Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 11 and 18.

B. What is the objective of this program or function? Describe the major activities performed under this program.

State water is defined in TWC Section 11.021 and includes the water of every river, stream, and lake, and of every bay or arm of the Gulf of Mexico. State water also includes the underflow of a river. If a person wants to divert, use, or store state water or use the bed and banks of a watercourse to convey water, a state water right permit is required, unless the water is being used for one of several specific exempt uses. The most common exemption is for domestic and livestock (D&L) purposes.

TWC Chapters 11 and 18 set out the water rights permitting process, with Chapter 18 specifically limited to an expedited process for water right applications in the Gulf of Mexico and coastal areas. Water rights are subject to the prior appropriation doctrine, first in time is first in right, and much of the state water in Texas' river basins has already been permitted to existing users.

The Water Rights Permitting Program (WRP) manages the water rights permitting process, which includes issuing new water rights, changing existing water rights, and processing water supply contracts. There are 6,240 water rights in the state, all, or portions of which are owned by 11,363 persons. The following map shows water right locations.

Water Right Locations in Texas



A water right can have multiple owners and water right owners can sell their water rights or portions of their water right to other users. The WRP collects water use data for non-Watermaster areas and processes changes in ownership of water rights to ensure water rights records are updated and complete. For each of the past five years, an average of 860 water rights applications, ownership changes, and contracts were processed.

Water rights permit applications and changes of ownership are reviewed to ensure all administrative requirements are met. Water rights permit applications also undergo a technical review and analysis to ensure other water rights and the environment are not affected by the application and water is available for new permit applications, as required by TWC Chapter 11. WRP also coordinates with other agency programs during the application review process.

The authority for water rights permitting is different from most other permitting programs at TCEQ. A water right is a property right and most water rights are perpetual rights. In general, most water right permits do not expire nor is there broad authority for future review and consideration of changes to the water right unless the water right itself contains such provisions or a water right holder requests a change to the water right.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is evidenced by processing water rights applications in accordance with relevant statutes and rules. Program efficiency is determined by processing water rights permit applications within established time frames. As discussed below, WRP has initiated a number of improvements which have resulted in increased program efficiency. The following performance measures are reported in Section II, Exhibit 2.

- Number of Water Rights Permits Issued or Denied;
- Number of Applications to Address Water Rights Impacts Reviewed; and
- Percent of Water Rights Permit Applications Reviewed within Established Time Frames.

The specific performance for FY 2020 under each of these performance measures is detailed in Exhibit 12.

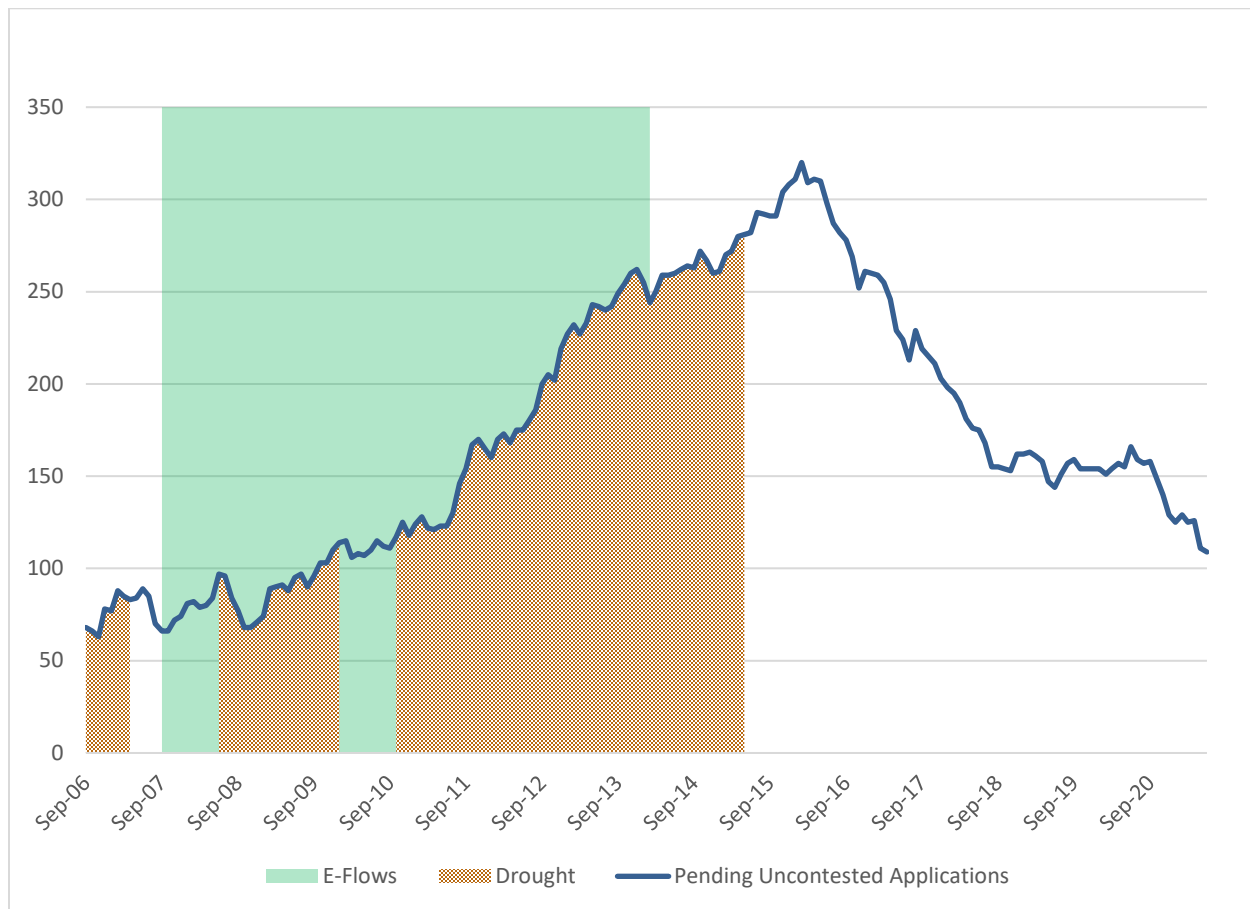
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Calculation	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Percent of water rights permit applications reviewed within established time frames	SUM (total reviews completed Sept. – Aug. within established timeframes)/SUM (total number of reviews completed Sept. – Aug.)	75%	56%	74.67%
Number of applications to address water rights impacts reviewed (TOTAL)*	SUM (applications, ownership changes, and contracts as reviewed Sept. – Aug.)	595	1,122	188.57%
Number of applications to address water rights impacts reviewed (WAD only)	N/A	355	867	244.23%
Number of applications to address water rights impacts reviewed (OCE only)	N/A	240	255	106.25%
Number of water rights permits issued or denied	SUM (water rights issued or denied Sept. – Aug.)	75	83	110.67%

*Water rights applications include new perpetual water rights and amendments to existing water rights, water supply contracts and changes of ownership processed by WRP. WRP also issues larger temporary permits. Temporary permits (less than 10 acre-feet and for less than one year) can be issued by both TCEQ regional offices and Watermasters. The total number of applications reported for this measure includes all water rights applications, contracts, and change of ownerships issued by WRP and Watermasters, as well as temporary permits issued by OCE.

Major changes to state water policy (for example, adopting rules for environmental flow standards, drought, and other projects) can shift WRP staff from permitting activities. Beginning in 2007, several of these factors affected water rights processing as shown in the following chart.

Pending Uncontested Water Right Applications



As part of its efforts to reduce the number of pending applications, WRP began strongly encouraging pre-application meetings. That initiative resulted in more complete applications, better processing times, and created a more transparent process. These meetings have resulted in more complete submittals and supported other WRP efforts to decrease processing times. Other WRP efforts include:

- The “Fast Track” Program was implemented in June 2016 and continues to be in place today. It was designed to provide a more streamlined process for less complex water rights applications that do not require a water availability review or analysis.
- In May 2020 TCEQ adopted rules to implement HB 1964 (86R), which streamlined the water rights permitting process for certain simple amendments to a water right.
- WRP implemented enhanced application tracking measures for all stages of the water rights permitting process to ensure applications continue to move through the process.

Because of these process initiatives, WRP has significantly reduced the backlog of pending water right permit applications, and applications received since FY 2016 have improved processing timeframes. In early 2016, WRP had 355 pending uncontested applications and by August 1, 2021, there were 103 pending uncontested applications. With the backlog reduced, WRP has turned its focus to further improving processing timeframes – starting first with TWC Section 11.122 (b-3) amendment applications and Fast Track applications.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affected the Water Rights Permitting Program.

2001

- Senate Bill 2 (77R) establishes the Texas Instream Flow Program and directs TCEQ, Texas Parks and Wildlife Department (TPWD), and the Texas Water Development Board (TWDB) to establish and maintain an instream flow data collection program and conduct studies on rivers in the state.

2007

- Senate Bill 3 (80R) sets out a process for TCEQ to adopt environmental flow standards through rulemaking that would apply to new appropriations of surface water. The Act creates a basin stakeholder-driven process to develop recommendations for environmental flow standards to TCEQ and an ongoing adaptive management process for the local basin stakeholders to recommend future changes to the adopted rules as new scientific information becomes available. The Act also establishes the Water Conservation Advisory Council (WCAC).

2015

- House Bill 2031 (84R) creates new TWC Chapter 18 and sets up an expedited process for water rights applications for the diversion and use of marine seawater.

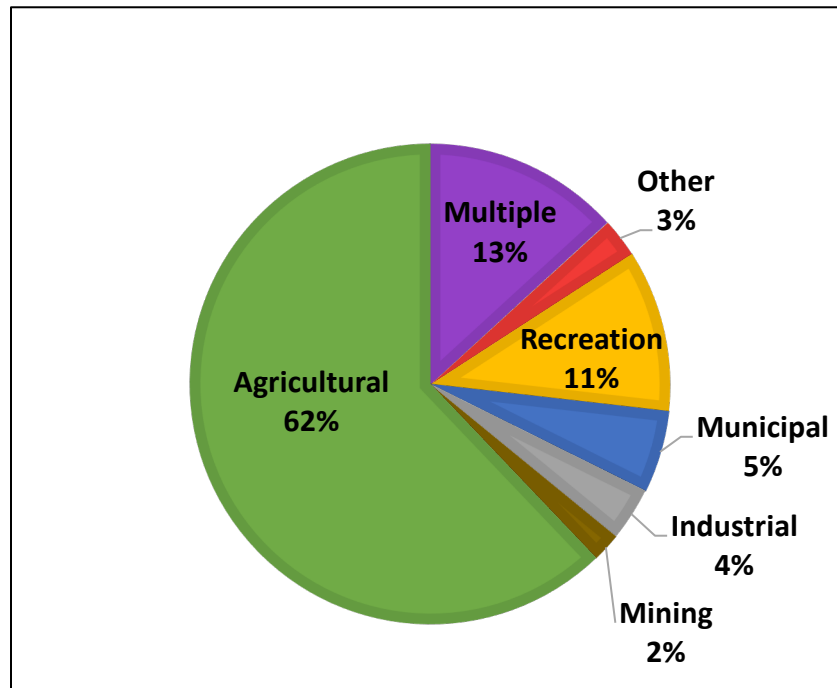
2019

- House Bill 723 (86R) requires TCEQ to obtain or develop updated water availability models for the Brazos, Neches, Red, and Rio Grande Basins. The 86R appropriates \$2,162,000 to fund the updates.
- House Bill 1964 (86R) creates new TWC 1.122 (b-3) and streamlines the water rights permitting process for certain simple amendments to a water right that do not affect other water rights or the environment.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Applicants for new water rights may be individuals, businesses, or governmental bodies. Permitted water right holders include municipalities, industries, mining operations, farmers and ranchers, and river authorities. Some of these entities, such as river authorities, may also sell wholesale water to other users. Water rights are permitted for a variety of beneficial uses; for example, agriculture, municipal, and industrial. Water rights can also be permitted for multiple purposes of use and include multiple authorizations. The following chart shows the percentage of water right authorizations for different types of uses.

Water Rights by Use Type



F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

For water rights applications, the specific process is as follows:

- Applicants for a water right permit or amendment to an existing water right schedule a pre-application meeting with WRP staff prior to submitting an application. Any issues are discussed and resolved, ensuring the application is substantially complete when submitted.
- When an application is received, it is assigned to a project manager, who distributes the application to technical teams – conservation, instream uses, surface water availability, and dam safety – for Administrative Review.
- If there is missing, incomplete, inconsistent, or incorrect information in the application, a formal Request for Information (RFI) is sent to the applicant.
- If the applicant does not respond, or cannot supply the requested information, the application is returned.
- If the applicant supplies the information requested in the RFI, the application is declared administratively complete and technical review begins. The date an application for a new appropriation is administratively complete establishes the priority date for the appropriation.
- The application is then reviewed by WRP technical staff. Technical review includes:
 - An evaluation of whether any required Water Conservation Plans and/or Drought Contingency Plans comply with Title 30 Texas Administrative Code (30 TAC) Chapter 288 rules and whether the application is consistent with the State and Regional Water Plans;
 - An evaluation of whether the application, if granted, would affect instream uses or water quality;

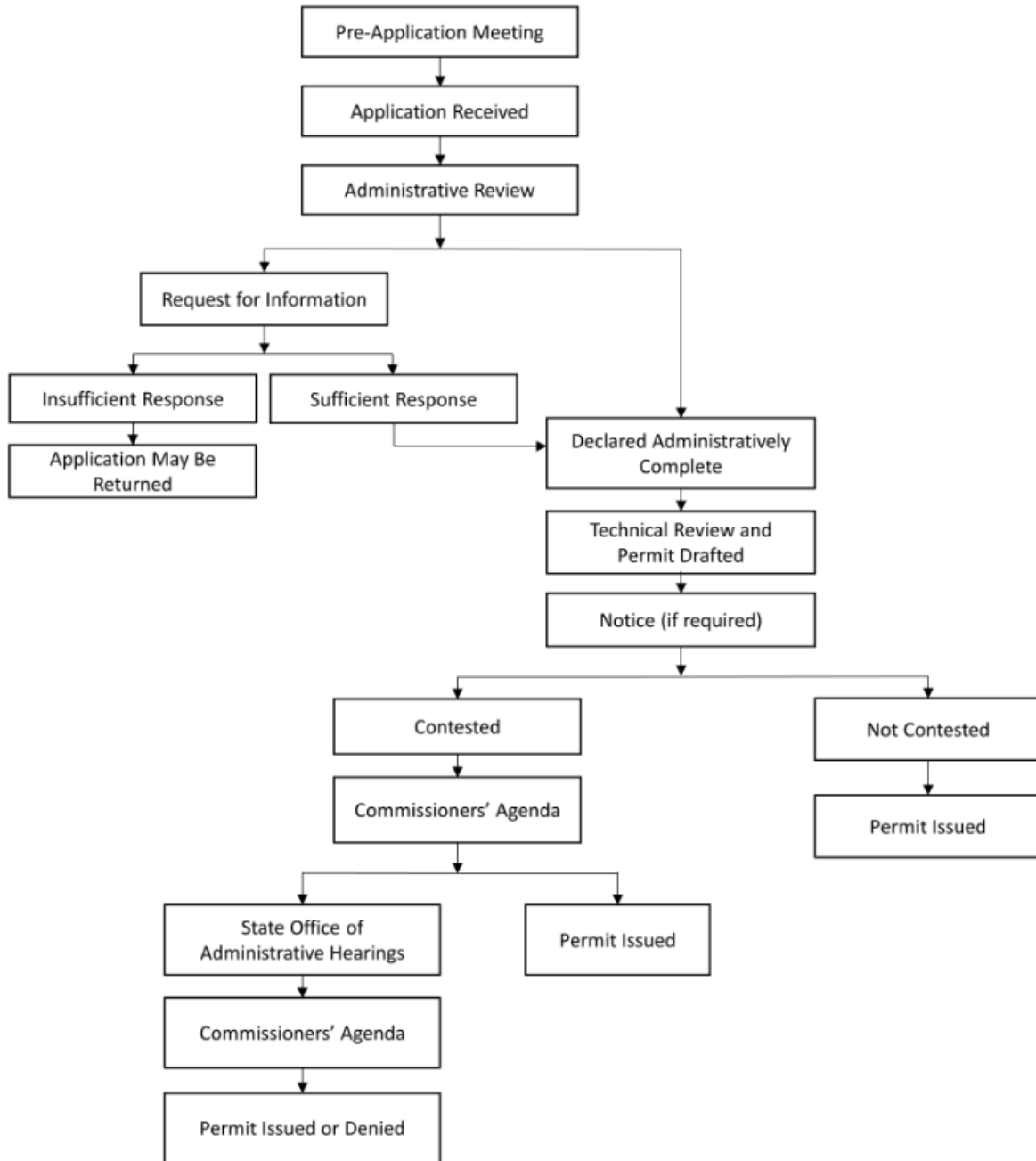
- An evaluation of whether water is available for appropriation for new permits or whether an amendment to an existing permit would affect other water rights in the basin. WRP uses water availability models to evaluate applications and amendments; and
- For new impoundments, TCEQ's Dam Safety section provides a review and recommendations for the structure.
- The technical teams develop recommendations on whether the application should be granted based on TCEQ's rules and state law and may recommend special conditions to protect water right holders and the environment.
- After technical review is complete, a draft permit is prepared and reviewed by the applicant and either TCEQ Watermasters or TCEQ's regional office staff.
- Notice is provided, if applicable, in accordance with 30 TAC Chapter 295 rules and the complete application is posted on WRP's [Pending Water Rights Applications](#) webpage so the public can review the file. If the application is not protested, the permit is issued by the executive director.
- If there is sufficient public interest or a legislative request, WRP will hold a public meeting. If hearing requests are received and are not withdrawn, the application is set for commission agenda, where the commissioners decide whether to issue the permit or refer the application to the [State Office of Administrative Hearings](#) (SOAH).
- If the application is referred to SOAH, SOAH conducts a hearing and issues a recommendation. SOAH's recommendation is then reviewed by the commissioners at a commission agenda and the commissioners decide whether to grant or deny the application.

Applications for amendments that do not impact other water rights or the environment (referred to as TWC Section 11.122 (b-3) amendments) follow the same administrative process as other water rights applications. However, because these applications do not affect other water rights or the environment, they do not require technical review. Once the application is declared administratively complete, WRP staff prepare a draft amendment, which is reviewed by the applicant and either TCEQ Watermasters or regional office staff, and the amendment is issued.

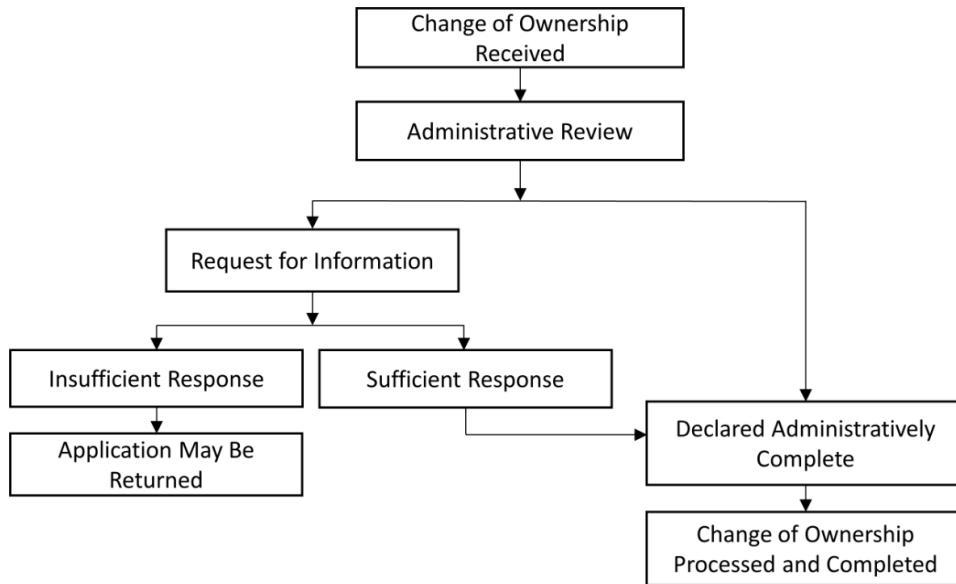
Applications to change the ownership of a water right follow a similar process to TWC Section 11.122 (b-3) amendments. Water rights for irrigation use may be appurtenant to the irrigated land. When the land is sold, the water right conveys with the land unless specifically excluded from the transaction. Processing a change of ownership requires review of a complete chain of title, which can include wills and deeds, to establish ownership. Once all supporting documentation is reviewed, WRP issues a memorandum changing the ownership of the water right.

The following flowcharts illustrate processes for water rights permitting, changes of ownership, and TWC Section 11.122(b-3) water rights permitting.

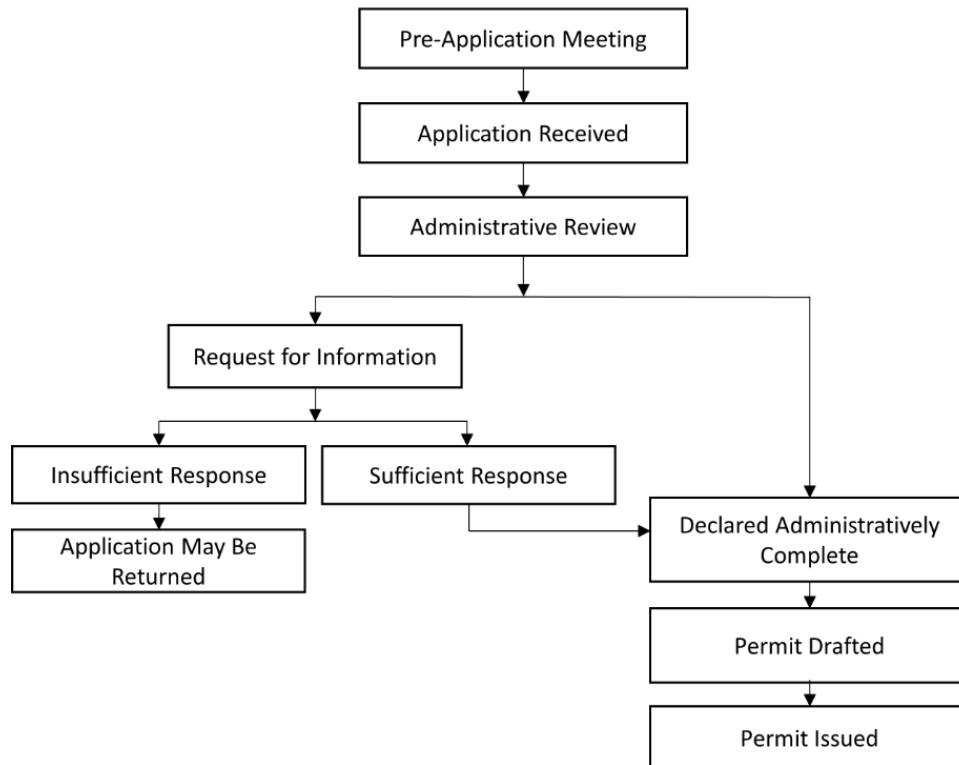
Water Rights Permitting Application Process Flowchart



Change of Ownership Process Flowchart



TWC Section 11.122 (b-3) Water Rights Permitting Application Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Water Rights Permitting Funding Sources

Account	Account Title	FY 2020 Expended
0001	General Revenue	\$788,986
0153	Water Resource Management Account – Dedicated	\$1,920,152
TOTAL		\$2,709,138

The program is funded in the Water Resource Permitting Strategy and Water Assessment and Planning Strategy.

The program includes Rider 31, Contingency for House Bill 723 (86R).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ has a [Memorandum of Agreement](#) (MOA) with TWDB and TPWD relating to an operating agreement for instream flow studies. The MOA establishes a tri-agency coordinating committee to provide overall policy direction to the instream flow program and develop a programmatic work plan identifying the priority study areas, assigning agency responsibilities for conducting the studies, and setting time frames. The studies agreed upon by the three agencies are nearing completion.

WRP established a Water Rights Advisory Work Group (WRAWG), a voluntary group of participants that meet at least annually to discuss issues related to water rights permitting. The meetings are open to the public. The WRAWG currently has representation from municipal, industrial, mining, and irrigation users; river authorities; engineering and law firms; environmental organizations; and governmental bodies. WRAWG meetings were webcast through TCEQ's site through FY 2019 but are currently being held through Microsoft Teams to provide more opportunity for stakeholder participation.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ, TPWD, and TWDB are completing the final two priority instream flow studies and are members of WCAC.

TCEQ provides copies of water rights applications to TPWD for review and comment.

TCEQ works with TWDB as follows:

- TWDB is charged with developing the State and Regional Water Plans. Water rights applications must be consistent with the plans. TWDB also consults with TCEQ on population and water demand projections developed for the plans.

- TWDB requires certain entities to submit a Water Use Survey. TCEQ cannot issue a new permit or amendment if an entity has not completed the survey. TCEQ coordinates with TWDB to determine which entities have not submitted a survey and TCEQ notifies the entities of the delinquent surveys.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purpose of WRP contracts is to provide updated water availability models for the Brazos, Red, Neches, and Rio Grande Basins, as required by House Bill 723 (86R). Revenue to fund the contracts was appropriated by the legislature.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$578,374.

- **the number of contracts accounting for those expenditures;**

Four contracts.

- **the method used to procure contracts;**

The program procured these contracts following state protocols regarding requests for qualifications and proposals.

- **top five contracts by dollar amount, including contractor and purpose;**

Water Rights Permitting Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-13328	HDR Engineering Inc.- Neches	Provide an updated water availability model for the Neches River Basin	\$87,768
582-20-13329	Freese & Nichols Inc. - Brazos	Provide an updated water availability model for the Brazos River Basin	\$88,704
582-20-13330	Freese & Nichols Inc. - Red	Provide an updated water availability model for the Red River Basin	\$197,541
582-20-13331	Robert J Brandes Consulting - Rio Grande	Provide an updated water availability model for the Red River Basin	\$155,631

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- a short description of any current contracting problems.

The program experienced no contracting problems in FY 2020.

L. Provide information on any grants awarded by the program.

The Water Rights program provides direct awards to specific universities to support TCEQ's water availability modeling and geospatial analysis tools, and assistance with maintaining water right ownership records. Direct awards include the Texas A&M Engineering Experiment Station to provide technical support for updating and maintaining the Water Rights Analysis Package, the water availability modeling engine, and developing an [online training program](#) for agency staff and new model users across the state. The University of Texas at Austin receives a direct award for development of a [water rights viewer](#) that allows the agency and the public to access water rights information, including copies of the water right and reported water use. A direct award to the University of Texas at Arlington is for supporting water right ownership change application processing.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Environmental Flow Challenges. Some uncertainty about the environmental flow adaptive management process adds complexity to water rights permitting. The adaptive management process for environmental flows in water rights permitting was established by the legislature in 2007, is guided by the state-level Environmental Flows Advisory Group and Science Advisory Committee, and is driven by local Basin and Bay Stakeholder and Expert Science Teams. TCEQ's role in the adaptive management process is to provide administrative and logistical support to the basin groups, provide technical water rights information when requested, and adopt revisions to the existing standards if requested by the local stakeholders.

Between 2011 and 2014, TCEQ adopted rules with environmental flow standards for all river basins draining to the Gulf of Mexico in Texas. The Basin and Bay Stakeholder Teams developed workplans describing the studies they determined would provide information needed to inform future recommendations for revisions to the environmental flow standards. A wide range of stakeholders are interested in the adaptive management process, which studies should be performed, and how the studies should be prioritized. As set out in the rules, revisions for each basin can begin between 2021 and 2024. Any requested revisions to the rules will result in highly complex rulemakings and may impact water right permit application processing. The impact of the 2011 to 2014 rulemaking on the program is illustrated in Question C above in the graph *Pending Uncontested Water Right Applications*.

Further, as described in Sections D and I, the legislature established the Texas Instream Flow Program (TIFP) in 2001 to collect instream flow data and conduct studies. The statute does not expressly state whether and how the TIFP should continue after the initial priority studies are completed. These studies require significant staff resources. In addition, TCEQ's rules for environmental flow standards set out the environmental requirements used in water rights permitting. TCEQ believes any further studies associated with environmental flows should occur through the ongoing adaptive management process. This would allow those studies to be considered in any revisions to TCEQ's rules for environmental flow standards and would allow TCEQ staff to focus on processing water rights applications.

Droughts and Emergency Water Shortages. Water rights are administered in accordance with the prior appropriation doctrine – senior users get water before more junior users. During times of drought, TCEQ may need to suspend junior water rights, including water rights for municipal and power generation use

in order to protect senior water rights. TCEQ does not have authority to exempt junior water rights from a priority call even to protect public health, safety, or welfare. **Refer to Section IX, Major Issues, Authority to Protect Public Health, Safety, and Welfare During Droughts and Emergency Water Shortages.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Pandemic Response. Transitioning to a paperless work environment has been key to WRP's success in navigating the challenges posed by the pandemic. The division built on previous initiatives to make water rights application information available to the public. Starting in FY 2018, the division began posting copies of initial applications online and providing status information about those applications. Starting in FY 2020, in response to the pandemic, the division began posting copies of the complete application file, which contained all actions and submittals during the permitting process for all water right applications requiring any type of public notice. In addition, if a public meeting was scheduled for an application, the division maintained an online posting to ensure the public had access to all available information on the application. The division's success in implementing paperless application submissions contributed to TCEQ exceeding its performance measures for the number of water rights applications processed in FY 2020 and FY 2021 and continuing to reduce overall processing times for water rights applications.

Water Availability Models (WAMs). In 1997, the legislature required TCEQ to develop water availability models (WAMs) for Texas' river basins that are used by WRP in processing water rights applications. The Water Availability Models are the backbone of TCEQ's water rights permitting program and are used to determine whether water is available for new permits or whether changing an existing permit would affect other water rights. TCEQ's WAMs, including the WAM data, are publicly available, free of charge.

House Bill 723 (86R) requires TCEQ to obtain updated water availability models for the Brazos, Red, Neches, and Rio Grande Basins and the legislature appropriated \$2,162,000 to fund this work, which began in April 2020. Despite the significant amount of staff time required to administer the contracts, coupled with the challenges posed by the pandemic, WRP will complete these projects by August 31, 2021.

Several other basins have been updated or partially updated by basin interests (Colorado, Brazos, and Sulphur River Basins) in cooperation with TCEQ. The work to update basin WAMs is very detailed and time intensive and WRP would be unable to update any other basins with existing resources. Stakeholders have a high interest in updating some of the remaining basin WAMs to ensure water availability determinations consider the 2011 drought and more recent high-flow events. As of FY 2020, WRP estimates \$4,957,000 would be required to complete the remaining basins.

Public Outreach and Transparency. WRP has made major strides in improving transparency in the water rights permitting program by making water rights information readily available online. WRP is also continuing efforts to identify additional ways to further enhance transparency and make water rights data and information readily available. WRP keeps records of all water rights permits as well as reported water use across the state. In FY 2019, WRP launched the [Texas Surface Water Rights Viewer](#). The viewer is an online map application that allows the public to easily access water rights data based on location in the state. Data served out through the viewer includes the copies of water rights, current ownership, how much the permitted water rights are using, as well as important historical documents. Since the initial launch, WRP has continued to work with water stakeholders to update and upgrade the functionality in the viewer.

Water Use Reporting. Additionally, in ongoing program streamlining efforts, WRP initiated paperless water use reporting in FY 2021, allowing water right holders to submit their annual water use reports online. In the first year, almost 43% of all water use reports were submitted through the new online system. This initiative reduces staff processing times for paper submittals and results in water use information becoming available to the public more quickly.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations, Question P for complaint data related to this program.

Watermaster Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Watermaster Program

Location/Division: Multiple Cities / Water Availability Division

Contact Name: Kim Nygren, Deputy Director, Water Availability Division

Statutory Citation for Program: Texas Water Code (TWC) Chapter 11.

B. What is the objective of this program or function? Describe the major activities performed under this program.

In areas of the state where water is more scarce, droughts are more frequent and/or severe, and/or where there is more competition for limited water resources, TCEQ's Watermaster programs provides more intensive monitoring, enforcement, and management of water rights.

There are four individual watermaster programs.

- Rio Grande Watermaster Program: serving the Rio Grande Basin below Fort Quitman, Texas (excluding the Pecos and Devils Rivers).
- South Texas Watermaster Program: serving the Nueces, San Antonio, Lavaca, and Guadalupe River Basins and the Lavaca-Guadalupe, Nueces-Rio Grande, and San Antonio-Nueces Coastal Basins.
- Concho River Watermaster Program: currently a division of the South Texas Watermaster, serving the Concho River segment of the Colorado River Basin.
- Brazos Watermaster Program: serving the Brazos River Basin downstream of Possum Kingdom reservoir, including said reservoir.

The following map shows the four watermaster program areas.

Texas Watermaster Areas



Watermasters proactively manage water rights in watermaster program areas by performing the following functions:

- Continuous monitoring of streamflow and reservoir levels. This includes both field monitoring and monitoring online data. With continuous monitoring, watermasters can respond to changing conditions in the basin(s).
- Review and approve or deny diversion requests. Prior to diverting water, a water right holder must submit a declaration of intent (DOI) that includes the dates of and amount of water the water right holder intends to divert at a specific rate. The watermaster reviews DOIs to determine whether a diversion will remove water that rightfully belongs to another user and either approves or denies the request. Junior or lower priority diversion requests may be adjusted based on senior or higher priority diversion requests.
- Water use monitoring and accounting. The watermasters monitor water use and track diversions using the Texas Watermaster Accounting System (TxWAS).
- Field inspections. Watermaster staff routinely inspect diversion sites and monitor the watermaster area for unauthorized diversions. Watermaster staff also investigate complaints.
- Initiate enforcement. Watermasters can issue field citations, notices of violation, and notices of enforcement to address violations or unauthorized diversions.
- Issues temporary permits for diversions of less than 10 acre-feet of water for a period of one year or less.
- Facilitates communication and cooperation among water users in the basin(s). The watermaster works regularly with water users in the program basin(s).

In addition to the functions listed above, the Rio Grande Watermaster Program performs the following additional functions:

- Exchanges data with the International Boundary Water Commission (IBWC). The waters of the Rio Grande are shared between the United States and Mexico. The IBWC is responsible for the application of the *Utilization of Waters of the Colorado and Tijuana Rivers and the Rio Grande, Treaty Between the United States of America and Mexico, signed February 3, 1944* (1944 Water Treaty), which divides the waters of the Rio Grande between the United States and Mexico. The IBWC also administers the water accounting associated with the 1944 Water Treaty. The Rio Grande Watermaster exchanges accounting data with the IBWC for those purposes.
- Allocates water from the Falcon/Amistad reservoir system to water right accounts on the main stem of the Rio Grande from Amistad reservoir to the Gulf of Mexico. Based on the accounting data provided by the IBWC, the Rio Grande Watermaster allocates water to Texas' surface water right holders. The TxWAS database is used for allocations as well as accounting.
- Communicates information to IBWC to support river operations on the Rio Grande below Amistad reservoir. The Rio Grande Watermaster requests releases of water from Amistad, Falcon, and Anzalduas reservoirs to support authorized Texas water right diversions below Amistad reservoir.
- Provides support for Texas' participation in communications and negotiations on the 1944 Water Treaty.

The Watermaster program also evaluates, at least once every five years, any river basin that does not have a watermaster to determine whether a watermaster should be appointed.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness and efficiency is determined by completing field investigations, including both routine and complaint investigations. During FY 2020, the watermaster programs conducted 40,269 water right site investigations. The following performance measure is reported in Section II, Exhibit 2.

- Number of Inspections and Investigations of Water Rights Sites.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Watermaster program.

2011

- House Bill 2694 (82R) adds new TWC Sections 11.326 (g) and (h) requiring TCEQ's executive director to evaluate, at least once every five years, any river basin not having a watermaster to determine whether a watermaster should be appointed, and requires the commission to determine the criteria or risk factors to be considered in the evaluations.

2014

- The Brazos Watermaster Program was established by petition and subsequent order on April 21, 2014, for the executive director to appoint a watermaster in the Brazos River basin downstream from and including Possum Kingdom Reservoir. This program began operating in June 2015.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Water right holders vary by program but may include irrigators, municipalities, industries, river authorities, and/or irrigation districts. A water right may have more than one owner and/or may have an agent authorized to divert water on their behalf. Each of these individuals has an account with the respective watermaster program. The following table lists the number of water rights and accounts per program.

Number of Water Rights and Water Right Accounts by Watermaster Program

Program	Number of Water Right Permits (FY 2020)	Number of Accounts (FY 2020)
Rio Grande Watermaster	850	1416
South Texas Watermaster	1337	1501
Concho Watermaster	225	355
Brazos Watermaster	966	1577

Exempt domestic and livestock uses are not regulated, but the watermaster is authorized to protect these uses.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Watermaster programs operate from field offices within their designated basin(s). The following table lists the location and total number of Full Time Equivalent Employees (FTEs) by each watermaster program.

Location and Number of FTEs by Watermaster Program

Watermaster Program	Location	Number of Budgeted FTEs (FY 2021)	Number of Actual FTEs (as of SER submission)
Watermaster Support	Austin	2	2
Brazos Watermaster Program	Waco, Angleton, College Station, Stephenville	9	9
South Texas Watermaster Program	San Antonio, Stockdale, Bandera, Victoria, Corpus Christi	7.9	7.9
Concho Watermaster Program	San Angelo	2.1	2.1
Rio Grande Watermaster Program	Harlingen, Laredo, Eagle Pass	10	10
TOTAL		31	31

With a watermaster area, territory is divided up among watermaster deputies. A watermaster deputy establishes schedules for monitoring and inspections for that territory. The monitoring/inspection schedule will vary based on factors such as whether water right holders are diverting, streamflow in the area, and season.

TWC Section 11.329 requires water right holders in a watermaster program to pay the costs associated with a watermaster program through an annual fee. Title 30 Texas Administrative Code (30 TAC) Sections 303.71-303.73 and 30 TAC 304.61-304.63 set forth formulas and procedures for the assessment of fees for watermaster programs.

The total amount assessed per water right holder is comprised of a \$50 per account base fee and an annual use fee based on the volume of water that may be diverted for each authorized use. The use fee is calculated each year and is based on the proposed operating budget for each watermaster program. The proposed operating budget for each watermaster program is presented to the respective Watermaster Advisory Committee for review and comment prior to approval by the commission.

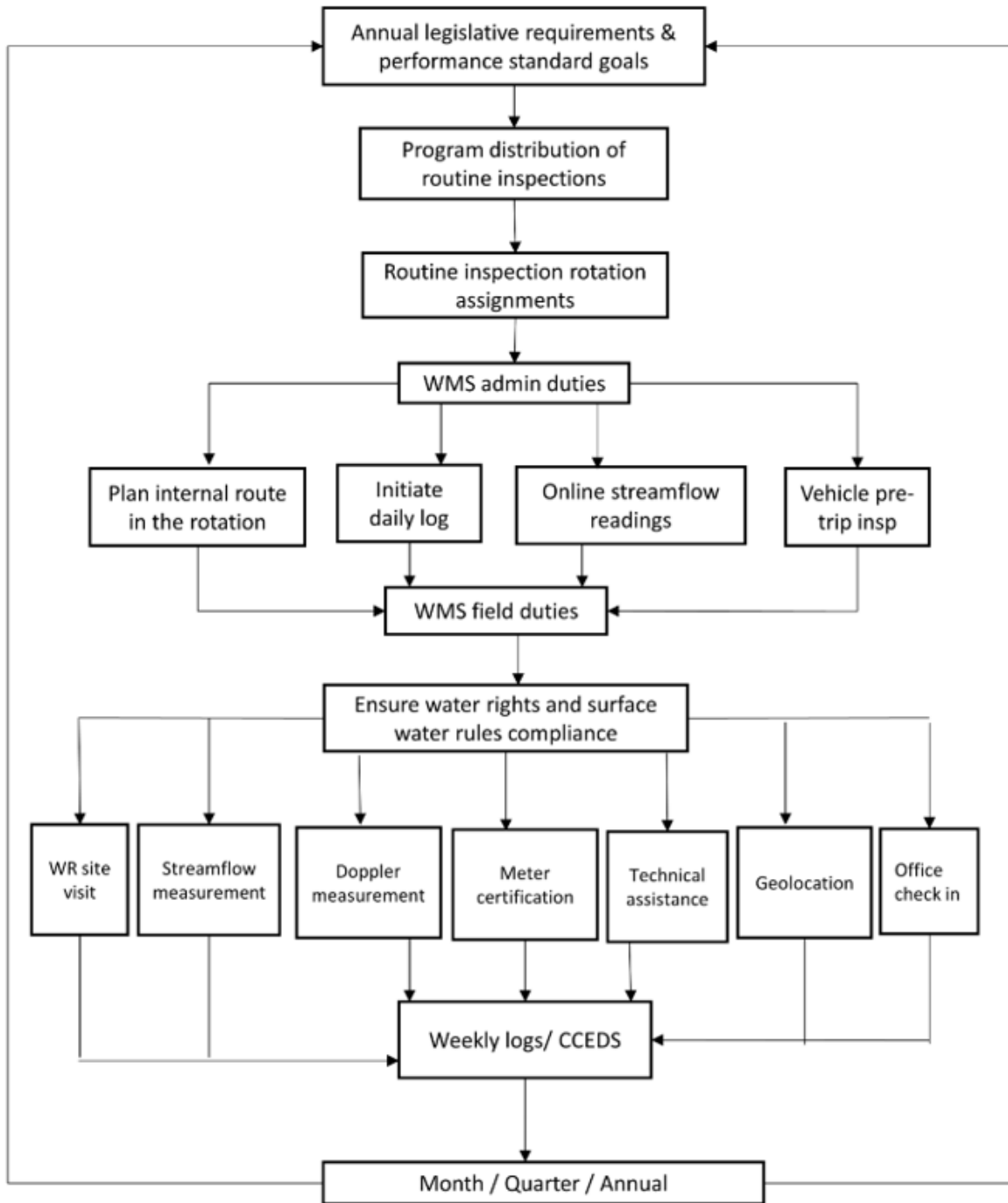
The primary function of the watermaster programs is to conduct routine monitoring and inspections of water rights within the watermaster area. The process is as follows:

- Each fiscal year the watermaster program is assigned a defined number of inspections according to the number of water rights in the program and the division's performance standards and legislative requirements.
- Routine inspections are conducted individually by watermaster specialists (WMS) in their assigned area. The number of fiscal year inspections is allocated to each WMS according to the overall geographic conditions and functional needs of the watermaster program, and it is subdivided into four fiscal quarters to aid in tracking the desired progress.
- Routine inspection rotations are based on watermaster-defined goals of performing site visits to ensure appropriate and periodic coverage.
- WMS are expected to plan accordingly and define internal routes based on routine inspection rotations and to observe real-time conditions to ensure water rights compliance, monitor flows, and identify unauthorized diversions of state water in the WMS's area.
- WMS administrative duties while preparing for conducting routine inspections include:

- Plan the route to include routine inspections and site visits. To assist with the planning process, active diversions can be found using TxWAS;
 - Start the daily log for the day and return any phone calls or emails;
 - Account for streamflows for the area to be covered; and
 - Perform vehicle inspection checklist before departure.
- While conducting routine inspections, the WMS updates their daily log throughout the day to include all tasks. These include:
 - water right site visits;
 - streamflow measurements;
 - doppler measurements;
 - meter verification/certification;
 - technical assistance;
 - geolocation; and
 - office check-in.
 - Final logs are satisfactory when they are uploaded into the Site Tracker database or finalized into the Consolidated Compliance and Enforcement Data System (CCEDS).
 - The Site Tracker database can be queried in some program areas to find the status of last site visits for active and inactive sites. In other areas, pump lists are followed in the assigned tracts to assist WMS in planning their route.
 - Watermasters review daily logs on a weekly or monthly basis for consistency and errors.
 - Sites are tracked using finalized electronic logs and approved CCEDS investigations, on a monthly basis, for WMS and Watermaster progress.
 - Monthly totals are provided by the Watermaster Section to the Water Availability Division on a quarterly basis for performance standards and legislative requirements.

The following flowchart illustrates the watermaster routine inspection process.

Watermaster Routine Inspections Process Flowchart

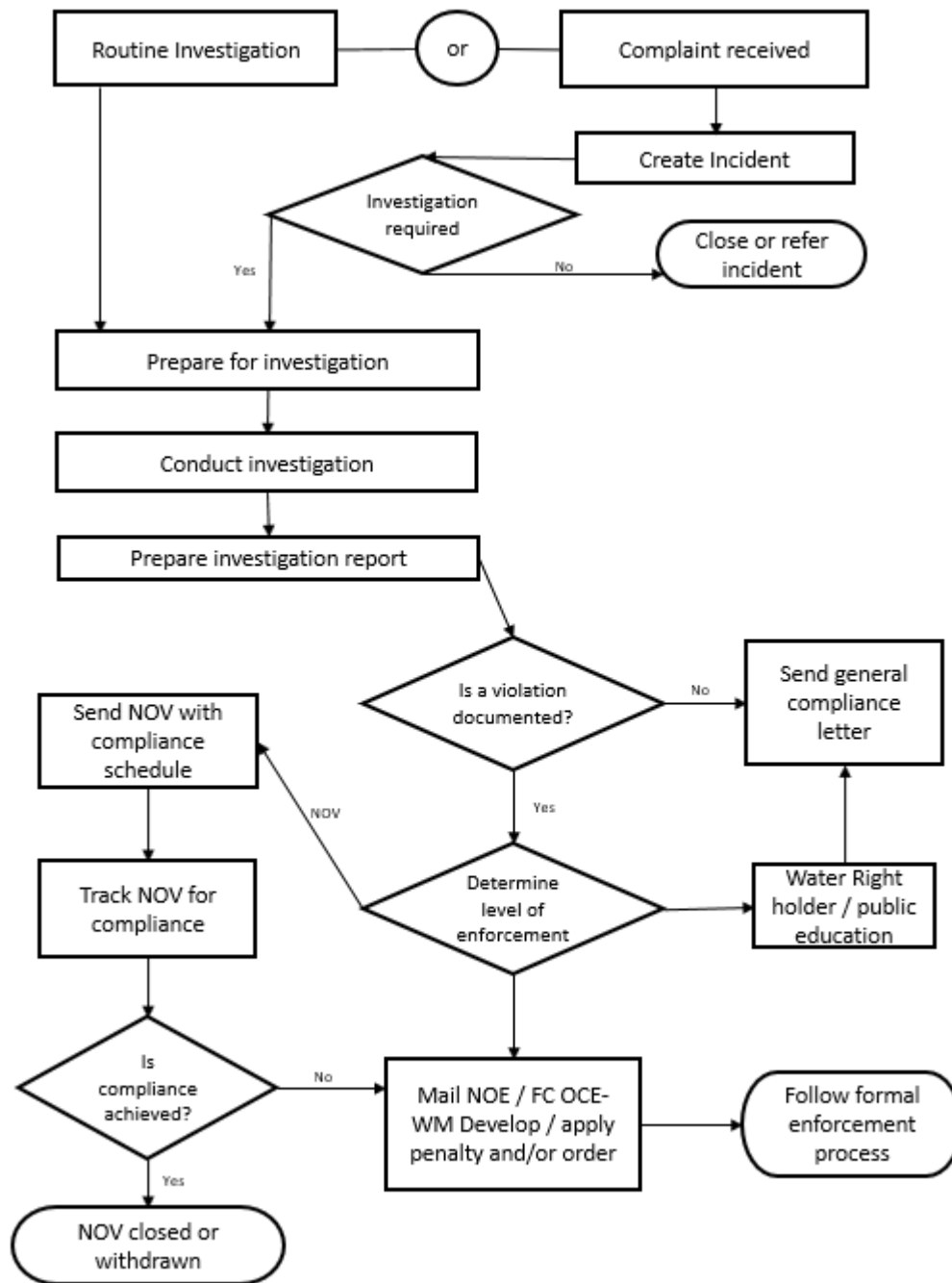


A WMS also responds to complaints within their territory. The general process for complaint investigations is summarized as follows.

- Complaints may be filed with or referred to a watermaster program by one or multiple parties (complainants) regarding the actions of others (respondents). In most cases, an incident is opened in CCEDS. Complaints may also be initiated by a WMS during routine inspections for which an incident is not opened in CCEDS.
- At times, complaints may fall outside the purview of the watermaster program and, if applicable, referred to the appropriate program or agency. The incident is then closed or referred. Otherwise, an investigation is normally required when the complaint involves surface water, surface water rights, stream flows, or impoundments on defined watercourses.
- The investigation is assigned to the WMS associated with the complaint area. The WMS completes a series of pre-investigation work to prepare for the field investigation. This work may include determining whether an existing water right is associated with a complaint; identifying property ownership and access to visit the area; and consulting with other local, state, or federal agency personnel who may have some knowledge of a location or issue.
- The WMS investigates and gathers visual and photographic documentation, geographic coordinates, and contact information such as names, addresses, and telephone numbers.
- Following conclusion of the field investigation, the WMS creates an investigation report in CCEDS and documents if a violation exists or not. If no violation is documented, a general compliance letter is mailed to the respondent.
- If a violation of surface water rules is documented, the level of enforcement is then determined.
- Watermaster programs strive to educate water right holders and the public on any violation of surface water rules and seek voluntary compliance (as allowed) prior to engaging in any form of enforcement.
- If a Notice of Violation (NOV) is determined to be appropriate, an NOV letter and compliance schedule is mailed to the respondent. The NOV is tracked for compliance based on the schedule provided. If compliance is achieved, the NOV is closed or withdrawn, and a general compliance letter is mailed to the respondent. If compliance is not achieved, a Notice of Enforcement (NOE) is pursued.
- If an NOE must be pursued, the matter is referred to the Enforcement Division to determine penalties and develop a compliance order. If a Field Citation (FC) is determined, the penalties and compliance order are predetermined based on the amount of water diverted or water right, depending on the cited statute/rule. The NOE or FC letter are mailed to the respondent and the agency's formal enforcement process is followed.
- WMS work in coordination with the watermasters, the Water Availability Division, the Office of Compliance and Enforcement (OCE), and the Environmental Law Division as necessary for each complaint investigation.

The following flowchart outlines the general complaint investigation process.

Complaint Investigation Process Flowchart



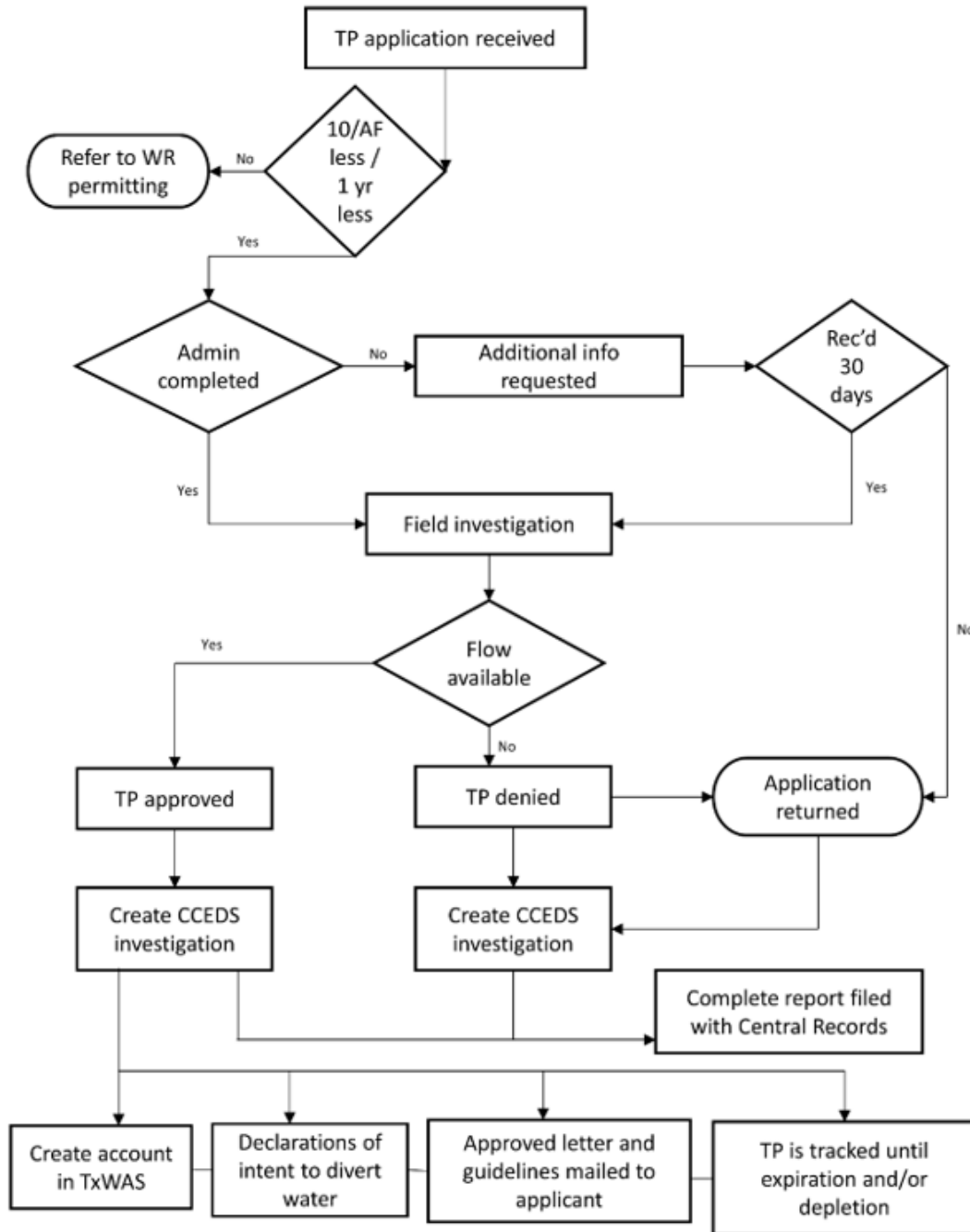
Watermaster programs also process temporary water right permit applications for 10 acre-feet or less and for one calendar year or less. The watermaster may issue one of these temporary permits if they do not adversely affect previously issued water rights. Watermaster temporary permits are issued without notice or opportunity for a contested case hearing, under TWC Section 11.138.

The watermaster processes temporary permit applications as follows:

- The applicant submits an application with the appropriate fees. By statute, the watermaster must approve or deny the application within 30 days of its receipt. An administrative review of the application is completed to determine if all required information was submitted. If the application is incomplete, the watermaster will make a request for additional information and the 30-day clock is suspended until the required information is submitted. If the required information is not submitted, the watermaster may return the application.
- Once an application is administratively complete, the WMS associated to the area will then determine whether there is sufficient water available at the proposed point of diversion and will gather photographic evidence.
- If the application is approved, the watermaster program assigns a temporary permit identifier and a temporary water permit account is created in TxWAS.
- An approval letter is generated advising the applicant of diversion request procedures, the maximum authorized amount, and the permit's expiration date. Watermaster staff mail the original letter to the applicant. The letter advises that the permittee can only divert when there is sufficient flow and would not cause hardship to downstream users. The permittee is also advised that in the event of a drought or other shortage of water, the permittee may be required to cease diversion until conditions improve.

The following flowchart outlines the temporary water use permit process.

Watermaster Temporary Water Use Permit Application Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Watermaster Program Funding Sources

Account	Account Title	FY 2020 Expended
0158	Watermaster Administration Account – Dedicated	\$1,908,893

The program is funded in the Field Inspections and Complaints Strategy.

The program includes Rider 11, Reallocation of Revenue and Balances for Certain Accounts and Rider 20, Contingency Appropriation: Revenue from Increased Fee Rates at Watermaster Offices.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Water Rights Enforcement in Non-Watermaster Areas. Water rights enforcement in non-watermaster areas is conducted by TCEQ’s Field Operations Program. TCEQ’s Field Operation Program responds to complaints but does not conduct routine investigations of diversions, conduct monitoring to identify illegal diversions, or monitor streamflow conditions.

Issuance of Temporary Water Rights. Temporary water rights for less than 10 acre-feet used over one year or less are issued by watermaster programs in watermaster areas and TCEQ’s Field Operations Program in non-watermaster areas. The Water Rights Permitting Program issues temporary water rights permits for greater than 10 acre-feet and for temporary water use for more than one year. Temporary permit terms cannot exceed three years.

Reservoir Operations. A water right can authorize the water right holder to store a specific volume of water in a reservoir and subsequently divert and/or release specific amounts of water. The reservoir owner determines how the reservoir is operated to meet needs for municipal supply or other uses. For reservoirs within a watermaster program, reservoir owners notify the watermaster program of any diversions and releases under the water right. The watermaster monitors diversions and releases to ensure compliance with the terms and conditions of the water right, such as diversion amounts and priority dates, and protects released water so it reaches a downstream user. TCEQ does not make any recommendations or decisions with regard to reservoir operations.

Contract Water Providers. Water right holders may sell water under contract and provide water to other water users. The water right holder is responsible for ensuring any diversions by its contract holders are reported to the watermaster and sufficient water is released to support those diversions. The water right holder must ensure contract holders are following the rules of the watermaster program and diverting in compliance with the water right. The water right holder is responsible for any violations of the water right by its contract holders.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

There are no conflicts related to enforcement of water rights because TCEQ's Field Operations Program and the Watermaster Program have specific geographic areas of jurisdiction, which do not overlap.

The watermaster programs work closely with water right holders in the program basin(s) to ensure diversions by water right holders comply with the issued water rights.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

All watermaster programs work with local, regional, state, and federal units of government holding water rights. This includes water districts and river authorities.

All watermaster programs use data produced and/or distributed by the Texas Water Development Board, the United States Geological Survey, and the United States Army Corps of Engineers.

The Rio Grande Watermaster Program works with the International Boundary Water Commission as summarized under Item B.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Contracts support program/developer services for TxWAS and watermaster safety measures.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$186,078.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

The program procured these contracts using requests for qualifications and proposals and direct awards.

- **top five contracts by dollar amount, including contractor and purpose;**

Watermaster Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80280	C&T Information Technology Consulting, Inc.	Provides programmer/developer services for the Texas Watermaster Accounting System database.	\$183,456
582-21-10106	University of Texas Health Services	Medical monitoring for field employees	\$2,102
582-20-10365	Simplexgrinnell LP	24-Hour alarm security monitoring to protect equipment and records at TCEQ - Rio Grande watermaster office located in Eagle Pass, Texas.	\$420
582-20-10497	Johnson Controls Security Solutions LLC	ADT security monitoring for the San Antonio Regional Office	\$50
582-20-10494	Stroud Security Systems Inc.	Fire alarm monitoring for the San Antonio Regional Office	\$50

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Cost Effectiveness of Evaluating River Basins. TCEQ's executive director is required by TWC Section 11.326(g) to evaluate, at least once every five years, any river basin that does not have a watermaster to determine whether a watermaster should be appointed. The executive director reports findings and conclusions to the commission for consideration.

The executive director completed the first five-year cycle of watermaster evaluations and will conclude the second five-year cycle in FY 2021. The commission did not create a watermaster program on its own motion for any river basin at the conclusion of any evaluation year.

The costs associated with the watermaster evaluations are primarily associated with staff time. The total cost for watermaster evaluations through 2020 is \$995,434. Considering the results of, and costs associated with, the watermaster evaluations over a nine-year period, the need for or a new approach to

watermaster evaluations may need to be considered. Statutory changes would be necessary to allow for a change in approach to the evaluations. The following table summarizes the costs associated with watermaster evaluations from 2012 through 2020.

Cost of Watermaster Basin Evaluations

Basin	Fiscal Year	Total Cost to TCEQ
Brazos River Basin, Brazos-Colorado Coastal Basin, Colorado River Basin, Colorado-Lavaca Coastal Basin	2012	\$131,012
Brazos River Basin, Brazos-Colorado Coastal Basin, Colorado River Basin, Colorado-Lavaca Coastal Basin	2017	\$172,342
Trinity River Basin, Trinity-San Jacinto Coastal Basin, San Jacinto River Basin, San Jacinto-Brazos Coastal Basin	2013	\$108,390
Trinity River Basin, Trinity-San Jacinto Coastal Basin, San Jacinto River Basin, San Jacinto-Brazos Coastal Basin	2018	\$150,347
Sabine River Basin, Neches River Basin, Neches-Trinity Coastal Basin	2014	\$106,923
Sabine River Basin, Neches River Basin, Neches-Trinity Coastal Basin	2019	\$76,701
Canadian River Basin, Red River Basin	2015	\$109,974
Canadian River Basin, Red River Basin	2020	\$27,721
Cypress Creek Basin, Sulphur River Basin	2016	\$112,024
TOTAL		\$995,434

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

In all watermaster areas, except for the mainstem of the Rio Grande below Amistad reservoir, water rights are managed in accordance with the prior appropriation doctrine, first in time is first in right. Water rights on the mainstem of the Rio Grande below Amistad reservoir are based on storage in the Amistad/Falcon reservoir system and are operated on an account system based on the purpose of use. Priority is given to municipal use, municipal accounts are reset to their full amount each year, and municipal priority is guaranteed through a municipal reserve. Irrigation accounts are not reset each year and water is allocated to these accounts based on available storage in the system.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations, Question P for complaint data related to this program.

Groundwater Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Groundwater Program

Location/Division: Austin Headquarters / Water Availability Division

Contact Name: Kim Nygren, Deputy Director, Water Availability Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 26, 35, and 36; Article XVI Section 59 Texas Constitution.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Groundwater Program supports the [Texas Groundwater Protection Committee \(TGPC\)](#), an interagency committee charged with developing and updating a comprehensive [groundwater protection strategy](#), studying and making legislative recommendations to improve groundwater protection, reporting to the legislature on its activities, and publishing an [annual report](#) and [viewer](#) on groundwater monitoring and contamination. The program supports the TGPC through program and monitoring coordination, water quality assessment, public participation and outreach, and special projects. This program also facilitates and leads the agency's Impact Evaluation Team to identify cases for notification to private well owners of potential groundwater contamination.

The program supports the following TCEQ groundwater management functions:

- Facilitates creation of groundwater conservation districts (GCDs) in response to landowner petitions, maintains GCD boundary information, evaluates legislation that creates new or modifies existing GCDs, and provides Legislative Budget Board Water Development Policy Impact Statements and Governor's Letters to state leadership.
- Encourages and tracks GCD compliance with management plan adoption requirements; coordinates with the Texas Water Development Board (TWDB) on GCD compliance with management plan adoption, submittal, and approval requirements; and conducts GCD performance review as required.
- Facilitates an annual Priority Groundwater Management Areas (PGMA) meeting of the executive director and executive administrator of TWDB, and plans, identifies, evaluates, and makes designation recommendations for PGMA and the creation of GCDs in PGMA.
- Maintains records of and a viewer for [state well reports](#).
- Maintains official maps of the Edwards Aquifer Recharge, Transition, and Contributing Zones; maintains the [Edwards Aquifer Viewer](#); and represents TCEQ on Edwards Aquifer Habitat Conservation Plan Stakeholder Committee.

The program also coordinates and supports the state management plan for prevention of pesticide contamination of groundwater and conducts a cooperative pesticide monitoring program with the TWDB.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness and efficiency is determined by completing groundwater assessments. Groundwater assessments are deliverables of projects or parts of projects which are assigned to the program based on the strategies and funding of the Legislative Appropriations Request and the Performance Partnership Grant with United States Environmental Protection Agency (EPA) Region 6. The assessments may be maps, reports, or collaboration across TCEQ and multiple state and federal agencies which consider, summarize, interpret, and report environmental data and include programmatic assessment data and public outreach and education activities. The assessments generally represent project components which are significant milestones or are deliverables for state- and federally-mandated activities. During FY 2020, the program conducted 54 groundwater assessments.

The following performance measure is reported in Section II, Exhibit 2.

- Number of Groundwater Assessments.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Groundwater Program.

1959

- Legislative efforts to protect the Edwards Aquifer from contamination begin. The program is responsible for field mapping and other technical services to support these and subsequent efforts.

1975

- EPA designates the Edwards Aquifer as the first sole-source aquifer in the country. The program begins receiving funding through Section 106 of the federal Clean Water Act to coordinate sole-source aquifer activities with EPA and to support state efforts to protect the aquifer from contamination.

1985

- The legislature establishes the critical area process – the predecessor to the current PGMA process.

1989

- The legislature adopts the state’s groundwater protection policy and goal, creates the TGPC, and designates TCEQ’s executive director as chairman.
- The legislature requires GCDs to develop comprehensive management plans.

1995

- The legislature codifies sections specific to management areas and critical areas into TWC Chapter 35, and sections specific to GCDs into TWC Chapter 36.

1997

- The legislature adopts Senate Bill 1 (SB1, 75R) which includes new processes for landowner petitions to create GCDs and GCD management plan adoption and state agency roles related to the plans, and replaces the critical area process with the PGMA process.

1999

- The legislature requires TCEQ to adopt rules that establish the appropriate form and content of a groundwater availability certification to be attached to a municipal or county plat application.

2001

- The legislature adopts SB 2 (77R) which streamlines GCD creation and PGMA processes and clarifies TCEQ authority.

2005

- The legislature requires joint GCD planning in groundwater management areas.

2011

- The legislature adopts changes to TWC Chapter 35 for the PGMA process and TWC Chapter 36 for GCD notice, hearing, rulemaking, permitting procedures and considerations, and joint groundwater management area planning processes.

2013

- The legislature adopts changes to TWC Chapter 36 for the time frame for adoption of desired future conditions.

2015

- The legislature adopts changes to TWC Chapter 36 that clarifies the state's position that GCDs are the preferred method of groundwater management, clarifies the process to establish desired future conditions (DFCs), creates requirements related to aquifer storage and recovery (ASR) wells, and extends the time during which TCEQ may not create a GCD in certain areas.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

There are nine [major aquifers](#) and 22 [minor aquifers](#) recognized by TWDB, and these aquifers underlie about two-thirds of the state's 268,596 square miles of total surface area. In 2020, Texas' existing water supply of approximately 16.8 million acre-feet consists roughly of half surface water and half

groundwater, with reuse contributing 4%. Groundwater is the source for almost 20% of public water supplies and over 99% of drinking water for the rural population of over 1.32 million Texans. Irrigation and livestock users rely on groundwater for 80% of their total existing water supply (7.9 million acre-feet per year).

TWC Chapter 36 recognizes groundwater ownership rights, provides that GCDs are the state's preferred method of groundwater management, and charges GCDs to manage groundwater by providing for the conservation, preservation, protection, recharge, and prevention of waste of groundwater resources within their jurisdictions. The three primary GCD authorities include permitting water wells, developing a comprehensive management plan, and adopting the necessary rules to implement the management plan. As of August 2021, a total of 101 GCDs have been created in the state covering all or part of 181 of the state's 254 counties.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

State law designates TCEQ as the lead agency of TGPC, and the executive director as TGPC's chairman. The executive director has designated a member of the Water Availability Division as the designated representative to TGPC to administer routine functions of the committee. Program staff serve in support roles and chair subcommittees reporting to, and coordinating with, the executive director's designated representative.

TCEQ conducts GCD performance review and initiates action if:

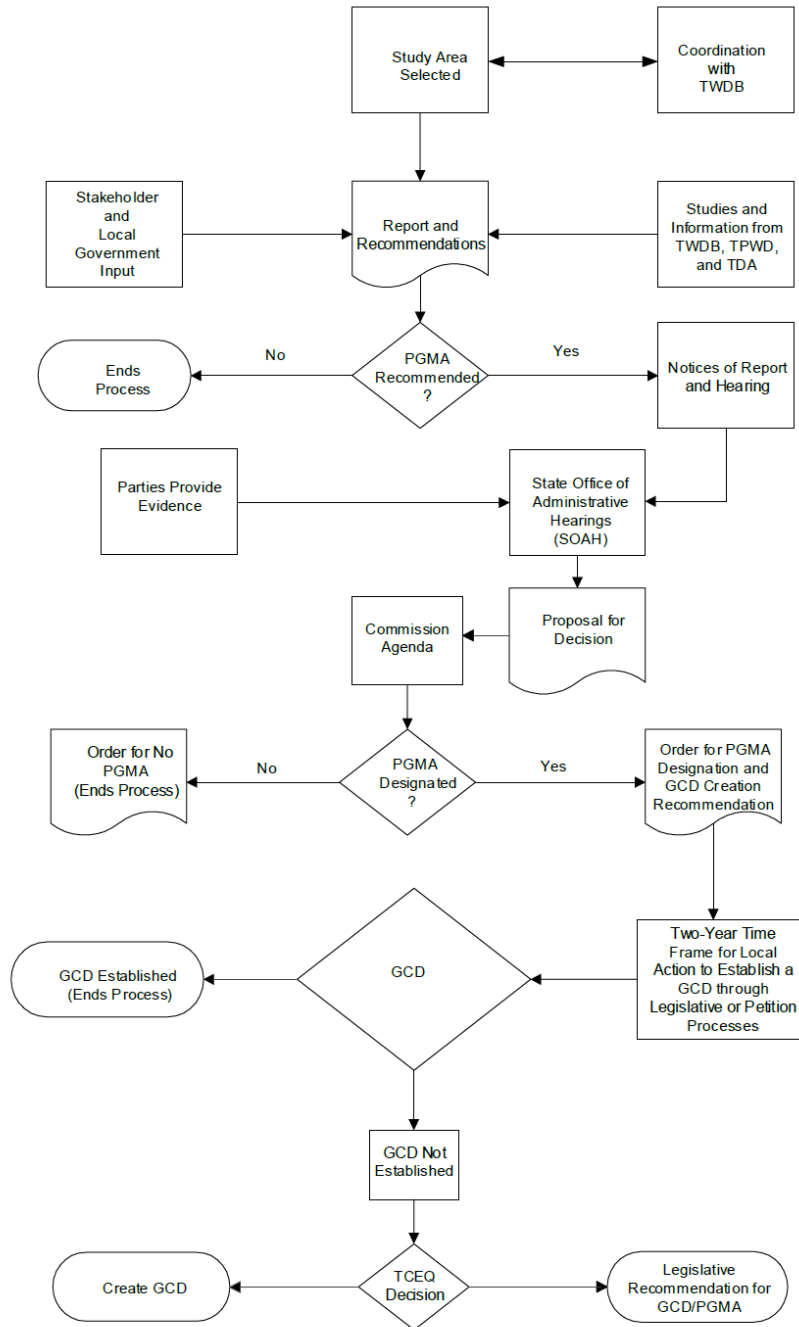
- a GCD management plan is not adopted, readopted, or submitted to the executive administrator of the TWDB within statutory deadlines;
- the executive administrator of the TWDB denies approval of a submitted management plan and the GCD does not address and obtain management plan approval within statutory deadlines or has exhausted all appeals of the denial;
- the State Auditor's Office determines a GCD is not operational; or
- a review panel has submitted a report and recommendations to TCEQ in response to a petition for inquiry of a GCD.

TCEQ rules for its GCD performance review process are in Title 30 Texas Administrative Code (30 TAC) Section 293.22. The program communicates monthly with TWDB and works with noncompliant GCDs to voluntarily and timely come into compliance. Occasionally, TCEQ and a GCD enter into a compliance agreement that identifies the noncompliance issue(s) and provides for GCD actions and a schedule for the GCD to achieve compliance. The program monitors the GCD's implementation of the agreement terms, and if compliance is accomplished, notifies the GCD that it has achieved compliance and is no longer under TCEQ review. If the GCD is unable to resolve the violation, program staff follow the procedures for TCEQ enforcement actions set out in 30 TAC Chapter 70, Subchapter C.

TCEQ is authorized, with assistance from other agencies, to study, identify, and designate PGMAs, and to initiate the creation of GCDs within those areas, if necessary. TCEQ and TWDB meet annually to discuss the need for new PGMA studies. Seven PGMAs have been designated by TCEQ covering all or part of 35 counties. Locally-initiated GCD creation, or addition of territory to an existing GCD, has occurred in six of the seven designated PGMAs. Local and legislative actions or TCEQ administrative actions to establish GCDs are still authorized in Dallas County and portions of Midland and Upton counties in two PGMAs.

The following flowchart illustrates the PGMA designation and GCD creation process.

Priority Groundwater Management Area and Groundwater Conservation Creation Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Groundwater Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$12,742
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$716,258
0555	Federal Funds	66.419	Water Pollution Control - State & Interstate Program Support	\$75,000
0555	Federal Funds	66.605	Performance Partnership Grant	\$373,563
0777	Interagency Contracts	66.648	Capitalization Grant for Drink Water State Revolving Fund	\$176,733
TOTAL				\$1,354,296

The program is funded in the Water Assessment and Planning Strategy and the Safe Drinking Water Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ, through its administration of most of the state's environmental and water quality regulatory programs, is primarily responsible for protecting groundwater quality. In addition, groundwater quality regulatory programs exist at: the Railroad Commission of Texas (RRC – oil and gas production and surface mining); the Texas Department of Agriculture (TDA - pesticide use); the Texas Department of State Health Services (DSHS -water resource protection); the Texas State Soil and Water Conservation Board (TSSWCB – agricultural and silviculture nonpoint source pollution); and the Texas Department of License and Regulation (TDLR - water well construction).

TGPC was created to bridge gaps between existing state groundwater programs and to optimize water quality protection by improving coordination among agencies involved in groundwater activities. TGPC is composed of members from TCEQ (chairman), TWDB (vice chairman), RRC, DSHS, TDA, TSSWCB, TDLR, Texas Alliance of Groundwater Districts, Texas A&M AgriLife Research, and Bureau of Economic Geology of the University of Texas at Austin.

TCEQ and TWDB operate under a Memorandum of Agreement (MOA) regarding state agency groundwater management program responsibilities. The PGMA evaluations conducted by the program involve the TWDB, Texas Parks and Wildlife Department, and TDA, and PGMA hearings are conducted by the State Office of Administrative Hearings. The program also coordinates intermittently with the State

Auditor's Office (SAO) on issues relating to GCD management plan implementation reviews performed by the SAO.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal. The program is partially supported by federal grants and coordinates with EPA Region 6 to implement groundwater protection programs.

The program confers with and coordinates with the United States Fish and Wildlife Services Southwest Region on the Edwards Aquifer Habitat Conservation Plan Stakeholder Committee.

The program coordinates with and uses some groundwater quality analyses data from the United States Geological Survey Texas Water Science Center.

State. The program coordinates groundwater protection and management with the following state agencies, authorities, universities, and organizations:

The program coordinates groundwater protection and management with the following state agencies, authorities, universities, and organizations:

- Texas Department of State Health Services;
- Railroad Commission of Texas;
- State Auditor's Office;
- State Office of Administrative Hearings;
- Texas A&M AgriLife Research;
- Texas Alliance of Groundwater Districts;
- Texas Department of Agriculture;
- Texas Department of Licensing and Regulation;
- Texas Groundwater Protection Committee;
- Texas Parks and Wildlife Department;
- Texas State Soil and Water Conservation Board;
- Texas Water Development Board; and
- Bureau of Economic Geology of the University of Texas at Austin.

Regional and Local. The program confers and coordinates with the other stakeholders on the Edwards Aquifer Habitat Conservation Plan Stakeholder Committee.

During PGMA designation and GCD creation, the program notifies and uses input from the following stakeholder groups:

- Counties;
- Municipalities;
- GCDs;
- Regional water planning groups;
- River authorities;
- Public water suppliers; and
- Water-supply districts.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

Contracts includes services to host the TGPC website and an intern for program support.

- the amount of those expenditures in fiscal year 2020;

Expenditure total \$14,184.

- the number of contracts accounting for those expenditures;

Two contracts.

- the method used to procure contracts;

The program procured these contracts following state protocols regarding direct awards.

- top five contracts by dollar amount, including contractor and purpose;

Groundwater Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10230	Wilkins Group Inc.	Texas Groundwater Protection Committee website services for FY 2020	\$1,444
582-20-13868	WorkQuest	Mickey Leland summer intern providing program support.	\$12,740

- the methods used to ensure accountability for funding and performance; and

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- a short description of any current contracting problems.

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The program provides direct awards to specific universities to research ambient constituents that impact groundwater quality (e.g., fluoride, arsenic, nitrates, etc.) and to facilitate educational programming and publications for protection of drinking water used by domestic and other private water well owners.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Challenges for Groundwater Conservation District Petition Review Panels. TCEQ appointed the first review panel in October 2019 consisting of five GCD managers and one non-voting TCEQ staff member as recording secretary. The review panel encountered a number of challenges that included all parties having legal counsel except the review panel, lack of funding for the review panel, and lack of statutory guidance specific to the purpose and procedures for the review panel's public hearing and notice responsibilities.

In TWC Section 36.3011, an affected person may file a petition with TCEQ requesting an inquiry of a GCD for any of nine reasons regarding required groundwater management responsibilities of the GCD. If the commission approves the petition, they appoint a review panel that reviews the petition and any evidence relevant to the petition and, in a public meeting, consider and adopt a report to be submitted to the commission.

Members of the 2019-2020 review panel were volunteers who were solicited by the executive director. They served at the expense of each member's GCD and the members of the panel estimate they provided between 100 to 300 hours of service each. The review panel did an excellent job, and TCEQ appreciates their service to the state. However, based on the challenges endured by the review panel, the program has concerns that it may be difficult to solicit members and seat a review panel in the future.

Unclear GCD Duties and Commission Performance Review Action. In addition, the commission can be petitioned to take action in TWC Section 36.3011(b) (5 & 6) if a GCD doesn't approve a new management plan within two years of the adoption of DFCs or if the GCD doesn't adopt rules within a year after adoption of the new management plan. There is no mention of these requirements in Section 36.108 relating to what a GCD must do once new DFCs are adopted. Unlike the other performance review items (e.g., adoption/readoption of plan, adoption of rules, etc.), TCEQ can only take action on these two items if petitioned.

Statutory guidance regarding the review panel process, procedure, and counsel, and GCD duties and commission performance review action, are needed. This guidance could be accomplished by amendments in TWC Sections 36.108, 36.301, and 36.3011.

Alternative Groundwater Resource and Management Petition Process. PGMA studies can be conducted by the executive director for areas of the state that do not have a GCD and are controversial. The decision to conduct a PGMA study is made by the executive director and the PGMA studies conducted since 1997 have had a specific driver (e.g., SB 1, 75R in 1997; SB 2, 77R in 2001; GLO lease of west Texas groundwater in 2005, etc.).

TWC Chapters 35 and 36 processes for PGMA study, designation, and GCD creation were changed significantly by SB 1 in 1997, the same Act that provided the present Regional and State Water Planning process. The PGMA process predates the TWC Chapter 36 Joint Planning for Groundwater Management Area process. The PGMA process has not evolved to recognize the other processes that develop the present data used to inform the need for a study or the need to designate a PGMA. The statute provides the commission with authority to create a GCD in a PGMA against the wishes of the PGMA residents and elected officials.

TCEQ recognizes and acknowledges crafting local groundwater management solutions for non-GCD areas in a PGMA is generally preferred by citizens over a TCEQ administrative order to create a new or join an

existing GCD as the statute authorizes. TCEQ exercised its full administrative authority to have three portions of the Dallam County PGMA added to the North Plains GCD. After one failed effort and subsequent statutory changes, this action was approved by the elected directors of the North Plains GCD in 2012 and the areas were added to the district. TCEQ exercised its full administrative authority to have the PGMA portion of Briscoe County added to the High Plains GCD in 2014. This action was not approved by the elected directors of the High Plains GCD and the area is not in a GCD.

The Chapter 35 PGMA process could be replaced with a petition process similar to other petition processes in Chapter 36. A petition process where a county commissioners court or courts, or other locally elected officials who represent the area, could request the executive director prepare a report describing feasible and practicable options to establish a GCD for the area. After the report is completed, the decision to pursue GCD creation could be vested solely with the residents and locally elected officials. Changes to Chapters 35 and 36 would be needed.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

The program conducts GCD performance reviews as required. Refer to the response to Question F for detail. This Water Availability Division component is reported in Exhibit 13.

Exhibit 13: TCEQ Groundwater Conservation District Performance Review Information
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	100	101
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	0	2
Number of complaints pending from prior years	0	1
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints	1	0
Number of jurisdictional complaints found to be without merit	0	0
Number of complaints resolved	0	1
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	0	0
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	N/A	N/A

River Compact Commissions Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: River Compact Commissions

Location/Division: Austin Headquarters / Water Availability Division

Contact Name: Kim Nygren, Deputy Director, Water Availability Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 41, 42, 43, 44, and 46.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The State of Texas has entered into five interstate river compacts involving the Canadian, Pecos, Red, and Sabine Rivers and the Rio Grande. Each compact is recognized under both state and federal law as an agreement allocating the waters in these rivers and their tributaries among states.

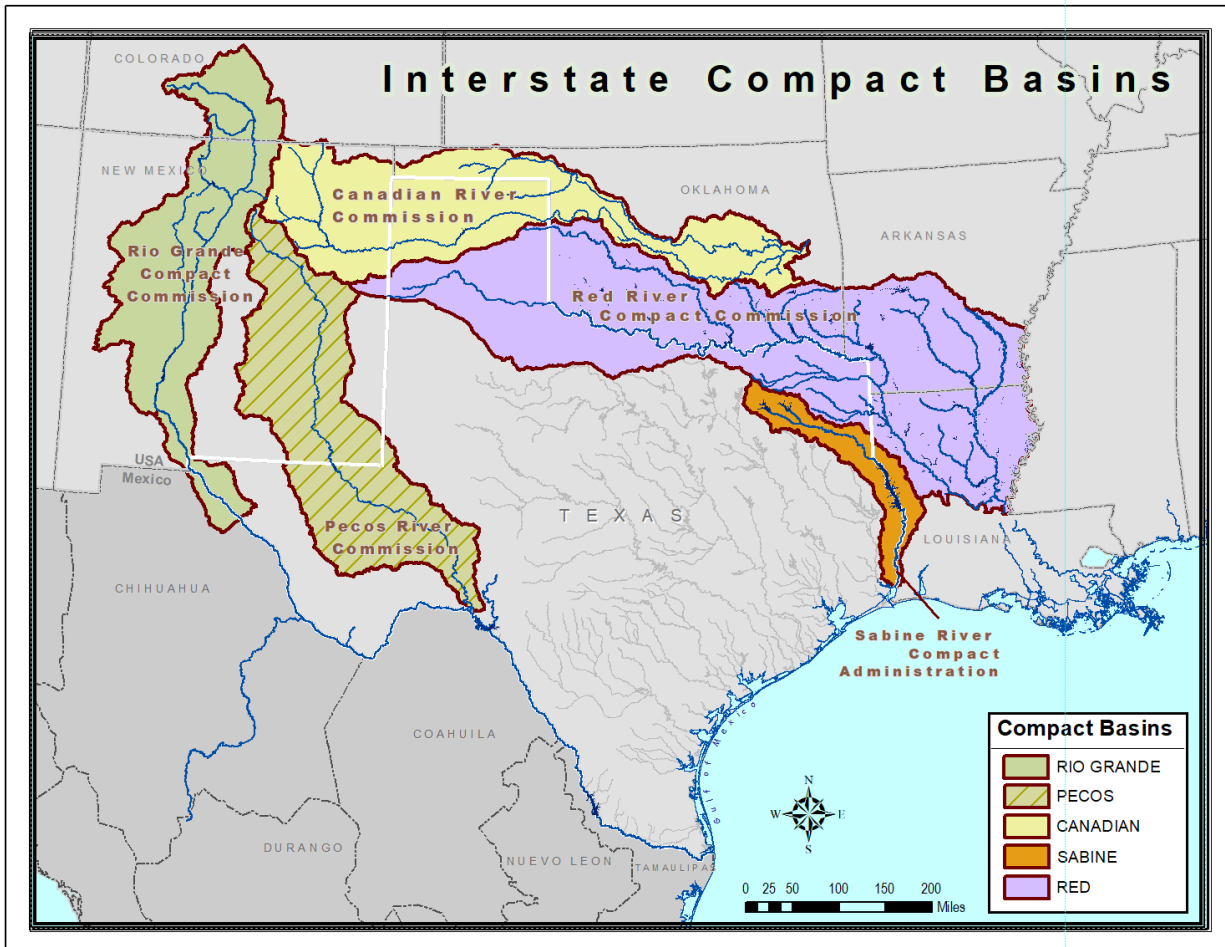
Each river compact is administered by an interstate commission. Each interstate commission consists of one or two members appointed to represent each state as outlined in the by-laws of each individual compact, as well as a non-voting federal commissioner appointed by the President of the United States. TWC Chapters 41, 42, 43, 44, and 46 provide for the administration of each of the five river compact commissions, which represent the State of Texas and protect Texas' right to equitable shares of quality water. Texas' river compact commissioners are appointed by the governor and must be confirmed by the Texas Senate, with the exception of TCEQ's executive director who, by statute, serves as the second commissioner on the Red River Compact Commission.

The Texas river compact commissions' objectives are to ensure the State of Texas receives and maximizes 100% of its equitable share of the interstate waters of the Canadian, Pecos, Red, and Sabine Rivers and the Rio Grande, and their tributaries, as allocated by the appropriate interstate compact.

In addition, the river compact commissions develop programs to increase the quantity and improve the quality of the water available in Texas.

The following map shows interstate compact basins.

Interstate Compact Basins



C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

To meet the Texas river compact commissions' objectives, accounting of interstate water deliveries under each compact is completed annually. The river compact commissions program is based on the equitable sharing of water between member states, based on standards set out by each of the five river compacts including annual water accounting, reservoir storage amounts, and gaged flows. The effectiveness of the program is evidenced in the ability of these criteria to determine Texas' annual share of equitable water for each of the river compacts. Program efficiency is determined by calculating whether Texas is receiving its fair share of equitable water annually, and also serves as a means to determine if states are in compact compliance.

The following performance measures are reported in Section II, Exhibit 2.

- Percentage received of Texas' equitable share of quality water annually as apportioned by the Canadian River Compact;

- Percentage received of Texas' equitable share of quality water annually as apportioned by the Pecos River Compact;
- Percentage received of Texas' equitable share of quality water annually as apportioned by the Red River Compact;
- Percentage received of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact; and
- Percentage received of Texas' equitable share of quality water annually as apportioned by the Sabine River Compact.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the river compact commissions.

1939

- Rio Grande Compact signed March 18, 1939.

1949

- Pecos River Compact signed December 3, 1949.

1953

- Sabine River Compact signed January 26, 1953.

1978

- Red River Compact signed May 12, 1978.

1988

- The U.S. Supreme Court issues an amended decree and appoints a River Master to the Pecos River Compact in response to a dispute between Texas and New Mexico regarding delivery obligations. The River Master performs the annual river accounting for the Pecos River.

1991

- The legislature (72R) repeals TWC Sections 41.0031, 42.0031, 43.0031, 44.0031, and 46.0031; regarding the Rio Grande and Pecos, Canadian, Sabine, and Red River Compacts, respectively; making the river compact commissions subject to the Texas Sunset Act.

2005

- The legislature (79R) transfers appropriations and financial responsibilities for the river compact commissions to TCEQ.

2007

- The river compact commissions sign a Memorandum of Agreement (MOA) with TCEQ delegating the responsibility for obtaining legislative appropriations, financial accountability, and administrative and technical assistance to TCEQ. The commissions retain their rights and autonomy for controlling their financial expenditures and operations.

2020

- The U.S. Supreme Court decides the Pecos River Master's final report would not be reviewed, stemming from a 2014 dispute regarding evaporative credits between Texas and New Mexico.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The primary function of the river compact commissions is to ensure the State of Texas receives its equitable share of the interstate waters of the Canadian, Pecos, Red, Rio Grande, and Sabine Rivers and their tributaries as allocated by the appropriate interstate compact. Water users within the five river basins under compacts rely on them to ensure water is available for use.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TCEQ funds, houses, and provides technical and administrative support to the river compact commissioners through the Water Availability Division.

The Texas Office of the Attorney General provides legal assistance to the river compact commissions.

Texas compact commissioners are appointed by the governor. Each river compact commission has either one or two appointed commissioners. Compact commissioners typically reside in and have an office within the river basin they serve.

The executive director of TCEQ, by statute, serves as one of the two Texas commissioners for the Red River Compact.

The TWC and the 2007 MOA noted under Item D ensures TCEQ will cooperate with the river compact commissioners in the performance of their duties and furnish any needed or requested information.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

River Compacts Program Funding Sources

Account	Account Title	Total
001	General Revenue	\$5,195,588

The program is funded in the following strategies:

- Canadian River Compact;
- Pecos River Compact;
- Red River Compact;
- Rio Grande River Compact; and
- Sabine River Compact.

The program includes Rider 13, Administration Costs for the Texas River Compact Commissions and Rider 25, Litigation Expenses for the Rio Grande Compact Commission.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Each of the interstate river compact commissions includes:

- a non-voting federal chairman appointed by the President of the United States, and
- one or two voting commissioners from each member state: *Canadian River Compact* – Texas, New Mexico, and Oklahoma; *Pecos River Compact* – Texas and New Mexico; *Red River Compact* – Texas, Oklahoma, Arkansas, and Louisiana; *Rio Grande Compact* – Texas, Colorado, and New Mexico; and the *Sabine River Compact* – Texas and Louisiana.

In addition to the member states, the river compact commissioners and staff work closely with federal agencies, such as the International Boundary and Water Commission, the Bureau of Reclamation, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the U.S. Geological Survey to ensure water operations and deliveries comply with the established compacts.

Texas commissioners and TCEQ also work closely with state, regional, and local agencies such, as the Texas Water Development Board; various river authorities, counties, municipalities; and water districts to discuss and share information regarding water quality and quantity issues impacting the river compact basins.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The program contracts with outside counsel for litigation purposes.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$4,820,064.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

Contracts were procured through direct award.

- **top five contracts by dollar amount, including contractor and purpose;**

River Compact Commission Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-13-30864	Somach Simmons & Dunn	Legal services to advise the Texas Rio Grande Compact Commissioner, TCEQ and the Attorney General's Office on the best cause of action with New Mexico.	\$4,816,858
582-21-22158	Niel S. Grigg	Texas Rio Grande Compact Commission's equitable share for the Supreme Court of the United States' Special Master.	\$3,206

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted unless discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems in FY 2020.

L. Provide information on any grants awarded by the program.

The following table summarizes grants awarded by the Texas river compact commissions.

Texas River Compact Commission Grants

Vendor	Vendor Type/How Funds are Awarded	Purpose	
Pecos River Commission	State agency/direct award purchase order	Fees and expenses to cover the cost of annual meeting of the Pecos River Commission	\$76,460
Sabine River Authority of Texas	State agency/direct award purchase order	Fees, State of Texas' pro-rata share for FY 2020 Sabine River Compact Administration budget	\$26,000
State of Colorado	State agency/direct award purchase order	Payment of Texas' remaining portion of the Rio Grande Compact Commission with Texas, New Mexico, and Colorado.	\$18,466
Red River Compact Commission	State agency/direct award purchase order	Administrative fees for the State of Texas for FY 2020 pursuant to the provisions of the Red River Compact.	\$550
United States Geological Survey	Direct award	Reimbursement for expenses incurred under the provisions of Joint Funding Agreement number 19RGJFA12 for the project for assistance from the U.S. Geological Survey as described on the SOW for the Rio Grande	\$4,785

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Litigation between New Mexico and Texas. Since 1938, New Mexico has permitted the development of water wells in New Mexico along the Rio Grande. This pumping severely reduces the water supplies in the Rio Grande which belong to Texas and is a violation of the 1938 Compact. In July 2013, Texas filed a lawsuit in the Supreme Court of the United States (Court), a motion for leave to file a complaint against New Mexico. The Court has exclusive and original jurisdiction over actions between States. In January 2014 the Court granted Texas' motion for leave to file its complaint against New Mexico. Colorado is named in the complaint because it is a signatory to the 1938 Compact, but Texas is currently not seeking any relief from Colorado. As it enters its ninth year, Texas' suit for its equitable share of Rio Grande water from New Mexico continues to strain Texas' Rio Grande Compact Commissioner, TCEQ and OAG support, state coffers, and West Texans. Continued support to complete this action for the State of Texas and its citizens is needed.

The Court's Special Master is in the process of assigning a new mediator which the parties requested due to a lack of progress with the current mediator. Phase I of the trial to determine liability and whether Texas or New Mexico, as a counter claimant, have sustained damages, was in some part delayed from September 13, 2021, to March 2022. However, virtual testimony of certain witnesses is anticipated to begin in October 2021. The trial will be held in Cedar Rapids, Iowa. A bifurcated Phase II of the trial, regarding calculation of damages, will not be set until the Phase I disposition is final, after the Special Master recommendations go to the Supreme Court.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Wastewater Permitting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Wastewater Permitting

Location/Division: Austin Headquarters / Water Quality Division

Contact Name: Robert Sadlier, Deputy Director, Water Quality Division

Statutory Citation for Program: Texas Water Code (TWC) Section 26.027; 40 Code of Federal Regulations (CFR) Part 403.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The purpose of the Wastewater Permitting Program is to protect the quality of the surface and groundwater in Texas by regulating the types and amounts of pollutants introduced into water through the issuance of written authorizations.

There are three categories of written authorizations: individual permits, general permits, and registrations.

- Individual permits are issued to an individual entity and include site-specific permit requirements based the regulated activity, the specific pollutants and volumes generated, and the specific location in the state.
- General permits are developed as a statewide or regional authorization for facilities having similar operations and generate the same types of wastewater, which are subject to the same requirements regarding effluent limitations, effluent monitoring, and operating conditions. Entities seeking authorization under a general permit apply for and are issued a certification which acknowledges their authorization to discharge wastewater in accordance with the terms and conditions of the general permit.
- Registrations are similar to individual permits since the registrations are issued to an individual entity for a specific location in the state; however, registration requirements are typically prescribed by rules established for the specific pollutants generated.

In addition to the types of written authorizations, permits are categorized by the method of wastewater disposition. Texas Pollutant Discharge Elimination System (TPDES) permits authorize the discharge of wastewater into water in the state. Texas Land Application Permits (TLAPs) authorize the discharge of wastewater via irrigation or land application of manure/sludge.

TPDES permits are issued under both state and federal authority. The United States Environmental Protection Agency (EPA) delegated regulatory authority for the National Pollutant Discharge Elimination System (NPDES) program to TCEQ, which then became known as the TPDES program. TLAPs are issued under state authority only.

TPDES permits and TLAPs contain requirements designed to protect surface and groundwater quality. These requirements include, but are not limited to, effluent limits (TPDES only), application rates (TLAP only), monitoring and reporting requirements, and facility design and operational requirements.

By timely issuance of TPDES or TLAP authorizations, the regulated community benefits by being able to manage wastewater generated by their businesses while being protective of water quality. The public benefits by having surface and groundwater that can be used for drinking and recreating and that supports aquatic life.

Other activities within the Water Quality Division (WQD) contribute to the protection of water quality and support the wastewater permitting function, but are not involved in issuing authorizations, are the engineering review program, the pretreatment program, the Water Quality Management Plan (WQMP), receiving water assessments, and the 401 certification program.

- Engineering Review. Under TWC Section 26.034(b) design plans and specifications for domestic wastewater treatment facilities and collection systems are required to be submitted for review to TCEQ. Review and approval of the design plans and specifications ensures the treatment facility will be capable of treating the wastewater sufficiently to comply with the effluent limits in the permit.
- Pretreatment. Under 40 CFR Part 403, the pretreatment program requires large cities and other municipalities to regulate industrial discharges into their wastewater collection systems to prevent pollutants from passing through or interfering with the wastewater treatment plant. This ensures the wastewater treatment plant can adequately treat the wastewater and comply with the effluent limits in the permit. Pretreatment staff review and approve new developing pretreatment programs and process modifications to previously issued programs. Additionally, pretreatment staff conduct compliance and enforcement activities related to pretreatment programs. They perform annual audits of authorized pretreatment programs and issue notices of violations which could result in enforcement actions.
- Water Quality Management Plan. The WQMP consists of a group of documents designed to provide planning and technical data for water quality management activities. The WQMP is tied to the state's water quality assessments that identify priority water quality problems and is used to direct planning for implementation measures to control and/or prevent water quality problems. The WQMP is developed and promulgated in accordance with the requirements of the federal Clean Water Act and must be updated to account for changing circumstances, conditions, and program requirements. The WQMP is updated primarily on a quarterly basis but may be updated more or less often as needed. Updates to the WQMP typically include elements requiring modification for projected effluent limits for domestic wastewater discharge permits, designation of management areas, service area population for municipal wastewater facilities, and revisions to total maximum daily loads (TMDLs). Inclusion of this information in WQMP updates facilitates activities such as issuance of discharge permits and eligibility for wastewater infrastructure loans. The portion of the WQMP addressing nonpoint source management controls and groundwater and source water protection planning are coordinated by other TCEQ program areas. Federal regulations (40 CFR 130.6(e)) require WQMP updates to be certified by the state and sent to EPA for approval.
- Receiving Water Assessments (RWAs). RWAs are on-site assessments of the habitat, biology, and physicochemical attributes of streams. RWAs are used to assign an "aquatic life use" to the stream based on a rating system that compares specific attributes of the stream to those of other less disturbed streams in the same region. Aquatic life use designations can be minimal, limited, intermediate, high, or exceptional. Aquatic life uses are used during the technical review of a TPDES wastewater discharge permit application to establish appropriate limits to protect aquatic life within the stream. RWAs are conducted by staff when desktop review of a waterbody does not provide enough information to make an appropriate aquatic life use determination.

- ***401 Certification Program.*** Projects involving impacts to waters of the U.S. resulting from the discharge of dredged or fill material require a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers (USACOE). TCEQ staff conduct individual CWA Section 401 state water quality certification reviews of federal 404 permit applications to ensure the proposed project will not violate state water quality standards. State and federal regulations require the applicant select the least damaging practicable alternative, avoid and/or minimize adverse impacts, and require appropriate and practicable compensatory mitigation for all unavoidable adverse impacts. TCEQ 401 water quality certification is required before the federal 404 permit can be issued by the USACOE.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is evidenced by the reduction in pollution from permitted wastewater facilities discharging to the water in the state, the number of water quality permits issued, and the percent of water quality permit applications reviewed within established timeframes. Program efficiency is determined by meeting internal deadlines to support TCEQ decision making. This program exceeded the performance measures related to effectiveness in FY 2020, however the program did not meet performance measures related to efficiency. In 2019, the program began using Lean Management System principles to improve permit processing timeframes. The program continues to use Lean to evaluate program processes to find additional efficiencies in order to meet or exceed performance measures.

The following performance measures are reported in Section II, Exhibit 2.

- Number of applications to address water quality impacts reviewed;
- Number of concentrated animal feeding operation (CAFO) authorizations reviewed;
- Number of water quality permits issued;
- Percent of water quality permit applications reviewed within established time frames; and
- Percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state.

Additionally, this program tracks the efficiency of activities supporting the wastewater permitting function but are not included in performance measures listed in Chapter II, Exhibit 2. These metrics are listed in Exhibit 12.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Calculation	FY 2020 Target (in Days)	FY 2020 Actual Performance (for August 2020)	FY 2020 % of Annual Target
Percent of Summary Submittal letter reviews exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	30	21%	N/A
Percent of plan and specification reviews exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	120	0%	N/A
Percent of Domestic Reuse application reviews exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	60	50%	N/A
Percent of Industrial Reuse application reviews exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	60	75%	N/A
Percent of Pretreatment Audit Reports exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	90	0%	N/A
Percent of New Pretreatment Program approvals exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	180	100%	N/A
Percent of Pretreatment Sub Mods Tech Complete exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	180	94%	N/A
Percent of Pretreatment Sub Mod Amendments approvals exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	180	0%	N/A
Percent of Pretreatment Sub Mod Dovetails approvals exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	300	50%	N/A
Percent of Pretreatment Non-Sub Mods approvals exceeding established timeframes	Number exceeding timeframe divided by total pending (calculated monthly).	45	91%	N/A

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The wastewater permitting program affects any person or entity required to obtain a permit to discharge wastewater into or adjacent to water in the state. There are no specific qualifications or eligibility requirements to obtain a wastewater authorization. As of July 1, 2021, the following number of entities held active authorizations issued by the program:

- Individual TPDES domestic permits: 2,132;
- Individual TLAP domestic permits: 401;
- Individual TPDES industrial permits: 516;
- Individual TLAP industrial permits: 84;
- Individual industrial stormwater permits: 31;
- Individual municipal separate storm sewer system permits: 23;
- Individual Biosolids land application permits: 41;
- Individual CAFO permits: 48;
- Septage and water treatment residual land application registrations: 187;
- Wastewater general permit authorizations: 1,613; and
- Stormwater general permit authorizations:
 - Municipal separate storm sewer systems: 511;
 - Industrial stormwater: 13,169; and
 - Construction stormwater: 23,634.

All public entities required to obtain an Individual TPDES or TLAP domestic permit are also required to submit design plans and specifications to the engineering review program prior to any construction activity, including maintenance. Design plans and specifications must be signed and certified by a Texas licensed professional engineer. As of July 1, 2021, there were 1,459 public domestic permittees.

Any publicly owned treatment works (POTW) with a total design flow greater than five million gallons per day (mgd) receiving pollutants from industrial users which pass through or interfere with the operation of the wastewater treatment plant or are otherwise subject to federal Pretreatment Standards are required to establish a Pretreatment Program. TCEQ regional offices may require a POTW with a design flow of five mgd or less develop a pretreatment program based on the nature or volume of the industrial influent, treatment process upsets, violations of wastewater permit effluent limitations, contamination of municipal sludge, or other circumstances that could contribute to pass through or interference at the wastewater treatment plant. There are currently 73 approved pretreatment programs in the state.

Persons affected by 401 Water Quality Certification requirements include commercial navigation, transportation, retail or residential land development, private property developers, local, state, and federal infrastructure projects, and any other 404 permit applicants.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Individual permit applications, for both TPDES and TLAP permits, undergo an administrative review and technical review. When the application is determined to be administratively complete, staff develop the

Notice of Receipt and Intent to Obtain Permit (NORI) which is sent to the applicant to publish in the largest newspaper in the county where the facility is located. Concurrent with the NORI publication, the application undergoes a technical review. When the application is determined to be technically complete, staff develop an initial draft permit and the Notice of Application and Preliminary Decision (NAPD). The initial draft permit is sent to the applicant and EPA Region 6 for review and comment or approval. Revisions may be made to the initial draft permit based on applicant and/or EPA comments. Upon approval of the draft permit by the applicant and EPA, the final draft permit and NAPD are filed with TCEQ's Office of the Chief Clerk. The Chief Clerk mails the NAPD to the applicant and certain individuals and entities. The applicant must publish the NAPD in the largest newspaper in the county where the facility is located. The public comment period ends 30 days after the NAPD is published unless a public meeting is held, in which case the comment period ends at the close of the public meeting. If public comments are received on the final draft permit, the technical staff develop a response to the public comments which is provided to the commenters. The public may request a contested case hearing or request for reconsideration by the commission. If the public does not make such a request, the permit is set on the executive director's docket for issuance. If the public does make such a request, the permit is set on the commission docket for further action.

The WQD identifies discharges that can be regulated by a general permit and develops an initial draft general permit. The initial draft general permit is sent to EPA Region 6 for review and comment. Revisions may be made to the initial draft general permit based on EPA comments. Upon approval of the draft general permit by EPA, the final draft general permit is filed with TCEQ's Office of the Chief Clerk for public notice. Public notice of the draft general permit is published in the *Texas Register* and at least one statewide or regional newspaper. If public comments are received on the draft general permit, a response to the public comments is developed. The draft general permit is set on the commissioner docket for final action (i.e., issuance or denial). After the general permit is issued, regulated entities can seek permit authorization by submitting a notice of intent application form. The application form undergoes an administrative review only. If the application meets all necessary requirements, the regulated entity is issued a certificate acknowledging authorization to discharge under the terms and conditions of the general permit.

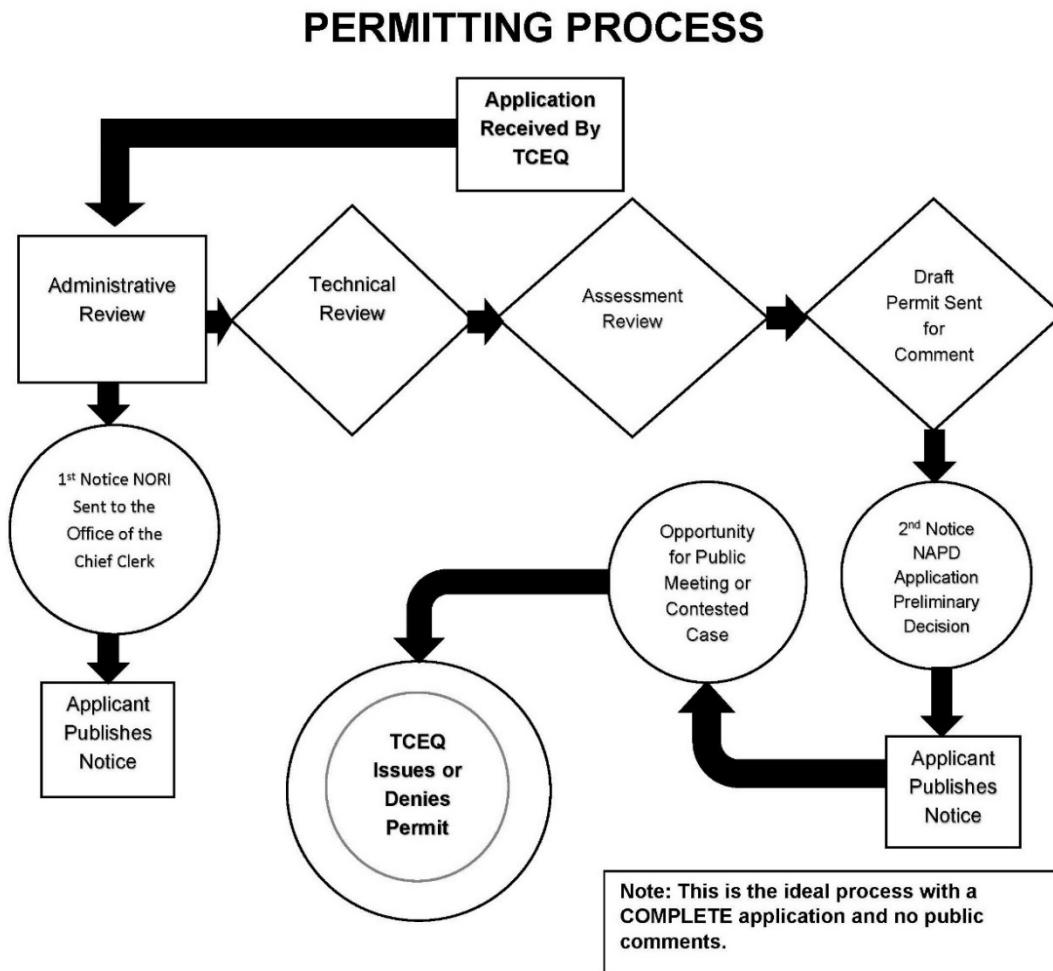
WQD has developed the following time frames for processing wastewater applications. These time frames are from the date of application receipt until final issuance.

- Individual Permits: 300–330 days;
- Registrations: 270 days;
- Engineering reviews (summary review: 30 days; full review: 120 days); and
- Pretreatment (Audit Reports: 60 days; Program Modifications: 120–300 days).

The 401 State certification program is administered in partnership with the USACOE. The MOA with the USACOE outlines the associated processes and deadlines.

The following flowchart illustrates the wastewater permitting process.

Wastewater Permitting Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Wastewater Permitting Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$40,500
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$5,569,083
0555	Federal Funds	66.419	Water Pollution Control-State & Interstate Program Support	\$187,279
0555	Federal Funds	66.605	Performance Partnership Grants	\$1,111,074
TOTAL				\$6,907,936

The program is funded in the Water Resource Permitting Strategy and the Water Resource Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no known programs, internal or external to the agency, which provide identical wastewater permitting functions. However, the following programs and entities provide similar functions that support wastewater permitting.

TCEQ's Water Quality Planning Division is responsible the development of the state water quality standards which are implemented by the Wastewater Permitting Program.

Multiple cities in Texas have been authorized by TCEQ to approve domestic wastewater collection systems and treatment facility plans and specifications for entities located in their jurisdiction.

TCEQ coordinates with the Texas Water Development Board (TWDB) regarding potential infrastructure funding projects. Technical review of the wastewater discharge proposals contained in TWDB infrastructure funding projects (State Revolving Fund, etc.) is performed so any aspects that may be difficult to permit can be resolved prior to finalizing the projects.

For reservoir development projects seeking a new water rights permit, the 401 program coordinates closely with TCEQ's Water Availability Division regarding mitigation sequence requirements.

The Texas State Soil and Water Conservation Board (TSSWCB) administers a voluntary program in which Animal Feeding Operations (AFOs), which are smaller facilities not defined or designated as CAFOs, can obtain a water quality management plan. This plan assists these smaller, unpermitted facilities in complying with TCEQ requirements for AFOs.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ has entered into a Memorandum of Agreement (MOA) with EPA Region 6 for the TPDES program. The MOA outlines both agencies' responsibilities for administering the TPDES program and is available online at: <https://www.tceq.texas.gov/permitting/wastewater>. TCEQ and EPA Region 6 maintain regular communication to coordinate the TPDES program. Quarterly and annual reporting is required under the MOA. Annual program manager meetings are held with all Region 6 states, and EPA audits the TPDES program every two years. Under the TPDES program, notification of the Texas Parks and Wildlife Department (TPWD), the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Texas Historical Commission is required to ensure proper agency coordination occurs. Notice is provided to each entity on pending permit applications to allow review of and comment on permit application proposals.

TCEQ has an MOA with the USACOE regarding 401 certifications. Implementation of the MOA allows the two agencies to avoid redundancy in making two independent regulatory decisions for a single project. TCEQ is committed to participate in regularly scheduled Joint Evaluation Meetings (JEM) between the resource agencies, the applicant, and the USACOE. JEMs may be scheduled as part of a pre-application

process or to resolve comments submitted during the public notice process. These meetings provide a forum for all programs to identify and discuss concerns and to seek consensus resolutions of those concerns.

TCEQ has an MOU with TPWD and Texas Department of Agriculture (TDA) related to aquaculture operations. The MOU is codified in Title 30 Texas Administrative Code (30 TAC) Section 7.103. TCEQ is the permitting authority for aquaculture and will coordinate permitting efforts with TPWD (related to disease and invasive/exotic species) and TDA (related to TDA licensing requirements). Annual coordination meetings are held among the three agencies.

TCEQ has an MOU with the Railroad Commission of Texas (RRC) related to oil and gas operations. The MOU is codified in 30 TAC Section 7.117. TCEQ has authority to regulate wastewater discharges directly into water in the state from oil and gas facilities. RRC has authority for beneficial reuse of wastewater from oil and gas facilities.

TCEQ has a no-cost contract with Harris County for the administration of the Harris County Onsite General Permit (TXG530000), which is required under the TWC Section 26.0405. TCEQ is responsible for development, issuance, and reissuance of the general permit for discharges to surface water from onsite sewage systems in Harris County. Harris County is responsible for administration of the general permit including issuing authorizations under the general permit.

WQD works closely with the Water Quality Planning Division and meets on a frequent basis to discuss issues applicable to both program areas. Standard Operating Procedures were developed to coordinate Receiving Water Assessments (RWAs), variances, and site-specific studies between the program areas.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The wastewater permitting program works with municipalities, municipal utility districts (MUDs), water control and improvement Districts (WCIDs), river authorities (RAs), counties, state agencies, federal agencies, and other government entities that commonly require permits to carry out their responsibilities or have a stake in issued permits and/or permitting requirements.

WQD hosts an Agriculture Stakeholder Group which is a voluntary group of participants, open to the public, who meet on an as-needed basis to discuss issues related to implementation of and compliance with agriculture rules and regulations. The work group currently has representation from consulting firms, agricultural industry, engineering firms, environmental organizations, and government entities, including the Natural Resource Conservation Service, TSSWCB, TPWD, and EPA.

WQD hosts quarterly Water Quality Advisory Work Group meetings to facilitate the exchange of information between TCEQ and stakeholders on current or emerging issues relevant to wastewater permitting.

EPA Region 6 granted TPDES program authority to TCEQ in 1998. EPA retains oversight regarding effluent limits in TPDES permits. Coordination and communication with EPA regarding permit limitations is a requirement for efficient and timely permit issuance. The agency has an MOA with EPA which outlines the associated processes and deadlines for reviewing draft permits and general program oversight.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The contracts support medical monitoring for certain program staff and publishing public notices in seven newspapers.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$42,047.

- the number of contracts accounting for those expenditures;

Eight contracts.

- the method used to procure contracts;

The contracts were procured through direct awards.

- top five contracts by dollar amount, including contractor and purpose;

Wastewater Permitting Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
Procard	Houston Chronicle	Publication of notice	\$19,007
Procard	Dallas Morning News	Publication of notice	\$13,441
Procard	Abilene Reporter News	Publication of notice	\$3,245
Procard	Cox Texas Publications Inc	Publication of notice	\$2,019
582-17-70412	University of Texas Health Services	The purpose of this contract is to procure annual medical monitoring for certain employees conducting field work as required by federal regulations 29 CFR 1910.120(f)	\$1,862

- the methods used to ensure accountability for funding and performance; and

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines' these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until discrepancies are resolved.

- a short description of any current contracting problems.

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The Wastewater program provides direct awards to specific universities to assist with permit application review and upgrade existing models in the Houston Ship Channel (HSC) system.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Reduced Assimilative Capacity. Water bodies found to be impaired for depressed dissolved oxygen concentrations may be addressed by a Total Maximum Daily Load (TMDL) project. To resolve the impairment, these TMDLs may recommend reductions of existing permitted loadings of oxygen-demanding substances and may also limit or even prohibit additional future loadings to the water body. As the number, size, and proximal density of individual wastewater treatment facilities increase within a watershed, the remaining assimilative capacity available for future growth may diminish, which could result in economic impacts to these areas.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Federal Delegation of Oil and Gas Discharge Authority. HB 2771 (86R) requires TCEQ to submit a request to EPA for NPDES regulatory authority for oil and gas discharges by September 1, 2021. The Act also transfers state regulatory authority for these discharges into water in the state from the Railroad Commission of Texas (RRC) to TCEQ upon EPA granting federal program authorization to TCEQ. TCEQ submitted the authorization application to EPA on October 12, 2020, almost one year ahead of the date required by HB 2771. EPA approved TCEQ's application for regulatory authority of oil and gas discharges on January 15, 2021. Now, permittees need only to apply for one permit from TCEQ for approval of these discharges.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to monitoring compliance with wastewater permits issued by this program.

The Pretreatment Program includes a compliance monitoring component. The MOA between TCEQ and EPA Region 6 requires TCEQ to audit all approved pretreatment programs annually. These audits ensure municipalities have the tools necessary to regulate industrial discharges into their collection and treatment systems, preventing pass through of pollutants and interference with the treatment plant. When audits are completed, staff develop an audit report providing a list of all findings. Notices of violations may be issued which could result in enforcement actions.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

The Pretreatment Program is a WQD compliance monitoring component and is reported in Exhibit 13. The Office of Compliance and Enforcement, Field Operations monitors compliance with wastewater permits issued by WQD. Refer to the Office of Compliance and Enforcement, Field Operations, Question P for complaint data related to wastewater permits issued by WQD.

**Exhibit 13: Information on Pretreatment Audits of Approved Pretreatment Programs
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of approved pretreatment programs	73	73
Total number of pretreatment programs audited	21	11
Total number of Notices of Violations issued	4	10
Total number of enforcement actions initiated	0	0

Water Quality Planning Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Water Quality Planning

Location/Division: Austin Headquarters & Sugar Land Laboratory / Water Quality Planning Division

Contact Name: Lori Hamilton, Deputy Director, Water Quality Planning Division

Statutory Citation for Program: Texas Water Code (TWC) Sections 5.013, 26.0135, 26.023-26.026, and 26.127; Federal Clean Water Act (CWA) Sections 106, 303, 305, and 314.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Water Quality Planning Division (WQPD) is responsible for developing and assessing instream water quality standards and providing quality-assured surface water data for agency programs promoting the protection, restoration, and use of surface water in Texas. These functions are implemented by the following programs:

Surface Water Quality Monitoring (SWQM) Program

The SWQM Program, established in 1967 by the Texas Water Quality Board, encompasses the full range of activities required to obtain, assess, and report water quality. The SWQM Program, with the assistance of the Clean Rivers Program (CRP), facilitates the collection of data for an integrated evaluation of physical, chemical, and biological characteristics of aquatic ecosystems in relation to human health concerns, ecological conditions, and designated uses as defined in the Texas Water Quality Standards. The result of these activities culminates in the development and submission of the Texas Integrated Report of Surface Water Quality (Integrated Report) to the Environmental Protection Agency (EPA) on April 1 of even-numbered years as required by the CWA. The purpose of this report is to provide information on the condition of surface water quality throughout Texas. The report includes the identification of specific water bodies in need of additional remedial activities with the goal of restoring water quality. The most recent report was submitted to and approved by EPA in 2020.

Clean Rivers Program (CRP)

The CRP provides water quality monitoring and assessment and public outreach. The CRP is a collaboration of 15 partner agencies (i.e., river authorities and other governmental entities) and TCEQ. It provides a framework and forum for managing water quality issues within a river basin, both locally and regionally, by coordinating the efforts of diverse organizations. The CRP partner agencies collect samples at over 1,300 sites per year, resulting in more than 240,000 water quality measurements. Data from the CRP partners account for 65–75% of the data available in TCEQ's SWQM Information Systems (SWQMIS) database, used by TCEQ for the assessment of surface waters as required by Section 305(b) of the CWA. In addition to coordination with the partner agencies, CRP staff provide quality assurance for the data submitted and provide assistance in the study of water quality issues.

Water Quality Standards Team

The Texas Surface Water Quality Standards Team develops water quality goals for the state as set forth in Title 30 Texas Administrative Code (30 TAC) Chapter 307. Water quality standards are the basis for establishing discharge limits in wastewater and stormwater discharge permits, setting instream water quality goals for Total Maximum Daily Loads (TMDLs), and providing water quality targets to assess water quality. The water quality standards are periodically revised to incorporate new information on potential pollutants and additional data about water quality conditions in specific water bodies, and to address new state and federal regulatory requirements. TCEQ is currently revising the Texas Surface Water Quality Standards.

Data Management and Analysis (DM&A) Team

The purpose of the DM&A Team is to ensure agency decisions related to ambient surface water quality are based on data of known quality. The DM&A Team coordinates and assists with the data management activities of all surface water programs and external data providers, including contracted entities, the river authorities of the state, and numerous field collectors in the 16 TCEQ Regional Offices. The DM&A Team also manages procedures for submitting, tracking, maintaining, and reporting data; verifies and validates the data from individual programs against data quality objectives; provides guidance and training; responds to requests for data from both the public and other agency staff; and supports and maintains the statewide database of ambient surface water quality data, which receives an average of 350,000 results records per year.

Sugar Land Laboratory

The Sugar Land Laboratory is the agency's principal water analysis laboratory and is accredited under the National Environmental Laboratory Accreditation Program (NELAP). The laboratory provides quality-assured analytical data to support regulatory, enforcement, and monitoring activities as well as special projects.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is evidenced by establishing surface water quality standards and completion of the Integrated Report, implementation of the CRP Program, monitoring of surface water quality, maintaining SWQMIS, analysis of environmental samples, and the number of surface water assessments conducted. Program efficiency is determined by meeting internal deadlines to support TCEQ decision making. Water Quality Planning has established water quality standards for surface waters in the state, monitored and assessed surface water quality, analyzed and maintained surface water quality data, and coordinated implementation of the CRP Program, which contributed to the overall improvement of water quality in Texas.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of Texas classified surface waters meeting or exceeding water quality standards;

- Number of surface water assessments (The Water Planning Program is one of several programs contributing to this performance measure); and
- Percent of Texas rivers, streams, reservoirs, wetlands, and bays protected by site-specific water quality standards.

The Sugar Land Laboratory analyzes approximately 4,000 environmental samples annually, which translates to roughly 100,000 individual measurements reported in 2019. These are accompanied by almost as many measurements of quality control standards for a total of 160,000 in 2019 (Note: 2020 numbers were not reported due to the lab's temporary closure during the COVID-19 pandemic). The laboratory has national accreditation for 133 analytes in air, water, and waste.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Historically, the SWQM Program collected chemical, physical, and biological data necessary to evaluate water quality conditions throughout Texas and provided additional support to the development of water quality standards. In 2003, TCEQ enhanced these efforts through the development of an extensive network of continuous water quality monitoring stations. Since then, the number of stations has been significantly reduced as many stations have been retired because data needs were met. Currently, 30 continuous water quality monitoring stations are operated by TCEQ staff, cooperators, and contractors. Data from the network currently supports water rights/water resource management, endangered species habitat conservation, field investigations, and watershed protection plans.

In 1991, the legislature (72R) passed the Texas Clean Rivers Act (TWC Section 26.0135) in response to growing concerns that water resource issues were not being addressed in a holistic manner. The legislation requires monitoring assessments for each river basin in Texas be conducted using an approach integrating management of water quality within a river basin or watershed.

The CWA requires all states to adopt water quality standards for surface water. Texas has had Texas Surface Water Quality Standards since at least 1967. Published revisions of the Texas Surface Water Quality Standards have occurred in 1967, 1973, 1976, 1981, 1984, 1988, 1991, 1993, 1995, 1997, 2000, 2010, 2014, and 2018. Diverse sources have shaped standards development, including cities, industries, environmental interests, and EPA, which has approval authority over state water quality standards. Initially, site-specific standards were set for individual water bodies in the state relatively quickly, and in some cases there was limited data to establish uses and criteria. Many of the subsequent changes in the Texas Surface Water Quality Standards have involved revisions to the initial standards based on additional data and evaluations.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

TCEQ and partnering entities collect environmental data to evaluate the effectiveness of specific programs—including, but not limited to CWA Sections 319 (NPS control), 314 (Clean Lakes), 303(d) (TMDLs), and 402 (Texas Pollutant Discharge Elimination System [TPDES] permits, water quality standards modifications, and wastewater discharge loading allocations)—to determine the success of management measures. Many water users (e.g., recreational, municipal wastewater, public drinking water) are affected by the Integrated Report the program submits to EPA on April 1 of even-numbered years. The CWA Section

303(d) list affects regulated wastewater permit holders, and more specifically, can affect permit limits. Health- and environmental-based values are used to evaluate water quality and the results regarding public water supplies and fish consumption are of interest to many citizens of the state.

For the CRP, stakeholders include any individual or entity with a vested interest in a basin's waters, such as the public, non-governmental organizations, industry, government, and others.

Regionally, stakeholders have the opportunity to participate in the CRP as Steering Committee members. Each of the 15 CRP partner agencies involved in managing the CRP in their basins maintains a Steering Committee. These Steering Committee meetings provide a framework and forum for managing water quality issues within a river basin, both locally and regionally, by coordinating the efforts of diverse organizations.

The Texas Surface Water Quality Standards Team establishes explicit water quality goals throughout the state. Water quality standards are the basis for establishing discharge limits in wastewater and stormwater discharge permits, setting instream water quality goals for TMDLs, and providing water quality targets to assess water quality.

The Texas Surface Water Quality Standards affect all citizens of the state. They can also directly affect permitted wastewater discharges in Texas including cities, counties, state agencies, water districts, utility districts, investor-owned utilities, river authorities, mobile home parks, recreational vehicle parks, hotels, motels, industries, campgrounds, or any other business with an industrial and domestic wastewater treatment facility.

The Water Quality Standards Team has a well-recognized statewide advisory group process, and stakeholders and the public have the opportunity to participate in the revision process. Surface Water Quality Standards Advisory Work Group meetings are held during the revision process. This work group is a balanced group of representatives from regulated entities and from environmental, consumer, and professional organizations and the public.

The DM&A Team coordinates data management and data reporting activities between the SWQM Program (including the Continuous Water Quality Monitoring Network), the CRP, the Non-Point Source Program, Water Quality Standards Team, the Total Maximum Daily Load Program, TCEQ Sugar Land Laboratory, the Lower Colorado River Authority Environmental Laboratory, and other data providers. The DM&A Team manages data collected and/or submitted by 176 entities over a period of 53 years. The data housed in the statewide database is often needed and requested by other TCEQ programs and external customers, including academia, media, advocacy groups, citizens, consultants, other state agencies, and local governmental entities. These data requests are turned around quickly, usually in less than a day.

The Sugar Land Laboratory is primarily a support service within TCEQ. As such, the laboratory interacts directly with field personnel and program managers. The laboratory additionally provides measurement data for various water quality monitoring projects for external customers such as EPA and the United States Geological Service (USGS). The laboratory regularly receives samples used for evidentiary purposes in enforcement cases, requests for expedited service, and custom report development. The Sugar Land Laboratory is accredited under the NELAC standard; TCEQ is required by law (30 TAC Chapter 25) to use a NELAC accredited laboratory for environmental laboratory data used in rule making and enforcement decisions.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The following programs all operate under the general auspices of a Quality Management Plan describing organizational structures, documents and records, hardware and software, corrective action, and water quality improvement.

Primary statutory authority for the SWQM program is provided under TWC Section 26.127. The SWQM Program is significantly driven by guidance in Sections 104(b), 106, 205(j), 303(d), 305(b), 314, 319, and 604(b) of the federal CWA of 1987. The program follows guidelines and monitoring priorities set forth by EPA. The Texas SWQM and Assessment Strategy outlines how Texas addresses these priorities. SWQM activities require coordination and additional support from TCEQ's Regional Offices throughout the state.

Primary statutory authority for the CRP is provided under TWC Section 26.0135. The rules for implementing the CRP can be found in 30 TAC Chapter 220. TCEQ CRP staff developed a guidance document outlining the tasks necessary to meet the intent and requirements of the legislation. Each regional partner agency implements the CRP guidance based on the unique circumstances present in the partner's basin. There is a minimum expectation set forth in the CRP guidance, but based on a number of factors, there is a certain amount of individuality in the focus and implementation of the program in each basin. Other tasks have been incorporated into the guidance to help provide information for other TCEQ water programs, as well. The CRP guidance is updated every two years by staff administering the program.

The Federal Water Pollution Control Act, Section 303 (commonly referred to as the CWA, 1972, 33 United States Code, 1313(c)), requires all states to adopt water quality standards for surface water. TWC Section 26.023 provides TCEQ with the authority to make rules setting Texas Surface Water Quality Standards for all waters in the state. The federal CWA requires states to review and, if appropriate, revise the Texas Surface Water Quality Standards at least every three years. The TWC stipulates the state may amend the standards from time to time. Amendments to the Texas Surface Water Quality Standards rule are proposed under TWC Section 5.103, which authorizes TCEQ to adopt any rules necessary to carry out its powers and duties under the TWC and other laws of this state.

Three documents created and maintained by different TCEQ programs explain how the Texas Surface Water Quality Standards are implemented in those program areas. The Procedures to Implement the Texas Surface Water Quality Standards provide guidance on how Texas Surface Water Quality Standards are implemented in the Texas Pollutant Discharge Elimination System Program. The document is maintained by TCEQ's Water Quality Division. This document is revised in conjunction with the Texas Surface Water Quality Standards revisions. The Guidance for Assessing and Reporting Surface Water Quality in Texas explains how the SWQM Program assesses water bodies to determine if they meet water quality standards. This guidance document is maintained and revised by the SWQM Program. The Guidance for Conducting Ecological Risk Assessments at Remediation Sites in Texas is maintained by the Texas Risk Reduction Program in the Remediation Division of the Office of Waste. In addition, 30 TAC Chapter 279 contains State 401 Water Quality Certification rules.

The DM&A Team establishes guidance and manages procedures for submitting, tracking, maintaining, and reporting water quality data. These procedures are documented in the Data Management Reference Guide. This document is revised annually, or as necessary. The program staff is responsible for ensuring agency staff understand and follow the guidance by providing training and data validation. This team also ensures continued support and maintenance of the SWQMIS.

All processes and procedures used by the laboratory are governed by Quality Assurance Project Plans (QAPPs) as well as the laboratory's NELAC-based quality system. Environmental samples submitted to the laboratory are logged into a computerized Laboratory Information Management System (LIMS) for internal tracking, record keeping, and customer data management and administration. Each sample is subjected to a battery of tests depending upon the requested analyses, and the resulting measurement data are validated and subsequently compiled into a final report of analysis for release to the customer. Most customers receive an Electronic Data Deliverable. The laboratory's performance measures include a turnaround time goal of 28 days from sample receipt to data release.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Water Quality Planning Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$94,448
0151	Clean Air Account – Dedicated	N/A	N/A	\$228,820
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$6,830,192
0555	Federal Funds	66.419	Water Pollution Control – State & Interstate Program Support	\$1,643,489
0555	Federal Funds	66.605	Performance Partnership Grants	\$440,953
TOTAL				\$9,237,902

The program is funded in the Air Quality Assessment and Planning Strategy and the Water Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The SWQM Program, in cooperation with the CRP, oversees monitoring at over 1,800 sites with 57 monitoring entities to support TCEQ water quality management decisions. The SWQM Program also develops and maintains SWQM procedures for field collection, sample handling, and analysis used by entities reporting surface water quality data to TCEQ. The SWQM Program administers these procedures throughout the state by providing training and quality assurance oversight to agency staff and program cooperators. The cooperative effort between TCEQ's SWQM Program and the CRP prevents duplication of monitoring efforts and leverages resources to maximize dollars spent on water quality data.

The Texas Department of State Health Services (DSHS) has statutory authority to monitor chemical contaminant levels in fish, shellfish, and other aquatic organisms from Texas waters to determine the public health risks associated with consumption of these food sources. TCEQ coordinates with DSHS through information exchange, identifying candidate water bodies, and procuring funding for human health risk characterizations. The periodic assessment of these risks provides a means for managing water quality by identifying water quality problems in need of remedial measures. TCEQ incorporates DSHS human health risk determinations in the assessment of the fish consumption use of the Integrated Report and identifies water body impairments if DSHS issues consumption advisories for the public or aquatic life closures prohibiting the taking of aquatic life from the affected water body.

TCEQ coordinates with TPWD, DSHS, and other groups as part of the Toxic Substance Coordinating Committee Harmful Algal Bloom (HAB) Workgroup. Together they are developing the Guide for Public Health Response to Cyanobacterial Harmful Blooms in Recreational Fresh Water of Texas which provides unified statewide guidance for responding organizations, including local governments, local health departments, waterbody managers, and others; for use if a lake, river, stream, pond, or other type of freshwater body becomes impacted by cyanobacterial HABs.

USGS conducts continuous discharge and water quality monitoring for other entities on a cost reimbursement basis. In FY 2020, USGS operated and maintained 17 stations for TCEQ under cooperative agreements at locations where staff resources are not available.

The SWQM Program also works closely with the TPWD to develop biological monitoring protocols to evaluate the health of instream biological communities.

Regarding the Sugar Land Laboratory, routine chemical tests could be performed at the DSHS and at the Lower Colorado River Authority (LCRA), or by commercial laboratories. Although commercial laboratory contracts provide access to specialized capabilities, the analytical services by TCEQ's Sugar Land Laboratory provides several key advantages:

- Eliminates the potential conflict of interest through direct control over laboratory operations;
- Provides control over the selection of third-party suppliers;
- Ensures a level of client confidentiality;
- Maintains expertise in the testing of environmental samples; and
- Makes customized services more readily available. Provides priority service without additional cost.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Every year, the entities providing surface water quality data to TCEQ (e.g., CRP partners, TCEQ regional offices, etc.) meet in the individual river basins to discuss their proposed monitoring plans for the upcoming year. These meetings are a substantial effort due to both the large number of SWQM stations where data are collected, as well as the number of entities involved. As a result, a Coordinated Monitoring Schedule is developed, maintained by a CRP partner (Lower Colorado River Authority) and made available on their website, and is used by these entities. Sample collection is performed by the entities according to planned schedules. The SWQM Program participates in coordinated monitoring meetings, which are designed to minimize duplication of effort, support data sharing, outline quality assurance expectations, provide a regional water quality forum, and assist in setting priorities related to water bodies on the CWA Section 303(d) List.

To help TCEQ coordinate the statewide monitoring efforts described above, every year the CRP partners host and facilitate all the regional coordinated monitoring meetings for TCEQ. The entities providing surface water quality data to TCEQ (e.g., CRP partners, TCEQ regional offices, TPWD, USGS) meet to discuss their proposed monitoring plans. By providing a documented, consistent framework for collection and analysis, more comparable data of known quality are available to the state for better decision making.

The Texas Surface Water Quality Standards Program and other agency programs—such as SWQM, CRP, TMDL, and Non-Point Source—meet regularly to plan and coordinate water quality studies to avoid duplication of efforts and to maximize the benefit to all agency programs. The water quality planning programs regularly notify and seek input from external stakeholders regarding their studies, not only to avoid duplication of effort, but to inform them of TCEQ’s activities and to get local information relevant to individual activities.

The Sugar Land Laboratory is a special support unit within the WQPD which generates measurement data on environmental samples submitted to the lab by program personnel. Laboratory capacity is designed to accommodate most routine analyses; TCEQ contracts some lab work with commercial or state laboratories, as appropriate, because of holding times or specialized service. For example, TCEQ’s fish tissue analyses are performed by DSHS.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

To implement the statewide monitoring and assessment program, the SWQM Program staff must coordinate with TCEQ regional offices; CRP partners; and local, state, and federal monitoring agencies. Much of the funding to support these activities comes from EPA grants supporting CWA monitoring and assessment activities. TCEQ submits the Integrated Report and CWA Section 303(d) List to EPA for approval.

To implement the CRP, TCEQ contracts with 12 river authorities, a water district, one council of governments, and one federal agency. The CRP partners coordinate with the local, regional, and federal units of governments as stakeholders in the partner’s area of interest.

EPA Region 6 is responsible for the review and approval of the Texas Surface Water Quality Standards. The U.S. Fish and Wildlife Service reviews the Texas Surface Water Quality Standards and provides an opinion to EPA with regard to federally endangered or threatened aquatic or aquatic-dependent species. The Water Quality Standards Team interacts with local, regional, and federal units of government through the Surface Water Quality Standards Advisory Work Group and the Texas Surface Water Quality Standards revision.

The DM&A Team works with the data providers to receive and load data to the statewide database. These data providers include various city governments, river authorities, TPWD, Texas State Soil and Water Conservation Board (TSSWCB), and the USGS.

The DM&A Team also works closely with EPA to provide data to EPA’s data warehouse using web services technology and shared data standards.

The Sugar Land Laboratory conducts some sample analyses for EPA. The Sugar Land Laboratory maintains a Revocable License Agreement with EPA Region 6 under which sample analyses are provided in exchange for new and replacement laboratory equipment.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The purpose for these contracts is to operate continuous water quality monitoring network stations, maintain water quality assessment tools consistent with current system needs, and monitor and study water quality.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$1,293,057.

- the number of contracts accounting for those expenditures;

13 contracts.

- the method used to procure contracts;

The contracts were procured through direct awards.

- top five contracts by dollar amount, including contractor and purpose;

Water Quality Planning Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10181	US Geological Survey	Operate, maintain & validate Continuous Water Quality Monitoring (CWQM) Network stations	\$634,267
582-17-71217-04	NF Consulting Services	Provides support and maintenance of SWQMIS, Watershed Action Planning Tool, and the Statistical Analysis Software Tool consistent with current system needs	\$347,400
582-20-10184	US Geological Survey	Conduct water quality study to compare field and laboratory methods used to identify and detect cyanobacteria and cyanotoxins	\$192,434
582-17-70419	Lower Colorado River Authority*	TCEQ needs analysis of samples in accordance with established testing standards for Clean Water Act and requires data of the highest quality to evaluate these activities	\$47,768
582-20-10180	US Geological Survey	Operate, maintain & validate Continuous Water Quality Monitoring (CWQM) Network stations	\$25,681

* OCE contract

- the methods used to ensure accountability for funding and performance; and

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If

discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The Water Quality program provides funds to universities and river authorities to complete water quality monitoring and assessment projects. These grants are provided by direct award.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Total Daily Maximum Load Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Total Maximum Daily Load

Location/Division: Austin Headquarters / Water Quality Planning Division

Contact Name: Lori Hamilton, Deputy Director, Water Quality Planning Division

Statutory Citation for Program: Title 40 Code of Federal Regulations (CFR) Part 130 (40 CFR 130); Federal Clean Water Act (CWA) Section 303(d).

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Total Maximum Daily Load (TMDL) Program is authorized under Section 303(d) of the federal CWA of 1972, its amendments (U.S. Code 1987), and the implementing regulations.

The TMDL Program works to improve water quality in impaired streams, lakes, and bays by 1) developing TMDLs to determine necessary pollutant reductions; 2) developing implementation plans (I-Plans) or watershed action plans, in cooperation with the implementing organizations, to meet pollutant reduction goals; and 3) preparing use-attainability analyses (UAAs) to determine how water bodies are used. A TMDL estimates the amount of a pollutant a water body can assimilate daily and continue to meet water quality standards. The load is divided among the sources of pollution in the watershed. An I-Plan describes how the pollutant reductions described in the TMDL will be achieved. It identifies the actions that will be taken to restore water quality conditions and establishes how these actions will be tracked, evaluated, and reported. A UAA is a structured scientific assessment of the factors affecting the attainment of the use, which may include physical, chemical, biological, and economic factors.

The TMDL Program is also responsible for coordinating with TCEQ's TPDES permitting program regarding the implementation of TMDLs to ensure permits comply with the requirements in the TMDL; revision of load allocations of existing TMDLs to adapt to changes in land use and population; and providing updates to the Water Quality Management Plan (WQMP).

Federal regulations require the state to develop a TMDL for impairments in a particular water body. The TMDLs are created for specific parameters and specific uses where a water body, or portion of a water body called an assessment unit, is impaired. A water body is impaired if the standard established for an indicator parameter is not met for a specific use. Five broad categories of use are defined in Title 30 Texas Administrative Code (30 TAC) Chapter 307, the Texas Surface Water Quality Standards: aquatic life, contact recreation, public water supply, fish consumption, and general. Waters which do not attain one or more standards and have a TMDL underway or scheduled are identified in category 5a of the Texas 303(d) list. The Surface Water Quality Monitoring Program (SWQM) monitors and evaluates the physical, chemical, and biological characteristics of aquatic systems and produces the Texas 303(d) list biennially.

From 1998 through 2008, the U.S. Environmental Protection Agency's (EPA's) implementing guidance required one TMDL for each impairment in each water body. Since the beginning of FY 2009, EPA has modified its implementing guidance to require one TMDL for each impairment in each assessment unit. For example, if a stream did not meet the contact recreation use standard because of high concentrations

of indicator bacteria and the aquatic life use standard due to low concentrations of dissolved oxygen, two TMDLs would be required—one for bacteria and another for dissolved oxygen.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is evidenced by the number of surface water assessments, specifically the adoption of TMDLs and approval of TMDL I-Plans and WQMP updates. Program efficiency is determined by meeting internal deadlines to support TCEQ decision making. TMDL projects have contributed to the overall improvement of water quality in Texas by estimating the amount (or load) of a pollutant a body of water can receive and still support its assigned uses and outlining the steps necessary to reduce pollutant loads through regulatory and voluntary activities.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
TMDLs Adopted	N/A	Commission adopted 28 TMDLs for 28 assessment units and 1 TMDL I-Plan in 1 assessment unit	N/A
TMDL Restorations	N/A	Ongoing restoration was underway for 28,164 lake acres, 2,662 stream miles, and 231 estuary square miles	N/A

The following performance measure is reported in Section II, Exhibit 2. The TMDL Program is one of several programs contributing to this performance measure.

- Number of surface water assessments.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Prior to 2002, the TMDL Program was responsible for addressing all impairments on the Section 303(d) list—impairments requiring TMDLs, as well as impairments requiring review of their standards, and for which more data were needed before determining a course of action.

By 2005 the TMDL Program was assigned solely to develop TMDLs and I-Plans. The Surface Water Monitoring Program and the Surface Water Quality Standards Program addressed water bodies for which more data was needed or for which the standards needed review.

In 2008, the TMDL Program became responsible for assisting the Water Quality Standards Group with determining the appropriateness of current standards by conducting UAAs, as well as for developing TMDLs and I-Plans.

In 2013, EPA announced a new collaborative framework for implementing the CWA Section 303(d) program with states—A Long-Term Vision for Assessment, Restoration and Protection under the CWA

Section 303(d) Program, also referred to as the 303(d) Vision. The TMDL Program implements the 303(d) Vision, which is a long-term effort to develop water quality improvement plans (e.g., TMDLs/I-Plans, etc.) to address priority water bodies.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

There are no eligibility requirements for participation in TMDL projects and project development meetings are open to anyone. The TMDL Program is inclusive of the public and of cooperating local, regional, state, and federal organizations, both governmental and nongovernmental.

The TMDL Program is developing or implementing TMDLs in 84 of the 254 Texas counties. The individuals and organizations using a water resource, or contributing or controlling pollution to it, are stakeholders in the TMDL Program. Although not an exhaustive list of possible stakeholders, the following categories give some examples of the kinds of persons and entities who may become involved in protecting and restoring water resources:

- Wastewater dischargers – municipal and industrial;
- Public – individuals; civic groups such as those representing environmental, consumer, recreational, and community interests; schools, universities, and private landowners;
- Agriculture and aquaculture – corporate and individual farmers, ranchers, and producers; subsistence and commercial harvesters of fish and shellfish; agricultural groups and organizations;
- Business – commercial and industrial firms; utilities; business groups and trade associations; and
- Government – city, county, regional, state, federal, and international governmental agencies, tribes, utility districts, and river authorities.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The federal mandate for state TMDL programs is contained in the CWA of 1972 and its amendments (U.S. Code 1987). Section 303(d)(1)(C) of the CWA and EPA's implementing regulations issued in 1992, and contained in 40 CFR 130, currently govern the states' TMDL programs. Under 40 CFR 130, states must identify waters where effluent limitations alone are not sufficient to meet water quality standards. Every two years, the identified water bodies are compiled in a record called the "303(d) list," after its implementing legislation. Public participation in the development of TMDLs is mandated in federal regulations (40 CFR 130.7(a)), which also require the state's process for involving the public in TMDLs be described in the state's "continuing planning process." TWC Section 5.107, relating to Advisory Committees, Work Groups and Task Forces, authorizes the commission to create and consult with advisory committees, work groups, or task forces. All adopted TMDLs are included in the state's WQMP (40 CFR 130). When revising the TMDLs through the WQMP, TCEQ follows the public participation requirements of 40 CFR 25, as well as applicable state law found in TWC Chapter 26.

The total pollutant load to a water body is derived from determining the amount of loading from point, nonpoint, and natural sources. The TMDL distributes portions of the water body's assimilative capacity to various pollution sources—including natural background sources, allowances for future growth, and a margin of safety—to ensure water quality standards are met. The following activities occur during the

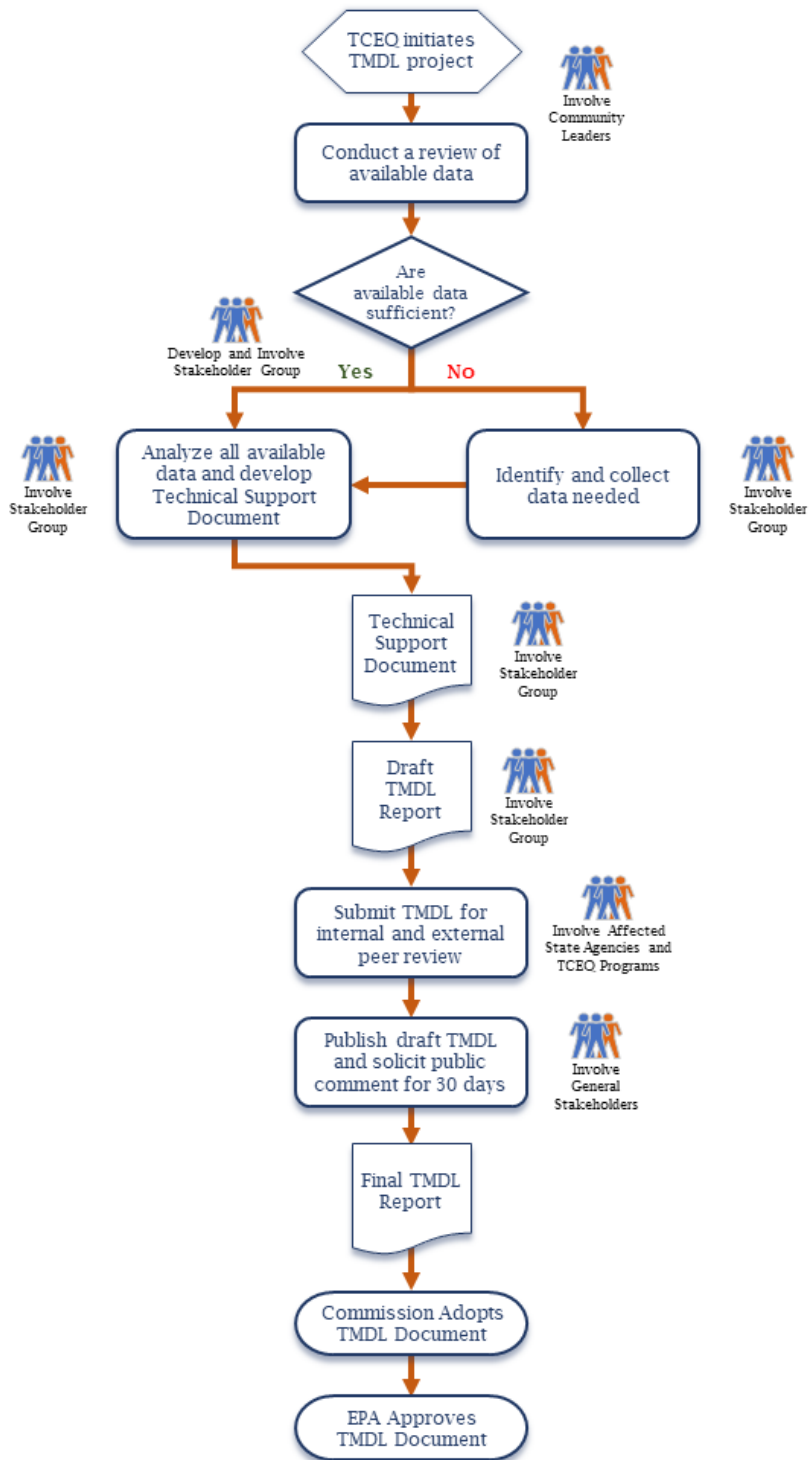
development of a TMDL, shown in the flowchart *Developing a Total Maximum Daily Load: Technical Approach and Process*.

- Collect and review all the data currently available about the causes and sources of the pollutant of concern. This step is usually referred to as a “historical data review.”
- Analyze the available data to determine whether there is sufficient information to begin developing the TMDL or if more data are necessary.
- Identify additional data needed and develop a plan to gather them.
- Gather additional data as needed through monitoring, surveying possible sources, and other means.
- Analyze the complete data set to determine how to allocate the pollutant load among its sources and the amount by which loading must be reduced to attain standards.
- Draft the TMDL for public comment.

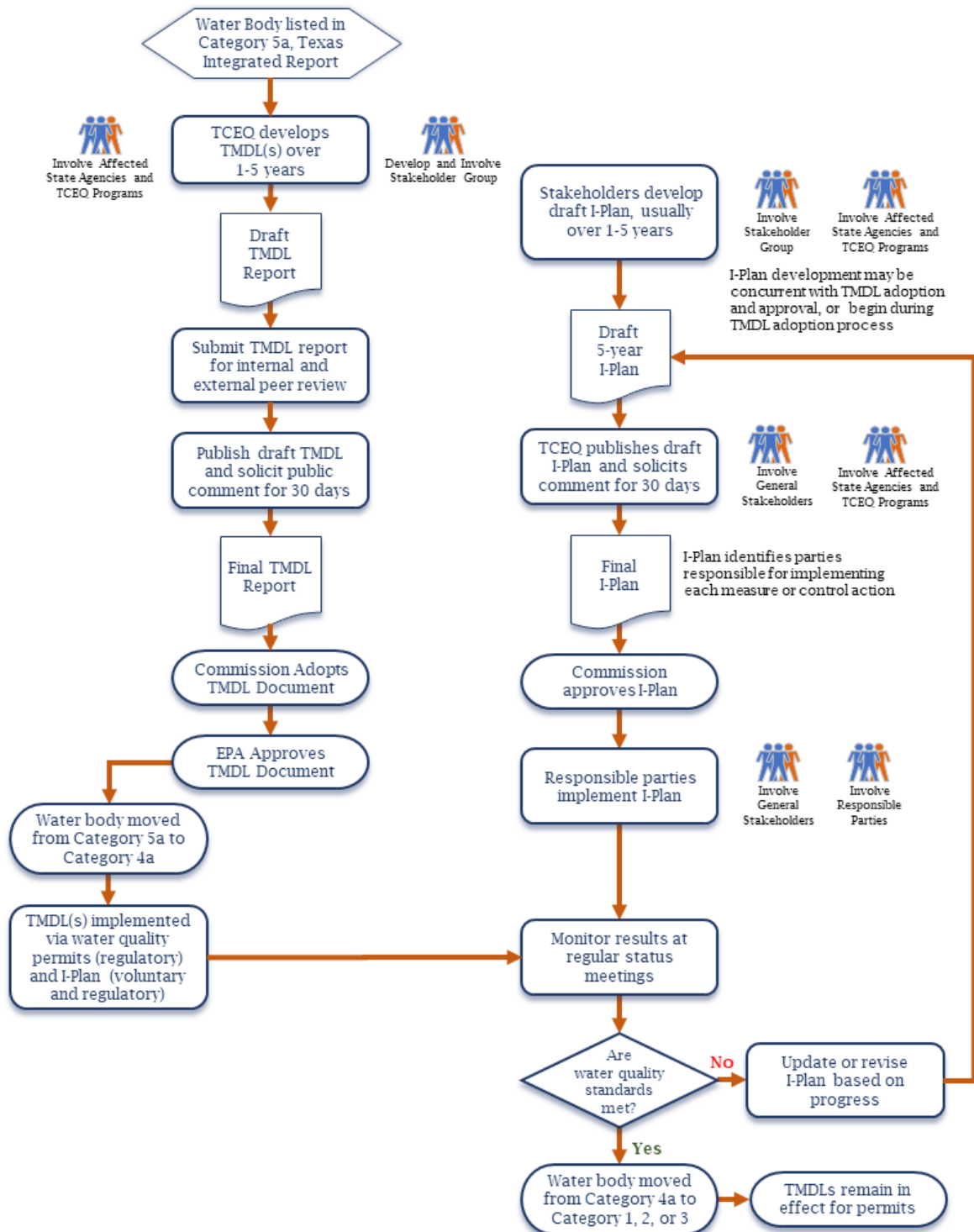
The following flowcharts illustrate the process to develop a TMDL and to receive TMDL and I-Plan approval. The process includes the following steps:

- Public notice;
- Response to public comment;
- Consideration by the commission, and as appropriate by the Texas State Soil and Water Conservation Board (TSSWCB); and
- Submission to EPA for approval.

Developing a Total Maximum Daily Load: Technical Approach and Process Flowchart



TMDLs and I-Plans Approval Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Total Maximum Daily Load Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$1,099,671
0555	Federal Funds	66.419	Water Pollution Control - State & Interstate Program Support	\$995,209
TOTAL				\$2,094,880

The program is funded in the Water Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

In Texas, two agencies, TCEQ and TSSWCB, have primary responsibility for developing TMDLs. TCEQ is the state's lead agency for addressing pollution from all sources, except nonpoint sources from agriculture and silviculture. TSSWCB is the lead agency for preventing and abating agricultural and silvicultural nonpoint source pollution.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ and TSSWCB have a Memorandum of Understanding (MOU), which sets forth the coordination of jurisdictional authority, program responsibility, and procedural mechanisms for point and NPS pollution control programs (31 TAC Section 523.5(b)).

TCEQ and TSSWCB work closely on many TMDL projects. Accordingly, a Memorandum of Agreement (MOA) has been executed describing how the two agencies will cooperate in their mandated tasks to manage water quality. The MOA sets forth the cooperating responsibility and authority regarding development of TMDLs. TCEQ and TSSWCB also hold quarterly meetings to coordinate and collaborate to avoid duplication or conflict among other things.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

EPA gives guidance for the TMDL Program and issues grants for assessing water quality and implementing protection and restoration plans.

River authorities, councils of governments, soil and water conservation districts, county and city governments, and the regional offices of state agencies all play key roles in organizing and advertising regional forums for public participation in TMDL projects. The program works closely with these organizations to develop strategies for conducting TMDL projects and to enlist their help in engaging the

public in the affected watershed. In addition, these organizations often have environmental divisions responsible for regional management of environmental quality.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purpose of the TMDL Program contracts were for publishing notices.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$704.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The contracts were procured through direct awards.

- **top five contracts by dollar amount, including contractor and purpose;**

Total Maximum Daily Load Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
Procard	Houston Chronicle	Notice of request for public comment and notice of a public meeting on 23 Draft TMDLs	\$534
Procard	The Palacios Beacon	Notice of request for public comment and notice of a public meeting on one Draft TMDL and one Draft Implementation Plan	\$170

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The TMDL program provides funds through direct award to universities and governmental entities to develop TMDLs, I-Plans, or watershed action plans, perform water quality monitoring related to TMDLs,

and prepare. Awards include Houston Galveston Area Council, North Central Texas Council of Governments, Texas A&M AgriLife Extension Service, and Tarleton State University.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Texas surface waters are monitored routinely by the Surface Water Quality Monitoring Team in cooperation with partners across the state. As required by the CWA, the data are analyzed every two years to assess the water bodies for compliance with the Texas Surface Water Quality Standards (30 TAC Chapter 307). Water bodies not meeting the quality standards are placed on the list of impaired water bodies known as the Texas 303(d) list. The water bodies on the list are addressed in three ways. A use attainability analysis may be conducted to determine if the appropriate use is designated for a given water body, additional data may be gathered to confirm the impaired status of the water body, or a TMDL project may be conducted. The TMDL project will develop a watershed plan to improve water quality and establish general limits for sources of pollutants causing the impairment. Through these three methods, sometimes in combination, a water body may be removed from the Texas 303(d) list.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Nonpoint Source Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Nonpoint Source (NPS) Program

Location/Division: Austin Headquarters / Water Quality Planning Division

Contact Name: Lori Hamilton, Deputy Director, Water Quality Planning Division

Statutory Citation for Program: Federal Clean Water Act (CWA) Section 319(h); (33 United States Code (U.S.C.) Section 1329.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of TCEQ's Nonpoint Source (NPS) program is to facilitate the implementation of programs and practices for managing nonpoint sources of pollution necessary to meet water quality goals. Nonpoint source pollution occurs when rainfall or snowmelt flows over land, roads, buildings, and other features of the landscape, and carries pollutants into drainage ditches, lakes, rivers, wetlands, coastal waters, and even underground sources of water. The NPS program supports the development and implementation of watershed-based plans to protect and restore waters threatened or impaired by nonpoint source pollution. The NPS program is a non-regulatory program charged with implementing Section 319 of the federal CWA.

The United States Environmental Protection Agency (EPA) distributes funds appropriated by Congress annually to TCEQ under Section 319(h) of the CWA. TCEQ administers federal funds for projects which assist the state in implementing the Texas NPS Management Program (Management Program). The Management Program is required by Section 319(b) of the federal CWA, prepared jointly with the Texas State Soil and Water Conservation Board (TSSWCB), and is the state's official plan for addressing NPS pollution and presenting the goals, priorities, programs, and milestones for the program. TSSWCB administers the Management Program for agricultural and silvicultural nonpoint source pollution and TCEQ administers it for all other nonpoint sources (e.g., urban and non-agricultural).

The NPS Program also manages contracts with regional planning agencies, such as Council of Governments, to implement water quality planning activities related to Section 604(b) of the federal CWA. Regional planning agencies receive 604(b) funding through contracts with TCEQ to update the State Water Quality Management Plan (WQMP) and conduct water quality planning activities. These funds are derived from state revolving fund appropriations under Title VI of the CWA.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is evidenced by the development of watershed protection plans, NPS success stories, and the number of surface water assessments, including the 319 annual report, Management Program, and 604(b)-related Water Quality Management Plan updates. Program efficiency is determined

by meeting internal deadlines to support TCEQ decision making. NPS projects have contributed to the overall improvement of water quality in Texas, including nonpoint source pollutant load reductions of phosphorus, nitrogen, and sediment.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
NPS Pollutant Load Reductions (Phosphorus)	N/A	6,630.45 lb/yr	N/A
NPS Pollutant Load Reductions (Nitrogen)	N/A	20,579.8 lb/yr	N/A
NPS Pollutant Load Reductions (Sediment)	N/A	34.77 tons/yr	N/A
Water Quality Improvements	1	1	100%
Watershed Protection Plans Developed	N/A	N/A	N/A

The following performance measure is reported in Section II, Exhibit 2. The NPS Program is one of several programs contributing to this performance measure.

- Number of surface water assessments.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In 1990, Congress passed the Federal Coastal Zone Act Reauthorization Amendments (CZARA) to address the NPS pollution problem in coastal waters. Section 6217 of CZARA requires states to develop coastal nonpoint pollution-control programs. Texas was granted conditional approval of its program in July 2003. TCEQ and partner agencies (Texas General Land Office is the lead agency) are continuing to work toward full approval. The state received a set of interim decision documents from the National Oceanic and Atmospheric Agency (NOAA) and EPA in late 2020 and is awaiting NOAA and EPA final approval.

EPA historically provides funds supporting the Texas 319 program. In FY 2020, the federal 319 program received a federal appropriation of \$172.3 million. Texas receives a portion of these funds and the funds are allocated between TCEQ and TSSWCB.

On April 12, 2013, EPA issued revised guidelines to states, territories, and the District of Columbia for the award of Section 319 grants under the CWA for the implementation of NPS management programs. The guidelines are requirements applying to recipients of grants made with funds appropriated by Congress under Section 319 of the CWA. States and EPA regions began to implement the guidelines in FY 2014 and in subsequent years. The new guidelines replace the Nonpoint Source Program and Grants Guidelines for States and Territories in effect since the FY 2004 grant cycle. The revised guidelines provide updated program direction, an increased emphasis on watershed project implementation in watersheds with impaired waters, and increased accountability measures. The guidelines also emphasize the importance of states updating their NPS management programs to ensure Section 319 funds are targeted to the highest priority activities.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Through working partnerships with state, interstate, regional, and local authorities; private-sector and citizen groups; and federal agencies, the NPS program affects many entities. Program funding supports watershed planning and implementation, grants management, education and outreach, and monitoring. Section 319 grants are available to state agencies or political subdivisions of the State of Texas, including cities, counties, school districts, state universities, and special districts.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Implementation of the Management Program involves partnerships among other organizations, specifically the TSSWCB, which jointly administers the program. EPA awards CWA Section 319 grant funding through a six-step process: 1) EPA issues a brief annual guidance; 2) states submit draft grant applications, including a draft work plan; 3) EPA reviews state draft applications and comments in writing; 4) states submit final work plans and grant applications to EPA; 5) EPA awards grants to states; and 6) states obligate funds as expeditiously as possible. Additional funding awarded under Section 604(b) of the CWA is passed primarily to councils of governments for water quality planning projects. The current Management Program was approved by EPA on March 23, 2018. It is currently under revision and will be updated in 2022. Texas reports annually to its stakeholders, Congress, and EPA on progress. The report is created jointly by TSSWCB and TCEQ to highlight projects and accomplishments.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Nonpoint Source Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$169,253
0555	Federal Funds	66.454	Water Quality Management Planning	\$406,723
0555	Federal Funds	66.460	Nonpoint Source Implementation	\$2,728,489
0555	Federal Funds	66.605	Performance Partnership Grants	\$180,282
TOTAL				\$3,484,747

The program is funded in the Water Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Texas NPS Management Program is jointly administered by TCEQ and TSSWCB. TCEQ is designated by law as the lead state agency for water quality protection in Texas. TSSWCB plays an important role as the lead agency in the state for the management of agricultural and silvicultural NPS runoff. TSSWCB

administers the NPS program for agricultural and silvicultural NPS management; TCEQ for all other nonpoint sources.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ and TSSWCB have a Memorandum of Understanding (MOU), which sets forth the coordination of jurisdictional authority, program responsibility, and procedural mechanisms for point and NPS pollution control programs (Title 31 Texas Administrative Code (31 TAC) Section 523.5(b) and Title 30 TAC Section 7.102).

A Memorandum of Agreement (MOA) between TCEQ and TSSWCB sets forth the coordination of program responsibilities relating to the development and implementation of TMDLs, TMDL Implementation-Plans (I-Plans), and WPPs by the two agencies. The MOA is intended to clarify and outline the coordination required for the agencies to effectively administer their duties, responsibilities, and functions as provided under TWC Chapters 5 and 26 and Texas Agriculture Code Chapter 201. TCEQ and TSSWCB also hold quarterly meetings to coordinate and collaborate to avoid duplication or conflict among other things.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Implementation of the Management Program involves partnerships among many organizations, e.g., cities, counties, river authorities, and other state agencies, such as TSSWCB. At the federal level EPA oversees the program and guides its implementation.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Contract used for interpretation services.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$744.

- **the number of contracts accounting for those expenditures;**

One contract.

- **the method used to procure contracts;**

The contract was procured through a direct award.

- **top five contracts by dollar amount, including contractor and purpose;**

Nonpoint Source Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-13232	Communication by Hand LLC	Interpreter Services	\$744

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The program allocates federal 319(h) funds and solicits NPS project applications from eligible entities across the state. The program also receives 604(b) Water Quality funds from EPA to allocate directly to regional planning agencies for water quality management planning activities. The funds are awarded by the program through solicitations and direct awards and are used by the recipients to implement NPS programs and water quality management planning activities.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Estuary Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Estuary Programs

Location/Division: Webster and Corpus Christi / Water Quality Planning Division

Contact Name: Lori Hamilton, Deputy Director, Water Quality Planning Division

Statutory Citation for Program: Federal Clean Water Act (CWA) Section 320; (33 United States Code (U.S.C.) Section 1130; Texas Water Code (TWC) Sections 5.601-5.609.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Galveston Bay Estuary Program (GBEP)

GBEP is a non-regulatory program of TCEQ functioning as a partnership of local governments, business and industry, conservation organizations, bay users, and resource agencies. GBEP's purpose is to implement the federally approved Comprehensive Conservation and Management Plan (CCMP) developed to provide interdisciplinary, ecosystem-based management for Galveston Bay, an estuary of national significance. To carry out this purpose, GBEP:

- Coordinates the development and implementation of multi-partner habitat and water quality conservation projects leveraging public and private resources, minimizing duplication, and maximizing resources for priority issues identified by the partnership.
- Provides grants and assistance to Houston-Galveston area communities and organizations to implement habitat, water quality, and species conservation projects, and to conduct research informing adaptive management and ensuring science-based decision making.

Coastal Bend Bays and Estuaries Program (CBBEP)

CBBEP is based in Corpus Christi and is a local nonprofit 501(c)(3) organization established in 1999. The CBBEP project area encompasses the estuarine environment of 75 miles of the south-central Texas coastline, and includes the 12 counties of the region known as the Coastal Bend. The mission of CBBEP is to protect and restore the health and productivity of the bays and estuaries while supporting continued economic growth and public use of the bays into the future.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is evidenced by the implementation of Comprehensive Conservation and Management Plans (CCMPs) and the number of surface water assessments; specifically, the number of estuary program project reports and number of acres of habitat created, restored, and protected through the implementation of CCMP activities. Program efficiency is determined by meeting internal deadlines

to support decision making. Estuary program projects have contributed to the implementation of priorities identified in their respective CCMPs, improving water quality and restoring, creating, or protecting habitat through the implementation of action plans.

The following performance measures are reported in Section II, Exhibit 2. The Estuary Program is one of several programs contributing to this performance measure.

- Number of surface water assessments and
- Number of acres of habitat created, restored, and protected through implementation of Estuary Action Plans.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
GBEP Leveraged Amounts	N/A	Leveraged over \$22,160,000 in federal and partner contributions to implement projects. This resulted in an average ratio of over \$25.41 of contributions to every \$1 of base funding.	N/A
CBBEP Leveraged Amounts	N/A	Leveraged over \$2,848,497 in federal and partner contributions to implement projects. This resulted in an average ratio of over \$19.50 of contributions to every \$1 of base funding.	N/A

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In 1987, during reauthorization of the CWA, Congress established the National Estuaries Program (NEP) to promote long-term planning and comprehensive regional management of nationally significant estuaries threatened by pollution, development, and overuse. GBEP and CBBEP are two of the 28 NEPs.

The Protect and Restore America’s Estuaries Act was signed into law on January 13, 2021. The Act reaffirms support for the work of the NEP, and nearly doubles the annual funding limit to \$50 million. Under the new law, each NEP could receive as much as \$1 million each year.

GBEP was established in 1989 to address Galveston Bay. GBEP’s CCMP was completed and approved by the governor and the United States Environmental Protection Agency (EPA) administrator in 1995. In 1999, the legislature (76R) passed the Texas Estuaries Act (TWC Sections 5.601 and 5.605), which designated TCEQ as the entity responsible for implementing the CCMP. The 2nd Edition of the GBEP’s CCMP, The Galveston Bay Plan, was approved by the Galveston Bay Council (GBC) on October 27, 2018, and by TCEQ on March 27, 2019.

CBBEP joined the NEP in 1994 and CBBEP’s CCMP, The Coastal Bend Bays Plan, was approved in 1999. CBBEP began as a federal and state agency effort during the planning phase. However, participants wanted to localize and take ownership of the program as it moved from development to implementation. The change resulted in the creation of a nonprofit organization led by a local board of directors. The nonprofit is partially funded with general revenue through TCEQ. The 2nd Edition of the CBBEP’s CCMP, The Coastal Bend Bays Plan, was adopted by the Bays Council in December 2020.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

GBEP serves as a forum for coordination and peer review between federal and state agencies, local governments, commercial and recreational fishermen, industry, environmental groups, and citizens.

CBBEP is a non-regulatory, voluntary partnership with industry, environmental groups, bay users, local governments, and resource managers to improve the health of the bay system within the 12-county program area. Participating organizations can include cities, counties, school districts, state universities, and private, for profit, and nonprofit organizations.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

GBEP is administered by TCEQ and is advised by GBC, a 41-member coordinating council. GBEP is funded by appropriations from Congress through EPA and from the Texas Legislature through TCEQ. Implementation of its CCMP is carried out through collaborative efforts with numerous local governments, businesses, conservation organizations, and state and federal agencies, enabling GBEP to leverage additional funds to implement on-the-ground habitat and water quality protection.

GBC meets quarterly to discuss CCMP implementation by member organizations and give feedback. GBC also makes recommendations to TCEQ regarding projects in the GBEP annual work plan. GBEP projects are developed through subcommittees composed of federal and state agencies, local governments, businesses, and non-profit organizations with specific expertise. Project ideas are refined and vetted by subcommittee members and submitted to GBC for approval. Potential partners and funding are identified during project development. Outgoing grants are issued to implement projects in the work plan. Each is carried out by the grantee and guided by a project team.

CBBEP is a local nonprofit organization with a board of directors comprised of representatives of local government from within the program area, industry, the Coastal Bend Bays Foundation, and the Bays Council, an advisory committee including the Texas Parks and Wildlife Department, Texas General Land Office, and Nueces River Authority. Implementation teams function as a subgroup to the Bays Council and make recommendations to the council regarding annual work plans. A combination of local governments, private industry, and TCEQ and EPA agencies supply additional program funding. TCEQ's liaison with CBBEP is in the Austin Central Office.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Estuary Programs Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$697,309
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$633,230
0555	Federal Funds	66.454	Water Quality Management Planning	\$137,868
0555	Federal Funds	66.456	National Estuary Program	\$467,287
TOTAL				\$1,935,694

The program is funded in the Water Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The two estuary programs in Texas serve different geographical areas: GBEP, the upper Texas coast (specifically the Galveston Bay area), and CBBEP, the lower Texas coast (specifically the Coastal Bend bay and estuaries area). GBEP is a non-regulatory program of TCEQ; CBBEP is a local nonprofit organization. No other programs coordinate interdisciplinary resource and bay management in Texas.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

GBEP serves the Galveston Bay area, including the five counties surrounding the bay complex: Harris, Galveston, Chambers, Brazoria, and Liberty. Coordination and communication are achieved through representation on the Galveston Bay Council and its subcommittees.

CBBEP serves the lower Texas coast (specifically the Coastal Bend bay and estuaries) and its 12-county program area. Coordination and communication are achieved through a board of directors and representation on the Bays Council and five implementation teams.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Through GBC, GBEP works with federal and state agencies with bay-management responsibilities; local governments and communities in Harris, Galveston, Brazoria, Chambers, and Liberty counties; industry and business; environmental groups; and commercial and recreational fishermen.

CBBEP is a non-regulatory, voluntary partnership effort working with industry, environmental groups, bay users, local governments, and resource managers to improve the health of the bay system. In addition, local government authorities may also sit on the board of directors, the Bays Council, and any of the five implementation teams. The project area includes the 12 counties of the region known as the Texas Coastal

Bend: Aransas, Bee, Brooks, Duvall, Jim Wells, Kenedy, Kleberg, Live Oak, McMullen, Nueces, Refugio, and San Patricio.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The Estuary Program contracts are used to host the Back the Bay website and employ an intern.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$12,125.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The contracts were procured through direct awards.

- **top five contracts by dollar amount, including contractor and purpose;**

Estuary Programs Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-13924	WorkQuest	Mickey Leland intern for GBEP	\$6,257
582-20-10333	Wilkins Group Inc	Host and maintain Back the Bay website	\$5,868

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted until any discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

GBEP and CBBEP allocates funds to implement their CCMPs. While EPA funding is one of the primary sources of revenue for its work, GBEP and CBBEP are required to match the EPA grant one-to-one (1:1). The primary source of matching funds comes from the State of Texas through TCEQ. The program provides direct awards to federal and state agencies, universities, councils of government, municipalities, and others to implement CCMP activities.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Public Drinking Water Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Public Drinking Water

Location/Division: Austin Headquarters / Water Supply Division

Contact Name: Cari-Michel La Caille, Deputy Director, Water Supply Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 341 Subchapter C; Texas Water Code (TWC) Sections 5.701 and 5.507 and Chapter 13.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Water Supply Division (WSD) oversees the agency's public drinking water program to ensure the provision of safe and adequate drinking water to the public and assesses the financial, managerial, and technical capabilities of public water systems. The WSD implements portions of the Public Water System Supervision Program as part of the primacy agreement with the Environmental Protection Agency (EPA) under the Safe Drinking Water Act.

Major activities performed:

- Adopts, implements, and supports compliance with drinking water rules at least as stringent as the federal rules.
- Oversees monitoring and compliance determinations for chemical and microbiological drinking water standards for the protection of public health.
- Initiates formal enforcement action for public water systems exceeding compliance trigger levels agreed upon by TCEQ and EPA.
- Reviews engineering plans and specifications for public water system improvements, including the approval of facilities to treat drinking water, and evaluates innovative and non-standard drinking water treatment technologies.
- Administers the Capacity Development Program to assist public water systems develop and maintain financial, managerial, and technical capacity.
- Provides technical assistance to public water systems impacted by natural disasters or other emergency conditions impeding a safe water supply.
- Assesses source water vulnerability of drinking water sources and provides support to help public water systems protect source waters.
- Supports the Drinking Water State Revolving Fund grant set-asides program by ranking proposed projects and preparing reports on capability of applicants applying for Texas Water Development Board (TWDB) funding.
- Maintains and delivers public water system inventory, violation, and action data to EPA.
- Assists public water systems with Homeland Security activities and training to effectively respond to and recover from disasters or other types of events that could potentially impact the safety of the water supply, and reviews Emergency Preparedness Plans to increase public water system resiliency.

- Administers the Texas Optimization Program which provides advanced technical assistance, operator training, and treatment plant optimization strategies for public water systems.
- Administers the Cross-Connection Control Program which assists public water systems with protecting drinking water supplies from contamination.
- Maintains the Texas Drinking Water Watch database to provide information to the public about the quality of local drinking water and ensures public water systems deliver a Consumer Confidence Report, also known as an annual drinking water quality report, to customers.
- Hosts the annual Public Drinking Water Conference and quarterly Drinking Water Advisory Workgroup meetings for training, guidance, and stakeholder input concerning drinking water-related issues.
- Oversees Public Health Service and Regulatory Assessment Fees.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Performance measures for the public drinking water program are located as an Exhibit in Section II – Key Functions and Performance, Subsection K.

Performance measures established for reporting on the effectiveness of the program are being met or positively exceeding goals set by EPA. EPA has introduced a National Compliance Initiative (NCI) to prioritize the reduction of noncompliance with drinking water standards at community water systems (CWSs). This effort supports EPA’s FY 2018–FY 2022 Agency Strategic Plan, which calls for a 25% reduction in the number of CWSs out of compliance with health-based standards by the end of FY 2022. To achieve this goal, TCEQ focused efforts to bring CWSs into compliance using a variety of tools, including the development of targeted financial, managerial, and technical assistance, which included on-site education on strategies to address and prevent health-based and other compliance violations, new source evaluations including interconnection, source water, and alternate source evaluations, and funding source opportunities. This focused assistance and outreach has led to resolution of health-based violations through new sources with water quality that meet National Primary Drinking Water Regulations; interconnections to compliant wholesale systems; installation of approved treatment; changes in operations and maintenance to meet treatment technique and maximum contaminant level (MCL) requirements; and completion of assessments, evaluations, and studies to fulfill treatment technique requirements.

Since the NCI was introduced in 2018, TCEQ has reduced the number of community water systems out of compliance and is consistently exceeding the goal established by EPA. In the fourth quarter of FY 2020, TCEQ had reduced the number of health-based violations by 29.3% exceeding the EPA goal.

TCEQ practices provide for timely and accurate data to ensure safe drinking water. TCEQ utilizes a third-party contractor to collect all chemical compliance drinking water samples for approximately 7,000 public water systems. This practice has been integral to fulfilling TCEQ’s mission to protect human health and the environment, as well as its capacity development program, for over twenty years. The collection of chemical samples allows Texas to have a 99.9% sample collection rate, sample collection error rejections of less than 1%, and expedient data flows to the public and to EPA.

TCEQ-accredited laboratories provide direct notification to the public water system and TCEQ's public drinking water program when a single sample maximum contaminant level (MCL) exceedance occurs. This allows the public water system, TCEQ, and the public to be made aware of chemical MCL violations, and associated public notification requirements, as soon as possible. TCEQ performs critical outreach to the systems within 24 hours after the system and TCEQ receives notification from the laboratory of an acute MCL violation. This outreach reinforces state and federal rule requirements to the public water system and ensures the system is aware of the mandatory language requirements it must provide in public notices to customers. This practice ensures public water systems provide the public with timely, clear, and understandable information about drinking water quality, potential health risks, and the investments and actions needed to reliably deliver safe drinking water. Furthermore, timely discovery and notification of MCL exceedances allow operators to quickly identify and correct operational deficiencies and improve water system compliance. The following performance measures are reported in Section II, Exhibit 2.

- Percent of Texas population served by public water systems that meet drinking water standards;
- Number of public drinking water systems that meet primary drinking water standards; and
- Number of drinking water samples collected.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

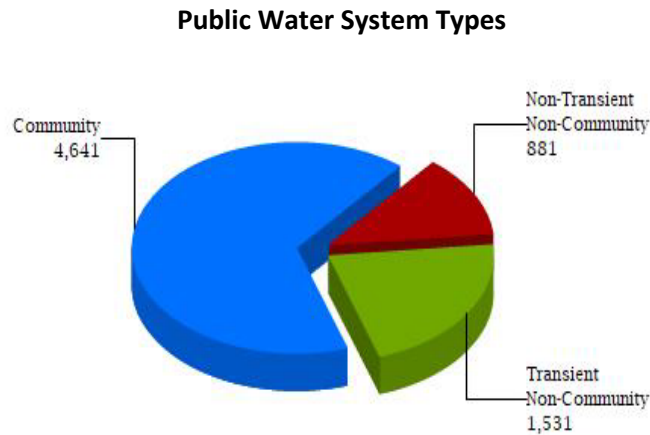
EPA delegated primary enforcement authority (primacy) of the Public Water System Supervision Program to Texas in 1978. Texas must maintain all conditions outlined by EPA to retain primacy for the program. The National Primary Drinking Water Regulations, promulgated under the Safe Drinking Water Act, can be found in Title 40, Code of Federal Regulations Part 141, and with special primacy requirements found in Part 142. As EPA promulgates new drinking water regulations, TCEQ continues to adopt the new requirements under state law and applies for primacy revisions for those requirements.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

A public water system is defined as a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for "drinking water." Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. There are three types of public water systems:

- *Community Water System.* A public water system which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.
- *Non-transient Noncommunity Water System.* A public water system that is not a community water system and regularly serves at least 25 of the same persons at least six months out of the year. An example is a church, factory, or a school.
- *Transient Noncommunity Water System.* A public water system that is not a community water system and serves at least 25 persons at least 60 days out of the year, yet by its characteristics, does not meet the definition of a non-transient noncommunity water system. An example is a gas station or a restaurant.

The following chart illustrates the number of active public water systems by type.



As of July 1, 2021, TCEQ regulates 7,053 public water systems, providing drinking water to 29,580,083 customers.

- Approximately 28,783,446 people receive drinking water from 4,641 Community Systems.
- Approximately 503,089 people receive drinking water from 881 Non-transient Noncommunity Systems.
- Approximately 293,548 people receive drinking water from 1,531 Transient Noncommunity Systems.

EPA defines water system size based on the following population classifications:

- very small systems serve 25 to 500 people;
- small systems serve 501 to 3,300 people;
- medium systems serve 3,301 to 10,000 people;
- large systems serve 10,001 to 100,000 people; and
- very large systems serve more than 100,000 people.

The following table shows population classifications served by systems in Texas.

Texas Public Water System Population by EPA Classification

Population	EPA Classification	Number of Public Water Systems	Total Population Served
25 - 500	Very Small	4,213	675,871
501-3,300	Small	1,755	2,577,831
3,301 – 10,000	Medium	720	4,090,801
10,001 – 100,000	Large	323	8,160,566
Over 100,000	Very Large	42	14,075,014
TOTAL	N/A	7,053	29,580,083*

*NOTE: The total population served by public water systems exceeds the Texas population because a person may be served by more than one system, i.e., at their home, at their work, or served by a restaurant, gas station, RV park, etc.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

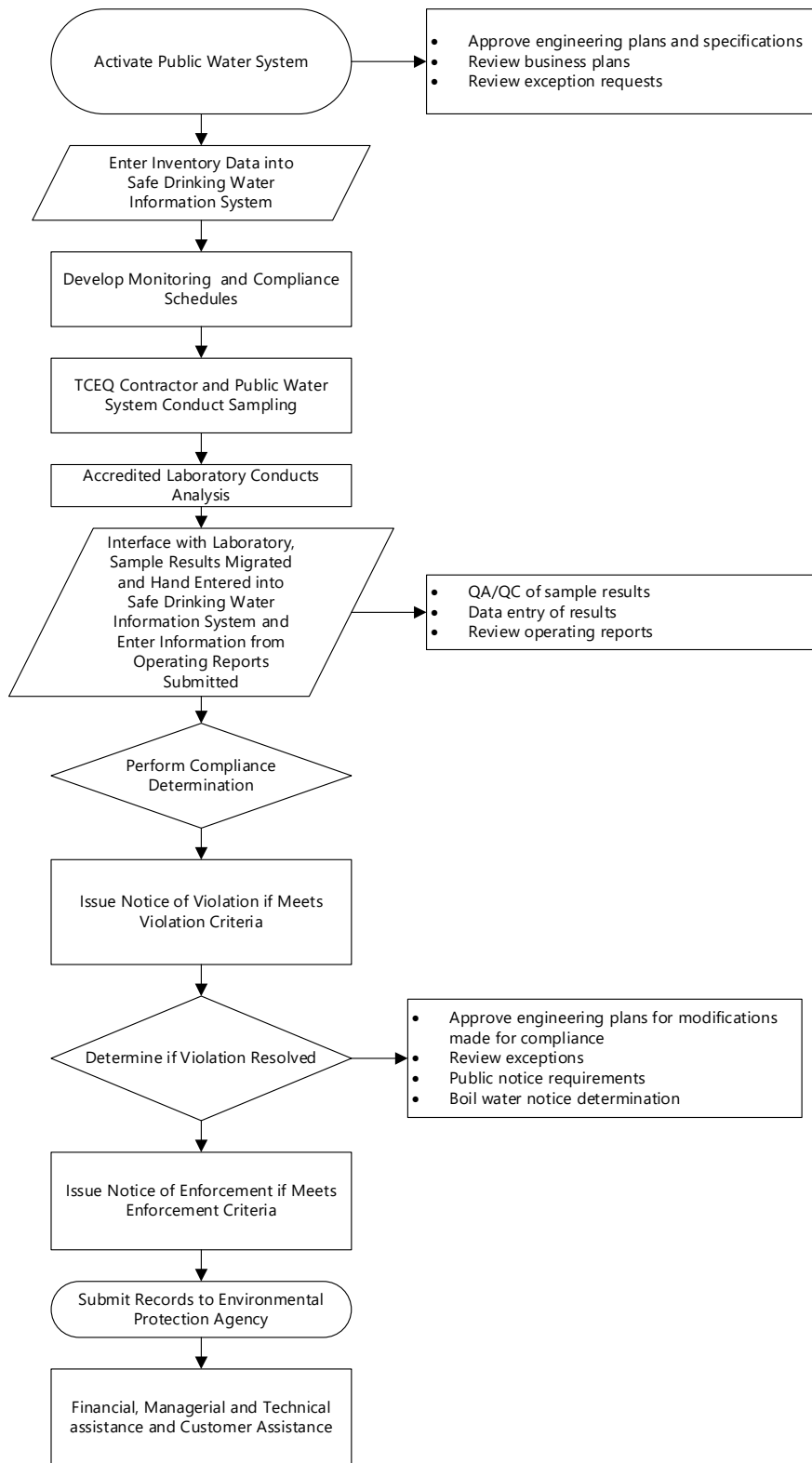
Engineering Plan Review. WSD ensures public water system construction meets minimum standard public health and operational safety design criteria in compliance with federal and state statute and good engineering practices. Engineering plans, specifications, and documents for water system facilities are reviewed for compliance with design criteria in Title 30 Texas Administrative Code (30 TAC) Chapter 290 Subchapter D. Processing timeframes for engineering plan review is up to 60 days.

Rule Exception Reviews. If a proposed or existing public water system is unable to meet the requirements in 30 TAC Chapter 290 Subchapter D, the system may request an exception by proposing an alternative meeting the intent of the rule. For example, an Alternative Capacity Requirement exception allows the public water system to provide actual water usage data to justify reduced capacity requirements. WSD reviews each exception request to ensure, if granted, the exception allows the public water system to still deliver safe drinking water to its customers at adequate pressures. Processing timeframes for exception reviews are up to 100 days.

Drinking Water Compliance and Oversight. WSD is responsible for ensuring public water systems provide a safe and adequate water supply for the citizens of Texas who are served by public water systems. Staff monitor 102 contaminants and additional rule requirements set forth by EPA in the Safe Drinking Water Act and further specified in TCEQ rules in 30 TAC Chapter 290. Staff maintain WSD databases and report required data to EPA. They are also responsible for the public water system inventory of facilities in the database, source water protection program, consumer confidence reports, and public notice rules. In addition, they review and develop enforcement cases meeting the enforcement initiation criteria.

The following flowchart illustrates an overview of the Public Drinking Water Program.

Public Drinking Water Program Basic Overview Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Public Drinking Water Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$3,656,805
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$2,222,422
0555	Federal Funds	66.444	Lead Testing in School and Childcare Program Drinking Water	\$65,690
0555	Federal Funds	66.605	Performance Partnership Grants	\$4,265,394
0777	Interagency Contracts	66.468	Capitalization Grant for Drinking Water State Revolving Fund	\$5,941,991
TOTAL				\$16,152,302

The program is funded in the Safe Drinking Water Strategy and the Water Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TWDB reviews some minor engineering plans for public water systems for infrastructure projects that are funded by TWDB. TCEQ reviews major public water system plans, including wells and surface water treatment plants not subject to TWDB review. In addition, the City of Houston reviews some minor engineering plans for public water systems for infrastructure projects within the city limits.

As a result of House Bill 1600 (83R) and Senate Bill 567 (83R), TCEQ transferred the utilities program (Sale, Transfer, and Merger; Rates; and the Certificate of Convenience and Necessity programs) to the Public Utility Commission (PUC) on September 1, 2014. Some functions related to the public drinking water and utility programs require coordination between the two agencies.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ has a [Letter of Agreement](#) with the TWDB and a MOU with the City of Houston which describes how engineering plan review responsibilities are coordinated between the entities.

TCEQ and TWDB have a [MOU](#) regarding information exchange and inter-agency assistance related to the Drinking Water State Revolving Fund.

TCEQ and PUC have a MOU documenting each agency's responsibilities and coordination needs related to public water systems and utilities. In addition, monthly coordination meetings are held to foster communication and coordination.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

WSD coordinates with the following units of government:

- EPA and TWDB for implementation of the Drinking Water State Revolving Fund;
- Drinking Water Advisory Work Group for stakeholder input and participation;
- EPA Region 6 for routine evaluation and support of primacy programs and as support agencies for Emergency Support Function 3 under the National Response Framework;
- Texas Department of Emergency Management (TDEM) at exercises and drills for response and recovery duties;
- Texas Parks and Wildlife Department (TPWD) regarding their owned and operated public water systems;
- Texas Department of Transportation (TxDOT) regarding their owned and operated public water systems;
- Texas Department of State Health Services (DSHS) for regulatory coordination of companies producing beverage and food products utilizing their own sources of water;
- Texas Department of Aging and Disability Services regarding their owned and operated public water systems;
- Texas Department of Criminal Justice regarding their owned and operated public water systems;
- Texas Office of the Attorney General regarding regulatory coordination on enforcement cases; and
- PUC regarding the portion of the Regulatory Assessment Fee collected by TCEQ that is provided to PUC.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

WSD contracts support the implementation of the SDWA and the implementation of the Public Water System Supervision Program.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$6,423,734.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

The contracts were procured through requests for qualifications and proposals and direct awards.

- **top five contracts by dollar amount, including contractor and purpose;**

Public Drinking Water Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-19-90037	Antea USA, Inc	To collect entry point, distribution system, and source water samples from TCEQ-selected public water systems for compliance with the SDWA as amended	\$4,309,276
582-16-60009	Texas Rural Water Association	To assist TCEQ in implementation of capacity development and public water system supervision programs to improve the financial, managerial, and technical capabilities of public water and wastewater systems as required by the SDWA	\$578,904
582-18-80098	CDM Smith	To provide services to support public water systems in their efforts to protect and secure water sources, trainings and educational services, and other services in support of TCEQ as the primacy agency under the SDWA for Texas	\$168,231
962-M3	WorkQuest	To support WSD by providing Mickey Leland environmental inters for the Mickey Leland Environmental Internship Program	\$11,550
582-18-81037	TX Section American Water Works Association	To operate the Texas Water/Wastewater Agency Response Network at no cost to water and wastewater utilities in Texas, and provide a mutual assistance network before, during, and after an emergency to affected utilities	\$25,000

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted unless discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The program provides a direct award to the University of Texas at Arlington to provide assistance and additional support to implement and maintain drinking water compliance programs, to assist the Texas Optimization Program by providing training and training materials to agency staff and public water system operators, and to assist with tasks associated with conducting emergency sampling to complete administrative functions. The program also provides a direct award to the University of Texas at Austin to facilitate the annual public drinking water conference for WSD, to assess surface water monthly operating

report platform, and to assist with reviving the Source Water Assessment Program-Decision Support System software for public water systems to prepare source water susceptibility assessment by either updating the existing software or identifying existing commercial off-the-shelf products to assess water sources.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Viability and Performance of Small Public Water Systems. Currently, 84% of Texas' 7,053 public water systems serve a population of less than 3,300. As water infrastructure ages, a small system serving 3,300 people or less is more likely than a larger system to face challenges in its ability to maintain safe and adequate drinking water supplies. **Refer to Section IX, Major Issues, Funding Source or Financial Assistance for Small Water Systems.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Response to Drought. In 2011, the Emergency Disaster Proclamation by the Governor prompted the implementation of the State of Texas Drought Preparedness Plan. TCEQ serves as member of the Texas Division of Emergency Management's Emergency Drinking Water Task Force and Drought Preparedness Council. The Emergency Drinking Water Task Force currently meets quarterly to discuss and assist public water systems facing drought issues. The Task Force is chaired by TDEM and TCEQ. Other members of the Task Force include the Texas Department of Agriculture and TWDB. Weekly updates are provided to the Drought Preparedness Council to determine which counties are recommended for inclusion on the Governor's Drought Declarations.

In 2013, House Bill 252 (83R) required TCEQ to adopt rules requiring wholesale and retail public utilities to report to TCEQ when the water system has 180 days or less water supply. WSD intensively monitors the High Priority 180-Day Drought List of public water systems experiencing emergency conditions because of persisting drought conditions. WSD works with each system impacted by drought to obtain new sources of water, restore their existing water supply, assist with emergency drinking water planning and potential funding. In addition to monitoring public water systems and providing targeted outreach, WSD provides training to mitigate drought impacts through workshops, conferences, and public speaking events to public water systems.

Since September 1, 2011, there have been approximately 322 drought related financial, managerial, and technical assistance referrals and 138 public water systems have successfully restored their water supplies. Drought conditions across Texas have required public water systems to evaluate using raw water sources not considered in the past. In 2015, TCEQ adopted rules for the use of reverse osmosis for desalination of groundwater sources. These rules streamline processes to enable public water systems to make use of high salinity groundwater sources without needing to obtain an exception (variance) to the regulations for alternative treatment or having to conduct a pilot study.

Additionally, WSD developed procedures for the approval of direct potable reuse projects. These projects employ innovative technologies that do not currently have standards defined in rules and require exceptions and pilot studies. Direct potable reuse is the introduction of reclaimed water (with or without retention in an engineered storage buffer) directly into a drinking water treatment plant, either collocated or remote from the advanced wastewater treatment system. The use of an innovative technology to treat non-standard source water is reviewed on a case-by-case basis and must demonstrate the design and

operation of the facility will produce water meeting federal and state water quality regulations. Direct potable reuse facilities undergo a stringent review process including a full scale or pilot scale study or full-scale verification test to determine the operating conditions for the facility to assure the facility will meet the drinking water standards and public health will be protected during operation.

After-Action Review of the Winter Storm Event. TCEQ is currently conducting an after-action review to evaluate the factors that impacted so many public water systems during this storm event. The goal of the after-action review is to improve public health and safety through the development of preparation, response, and recovery actions to mitigate risks posed by severe weather-related events.

The project team, which includes Office of Water and Office of Compliance and Enforcement staff, developed an in-depth Public Water System Survey which was sent to over 7,000 public water systems to help TCEQ collect information about the storm's impact. The agency also conducted round-table discussions with a variety of stakeholders (affected utilities, public water systems of different sizes and types, various associations, water districts, state and federal agencies, consultants and engineers, vendors, and manufacturers, as well as mutual-aid agencies) to help TCEQ identify the key issues that lead to cascading failures across critical infrastructure and those that affected restoration of services. The project team will present recommendations in early spring of 2022 which may include regulatory, statutory, training and guidance needs, and/or changes to TCEQ processes to address the challenges experienced by systems during the storm. The project team will also present any recommended actions TCEQ can take to better assist public water systems during these types of catastrophic events.

Responses to Drinking Water Emergencies. As the public health risks posed by drinking water contaminants and other constituents of concern in drinking water become more complex and pressing, the drinking water program's responsibility to ensure public health protection and respond to natural disasters and other emergency conditions requires a highly skilled workforce. To be effective, staff must have technical experience and knowledge in drinking water treatment and operations and be able provide advanced on-site technical assistance to public water systems impacted by emergency conditions impeding the delivery of safe drinking water. Emergencies impacting public water systems range from weather events damaging infrastructure and operations, contamination of the distribution system from a chemical backflowing from an industrial facility or other events leading to do not use, do not drink, or boil water notice advisories. Highly-skilled state resources are relied upon to provide hands-on on-site assistance and technical support throughout a catastrophic event to help operators get water systems back on-line after emergency events occur.

In recent years, TCEQ has seen an increase in emergency situations requiring the agency to rapidly address bacteriological and chemical contamination in the distribution systems of several drinking water systems. This may be attributable to aging infrastructure, lack of funds for smaller systems or municipalities, and an increase in regulatory standards which often creates challenges for systems lacking more advanced operators. TCEQ has assisted systems in recovering from [potential] wide-spread bacteriological and chemical contamination which involves dedicating numerous staff from the Water Supply Division and TCEQ's regional offices.

In December 2016 the City of Corpus Christi had a backflow incident from an industrial tank containing a chemical contaminant entering the potable water supply. TCEQ in coordination with EPA integrated response operations in both Austin and Corpus Christi. TCEQ's engineers and drinking water program staff developed action plans for communication and public notification as well as sampling and remediation of the chemical contaminant from the city's water supply.

In September 2020 TCEQ received notification of a confirmed case of Primary Amebic Meningoencephalitis that resulted in the death of a six-year old resident of the City of Lake Jackson in Brazoria County. The City of Lake Jackson's public water supply tested positive for the amoeba, *Naegleria fowleri*. The Texas Optimization Program (TOP) provided extensive long-term onsite technical assistance to remediate the system lasting over two months. In addition, extensive training was provided to the city's operators as well as surrounding water systems to prevent future intrusion into the public water supply.

In response to a February 2021 chemical contamination event, TCEQ's Texas Optimization and Cross-Connection Control programs were deployed to the City of San Angelo to provide technical assistance. Staff assisted the city with identifying potential pathways of intrusion of chemicals and how to isolate and remove the chemical from public and private distribution systems. TCEQ developed action plans, monitored sampling and customer service inspections, and assisted the city with conducting extensive remediation activities. Additionally, training was provided to city's water operators to establish an effective cross-connection control program and to prepare for and respond to backflow events.

Most recently, in July 2021, the City of Laredo experienced a recurring loss of disinfectant residual throughout its drinking water distribution system. TCEQ's TOP staff provided extensive on-site technical assistance in identifying the root cause of residual loss. TOP team members evaluated the city's treatment plants and distribution system, identified operational and maintenance issues that were contributing factors, and helped the city develop corrective actions. TOP continues to provide targeted training to the city's water operators to help ensure long-term maintenance.

Water systems experiencing losses in pressure or low disinfection residuals must issue boil water notice advisories to ensure the safety of the public. TCEQ engages with these systems to ensure proper public notices are provided and regulatory standards are met prior to lifting the boil advisories. TCEQ offers direct technical assistance to systems and embeds with system staff to provide this assistance when requested and/or necessary. In some cases, water systems and the affected community or county are unable to provide adequate water supplies for consumption/use to their customers. In these cases, TCEQ and its partner agencies work to provide bottled water to those communities.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

Refer to the Office of Compliance and Enforcement, Field Operations, Question P for complaint data related to this program.

Districts Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Districts Program

Location/Division: Austin Headquarters / Water Supply Division

Contact Name: Cari-Michel La Caille, Deputy Director, Water Supply Division

Statutory Citation for Program: Article III, Section 52 and Article XVI, Section 59, of the Texas Constitution; Texas Water Code (TWC) Sections 5.013(2), 5.701 (e), 5.701 (n), 5.701 (f), 12.081, and 15.001 (13) and Chapters 49 – 63; and Texas Tax Code (TTC) Section 151.355(5).

B. What is the objective of this program or function? Describe the major activities performed under this program.

Water districts are local political subdivisions of the state and are governed by a board of directors authorized to finance water, wastewater, drainage, and recreational infrastructure and improvements for residential and commercial areas within the district. Districts can vary in size, type, services offered, customer policies, customer base as well as the authority to manage their operations. Although the TWC gives TCEQ a continuing right of supervision over districts, the daily decisions for the operation of a district are the responsibility of the district's board of directors. The Districts Program assists board members and their consultants with understanding complex and varied laws and regulations under which a district must operate.

Major activities performed:

- Reviews applications and petitions for the creation of districts.
- Reviews bond applications to determine the engineering and economic feasibility of each proposed bond issue.
- Reviews applications and petitions for the appointment of district board members.
- Reviews financial and revenue reports submitted by districts through annual financial audits or other reporting requirements.
- Oversees Bond Proceeds Fees.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program efficiency is determined by tracking and completing technical review of district applications by established deadlines. Number of district applications processed is the non-key performance measure tracking this efficiency. The Districts Program works closely with stakeholders to streamline processes and develop programmatic guidance and policies, as well as shifting resources to meet seasonal increases in workload.

The following performance measure is reported in Section II, Exhibit 2.

- Number of district applications processed.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

As a result of an economic downturn and the bankruptcy of some water districts, in the late 1980s TCEQ adopted feasibility rules to establish criteria for bond application approvals.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Districts Program affects water districts. As of June 2021, there are a total of 1,876 active water districts. The following table shows districts by type and status.

Districts Program Entities

District Type	Active*	Inactive*	Dissolved*
Drainage District	45	4	59
Fresh Water Supply District	74	5	98
Groundwater Conservation District	101	1	24
Irrigation District	23	0	5
Levee Improvement District	30	7	79
Municipal Management District	128	49	8
Municipal Utility District	1048	364	559
Navigation District	24	1	9
Other	60	7	65
Regional District	2	0	1
River Authority	30	0	2
Soil and Water Conservation District	1	0	0
Special Utility District	78	8	3
Stormwater Control District	0	0	1
Water Control and Improvement District	213	32	517
Water Improvement District	19	7	39
TOTAL	1876	485	1469

*Note: Active – currently in operation, filed for dormancy status, but has not filed for dissolution. Inactive – financially dormant. Dissolved – dissolved by operation of law or by failure to be confirmed.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

District Creation Process

The legislature, TCEQ, and county commissioners courts can create various types of water districts. TCEQ or a commissioners court creates “general law” water districts with the specific powers and authorities outlined in the TWC for each district type. When the legislature creates a water district, it is considered a “special law district” and has the specific powers provided in the creation bill.

A creation application for a water district submitted to TCEQ includes, but is not limited to:

- a petition requesting the creation;
- notice to landowners and for publication;
- a preliminary engineering report which includes a plat; a land use plan; and effects on land elevation, subsidence, groundwater levels and recharge, natural drainage, and water quality;
- a statement of receipt by affected county and city consent, if required; and
- a market study with population, cost, and tax projections, and county tax assessor’s certificate.

Processing timeframes for district creations is 180 days. If the applicant certifies the application is complete, it can be approved within 120 days if there are no deficiencies with the application. If a creation application is contested, the application is referred to the State Office of Administrative Hearings for a contested case hearing.

After a district creation application is approved by TCEQ, the district must hold a confirmation election. This election often includes the election of permanent directors and authorization of debt obligations and maintenance taxes. The district must report a successful confirmation election to TCEQ. Most water districts are also required to submit annual financial audits or dormancy affidavits and annual district registration reports to TCEQ. Water districts must also obtain all required permits, authorizations, and licenses needed to operate their water, wastewater, and drainage systems. Following the completion of a successful confirmation election, a district will typically begin construction of infrastructure and improvements.

The Districts Program maintains a database of district mapping data information. This information can be viewed in the form of maps to determine a district’s boundaries through TCEQ’s [Water Districts Database Map Viewer](#)³.

The dissolution requirements for districts are found within TWC Chapter 49 Subchapter K. TCEQ, after notice and hearing, may only dissolve a district if the district is:

- inactive for a period of five consecutive years, and
- has no outstanding bonded indebtedness.

³ www.tceq.texas.gov/goto/districts-map

Districts Financial Reporting Requirements

In accordance with TWC Section 49.191, a district must have an annual audit prepared by an independent auditor and submit a copy of the audit and an affidavit certifying that the district has reviewed and approved the audit to TCEQ within 120 days after the close of the district's fiscal year, if it meets any of the following criteria:

- The district has outstanding bonds,
- The district's gross receipts for the fiscal year were over \$100,000, or
- The district's cash and temporary investments exceeded \$100,000 at any time during the fiscal year.

Once receipt of the audit is recorded, a desk review of the audit is completed by the districts program to ensure the audit is consistent with the auditing and reporting standards established by the American Institute of Certified Public Accountants (AICPA), which are the general, fieldwork, and reporting standards and the Statements on Auditing Standards (SAS). Additionally, the form and content of the audit is reviewed for consistency with Governmental Accounting Standards Board's Codification of Governmental Accounting and Financial Reporting Standards.

A district may elect to file annual financial reports within 45 days after the close of the district's fiscal year, accompanied by an affidavit attesting to the accuracy and authenticity of the financial report signed by a duly authorized representative of the district, in lieu of the district's compliance with TWC Section 49.191 provided:

- The district had no bonds or other long-term (more than one year) liabilities outstanding during the fiscal period,
- The district did not have gross receipts from operations, loans, taxes, or contributions in excess of \$250,000 during the fiscal period, and
- The district's cash and temporary investments were not in excess of \$250,000 during the fiscal period.

A district may elect to file a financial dormancy affidavit if the district had:

- \$500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources during the calendar year,
- \$500 or less of disbursements of funds during the calendar year,
- No bonds or other long-term (more than one year) liabilities outstanding during the calendar year, and
- No cash or investments exceeding \$5,000 at any time during the calendar year.

District Bond Review Process

All general law districts and special law districts, unless exempted by statute, must have TCEQ approval to sell bonds for water, wastewater, drainage, and recreational infrastructure and improvements. The processing timeframe for bond applications is 180 days. There is an expedited bond application process of 60 days for developer districts and 45 days for residential districts, if the applicant certifies the application is complete and there are no deficiencies with the application. Once TCEQ approves the bond application and the Attorney General's office reviews the bond sale, the district can go to the market to sell the bond and reimburse the developer or fund district improvements.

There are many types of water districts that have the ability to issue bonds; however, the Districts Program typically receives and reviews bond issue applications for the following water district types: municipal utility districts; fresh water supply districts; water control and improvement districts; and levee improvement districts. TCEQ's authority to review bond issue applications is found in TWC Section 49.181.

The Districts Program reviews and determines the engineering and economic feasibility of each proposed bond issue, bond amendment, and extension of time application for a bond issue for a water district's first and subsequent bond issues. There are varying factors used to determine the engineering and economic feasibility of a particular bond issue application. The District Program receives and evaluates numerous documents submitted in support of the bond issue application such as: engineering reports, plans and specifications, financial analysis, and contract documents. These documents and reports detail the water district's water supply and wastewater treatment capacity, whether water supply and wastewater treatment capacity are district-owned or supplied through a contract with another entity; the water district's current and projected tax rates; the water district's current or projected assessed valuations; market conditions potentially affecting the current or projected tax rates and assessed valuations; and cash flow schedules detailing the debt service associated with the proposed bond issue and how that relates to the current or projected tax rates and assessed valuations.

The district's projected tax rate is evaluated against the tax rate limitations specified in TCEQ rules to determine the financial feasibility of the proposed bond issue. The main points for determining feasibility are (1) ensuring the water district has adequate water supply and wastewater treatment capacity; and (2) ensuring a water district can maintain financial stability given the existing economic conditions or are anticipated to exist at a specified time in the future.

In addition to TCEQ's bond review authority, TWC Section 49.181(h) also specifies the types of water districts exempt from TCEQ's review. A few examples of these exempted water districts are regional water and wastewater authorities, river authorities, and certain navigation districts.

Process for the Appointment of District Board Members

The Districts Program reviews applications and petitions for the appointment of district board members. Directors are appointed by TCEQ by petition during the creation of a district and then updated by application as their successors are elected or appointed. District directors have [specific qualifications](#)⁴ based on type of district.

Oversees and Tracks Bond Proceeds Fee

The Bond Proceeds Fee is an associated fee with reviewed and approved bonds. A 0.25% fee of the total bond issue amount is due to TCEQ at the time the bond is sold.

Certification of Regional Providers

The Districts Program reviews requests for [regional certification](#)⁵ under TWC Section 15.001(13) and TTC Section 151.355 to determine if a water or wastewater system meets criteria to be certified as a regional

⁴ www.tceq.texas.gov/goto/director-qualifications

⁵ www.tceq.texas.gov/goto/rpc-resolution

service provider. Once certified, regional providers are exempt from paying sales tax on water and sewer related equipment and materials under TTC Section 151.355(5).

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Districts Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$285,000
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$1,110,568
0777	Interagency Contracts	66.468	Capitalization Grant for Drinking Water State Revolving Fund	\$75,779
TOTAL				\$1,471,347

The program is funded in the Safe Drinking Water Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Districts Program coordinates with the following units of government:

- Districts throughout the state for review and processing of bond and other types of districts applications
- Texas Office of the Attorney General regarding regulatory coordination on enforcement cases
- County commissioners courts for notifications of creation and bond applications located in the county, outside the corporate limits and extra-territorial jurisdictions (ETJ) of a city

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The Districts Program contracts are to support implementation of the TWC requirements and the implementation of the Public Water System Supervision program.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$6,466.

- **the number of contracts accounting for those expenditures;**

One contract.

- **the method used to procure contracts;**

The contract is procured through a competitive request for proposal process.

- **top five contracts by dollar amount, including contractor and purpose;**

Districts Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-16-60009	Texas Rural Water Association	To assist TCEQ in implementation of capacity development and public water system supervision programs to improve the financial, managerial, and technical capabilities of public water and wastewater systems as required by the Safe Drinking Water Act	\$6,466

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines; these include, but are not limited to financial monitoring, auditing, and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted unless discrepancies are resolved.

- **a short description of any current contracting problems.**

No contracting issues were noted.

L. Provide information on any grants awarded by the program.

The program provides a direct award to the University of Texas at Arlington to support program tasks associated with receiving, processing, and reviewing applications submitted by water districts; providing assistance and guidance to applicants; performing data entry into the District database; reviewing district registration forms and making updates in the database; and providing assistance with administrative functions.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations, Question P for complaint data related to this program.

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Office of Waste

This office implements federal and state laws related to the regulation of aboveground and underground petroleum storage tanks; generation, treatment, storage, and disposal of municipal, industrial, low-level radioactive, and hazardous wastes; injection wells; and the recovery and processing of uranium and disposal of byproduct. It also leads and oversees responsible party state cleanup of contaminated sites and oversees occupational licensing for environmental professions.

Occupational Licensing and Registration Division

The Occupational Licensing and Registration Division promotes and supports various agency programs. Division programs include:

- Administration of ten environmental occupational licensing and registration programs;
- Approval of training programs for core and continuing education courses, qualification of instructors, and maintenance of exams for the occupational licensing programs; and
- Administration of registrations and associated reporting for the following programs:
 - Petroleum Storage Tanks;
 - Dry Cleaners;
 - Aggregate Production Operations;
 - Industrial and Hazardous Waste;
 - Used Oil and Oil Filter Handlers, Transporters, and Collection Centers;
 - Sludge Transporters;
 - Enclosed Containers; and
 - Medical Waste Transporters.

Radioactive Materials Division

The Radioactive Materials Division performs activities associated with the management of specific radioactive wastes and the authorization of injection wells. Division programs include:

- Licensing of facilities involved in the storing, processing, or disposing of one or more of the following:
 - Uranium ore;
 - By-product radioactive waste;
 - Low-level radioactive waste;
 - Non-oil and -gas naturally occurring radioactive material (NORM waste); and
 - Radioactive waste generated from federal government activities.
- Permitting, registration, and authorization of Class I, III, IV, and V wells in the federally-approved Underground Injection Control Program.

Remediation Division

The Remediation Division oversees the investigation and cleanup of pollutants released into the environment, both hazardous and nonhazardous, including those led by responsible parties, voluntary parties, or the state (including state contractors). The division also seeks restoration of damaged natural resources resulting from such releases. Division programs include:

- Superfund Program, including the Brownfields Program and the Natural Resource Trustee Program;
- Petroleum Storage Tank Remediation Program;

- Dry Cleaner Remediation Program; and
- Voluntary Cleanup and Corrective Action Program, including the Innocent Owner/Operator Program and the Municipal Settings Designations.

Waste Permits Division

The Waste Permits Division is responsible for permitting and registering facilities involved in the handling, storing, processing, or disposing of hazardous waste, nonhazardous industrial waste, municipal solid waste, coal combustion residuals, and scrap tires. Division programs include:

- Permitting of hazardous, industrial, and municipal solid waste treatment, storage, and disposal facilities;
- Technical analysis of notifications for waste management;
- Technical analysis of recycling of hazardous, industrial, and municipal solid waste;
- Regional Solid Waste Grant Program administration; and
- Assessment and collection of fees for the treatment, storage, or disposal of municipal, industrial, or hazardous solid waste.

Occupational Licensing Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Occupational Licensing

Location/Division: Austin Headquarters / Occupational Licensing & Registration Division

Contact Name: Jaya Zyman, P.E., Deputy Director, Occupational Licensing & Registration Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 7, 26 and 37, Texas Health and Safety Code (TSHC) Chapters 341, 361 and 366, Texas Family Code (TFC) 232, and Texas Occupations Code (TOC) Chapters 53, 54, 55, 1903, and 1904.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Occupational Licensing Program protects the public's health, safety, and economic welfare by ensuring environmental professionals are qualified and competent and adhere to established professional standards.

TCEQ occupational licenses require unique training and specialized oversight intended to protect public health and the environment across the state of Texas. TCEQ can perform public outreach and supply consumer information by alignment of occupational licensing and program area functions within the agency.

The program licenses individuals engaged in environmental occupations. Regulation in the form of licensing is necessary to ensure qualified individuals and entities are performing safe and effective operations and to prevent adverse impacts on human health and the environment.

The program:

- issues occupational licenses and registrations for environmental occupations;
- reviews and updates licensing exams, approves training courses, and qualifies instructors for all licensing programs; and
- maintains license and registration records.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Occupational Licensing has five performance measures. These measures demonstrate personnel efficiency and productivity in total processed license applications and exams. They document program effectiveness by gauging public interest in the program through licenses and registrations issued, quarterly and annually. Monitoring annual cost per application ensures current fees are balanced for cost to the public and benefit to the state.

The licensing team manages ten environmental occupational licensing and registration programs covering 42 licenses.

The following performance measures are reported in Section II, Exhibit 2.

- Number of new and renewed occupational license applications processed measuring staff efficiency;
- Number of licensing exams administered to applicants who are potential licensees indicating the number of applications received and applicant re-tests;
- Number of licenses and registrations issued to applicants indicating the number of new and renewed licenses and registrations each year;
- Total number of licensed professionals and registered companies issued in the fiscal year that allows measurement of license and registration trends over time; and
- Average annual cost per license indicating financial trends over time.

The training team approves training providers and courses, and qualifies trainers, among other tasks. Additional statistics demonstrating training team efforts are listed in Exhibit 12.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Dataset Reference Number*	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of approved training providers	OOW-28	N/A	56	N/A
Number of instructors qualified	OOW-28	N/A	33	N/A
Number of classroom courses approved	OOW-28	N/A	71	N/A
Number of conferences approved	OOW-28	N/A	139	N/A
Number of tech-based courses (including webinars)	OOW-28	N/A	83	N/A
Number of association meetings approved	OOW-28	N/A	24	N/A

*See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affected the Occupational Licensing Program.

2001

- HB 3111 (77R) adds TWC Chapter 37 consolidating administrative requirements and establishing uniform procedures for the occupational and registration programs administered by TCEQ.
- HB 2912 (77R) creates the occupational license for water treatment specialists and establishes new requirements for irrigators and on-site sewage facility (OSSF) installers.
- Rulemaking consolidates ten licensing programs into new Title 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licenses and Registrations.

2007

- HB 4 (80R), HB 1656 (80R), and SB 3 (80R) pass. TCEQ creates two new license classifications, irrigation technician, and irrigation inspector, to implement these Acts.
- HB 2482 (80R) passes. TCEQ creates a new license for OSSF maintenance providers and a new category of registration for maintenance technicians to implement the Act.

2009

- HB 963 (81R) and HB 2808 (81R) amend TOC Chapter 53 to provide grounds for review, denial, or revocation of occupational licenses for agencies that issue occupational licenses. The statutory changes allow any person to request criminal history evaluation from a licensing agency to determine eligibility for an initial occupational license due to a conviction or deferred adjudication.

2011

- HB 965 (82R) allows licensed individuals to meet continuing education requirements for renewals with online courses.
- HB 1674 (82R) requires TCEQ, upon notification from a child support agency, to refuse to accept a new or renewal application for a license or registration for an individual who has failed to pay child support for six months or more.
- HB 1733 (82R) authorizes TCEQ to issue a license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States and holds a current license issued by another state with licensing requirements substantially equivalent to requirements for the license issued and regulated by TCEQ.

2012

- Occupational Licensing begins performing criminal history reviews of applicants implementing requirements from the 81st legislature.
- Based on input from Sheppard Air Force Base, TCEQ amends 30 TAC Sections 30.387 and 30.402 allowing individuals who have successfully completed applicable military training to collect microbiological samples and determine disinfection residuals at military facilities without holding a public water system operator license.

2013

- HBs 798 (83R), 1302 (83R), 1659 (83R), 1846 (83R), and SB 162 (83R) amend the TOC to exclude Class C misdemeanor convictions when reviewing applications for an occupational license (HB 798); requires individuals with an occupational license to be supervised when performing certain services, if registered as a sex offender (HB 1302); considers individuals charged with certain offenses to have been convicted, regardless of whether the proceedings were dismissed (HB 1659); suspends or refuses the application of an individual who has not made a minimum payment of child support (HB 1846); recognizes verified military service, training, or education from military service members and military veterans when considering occupational licensing applications (SB 162); and expedites occupational licensing applications from military spouses (SB 162).

2015

- SB 807 (84R) and 1307 (84R) amend TOC to waive licensing and examination fees for military service members, military veterans, or military spouses and extended deadlines for military services.

2017

- HB 1508 (85R) amends TOC to allow individuals ability to petition TCEQ to seek reimbursement from a training provider if they were not notified they may be ineligible for an initial occupational license due to their criminal history and were subsequently denied the license due to a criminal conviction.

2018

- Stage II vapor recovery systems representative registration was eliminated due to a change in EPA requirements for gasoline dispensing facilities.

2019

- HB 1342 (86R) amends TOC, a licensing authority may no longer suspend or revoke a license based on person's conviction of an offense that does not directly relate to duties and responsibilities of the licensed occupation. HB 1342 also prohibits a licensing authority from denying a license or opportunity to be examined for a license because of person's prior conviction of an offense unless the authority provides written notice of reason for intended denial and allows the person a chance to submit relevant information.
- SB 37 (86R) amends TOC, Texas Finance Code (TFC), and Texas Government Code (TGC) to remove language authorizing licensing agencies to deny or take other disciplinary action against license holders or potential license holders who are in default of their student loans.
- SB 1217 (86R) amends the TOC to prohibit a licensing authority from considering an arrest that did not result in person's conviction or placement on deferred adjudication community supervision in denial of a new or renewal license. Additionally, licensing authority is required to provide a written notice to applicant giving reasons for denial of a license.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Specific qualifications and eligibility requirements for each occupational license type is listed on the [Occupational Licensing and Registration and Requirements for Each License Type](#) webpage. Occupational license requirements vary, most entry level licenses require a high school diploma or GED and no work experience. As individuals move up, requirements for education and experience may increase.

The following table lists license programs, descriptions of available licenses or registrations in each category, and number of licenses and registrations which provides a measure of affected individuals and companies in each license program.

Licensees and Businesses Affected by TCEQ Occupational Licensing – FY 2020

Type of License	Number of Licenses/Registrations
Backflow Prevention Assembly Testers	5,526
Customer-Service Inspector	2,101
Landscape Irrigation (Irrigators, Inspectors, Technicians)	8,135
Leaking Petroleum Storage Tanks (Corrective-Action Project Managers and Specialists)	1,557
Municipal Solid Waste Operators (Operators A-D, Provisional Operators A-D)	945
On-Site Sewage Facilities, such as Septic Tanks (Apprentices, Designated Representatives, Installers I, Installers II, Maintenance Companies, Maintenance Providers, Site Evaluators)	7,369
Underground Storage Tanks (Contractors, Supervisors A, A&B, B)	653
Water Operators (Groundwater Treatment Operators B & C, Surface Water Treatment Operators B & C, Water Distribution Operators B & C, Water Operations Companies, Water Operators A & D)	16,464
Wastewater Operators (Wastewater Collection Operators I, II, & III, Wastewater Operations Companies, Wastewater Treatment Operators A, B, C, & D)	11,736
Water Treatment Specialists (I, II, & III)	823
Total Number of Licenses/Registrations	55,309

The following table provides information on other groups affected by qualifications and eligibility requirements of Occupational Licensing. Training providers must acquire Occupational Licensing approval prior to offering courses for licensing, registration, or certificate credit.

Training Providers Affected by TCEQ Occupational Licensing

Training Providers & Licensing Courses	Number of Providers & Licensing Courses
Approved Training Providers	322
Active Approved Licensing Core Courses	84
Active Approved Licensing Continuing Education (CE)	973
Smoke School – Visible Emission Evaluator Providers	4
Smoke School Attendees (FY 2020)	1,013

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

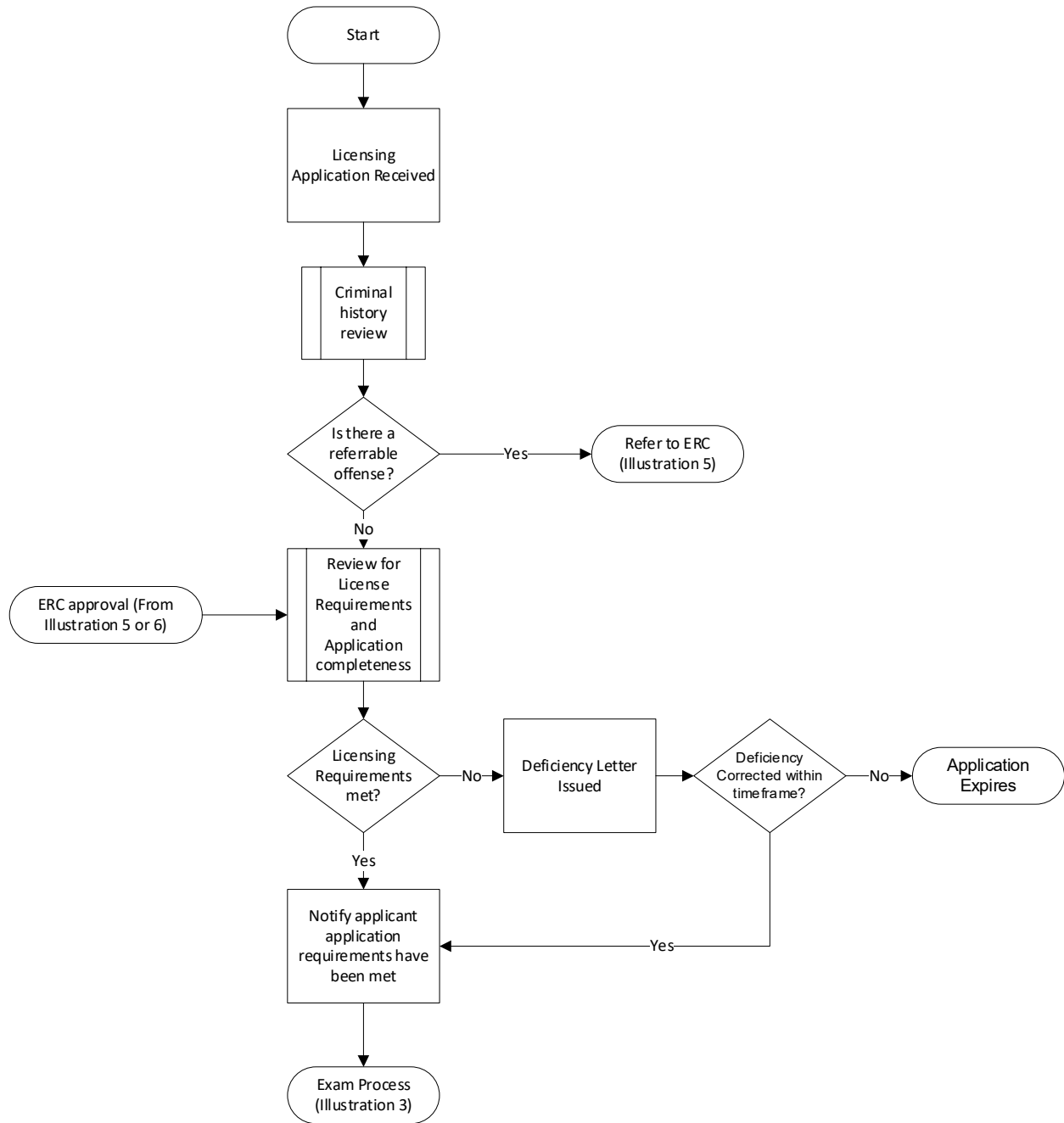
The Occupational Licensing Program is responsible for the following licenses:

- Backflow Prevention Assembly Testers;
- Customer-Service Inspectors;
- Landscape Irrigation (Irrigators, Inspectors, Technicians);
- Leaking Petroleum Storage Tanks (Corrective-Action Project Managers and Specialists);
- Municipal Solid Waste Operators (Operators A-D, Provisional Operators A-D);
- On-Site Sewage Facilities, such as Septic Tanks (Apprentices, Designated Representatives, Installers I, Installers II, Maintenance Companies, Maintenance Providers, Site Evaluators);

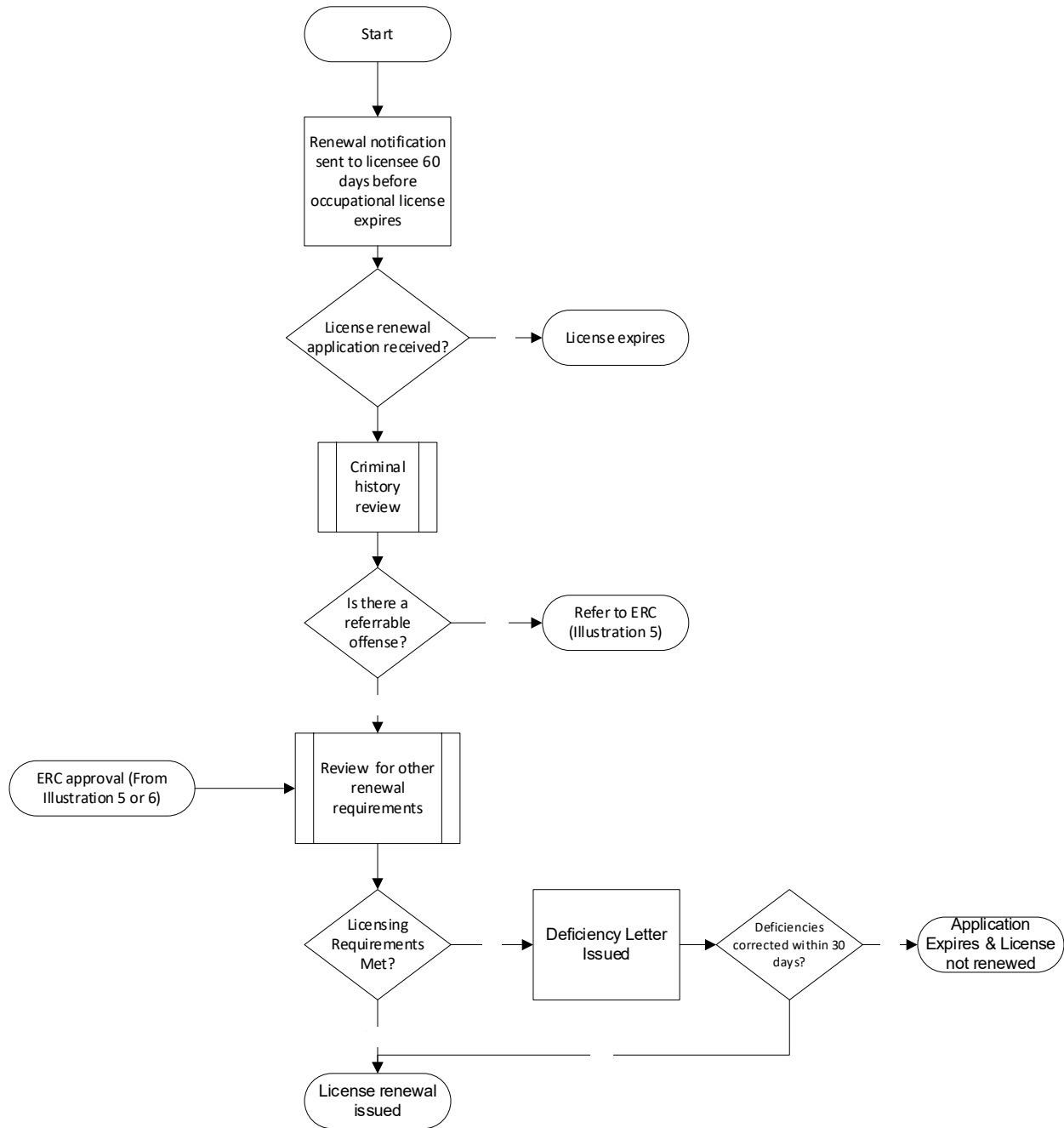
- Underground Storage Tanks (Contractors, Supervisors A, A & B, B);
- Water Operators (Groundwater Treatment Operators B & C, Surface Water Treatment Operators B & C, Water Distribution Operators B & C, Water Operations Companies, Water Operators A & D);
- Wastewater Operators (Wastewater Collection Operators I, II, & III, Wastewater Operations Companies, Wastewater Treatment Operators A, B, C, & D); and
- Water Treatment Specialists (I, II, & III).

The following flowcharts illustrate processes for new license applications, license renewals, license exams, license training material approvals, and reviews by the executive review committee.

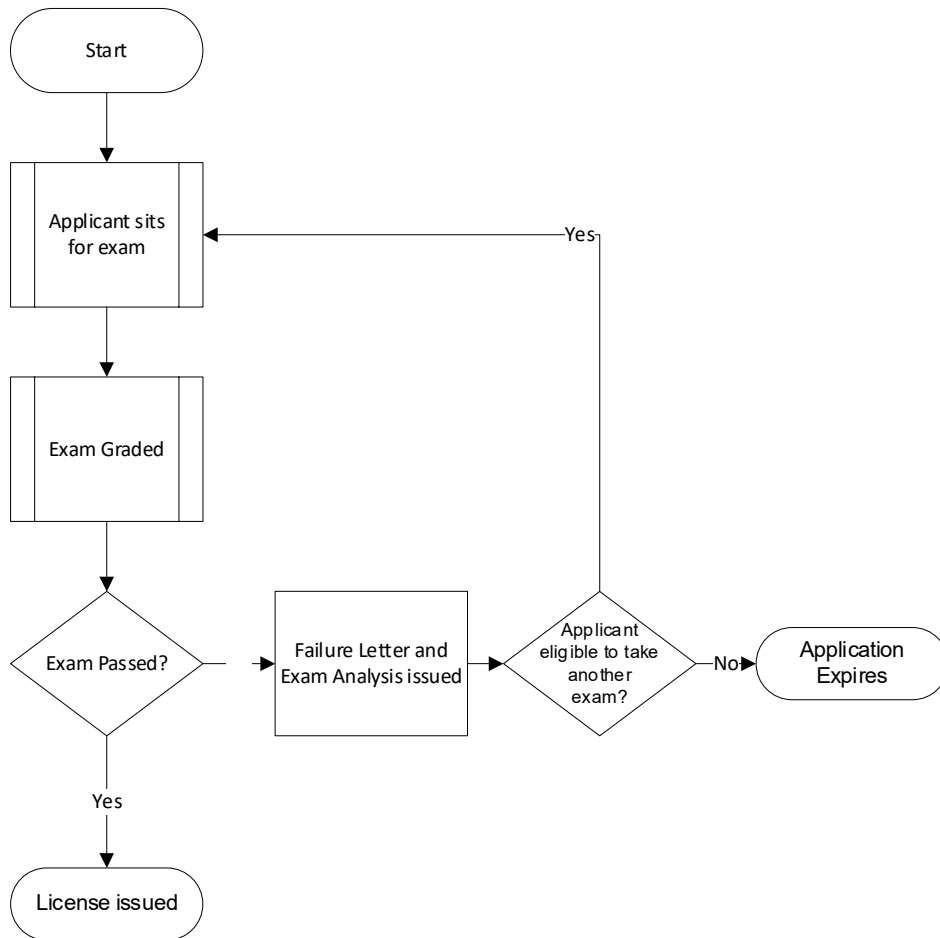
New Occupational License Application Process (Illustration 1) Flowchart



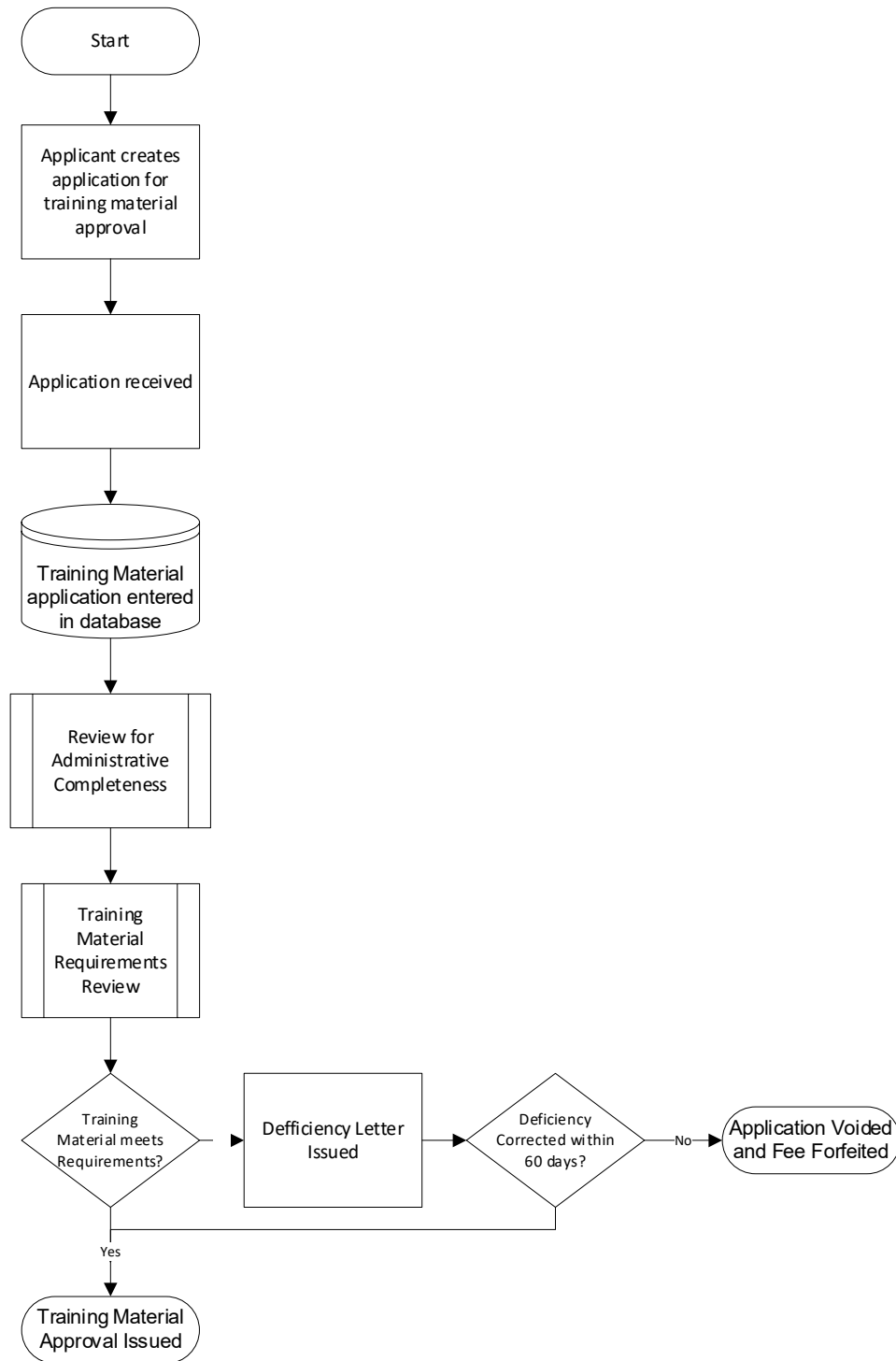
License Renewal Application Process (Illustration 2) Flowchart



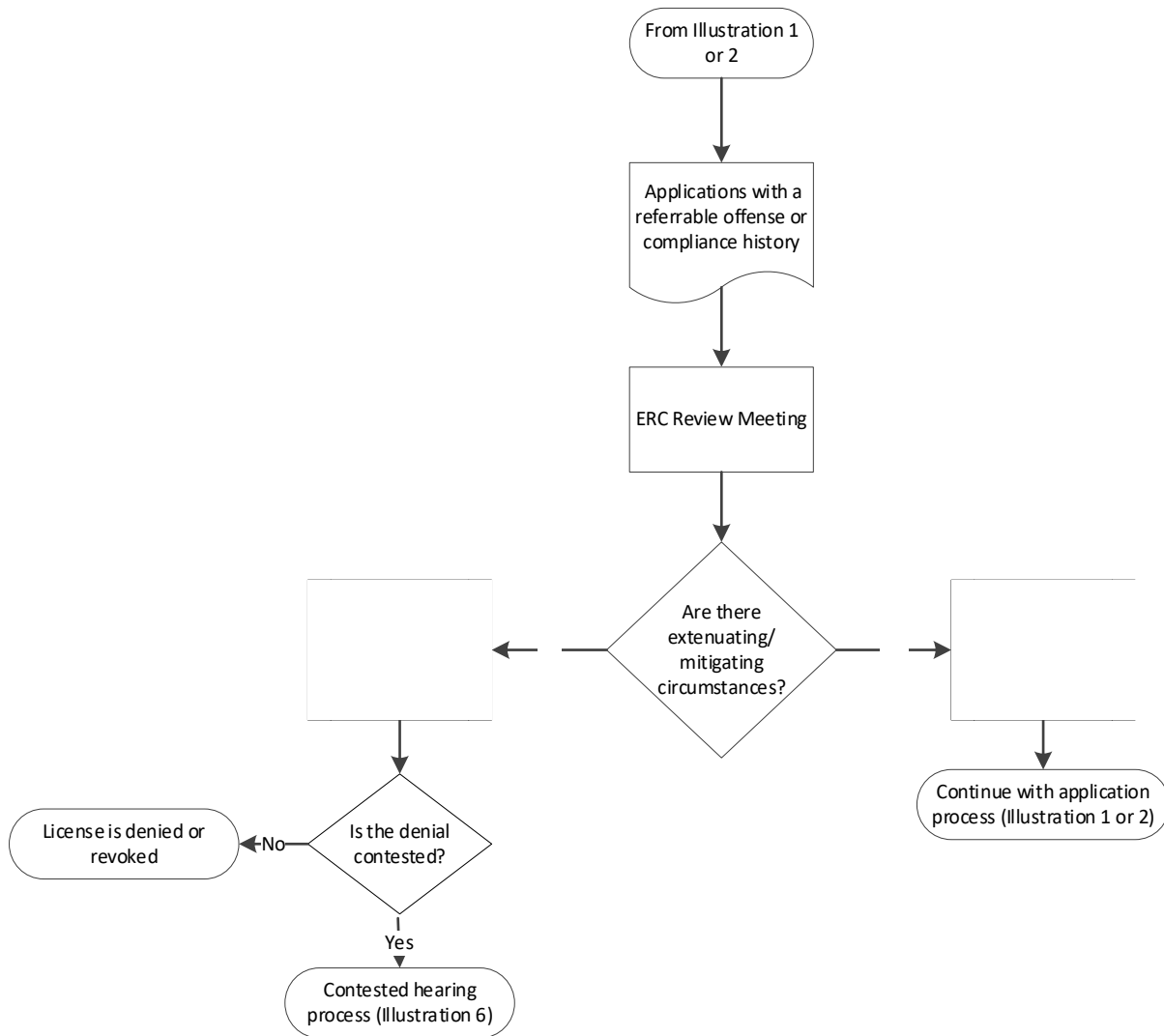
Occupational License Exam Process (Illustration 3) Flowchart



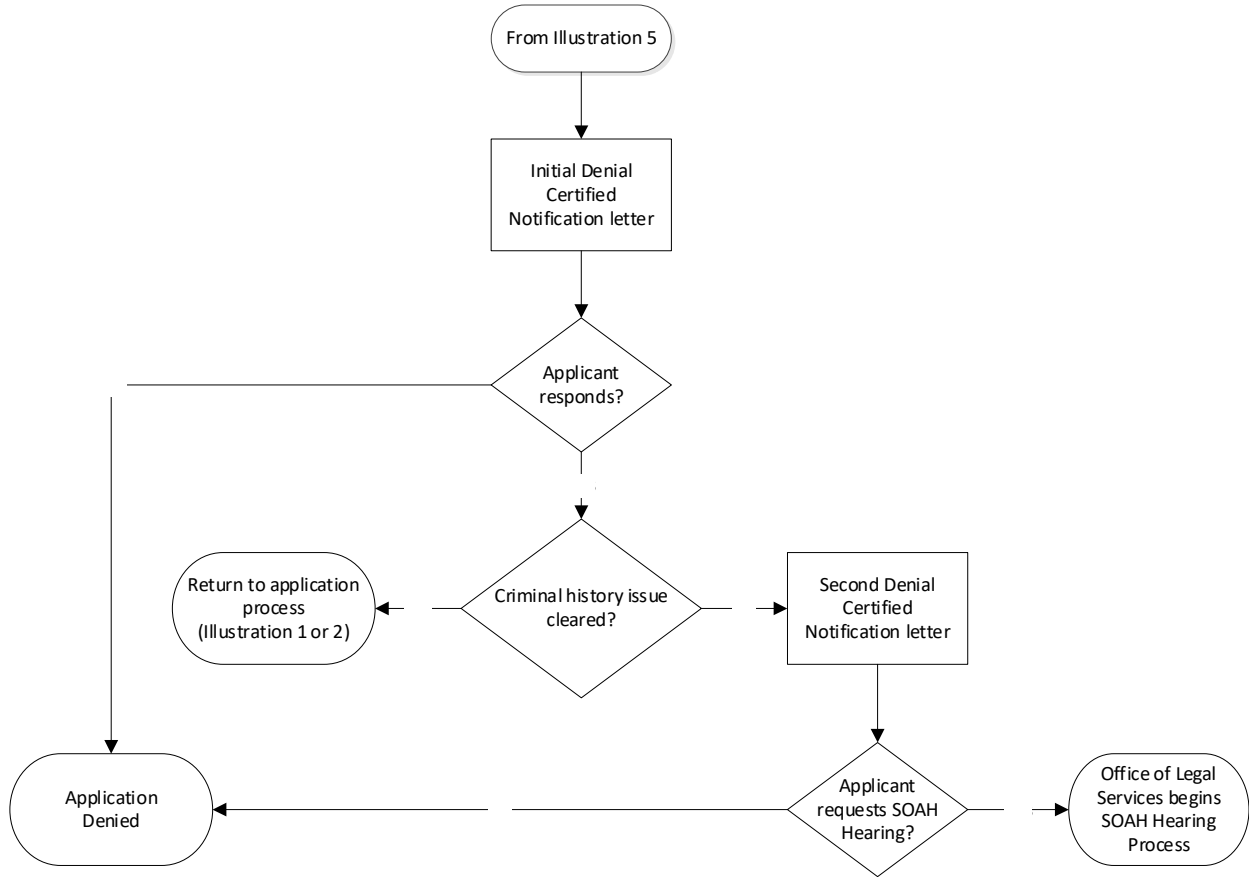
Occupational Licensing Training Material Approval Process (Illustration 4) Flowchart



Executive Review Committee License Application Review (Illustration 5) Flowchart



Executive Review Committee Contested Case Process (Illustration 6) Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Occupational Licensing Program Funding Sources

Account	Account Title	FY 2020 Expended
0468	Occupational Licensing Account – Dedicated	\$1,000,251

The program is funded in the Occupational Licensing Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ, Texas Department of Licensing and Regulation (TDLR), and Texas State Board of Plumbing Examiners (TSBPE) all issue occupational licenses; however, licenses are all different in nature and there is no overlap of jurisdiction except for the following two exceptions:

- TSBPE: In TOC Sections 1301.053 and 1301.056, licensed plumbers are not required to hold a license to perform duties of a water treatment specialist and a landscape irrigator, respectively; and
- Texas Board of Professional Engineers & Texas Board of Professional Geoscientists: In TWC Section 37.005, TCEQ is authorized to establish requirements and procedures, and may waive any prerequisite after reviewing an applicant’s credentials. Subsequently, TCEQ adopted rules in 30 TAC Section 30.195 exempting licensed professional engineers and licensed professional geoscientists from a required license to perform corrective action for leaking petroleum storage tanks.

In cooperation with Occupational Licensing, Texas Engineering Extension Service (TEEX) proctors exams for landscape irrigator and OSSF site evaluator licenses. They perform this activity through a Memorandum of Agreement (MOA) with Occupational Licensing and use licensing exams provided by Occupational Licensing. Both exams contain hands-on requirements, and TEEX has personnel and classroom capacity that Occupational Licensing does not, which allows them to successfully proctor these two exams statewide. TEEX is the only entity offering these licensing exams.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Occupational Licensing coordinates with TDLR and TSBPE to ensure administrative requirements and procedures for the occupational and registration programs are administered in a uniform manner consistent with the Sunset Occupational Licensing Model, issued November 20, 2007. Each program manages separate group of licenses, which reduces opportunity for duplication. There are instances where TCEQ requirements may interact with those from TDLR or TSBPE.

Plumbers licensed by TSBPE may encounter pipes and other water lines that may have also been worked on by TCEQ licensees, including water or wastewater operators or water treatment specialists. There are limited circumstances where overlap would occur between these interactions.

TDLR and TCEQ have complementary regulations regarding licenses for well and pump drillers issued by TDLR and water treatment specialists issued by TCEQ. In a private or public potable well system, TDLR licensees are required to install equipment that exists outside any residence or building. Any water treatment systems installed inside the residence or building must be completed by a TCEQ licensee.

TCEQ has a MOA with Texas A&M Engineering Extension Services (TEEX). Based on the agreement, TEEX proctors exams for landscape irrigator and OSSF site evaluator licenses. They also offer other licensing courses as a TCEQ-approved training provider and have a contract as a computer-based testing center for Occupational Licensing.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ has an interagency contract with Texas Department of Public Safety (DPS) to access criminal history information to perform required criminal history review for new and renewal applications as stipulated by 30 TAC Section 30.33 (License or Registration Denial, Warning, Suspension, or Revocation).

TCEQ coordinates with Office of the Attorney General to obtain information regarding whether an applicant is in default on child support payments. The license or registration of individuals who are found to be in default of child support payments are automatically suspended.

TCEQ authorizes local permitting authorities (authorized agents) to administer the On-Site Sewage Facility (OSSF) Program. TCEQ reviews and approves ordinances and approves authorized agents; responds to OSSF questions from the public; approves innovative technologies; performs compliance investigations of authorized agents, performs complaint investigations; issues licenses; approves training and exams; and suspends, revokes, or denies licenses. Authorized agents administer the OSSF Program; perform complaint investigations; and handle enforcement (with the exception of suspending, revoking, or denying licenses). This delegation is described in 30 TAC Chapter 366 (On-Site Sewage Disposal Systems).

TCEQ approves training that providers use to educate professionals who engage in activities regulated by TCEQ. Local and regional training providers include:

- Cities: Abilene, Amarillo, Arlington, Austin, Bedford, Dallas, Fort Worth, Garland, Houston, Huntsville, Irving, Laredo, Lewisville, Longview, Mansfield, Pflugerville, San Angelo, San Antonio, Texarkana, Waco, and Wichita Falls;
- River Authorities: Brazos River Authority, Guadalupe-Blanco River Authority, Lower Colorado River Authority, and Trinity River Authority;
- Municipal Utility District: Tarrant County MUD No. 1;
- Council of Government: North Central Texas Council of Governments; and
- Higher Education: Amarillo College, Austin Community College, Collin College, El Paso Community College, Houston Community College, Tarrant County College, Texas A&M University (Texas Engineering Extension Service), and Tyler Junior College.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The program contracts with the Department of Public Safety (DPS) to allow Occupational Licensing staff to conduct criminal history checks on licensing applicants. The program also utilizes the internship program to support program needs.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$31,246.

- the number of contracts accounting for those expenditures;

Two contracts.

- the method used to procure contracts;

The contract was a direct award with DPS. The intern was hired using a managed term contract.

- top five contracts by dollar amount, including contractor and purpose;

Occupational Licensing Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10314	Texas Department of Public Safety	To provide criminal history record information (CHRI) on applicants and/or prospective employees for use in determining eligibility for licensing or employment in accordance with TCEQ's authorizing statute.	\$22,894
582-20-13973	WorkQuest	Intern for one-time projects to support Occupational Licensing.	\$8,352

- the methods used to ensure accountability for funding and performance; and

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- a short description of any current contracting problems.

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

License Renewal Deadlines. TCEQ’s Occupational Licensing Program is unable to renew licenses beyond 30 days of expiration due to statute limits. The statute has a relatively short time frame for renewing a license if one expires, particularly when compared to other licensing programs. This creates an extra workload, as full licensing applications must be processed with the associated workload and resource allocations, as opposed to an administrative renewal. Amending TWC Section 37.006 to provide flexibility up to 18 months after expiration would address this issue.

TDLR has a renewal period up to 18 months for renewing expired occupational licenses and registrations, in accordance with TOC Section 51.401. TSPE has a renewal period up to two years, in accordance with TOC 1301.403. Both agencies charge 1½ times the regular administrative fees for renewals up to 90 days past expiration. TDLR charges double the fee for licenses expired more than 90 days but less than 18 months. TSBPE charges double the fee for licenses expired more than 90 days but less than two years. The TWC statute does not provide such flexibility to allow renewal of occupational licenses.

Shortage of Water and Wastewater Operators. Over the last ten years, as the population of Texas has grown, there has been a steady decline in the number of licensed water and wastewater operators per capita in Texas. If this trend continues, Texas will experience a significant shortage of licensed water and wastewater operators. **Refer to Section IX, Major Issues, Shortage of Water and Wastewater Operators.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

Additionally, the program handles complaints against a licensed or registered individual or company by:

- referring violations to a local authority;
- revoking, denying, or suspending a license following due process;
- requesting voluntarily surrender in lieu of revocation; and
- administering automatic revocations for licensed individuals convicted of a felony resulting in incarceration.

The program handles complaints against a training provider by:

- rescinding or suspending training provider approvals; and
- disqualifying instructors.

The program handles audits for training providers and courses to make sure the course:

- covers all required course material as approved; and
- does not promote products.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Registration and Reporting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Registration and Reporting

Location/Division: Austin Headquarters / Occupational Licensing & Registration Division

Contact Name: Jaya Zyman, P.E., Deputy Director, Occupational Licensing & Registration Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 26 and 28A; Texas Health and Safety Code (THSC) Chapters 361, 371, and 374; and 40 Code of Federal Regulations (CFR) 262, 263, 279, and 280.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Registration and Reporting (R&R) Program is to process registrations and maintain data on entities regulated by the registration programs.

The program performs the following major activities:

- registers and authorizes petroleum storage tanks (PSTs), dry cleaners, aggregate production operations (APOs), industrial and hazardous waste (IHW) generators, used oil, sludge transporters, medical waste transporters and on-site treaters, and enclosed containers (special collection routes and stationary compactors);
- issues PST delivery certificates, dry cleaner solvent delivery certificates, and sludge truck registration stickers; and
- receives and maintains annual waste summaries for the IHW Program, annual summary reports for medical waste transporters, sludge transporters and used oil collection centers and biennial reports for used oil and used oil filter handlers.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and efficiency of the Registration and Reporting Program is evidenced by the performance measures reported to the Legislative Budget Board.

The following performance measures are reported in Section II, Exhibit 2.

- Number of quarts of used oil sent for recycling rather than for disposal in a landfill; and
- Number of annual self-certifications processed by the program which correlates to the number of facilities that certify compliance with PST rules and are issued a delivery certificate to receive fuel.

Additional performance measures for PST, dry cleaners, industrial hazardous waste (IHW), medical waste, sludge transporters, used oil, aggregate production operations (APOs), and enclosed containers activities are provided in Exhibit 12.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Dataset Reference Number*	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
PST- Registrations, Updates, and Amendments	OOW-17	N/A	49,787	N/A
PST- Notices of Construction	OOW-17	N/A	2,435	N/A
Dry Cleaners- Renewals Facilities	OOW-18	N/A	1,116	N/A
Dry Cleaners- Renewal Drop Stations	OOW-18	N/A	1,333	N/A
Dry Cleaners- New Property Owner Registrations	OOW-19	N/A	2	N/A
Dry Cleaners- Property Owner Withdrawals	OOW-19	N/A	1	N/A
IHW- Registrations, Notifications, and Amendments	OOW-20	N/A	2,891	N/A
IHW- Error Resolution Letters	OOW-20	N/A	110	N/A
IHW- Annual Waste Summaries	OOW-20	N/A	5,723	N/A
Medical Waste- Registrations, Amendments, and Renewals	OOW-24	N/A	76	N/A
Medical Waste- Reports	OOW-24	N/A	74	N/A
Sludge Transporters- Registrations, Amendments, and Renewals	OOW-21	N/A	1,907	N/A
Sludge Transporters- Reports	OOW-21	N/A	1,666	N/A
Used Oil- Registrations, Amendments, and Renewals	OOW-23	N/A	541	N/A
Used Oil- Reports	OOW-23	N/A	888	N/A
APO- Registrations, Renewals, Amendments and Cancellations	OOW-25	N/A	1146	N/A
Enclosed Containers- Registrations, Amendments, and Renewals	OOW-25	N/A	43	N/A

*See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Registration and Reporting Program.

1986

- Texas Water Commission is designated to receive and process UST registrations.

1987

- SB 779 (70R) authorizes Texas Water Commission to develop and administer a comprehensive UST regulatory program.

1989

- Texas Department of Health promulgates medical waste regulations, including registration requirements.

1990

- Texas receives final authorization to administer federal Resource Conservation and Recovery Act program, including registration requirements.

1992

- Municipal Solid Waste Program is transferred from Texas Department of Health to Texas Water Commission, including registration of medical waste transporters and permitting of medical waste management facilities.

1994

- Used oil filters are banned from landfill disposal by rule. The ban is subsequently added to THSC in 1995.

1995

- United States Environmental Protection Agency (EPA) approves TCEQ PST Program.

1997

- EPA delegates used oil program to TCEQ. The program remains largely unchanged, except emphasis shifts from education to regulation.
- HB 2815 (76R) requires owners and operators of certain regulated USTs to certify compliance with applicable TCEQ rules to receive deliveries of product.

1999

- HB 2619 (76R) clarifies TCEQ authority regarding used oil filters.

2005

- HB 2376 (79R) authorizes removal of the five-year ownership requirement for landowner eligibility for the remediation program, revises fee structures, extends deadline for opting out of the Dry Cleaner Facility Release Fund, and limits applicability of some performance standards.
- SB 444 (79R) extends deadline for opting out of Dry Cleaner Facility Release Fund to February 28, 2006, and credits some dry cleaners that opted out for previously paid fees.

2007

- HB 3220 (80R) creates registration requirements for current and former property owners who wish to claim benefits from the Dry Cleaner Remediation Fund; allows liens against property for past due registration fees and cleanup costs that occurred while fees were in arrears; and prohibits the use of perchloroethylene at sites where the commission has completed cleanup.

2016

- Medical waste rules are amended and moved into new Title 30 TAC Chapter 326 (Medical Waste Management).

2017

- HB 2582 (85R) adds an additional exemption to definition of aggregate production operation.
- SB 1105 (85R) abolishes used oil recycling account. Deposits and disbursements of used oil recycling fees use the water resource management account.

2018

- TCEQ adopts rules to implement SB 1557 (85R) related to administration of petroleum products delivery fee, incorporates necessary changes to 30 TAC Chapter 334 in accordance with revisions to the 2015 federal petroleum storage tank program in 40 CFR 280, relating to technical standards for owners and operators of USTs, and allows TCEQ to apply for state program approval from EPA.

2020

- TCEQ amends 30 TAC Chapter 335 to adopt EPA's RCRA Phase I including import/export rules, conditional exemptions for air bag waste collection facilities, and electronic manifests.
- TCEQ amends 30 TAC Chapter 312, relating to sludge use, disposal, and transportation, to update biosolids language and add temporary storage recordkeeping.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Registration requirements vary specific to each program. The [OLRD Webpage Registration: Am I Regulated?](#) lists specific qualifications and eligibility requirements for each registration type.

The following table lists programs accounting for other groups affected by qualifications and eligibility requirements for the Registration and Reporting Program. Each program includes a brief description of the available registration types number of registrations.

Number and Type of Registrations as of August 31, 2020

Program	Registration Type	Descriptions	Number of Registrations
PST Facilities	Active	Number of facilities with active PSTs. A facility is active if the tank at the facility has not been permanently	31,473

Program	Registration Type	Descriptions	Number of Registrations
		removed from service (removed from the ground or filled in place).	
PST Facilities	Total Active Tanks	Total universe of tanks at active facilities.	73,215
PST Facilities	USTs	Total number of in-use USTs at active facilities.	42,247
PST Facilities	ASTs	Total number of in-use ASTs at active facilities.	24,419
PST Facilities	Out of Service	Total number of out-of-service USTs at active facilities.	6,549
PST Facilities	USTs Removed from Service	Total universe of USTs permanently removed from service.	127,001
PST Facilities	Removed from the Ground	Number of USTs removed from the ground.	116,920
PST Facilities	Filled in Place	Number of USTs filled in place.	10,081
IHW Registrations	IHW Registrations	Total number of registrations.	8,114
IHW Registrations	Generators	Number of generators.	5,760
IHW Registrations	Transporters	Number of transporters.	2,179
IHW Registration	Receivers	Number of receivers.	175
Sludge Transporters	Sludge Transporters	Number of companies that transport liquid waste.	1,759
APOs	APOs	Number of registered sites.	1,055
Medical Waste	Transporters	Number of companies that transport medical waste.	112
Medical Waste	On-Site Treaters	Number of mobile on-site medical waste treaters.	3
Enclosed Containers	Stationary Compactors	Number of stationary compactors.	30
Enclosed Containers	Special Collection Routes	Number of special collection routes.	11
Used Oil	Used Oil Collection Centers	Number of used oil collection centers that manage used oil received from generators in quantities of 55 gallons or less. Includes receiving used oil from individuals who change their own oil at home.	2,975
Used Oil	Used Oil and Oil Filter Handlers	Total number of sites that handle used oil and used oil filters.	541
Used Oil	Used Oil Handlers	Number of used oil only handlers.	246
Used Oil	Used Oil Filter Handlers	Number of used oil filter only handlers.	6
Used Oil	Both Used Oil and Used Oil Filter Handlers	Number that handles both used oil and used oil filters.	289

Program	Registration Type	Descriptions	Number of Registrations
Dry Cleaners	Total Registrations	Total number of facilities, drop stations, and property owners.	2658
Dry Cleaners	Facilities	Number of dry cleaning plants.*	1116
Dry Cleaners	Drop Stations	Number of drop stations.*	1333
Dry Cleaners	Property Owners	Number of property owners.*	209
Dry Cleaners	Distributors	Number of solvent distributors.	21

* Dry Cleaning facilities and drop station can choose to participate in accessing remediation fund or not and are designated as participating or non-participating. Most sites, 89%, are participating and 11% are non-participating. Non-participating sites pay a reduced annual registration fee. All registered property owners are participating sites.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Petroleum Storage Tanks (PST). The PST Registration team maintains registration and construction notification information for underground and aboveground petroleum storage tanks. The team also processes state mandated self-certifications and proof of financial assurance, which result in issuance of a delivery certificate authorizing the facility to receive deliveries of petroleum product into underground storage tanks (USTs).

Dry Cleaners. The Registration and Reporting Program registers and collects registration and solvent fees from distributors of dry cleaning solvents, dry cleaner facilities, drop stations, and current and former property owners, and issues solvent delivery certificates authorizing dry cleaner facilities to purchase dry cleaner solvent. The fees are paid into the Dry Cleaner Remediation Fund, which is used to administer the program for registration of facilities and clean up contaminated sites.

Industrial Hazardous Waste (IHW).

- The Registration and Reporting program maintains IHW registration and reporting information for generators and transporters. EPA authorized the program to assign EPA ID numbers and submit information on handlers weekly to EPA. The program tracks annual waste summaries from IHW generators and submits a biennial report to EPA Region 6.
- The IHW registration process begins when a form is received from an entity planning to manage industrial or hazardous waste. A registration number is assigned and a notice of registration is prepared which lists all waste management units and generated wastes.

Medical Waste Transporters. The Registration and Reporting Program maintains registration by rule and reporting information for transporters and mobile on-site treaters of medical waste.

Used Oil. The Registration and Reporting Program maintains registration and reporting information for used oil collection centers, and handlers of used oil and used oil filters. A registration form is received from the applicant and a registration number or a permit by rule ID number is assigned upon application review completion, at which point, the applicant is notified.

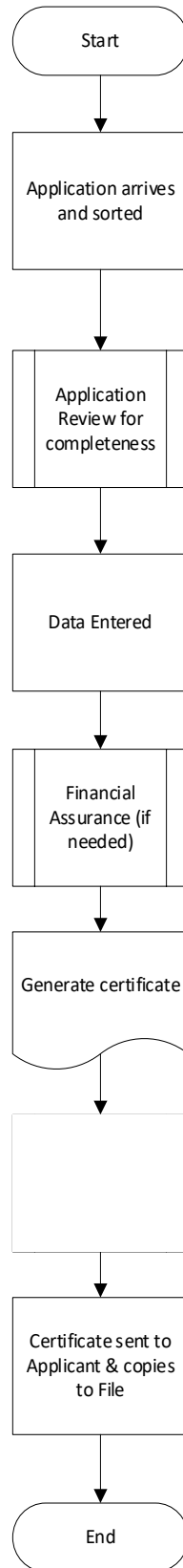
Enclosed Containers. The Registration and Reporting Program maintains enclosed container permit by rule and reporting information for both stationary compactors and special collection routes. A registration form is received from the applicant and a registration number or a permit by rule ID number is assigned upon application review completion, at which point, the applicant is notified.

Sludge Transporter. The Registration and Reporting Program maintains sludge transporter registration and reporting information for transporters of liquid wastes. A registration form is received from the applicant and a registration number or a permit by rule ID number is assigned upon application review completion, at which point, the applicant is notified.

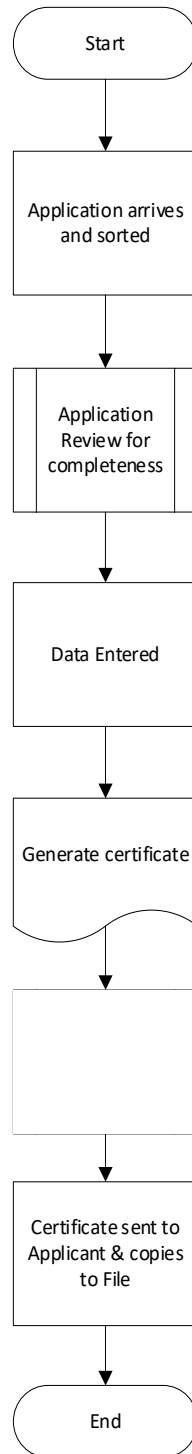
Aggregate Production Operations (APOs). The Registration and Reporting Program registers locations where commonly recognized construction materials such as granite, limestone, gravel, sand, caliche, and soil (defined as aggregates), are removed, or extracted from the ground. Registration fees are collected based on number of acres disturbed.

The following flowcharts illustrate process overviews for PST, Dry Cleaners, IHW, Medical Waste Transporters, Used Oil, Enclosed Containers, Sludge Transporters, and APOs.

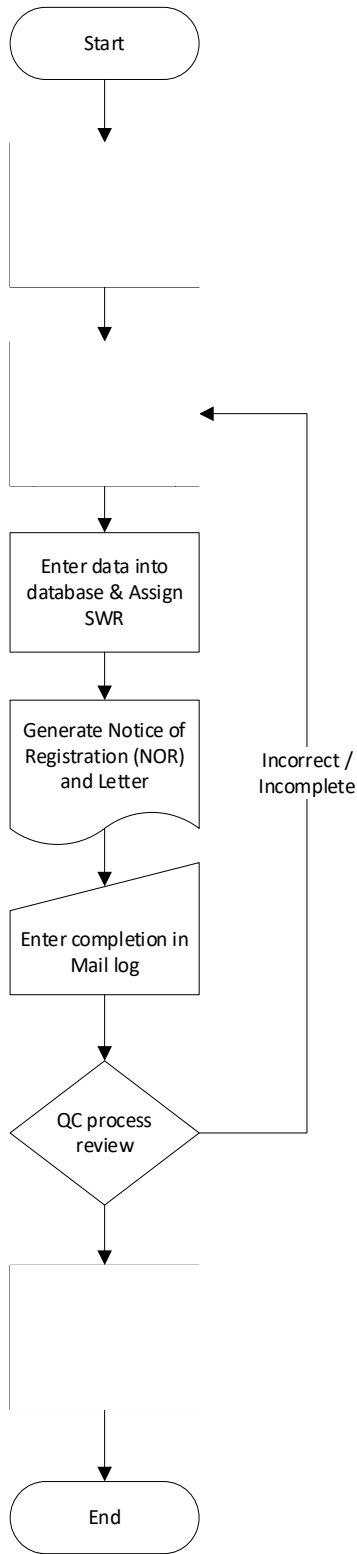
PST Process Overview Flowchart



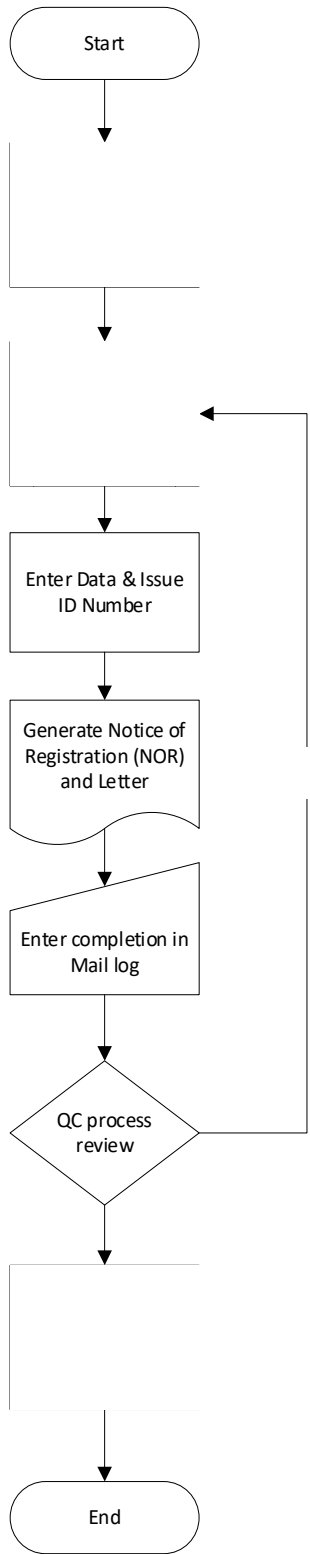
Dry Cleaner Process Overview Flowchart



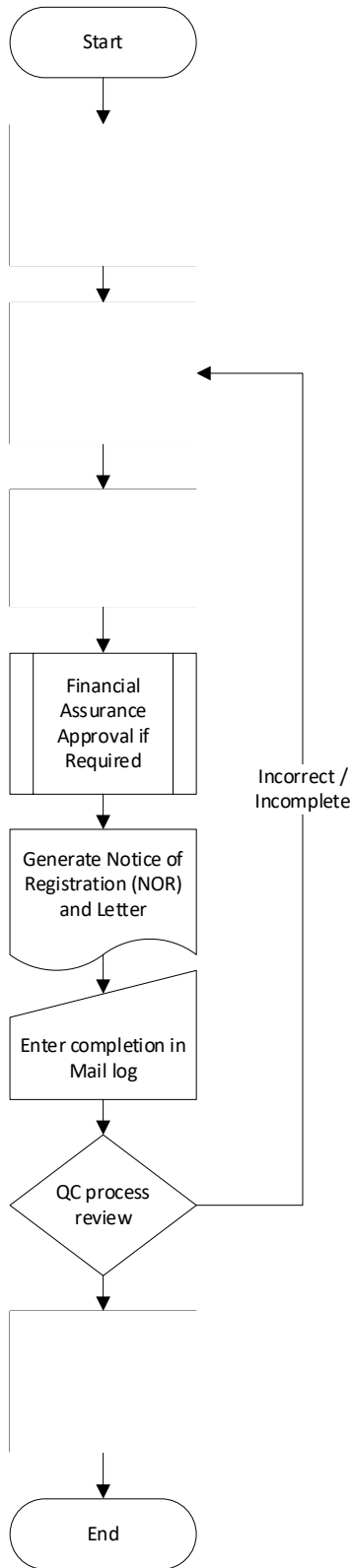
IHW Process Overview Flowchart



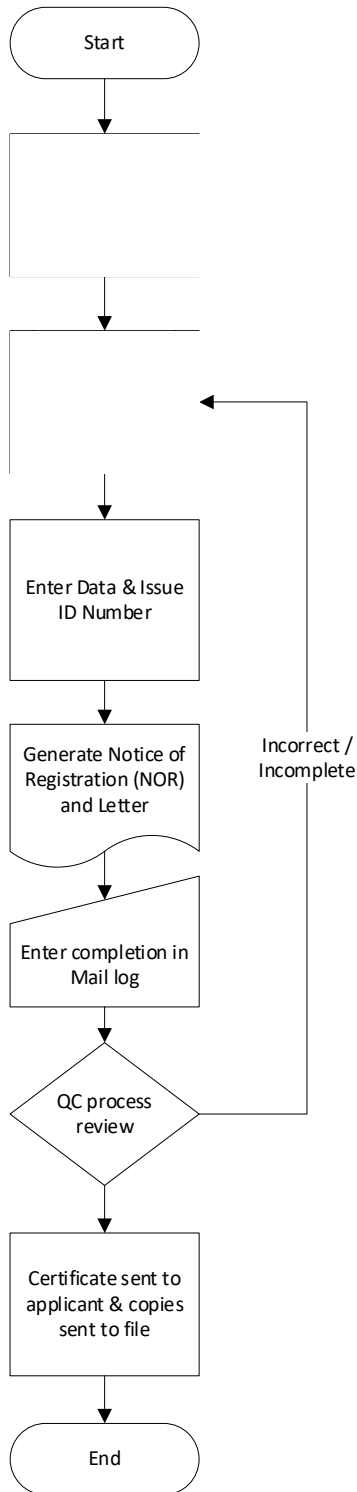
Medical Waste Transporters Process Overview Flowchart



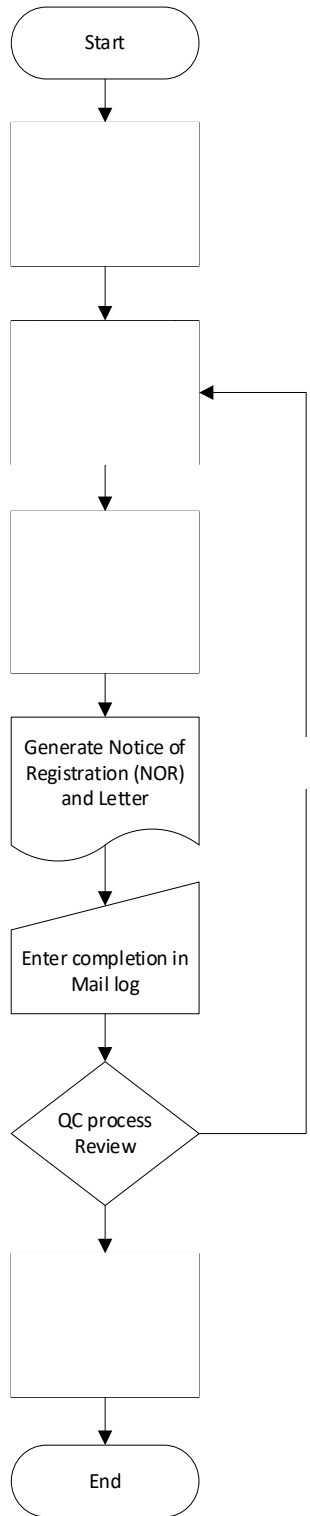
Used Oil Process Overview Flowchart



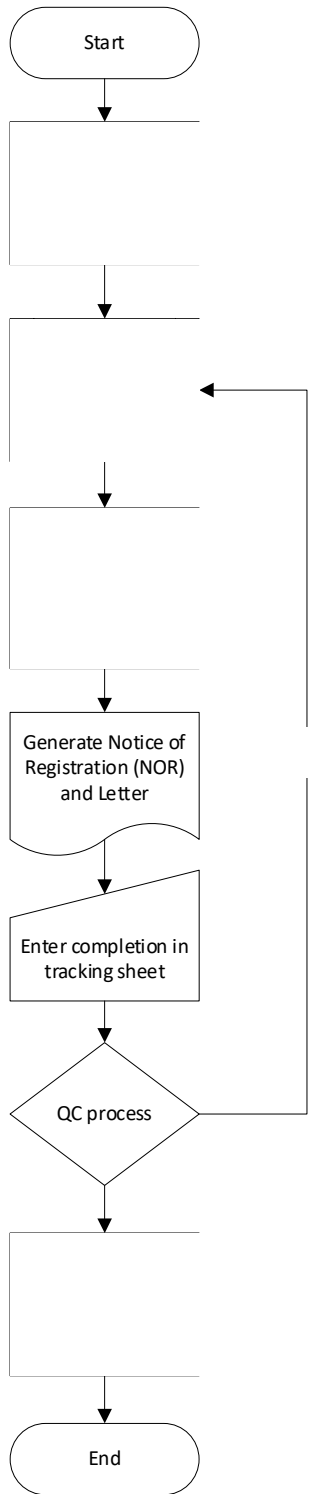
Enclosed Containers Process Overview Flowchart



Sludge Transporter Process Overview Flowchart



APO Process Overview Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Registration and Reporting Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account – Dedicated	N/A	N/A	\$124,401
0549	Waste Management Account – Dedicated	N/A	N/A	\$278,244
0655	Petroleum Storage Tank Remediation Account – Dedicated	N/A	N/A	\$527,573
5093	Dry Cleaner Facility Release – Dedicated	N/A	N/A	\$118,228
0555	Federal Funds	66.605	Performance Partnership Grants	\$186,030
TOTAL				\$1,234,476

The program is funded in the following strategies:

- Waste Management and Permitting;
- Water Resource Assessment and Planning;
- Waste Management Assessment and Planning;
- Storage Tank Administration & Cleanup; and
- Hazardous Materials Cleanup.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Sanitary Waste/Domestic Sewage. Domestic sewage waste management systems at oil and gas drilling sites are overseen by Railroad Commission of Texas (RRC). However, any transportation of waste off-site must be conducted by a TCEQ-registered sludge transporter.

Used Oil and Used Oil Filters. RRC has jurisdiction over used oil and used oil filters generated from activities associated with exploration and production of oil and gas. Used oil and used oil filter transporters, storage facilities, and processors registered with TCEQ can accept used oil and used oil filters under the jurisdiction of RRC. Additionally, RRC allows TCEQ-registered transporters to transport used oil and used oil filters under the jurisdiction of RRC.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program uses a Memorandum of Understanding (MOU) between TCEQ and RRC to coordinate activities and avoid duplication. The MOU is codified in 30 TAC Section 7.117 in TCEQ rules and 16 TAC Section 3.30 in RRC rules and is an agreed interpretation of the jurisdiction granted to each agency in state statute.

Sanitary Waste/Domestic Sewage. TCEQ has jurisdiction over sanitary waste/domestic sewage under TWC Chapter 26. RRC has not been granted jurisdiction over sanitary waste/domestic septage. The MOU describes domestic sewage generated from RRC sites as being under the jurisdiction of RRC but is silent on the transportation of domestic sewage. Sanitary waste/domestic sewage generated at a well-site or on a lease is considered an oil and gas waste; however, once it moves onto a public roadway it comes under TCEQ jurisdiction and must be transported by a TCEQ registered sludge transporter.

Used Oil and Used Oil Filters. RRC has jurisdiction over used oil and used oil filters generated from activities associated with the exploration and production of oil and gas. RRC requires used oil to be managed in accordance with 40 CFR 279 – Standard for the Management of Used Oil. TCEQ promulgated rules implementing a program to handle recycling of used oil and used oil filters in accordance with 40 CFR 279. RRC refers generators of used oil and used oil filters under its jurisdiction to entities registered with TCEQ's Used Oil Program in an effort for both agencies to support and encourage the recycling of used oil and in support of the state's waste minimization plan.

In furtherance of the MOU between TCEQ and RRC, TCEQ confirmed in a letter dated September 24, 2014, that transporters, storage/collection facilities and processors of used oil and used oil filters registered in accordance with TCEQ's Used Oil Program were able to accept used oil and used oil filters generated under the jurisdiction of RRC. RRC responded on November 11, 2014, concurring.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

A local, state, or federal unit of government may interact with the program when the unit's activities are subject to registration or reporting requirements under one of the activities the program administers.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Radioactive Materials Licensing Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Radioactive Materials Licensing Program

Location/Division: Austin Headquarters / Radioactive Materials Division

Contact Name: Ashley Forbes, Deputy Director, Radioactive Materials Division

Statutory Citation for Program: Texas Health and Safety (THSC) Code Chapter 401.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Radioactive Materials Licensing Program is to protect the public and workers from unnecessary radiation exposure and to protect the environment from contamination resulting from the possession, storage, or disposal of radioactive materials.

The major activities performed by the program include radioactive material licensing of:

- disposal of radioactive substances;
- processing or storage of radioactive substances or naturally occurring radioactive material (NORM) waste received from other persons, except oil and gas NORM;
- recovery or processing of source material (uranium);
- processing of by-product material; and/or
- sites for the disposal of low-level radioactive waste, by-product material, or NORM waste.

Additionally, the program oversees the reclamation of historic burial sites for radioactive materials and other contaminated sites, including former uranium mines.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Under Section 273 of the Atomic Energy Act of 1954, as amended, the United States Nuclear Regulatory Commission (NRC) retains oversight authority for ensuring the Agreement State programs provide adequate protection of public health and safety and are compatible with the NRC's regulatory program. In fulfilling this statutory responsibility, the NRC periodically reviews the program to ensure it continues to be adequate and compatible.

In cooperation with the Agreement States, the NRC established and implemented the Integrated Materials Performance Evaluation Program (IMPEP). IMPEP is a performance evaluation process providing the NRC and Agreement States with systematic, integrated, and reliable evaluations of the strengths and weaknesses of their respective radiation control programs and identification of areas needing improvement. To date, TCEQ has demonstrated overall effectiveness in carrying out the state's

responsibilities to oversee the radiation control programs as documented by the NRC through the IMPEP process. The State of Texas is undergoing IMPEP simultaneously with this Sunset review.

The following performance measures are reported in Section II, Exhibit 2.

- Number of industrial and hazardous waste permits issued;
- Number of industrial and hazardous waste permit applications reviewed (key); and
- Percent of waste management permit applications reviewed within established time frames.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Radioactive Materials Licensing Program.

1954

- Congress passes the Atomic Energy Act regulating radioactive material.

1959

- Congress enacts Atomic Energy Act Section 274 allowing states to enter into agreements to regulate radioactive material.

1963

- Governor Daniel signs an agreement making Texas an “Agreement State” under the authority of the NRC.

1980

- Congress passes the Low-Level Radioactive Waste Policy Act making individual states responsible for waste generated in their borders.

1982

- Governor Clements signs an amendment to the agreement with NRC allowing Texas to continue to regulate by-product material.

1985

- Congress passes the Low-Level Radioactive Waste Policy Amendment Act to encourage groups of states to form compacts to site regional disposal facilities.

1993

- The legislature (73R) ratifies an interstate compact with Maine and Vermont to receive their low-level radioactive waste for disposal in Texas under the Texas Low-Level Radioactive Waste Disposal Compact (Texas Compact). (SB 1206 73R)

1998

- Congress ratifies the Texas Compact. Maine later withdraws from the Texas Compact.

2008

- Governor Perry appoints six people to the Texas Low-Level Radioactive Waste Disposal Compact Commission, which becomes active. Governor Douglas of Vermont follows by naming two people to serve.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

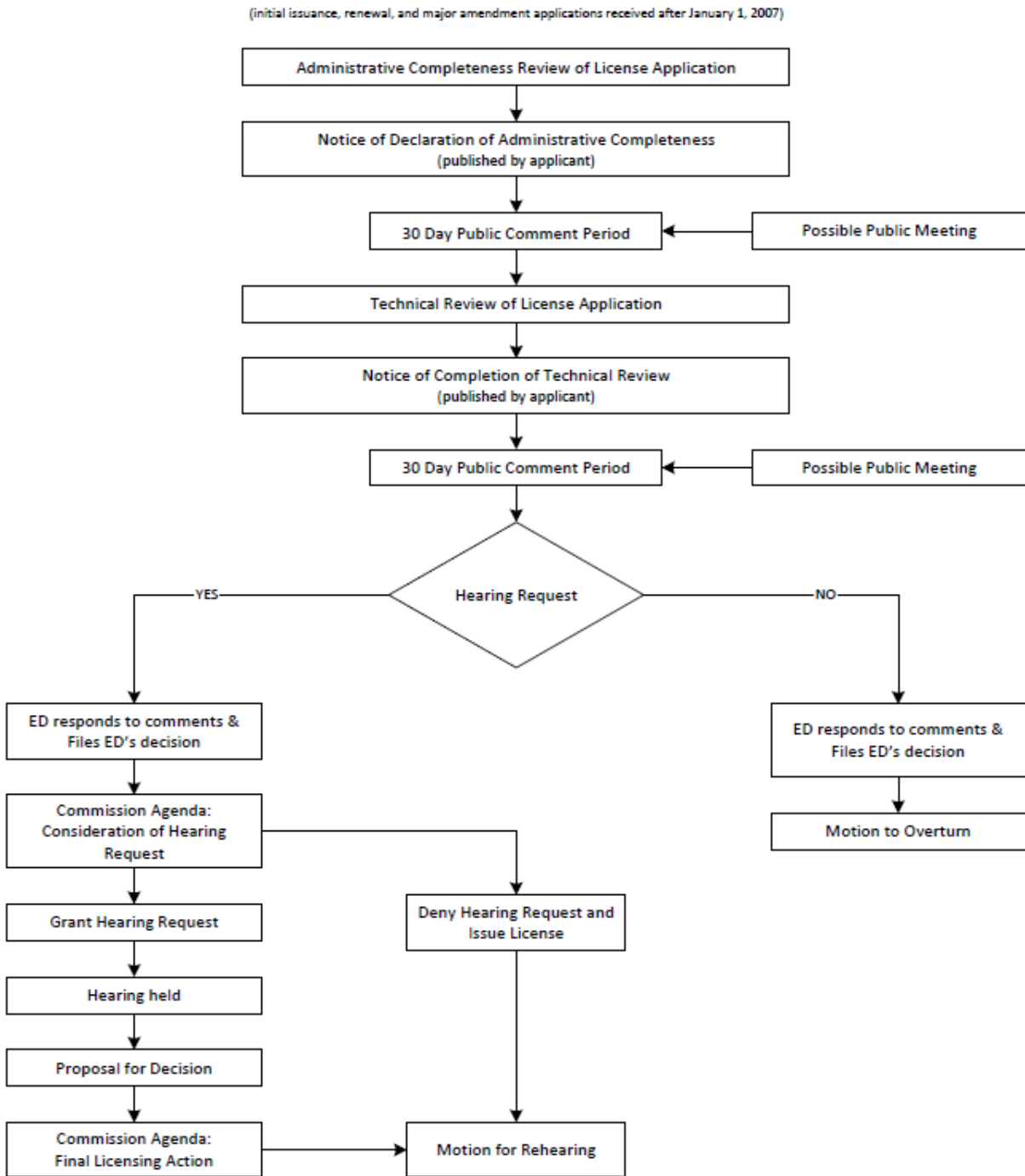
The Radioactive Materials Licensing Program includes 15 radioactive material licensees. The licensees and applicants are qualified through licensing. Specific education, knowledge, and experience are required for designation of a radiation safety officer, who is the responsible person under a radioactive materials license. The licensees include:

- Seven licensees authorizing in-situ uranium recovery which include 9 licensed sites:
 - Five licensed sites with in-situ uranium mining;
 - Two licensed sites with uranium mining processing operations; and
 - Two licensed sites with both in-situ mining and processing operations.
- Four licensees authorizing by-product material disposal;
- Two licensees authorizing alternative waste disposal;
- One licensee authorized for radioactive waste storage and processing; and
- One licensee authorized for both radioactive waste storage and processing and low-level radioactive waste disposal.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Radioactive Materials Licensing Program accomplishes its objectives through licensing and regulatory oversight of in situ uranium recovery, radioactive waste processing and storage, low-level radioactive waste disposal, by-product material disposal, and disposal of naturally-occurring radioactive waste materials not related to oil and gas production. The following flowchart illustrates the main licensing process.

Radioactive Materials License Review Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Radioactive Materials Licensing Program Funding Sources

Account	Account Name	FY 2020 Expended
0001	General Revenue	\$345,109
0088	Low-Level Radioactive Waste Account – Dedicated	\$935,757
0549	Waste Management Account – Dedicated	\$665,067
5158	Environmental Radiation and Perpetual Care Acct - Dedicated	\$2,986,927
TOTAL		\$4,932,860

The program is funded in the Radioactive Materials Management Strategy.

Riders include Rider 14 Environmental Radiation and Perpetual Care.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Texas Department of State Health Services (DSHS) regulates and issues radioactive material licenses for possession, use (including industrial, medical, and academic), and transportation of radioactive material. TCEQ also issues radioactive material licenses; however, TCEQ regulates facilities storing, processing, or disposing of:

- uranium ore (including mining, extraction, and separation of ore);
- by-product material waste;
- low-level radioactive waste, including low-level radioactive waste generated from federal government activities; and/or
- naturally occurring radioactive material (NORM), except oil and gas NORM.

Railroad Commission of Texas (RRC) is responsible for permitting the disposal of oil and gas NORM. TCEQ does not have jurisdiction of the disposal of oil and gas NORM.

NRC is the federal agency that regulates nuclear facilities, such as nuclear power plants, through licensing, inspection, and enforcement. The State of Texas is an agreement state which means NRC has delegated a portion of its regulatory authority to the state. NRC retains oversight authority for ensuring agreement states provide adequate protection of public health and safety and are compatible with NRC's regulatory program.

TCEQ Office of Compliance and Enforcement, Radioactive Materials Compliance Program, regularly inspects and ensures compliance of facilities licensed through the Radioactive Materials Licensing Program. Staff from both programs communicate regularly to ensure licensees comply with their radioactive material licenses and TCEQ rules.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly

discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Radioactive Materials Licensing Program coordinates activities:

- Through Memoranda of Understanding and the rulemaking process with the DSHS and RRC to delineate jurisdiction and coordination in the regulation and licensing for radioactive materials;
- Through an agreement between the governor and NRC to regulate the possession, storage, and disposal of radioactive materials and source material recovery in Texas; and
- Through regularly scheduled meetings and coordination with TCEQ's Office of Compliance and Enforcement, Radioactive Materials Compliance Program inspectors and their supervisors on compliance and enforcement for radioactive materials licensing.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal

- NRC: The program is an Agreement State Program with NRC federal oversight through concurrence on licensing and rulemaking, compatibility reviews, and an NRC Integrated Materials Performance Evaluation every four years;
- Department of Energy (DOE): The program cooperates with DOE as it will become the long-term steward of Title II by-product material disposal facilities and of the Federal Waste Disposal Facility after closure and decommissioning;
- Federal Emergency Management Agency (FEMA): The program cooperates with FEMA to respond to emergencies at nuclear power plants; and
- Homeland Security: The program works with Homeland Security to ensure licensees are following Homeland Security protocol for handling certain radioactive materials that could be used malevolently.

State

- The program works with the Texas Low-Level Radioactive Waste Disposal Compact Commission on importing of low-level radioactive waste for disposal in Texas; and
- The program reports to the Texas Radiation Advisory Board at each of its quarterly meetings and is available to answer questions about the program.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Program contracts provide technical support to TCEQ in carrying out research projects. TCEQ also requires radioactive materials program services such as radioactive material measurement and analysis as needed as well as assisting TCEQ with developing, planning, implementing and/or executing the radioactive materials program. Rider 14 (86 R) appropriated \$3 million for a mitigation project at Lamprecht and Zamzow sites in which case a remediation contract was used.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$3,086,458.

- **the number of contracts accounting for those expenditures;**

Four contracts.

- **the method used to procure contracts;**

The program procured the remediation contract using request for proposals and request for qualifications. The temporary service contracts were managed term contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Radioactive Materials Licensing Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80624 WO 12030	Weston Solutions Inc	Remedial action at Zamzow site located in Three Rivers, Live Oak County.	\$2,217,136
582-18-80624 WO 11211	Weston Solutions Inc	Remedial action at Lamprecht site located in Three Rivers, Live Oak County.	\$769,792
582-19-93526	WorkQuest	Temp employment to perform file and records maintenance.	\$85,360
582-20-12990	WorkQuest	Intern for one-time project to review uranium license files for the completion review report (CRR) related to rule requirements.	\$13,791
582-18-80719	Test America Laboratories, Inc. (Eurofins Xenco LLC)	Contract laboratory services to perform analysis of samples.	\$380

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

The program had two interagency contracts with state universities. The interagency contract was a direct award.

Texas Southern University provides statistical analyses of radiological surveys and samples collected during remedial work at an abandoned uranium site. Texas Southern University also quantified the variability of the data using statistical tests, as appropriate, to determine whether the results were “statistically significant.”

Tarleton State University provides technical support and expertise in the areas of program support and planning, training, data management, field work and investigations, and public and industry participation.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Contract Review of Nonparty Waste. Contracts for nonparty low-level radioactive compact waste disposal are reviewed and approved by the agency in accordance with THSC, Section 401.2456. Rates must be set accordingly, and contracts must be negotiated in good faith, conform to applicable antitrust statutes and regulations, and be nondiscriminatory. This type of contract review is not a traditional function of TCEQ and is not directly aligned with the agency’s mission. Another state agency staffed with attorneys who have the requisite anti-trust expertise may be more appropriate to fulfill this mandate.

Nondisclosure of Compact Waste Disposal Fees. TCEQ is required to set party state compact waste disposal fees in accordance with the criteria set forth in THSC, Section 401.246. Additionally, THSC, Section 401.245 requires TCEQ to adopt by rule and periodically revise party state compact waste disposal fees according to a schedule based on the projected annual volume of low-level radioactive waste received, the relative hazard presented by each type of low-level radioactive waste generated by the users of radioactive materials, and the costs identified in THSC, Section 401.246. Publishing these fees in rule creates an unfair advantage for out-of-state competitors in the same market, thereby potentially reducing revenue to the state. Stakeholders would benefit if this statutory process was reviewed and streamlined to enable TCEQ to carry out its responsibilities more efficiently and to ensure the state is realizing its maximum revenue potential.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Texas statutes for disposal of low-level radioactive waste include some very specific technical requirements regarding design of the facility and treatment and containerization of certain wastes that differ from existing industry standards, federal rule, or statute. It is important for TCEQ to consider advances in science and technology to ensure any recommendations related to future statutory changes are appropriately protective and effective.

In 2009, TCEQ issued a radioactive materials license to Waste Control Specialists (WCS) for the disposal of low-level radioactive waste. Since issuance of the license, the State of Texas has received approximately \$57 million in revenue from statutorily required fees and surcharges.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Radioactive Materials Compliance Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Radioactive Materials Compliance Program, Question P for complaint related data for this program.

Underground Injection Control Permitting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Underground Injection Control Permitting

Location/Division: Austin Headquarters / Radioactive Materials Division

Contact Name: Ashley Forbes, Deputy Director, Radioactive Materials Division

Statutory Citation for Program: Texas Water Code (TWC) Chapter 27.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Underground Injection Control (UIC) Program is to protect underground sources of drinking water (USDW) through permitting and authorization of injection wells. Injection well projects regulated by TCEQ accomplish a variety of purposes, such as permanently isolating injected wastes from the biosphere, storing large volumes of injected fresh water for later use, recovering certain minerals for mining without the use of open pits, and using compounds to remediate contaminated groundwater.

Regulation of wells used for underground injection must maintain the quality of fresh water to the extent consistent with public health and welfare and the operation of existing industries. The permitting process involves evaluation of interactions of injection pressure and injected fluids with proposed injection well design, evaluation of proposed receiving reservoir, and evaluation of the proposed area's geology. Through permit issuance, the UIC Program regulates siting, design, construction, operation, maintenance, monitoring, and closure of the following classes of injection wells:

- Class I wells, which inject byproduct, naturally occurring radioactive material from public drinking water, desalination reject, hazardous and non-hazardous wastes below USDWs;
- Class II oil and gas industry injection wells and Class VI carbon dioxide geologic sequestration wells are regulated by RRC, instead of TCEQ;
- Class III wells, which inject fluids for dissolution and recovery of certain minerals (e.g., uranium, sulfur, and sodium sulfate);
- Class IV wells, which are generally banned by state and federal statutes and rules. However, under TCEQ and EPA rules, a Class IV well may be authorized for use in certain environmental cleanup operations; and
- Class V (miscellaneous) wells, mostly shallow wells primarily used to inject compounds used in remediation of groundwater contamination. Class V wells are also used for injection of nonhazardous industrial wastewater, injection of storm runoff, and injection of fresh water for aquifer storage and recovery projects, as well as aquifer recharge projects.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The UIC Program effectiveness and efficiency can be monitored through permit time-frame tracking for long standing waste programs. The Aquifer Storage and Recovery Programs recently enacted by the legislature are still being developed and the method for measuring performance is evolving.

The following performance measures are reported in Section II, Exhibit 2.

- Number of industrial and hazardous waste permits issued;
- Number of industrial and hazardous waste permit applications reviewed (key); and
- Percentage of waste management permit applications reviewed within established time frames.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions that have directly affected the UIC Program.

1988

- Pursuant to Hazardous and Solid Waste Amendments (1984), EPA adopts more stringent requirements for injection of hazardous waste.

1989

- Texas Water Commission adopts rule amendments to ensure equivalence with new EPA requirements for injection of hazardous waste.

1998

- EPA adopts regulations banning certain types of Class V injection wells.

2001

- Texas Natural Resource Conservation Commission amends rules to ensure equivalence with new EPA requirements for Class V injection wells.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

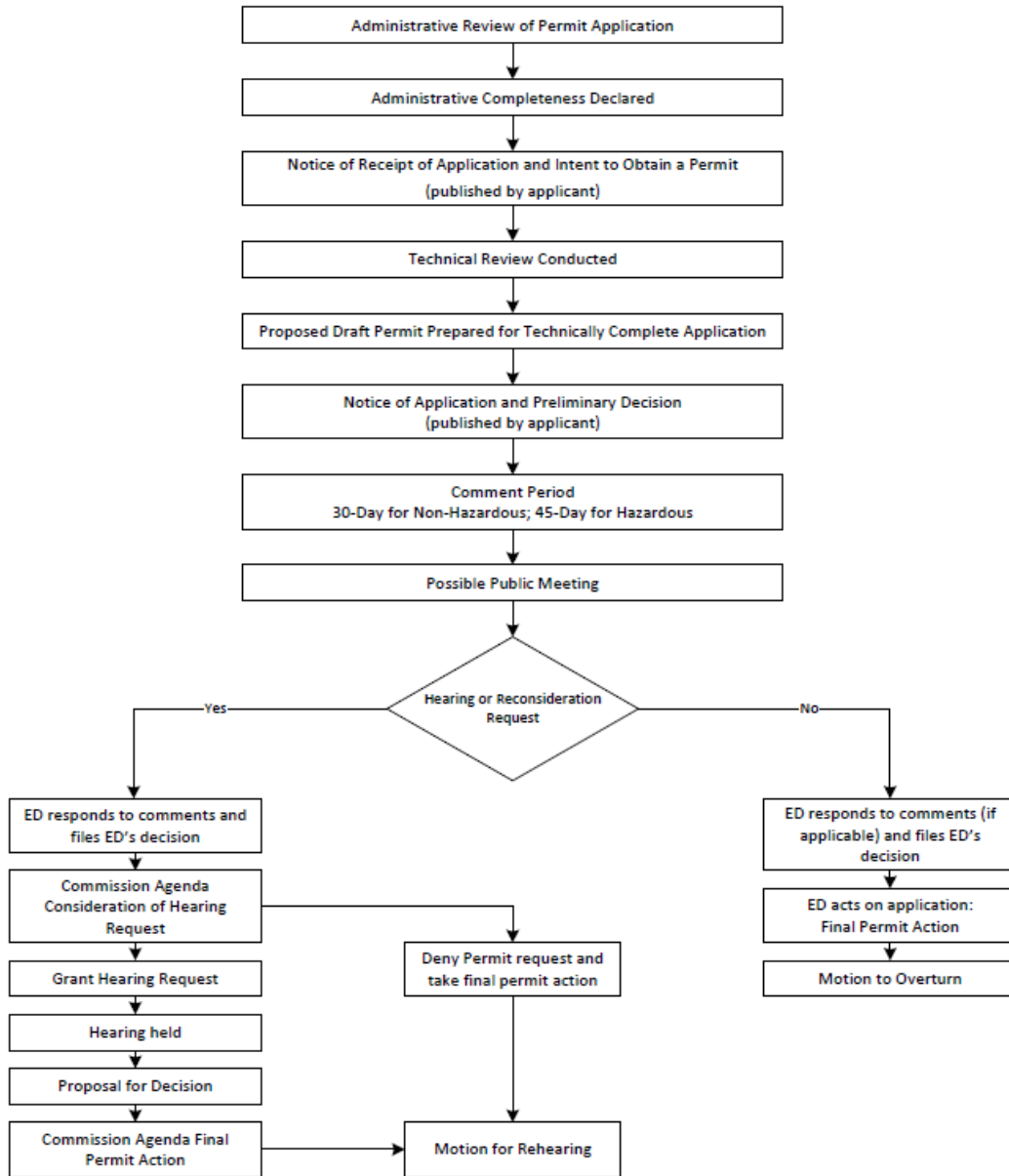
Permittees and applicants are qualified through permitting. As of December 31, 2020, the UIC Program includes:

- 167 Class I injection wells among 60 facilities;
- Six permitted sites for Class III injection wells;
- 106 Class IV injection wells at 3 facilities; and
- 52,936 Class V injection wells.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The UIC Program accomplishes its objectives through permitting and regulatory oversight of UIC injection wells. The following flowchart illustrates the main permitting process.

Underground Injection Well Permit Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Underground Injection Control Permitting Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$355,996
0549	Waste Management Account – Dedicated	N/A	N/A	\$586,618
0555	Federal Funds	66.605	Performance Partnership Grants	\$97,373
TOTAL				\$1,039,987

The program is funded in the Waste Management and Permitting Strategy and the Radioactive Materials Management Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Jurisdiction for the UIC Program in Texas is divided between TCEQ and Texas Railroad Commission (RRC). Grant money provided by EPA for the UIC Program is split between TCEQ and RRC. RRC has jurisdiction over injection wells used to dispose of oil and gas waste, enhanced oil or natural gas recovery, brine mining, geothermal energy, and in-situ recovery of tar sands. Additionally, HB 1284 (87R) conferred RRC jurisdiction over all carbon dioxide injection and storage.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The UIC Program coordinates activities with RRC through a MOU and through the rulemaking process to delineate jurisdiction and coordination in the regulation and permitting of injection wells.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal

- The UIC program is a federal program created by the Safe Drinking Water Act (SDWA). EPA approved the UIC program for Class I, III, IV, and V wells in the state of Texas. EPA reviews the UIC program annually and communicates with TCEQ about injection well projects of interest. The SDWA protects underground sources of drinking water (USDWs) by limiting what can be injected into USDWs. Certain portions of USDWs may be used for oil or mineral extraction or disposal if the portions meet certain requirements. In those situations, EPA approves exempting those portions of an aquifer from the definition of a USDW; these exemptions are known as aquifer exemptions. Aquifer exemptions allow injection activities into certain formations that would otherwise be prohibited into a USDW. As part of the approved UIC program, the UIC Permitting Program coordinates with EPA when an applicant requests an aquifer exemption. After review and approval of an aquifer exemption application by TCEQ, TCEQ then requests a UIC program

revision from EPA. After EPA approval, the designated exempted aquifer is no longer considered as a USDW for the UIC program in Texas.

State

- Edwards Aquifer Authority, groundwater conservation districts, and various municipal and county governments. Program staff coordinate with these authorities as needed for injection wells.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The contracts provide technical support to the program.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$56,885.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The temporary service contracts were managed term contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Underground Injection Control Permitting Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10615	WorkQuest	Temp employment to evaluate geology and other non-engineering sections of UIC Class I and V wells.	\$45,355
582-20-12987	WorkQuest	Intern for one-time project work to create databases of injection wells, process backlog of well data and applications related to rule requirements.	\$11,530

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

The program has an interagency contract with the University of Texas at Austin. The interagency contract is a direct award. The University of Texas developed guidance documents for best practices with respect to minimizing the potential for arsenic mobilization in groundwater during aquifer storage and recovery operations (injection, storage, recovery). The University of Texas addressed modifications to the aquifer storage and recovery model (TxASR App) developed by the University of Texas. They developed guidelines for the effects of injected water quality conditions on arsenic release during aquifer storage and recovery (ASR) and developed guidelines for treating injected water to minimize arsenic release in ASR.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The state of Texas has set forth by statute the innovative drought mitigation strategy of storing water accumulated during wet times to be used during droughts by utilizing aquifer storage and recovery (ASR) and managed aquifer recharge (AR). ASR is the injection of water into an aquifer using underground injection control wells for later withdrawal and use. AR includes the injection of water into an aquifer to replenish the aquifer. These methods of water storage are more efficient and less costly than reservoir construction and maintenance.

Since 2017, eight ASR and five AR projects or pilot projects have been authorized by TCEQ, and these numbers are expected to increase. The 2022 State Water Plan recommends about 19,000 acre-feet of water be stored using ASR in 2020, and 193,000 acre-feet be stored using ASR in 2070. Texas Water Development Board, which provides funding for certain ASR and AR projects, published a map online of 23 upcoming ASR and AR projects.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Superfund Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Superfund

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 361 Subchapters B, D, F, I, L and M.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Superfund Program

The primary objective of the Superfund Program is to identify and address contaminated sites that may constitute an imminent or substantial endangerment to public health, public safety, and/or the environment due to a release or threatened release of hazardous substances into the environment. Its major functions are to investigate and evaluate threatened or actual releases of hazardous substances; remediate state Superfund sites; identify and recover costs spent by the state from responsible parties; and provide project management and other assistance on federal Superfund sites through collaboration with EPA.

Sites contaminated with hazardous substances for which there is not a responsible party willing to address the contamination through a permit, corrective action, voluntary cleanup or enforcement, are identified through referral from internal and external groups, including TCEQ's Enforcement Division, regional offices, Water Supply Division, and Environmental Protection Agency (EPA). Potential state Superfund sites are evaluated by the Superfund Site Discovery and Assessment Program (SSDAP) to determine whether they are eligible for listing on the Texas Superfund Registry. On behalf of EPA, the Preliminary Assessment/Site Inspection (PA/SI) Program focuses on evaluating sites for the federal National Priorities List (NPL).

Brownfields Program

The primary objective of the Brownfields Program is to support communities by assessing dormant and underutilized former industrial properties where expansion, redevelopment, or reuse may be hampered by the real or perceived presence of contamination. The Brownfields Program manages a grant from EPA to help governments and nonprofit organizations redevelop Brownfield properties in Texas with assessments, limited cleanups, and technical review.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness and efficiency of the Superfund Program is evidenced through outcomes including sites achieving remedial action complete each fiscal year as well as the total number of sites achieving remedial action complete since program inception. Additionally, effectiveness is evidenced by the number of sites progressing through the Superfund process, including site assessments completed, sites undergoing evaluation and cleanup, and sites where needed immediate response actions have been completed to protect human health and the environment. The program also ensures remedies implemented continue to be effective through post-closure care.

In FY 2020, the Brownfields Program conducted nine site assessments. Information on the Brownfields Program effectiveness can be found in the Brownfields Brochure and in the Brownfields Tour:

<https://www.tceq.texas.gov/assets/public/remediation/bsa/success/brownfields-initiatives.pdf>

<https://www.tceq.texas.gov/publications/gi/gi-468>

The following performance measures are reported in Section II, Exhibit 2.

- Number of Superfund Remedial Actions Completed (key);
- Number of immediate response actions completed to protect human health and environment;
- Number of Superfund site assessments;
- Number of Superfund sites in Texas undergoing evaluation and cleanup (key);
- Number of Superfund remedial actions completed (key); and
- Number of state and federal Superfund sites in post-closure care (O&M) phase (key).

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Superfund and Brownfields Programs.

1982

- Texas Department of Water Resources (a TCEQ predecessor agency) is designated as the state's lead agency for the federal Superfund program.

1985

- The Solid Waste Disposal Act is amended to create the State Superfund program.

1986

- Congress amends the Comprehensive Environmental Response, Compensation, and Liability Act with the Superfund Amendment and Reauthorization Act to expand the program to federal facilities.

1997

- EPA entered into a cooperative agreement with TCEQ to help develop its National Brownfields Pilot Program, allowing TCEQ to help local governments and nonprofit organizations with assessment and redevelopment.

2002

- Congress passes the Small Business Liability Relief Act and Brownfields Revitalization Act, granting federal brownfields funds to states.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Superfund Program affects property owners, present and former owners or operators of facilities, and generators and transporters of waste that have caused a release of hazardous substances. The types of sites addressed in the Superfund Program include former commercial and industrial facilities with operations such as wood treating, scrap processing, battery recycling, metal finishers, dry cleaning, and other operations that resulted in releases of contaminants to the environment. As of the end of FY 2020, there were 108 active sites in the program, including 45 state Superfund sites and 63 federal Superfund sites.

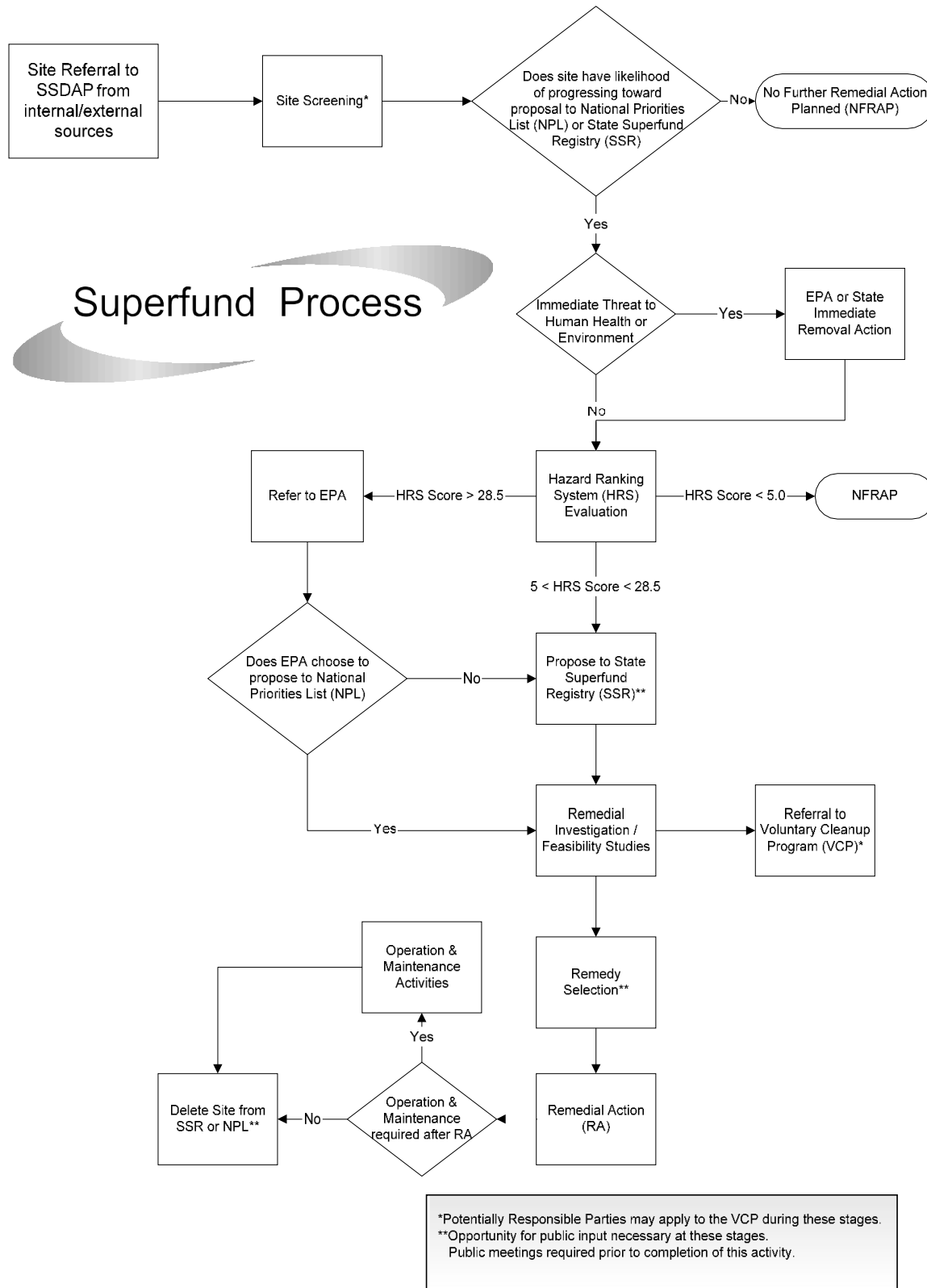
For the Brownfields Program, eligible entities include cities, local governments, tribes, nonprofit organizations, regional councils of government, and redevelopment agencies, but excludes potentially responsible parties or private developers. In FY 2020, the Brownfields Program received two applications, both from non-profit organizations. There were 12 active sites in the program as of the end of FY 2020.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Most program staff are in the central office, with additional staff in TCEQ Houston and San Antonio regional offices.

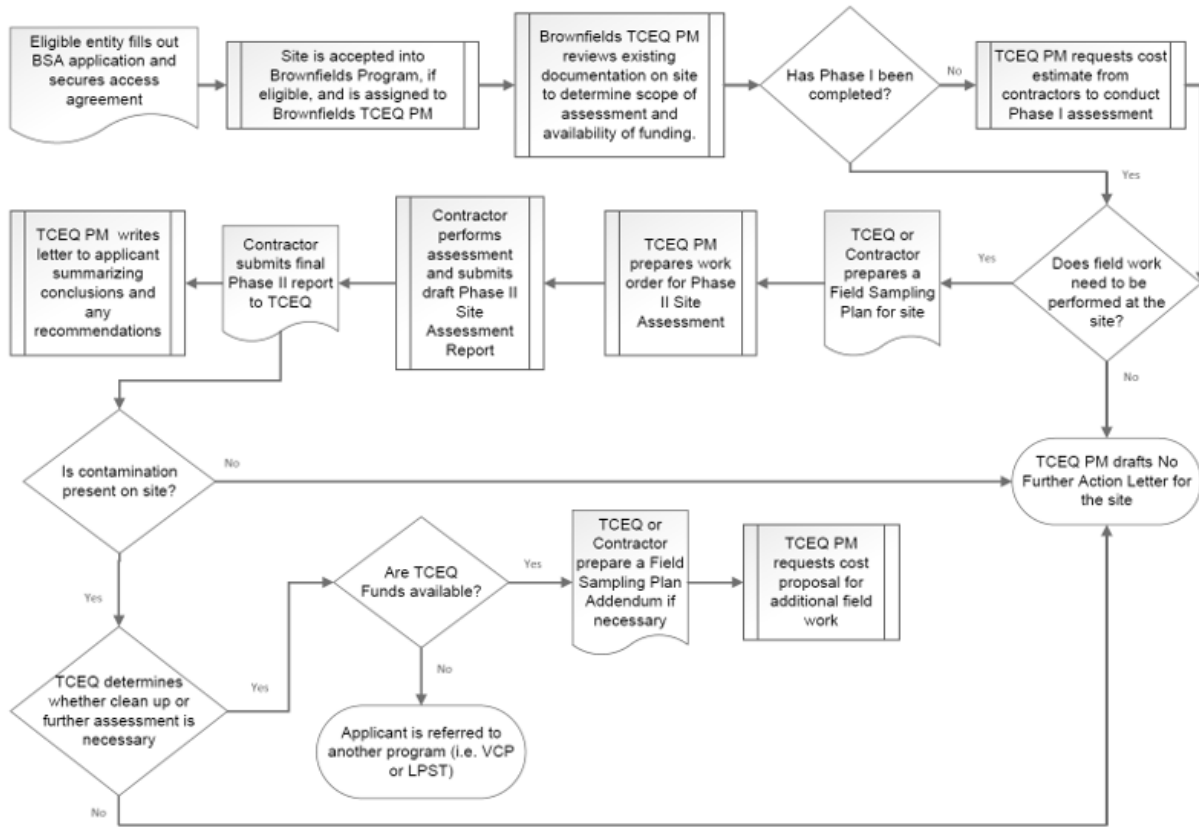
The following flowchart illustrates how a potential Superfund site progresses through the process from ranking through remedy implementation. Once ranked, a site may be addressed by a potentially responsible party or by the state through its contractors.

Superfund Process Flowchart



The following flowchart illustrates how eligible Brownfields sites are evaluated to determine if further investigation/cleanup is needed and subsequent steps.

Brownfields Site Assessment Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Superfund Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0550	Hazardous & Solid Waste Account – Dedicated	N/A	N/A	\$17,241,959
0666	Appropriated Receipts	N/A	N/A	\$1,096,081
0555	Federal Funds	66.802	Superfund State Site-Specific COOP Agreements	\$319,044
0555	Federal Funds	66.809	Superfund State Core Program Cooperative Agreement	\$150,909
0555	Federal Funds	66.817	State & Tribal Response Program Grants	\$410,152
0777	Interagency Contracts	81.214	Environmental Monitoring/Cleanup, Cultural and Resource Management, Emergency Response Research, Outreach, Technical Analysis	\$12,026
TOTAL				\$19,230,171

The program is funded in the Hazardous Materials Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The SSDAP (state) and PA/SI Program (federal) both discover and evaluate potential Superfund sites. TCEQ conducts the site assessments for EPA's PA/SI Program to determine if the federal Superfund Program will take lead on site cleanup based on hazard. EPA also has similar authority over federal Superfund cleanup activities.

The Brownfields Program works in partnership with EPA to promote sustainable brownfields cleanup and reuse. EPA Brownfields Program provides grants and technical assistance to communities, states, tribes, and others to assess, cleanup, and sustainably reuse contaminated properties. TCEQ Brownfields Program is a grant recipient. It assists applicants with redevelopment by evaluating properties and determining the need for assessment/cleanup.

Similar to the Brownfields Program, the Voluntary Cleanup Program (VCP) promotes redevelopment and reuse and eliminates some real estate constraints for underutilized properties. In Brownfields the activities are funded by a federal grant, and developers, private owners, and potentially liable or responsible parties are not eligible. In VCP, the applicant, upon meeting certain eligibility criteria, funds the corrective action activities as well as TCEQ oversight at eligible sites and may receive certain liability releases upon completion of remedial action.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Superfund Program. TCEQ's SSDAP and EPA PA/SI Program perform similar functions but have different processes and timelines. Once a site is scored, a determination regarding eligibility for the state or federal Superfund Program occurs. However, evaluation steps are not repeated since TCEQ Superfund Program staff conducts work in both programs.

In January 1989 TCEQ signed a Memorandum of Agreement with EPA identifying the respective roles and responsibilities of both agencies regarding cleanup of hazardous-waste sites in Texas and ensures their efforts are not duplicated.

There is no duplication of activities for sites in the state Superfund Program, because they are managed solely by the State of Texas. Texas sites in the federal Superfund Program are managed by EPA with TCEQ's assistance until the remedial action is complete. If operation and maintenance of the implemented remedy is required, TCEQ then assumes the lead.

In accordance with THSC Section 361.183, the Superfund Program ensures cleanup activities cannot be conducted by another party before state funds are used.

Brownfields Program. EPA, local governments, and TCEQ work closely on Brownfields projects to prevent duplication. Prior to acceptance, sites are evaluated to determine ownership and site participation in a TCEQ program. As well, routine meetings are held between TCEQ and EPA to discuss pending sites.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ's Superfund and Brownfields Programs coordinate and work with many local (city councils, county judges), regional (councils of government, water conservation districts), state (Texas Department of State Health Services, Office of the Attorney General, Texas Department of Transportation, Texas Parks and Wildlife Department, Railroad Commission of Texas), and federal units of government (EPA, United States Army Corps of Engineers, Department of Defense) during the course of identifying, ranking, investigating, evaluating, and remediating sites throughout Texas.

The Superfund Program also includes the Texas Natural Resource Trustee Program, a joint effort of agencies designated as natural resource trustees by the governor under the federal Superfund law and other federal authorities. The program acts on behalf of the public to seek compensatory restoration for injuries to natural resources from release of oil and hazardous substances. The three state trustees are TCEQ, Texas Parks and Wildlife Department, and Texas General Land Office. The federal trustees are U.S. Department of the Interior and the National Oceanic and Atmospheric Administration.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Contractors conduct site assessments, remedial investigations, removal actions, design implementation, remediation engineering services, and installation and maintenance of filtration systems. The contracts also provide cost share on remedial actions to EPA and support services such as: digitizing records and

updating and maintaining certain databases. The Brownfields Program also utilizes the assessment and investigation contracts to conduct investigations at brownfield sites.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$15,894,108.

- **the number of contracts accounting for those expenditures;**

25 contracts.

- **the method used to procure contracts;**

The contracts are procured via request for proposals, request for qualifications (engineering contracts), or via agreement with EPA.

- **top five contracts by dollar amount, including contractor and purpose;**

Superfund Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80620	APTIM Environmental & Infrastructure, Inc	Site assessments, remedial investigations, removal actions, and design implementation. (AIRS contract)	\$3,588,108
582-20-10408	EPA: Donna Reservoir and Canal System	Contract between EPA and the state outlining the state contribution towards the remedial action at a federal Superfund site.	\$3,522,000
582-18-80619	AECOM Technical Services, Inc	Site assessments, remedial investigations, removal actions, and design implementation. (AIRS contract)	\$2,831,485
582-19-90014	Driessen Water, Inc. DBA Austin Culligan/Ultrapure & Industrial Services	Installation and maintenance of water filtration systems.	\$1,435,993
582-17-70651	APTIM Environmental & Infrastructure, Inc	Superfund remediation engineering services.	\$1,417,060

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Notice Publication. THSC Chapter 361 requires notice of public meetings be published in a newspaper of general circulation in the county in which the facility is located. However, not all counties have a local newspaper and other forms of information sharing are available. Therefore, TCEQ recommends THSC Sections 361.184, 361.1855, and 361.187(b) be revised to allow alternative options (e.g., webpage, social media, etc.) of noticing the public in case a newspaper meeting the criteria specified in the THSC is not available.

Selection of State Superfund Remedial Actions. The State Superfund Program is required to select the lowest cost alternative that is technologically feasible and reliable, effectively mitigates and minimizes damage to the environment, and provides adequate protection of the public health and safety and the environment, per THSC Section 361.193. Removing constraints to select the lowest cost remedial alternative and allowing TCEQ to balance all statutory factors ensures that the selected remedial action for any state Superfund site will achieve the most advantageous combination of cost, quality, and sustainability. **Refer to Section IX, Major Issues, Selection of State Superfund Remedial Actions.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Petroleum Storage Tank (PST) Remediation Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Petroleum Storage Tank (PST) Remediation Program

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Water Code (TWC) Chapter 26 Subchapter I.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The PST Remediation Program oversees assessment and cleanup of leaking petroleum storage tanks (LPSTs). The objective of the program is to ensure proper cleanup of releases by evaluating and tracking all reported releases of petroleum and other hazardous substances from underground and aboveground storage tanks.

The program uses a risk-based approach in managing cleanup at LPST sites. This approach determines the timing, type, and degree of remediation at contaminated sites. Many LPST cleanups are addressed by responsible parties. For LPST sites where the responsible party is unwilling, financially unable, or unknown, the PST Remediation Program oversees and authorizes state contractors to conduct corrective action. Appropriations from the PST Remediation (PSTR) Account and Leaking Underground Storage Tank (LUST) Federal Grant fund the state led cleanup of contaminated sites.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness is shown by the number of LPST cleanups completed each fiscal year, and percentage of LPST sites cleaned up since program inception. In FY 2020, 238 LPST sites achieved regulatory closure for a total of 27,335 out of 28,488 (96%) since program inception. The efficiency of state-lead cleanups is evidenced by the average time to authorize a state-lead contractor to perform timely corrective action activities. In addition, program effectiveness is evidenced by ensuring emergency actions are completed to protect human health.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of Leaking Petroleum Storage Tank Sites Cleaned Up (key);
- Number of emergency response actions at petroleum storage tank sites;
- Number of Petroleum Storage Tank Cleanups Completed (key); and
- Average days to authorize a state lead contractor to perform corrective action activities.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the PST Remediation Program.

1984

- Congress amends RCRA authorizing a national program regulating underground storage tanks.

1986

- Texas Water Commission designated to process underground storage tank (UST) registrations.

1987

- Senate Bill 779 (70R) authorizes Texas Water Commission to develop and administer a comprehensive program regulating USTs.

1989

- House Bill 1588 (71R) authorizes limited regulation of aboveground storage tanks; establishes the Petroleum Storage Tank Remediation Account providing financial assistance to owners and operators of LPSTs; imposes a bulk delivery fee to finance the program; and establishes a registration program for contractors performing corrective actions.

1995

- EPA approves Texas' regulatory program, allowing it to operate in lieu of the federal program.

1998

- Eligibility ends for owners and operators to report a release and receive reimbursement for cleanup.

2005

- The federal Energy Policy Act of 2005 is passed. Portions relevant to USTs include provisions such as delivery prohibition; 3-year inspection cycle of all USTs in a state; operator training; and secondary containment.

2007

- House Bill 3554 (80R) requires TCEQ to use risk-based corrective action; allows use of the PSTR account for TCEQ's tank compliance functions; extends reimbursement for eligible LPST sites through August 2012; and extends the deadline to July 2011 for transfer of an eligible site from reimbursement program to the PST Remediation State Lead Program.

2011

- TCEQ adopts rules to implement PST operator training, as required by Energy Act of 2005. Owners or operators of eligible reimbursement sites can apply by July 1, 2011, for transfer to PST Remediation State Lead Program under TWC Section 26.3573 (r-1) to continue corrective action activities administered by TCEQ. House Bill 2694 (82R), TCEQ Sunset legislation, reinstates common carrier liability, decreases the fee on delivery of petroleum products, and provides authorization for TCEQ to remove non-compliant underground and aboveground storage tanks posing a risk of contamination and are owned by financially unable persons or entities. TCEQ adopts corresponding rule amendments in 2012.

2012

- In accordance with TWC requirements, the PST Reimbursement Program expires as of September 1, 2012. No additional reimbursements are made from the PST Remediation Fund.

2020

- State Program Approval for Texas' Underground Storage Tank Program is approved by EPA and is published in the Federal Register on June 22, 2020 (effective August 21, 2020).

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The PST Remediation Program directly affects owners and operators of regulated storage tanks, as well as indirectly affects current and former property owners where a release has occurred. Sites that cannot be addressed by the owner/operator may be eligible for state cleanup under the PST State Lead Program. The criteria for a site to be managed by the state appear in TWC Sections 26.351 (c) and 26.3511, as well as Title 30 TAC Section 334.84. There were 1,153 active sites in the program at the end of FY 2020.

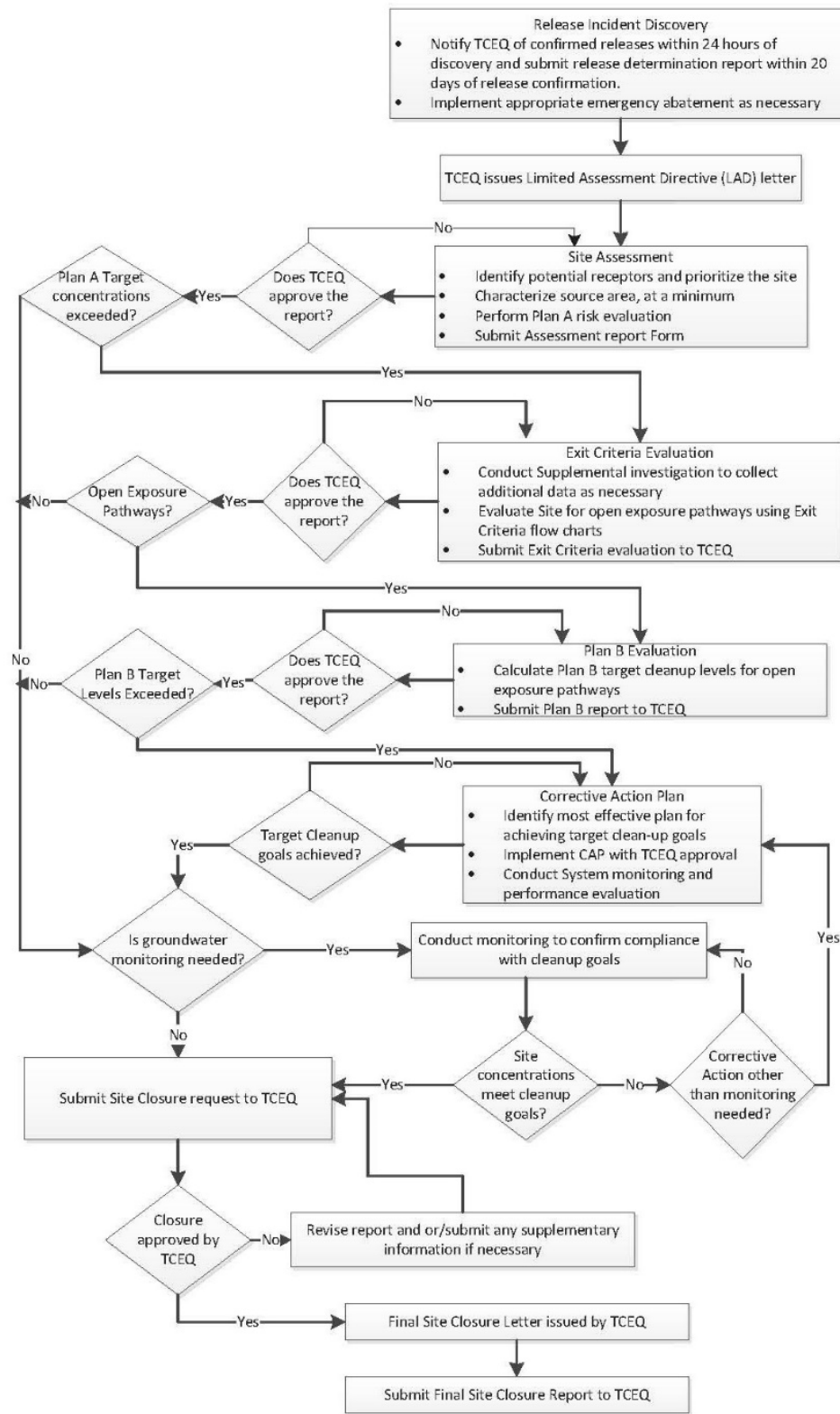
TCEQ Office of Waste, Occupational Licensing & Registration Division, has requirements for underground storage tank on-site supervisors to be licensed and contractors to be registered. Additionally, leaking petroleum storage tank corrective action specialists are required to be registered and corrective action project managers are required to be licensed.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Suspected and confirmed releases are typically self-reported by the tank owner or operator. However, sometimes they are reported by prospective buyers of properties (after performing due diligence) or by adjacent landowners. The PST Remediation Program follows up on reports of suspected or confirmed releases by contacting the responsible tank owner or operator, or if needed, by use of state contractors to assess or remediate a release in the PST Remediation State Lead Program.

The following flowchart illustrates how a PST release is addressed either by a responsible party or the state through its contractors; from release discovery through site assessment, corrective action, and to closure.

Overview of Risk-Based Corrective Action Process for LPST Sites Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Petroleum Storage Tank (PST) Remediation Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0655	Petroleum Storage Tank Remediation Account – Dedicated	N/A	N/A	\$11,906,053
0555	Federal Funds	66.805	Leaking Underground Storage Tank Trust Fund Program	\$2,140,810
TOTAL				\$14,046,863

The program is funded in the Storage Tank Administration and Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Railroad Commission of Texas (RRC) regulates underground and aboveground storage tanks used in connection with oil and gas exploration, development, or production; pipelines; or pre-refinery storage.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Some releases of hazardous waste from underground storage tanks are under the purview of TCEQ’s PST Remediation Program and RCRA Corrective Action Program. An interoffice memorandum (“Site Characterization and Coordination of Assessment and Remediation Standards and Procedures between Corrective Action Site Assessment and Management, and Responsible Party Remediation Programs and the Waste Section of Field Operations Division” dated December 21, 2001) outlines which program has primary responsibility in directing corrective action at sites.

A MOU between RRC and TCEQ ([16 TAC Part 1, Chapter 3, Section 3.30](#)) defines jurisdiction between the two state agencies. In general, TCEQ has jurisdiction over solid waste (hazardous and nonhazardous) and RRC has jurisdiction over the disposal of oil and gas waste. In particular, storage of crude oil in ASTs is not regulated under TCEQ PST rules as it does not meet the definition of a petroleum product.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

EPA serves as an information resource and supports the state with grants from the Leaking Underground Storage Tank Trust Fund. The federal grant money is used to support cleanup at PST sites where releases have occurred and the responsible party is unknown, unwilling, or financially unable to respond. Semiannual and annual program update reports are submitted to EPA, and meetings are held annually to discuss activities conducted and plan for the upcoming year.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purposes for the contracts are to conduct risk-based site assessment, remediation engineering services, abate emergency situations related to PST sites, install and maintain filtration systems, maintain division contract system, and digitize records.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$11,225,661.

- **the number of contracts accounting for those expenditures;**

31 contracts.

- **the method used to procure contracts;**

Contracts are procured via request for proposals, request for qualifications (engineering contracts), request for offers, or direct award as allowed under TWC Section 5.2292.

- **top five contracts by dollar amount, including contractor and purpose;**

Petroleum Storage Tank (PST) Remediation Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-18-80616	Daniel B Stephens & Associates Inc.	Risk-based site assessment. (PST Site Activities)	\$1,566,503
582-18-80614	Talon/LPE, Ltd.	Risk-based site assessment. (PST Site Activities)	\$1,307,684
582-18-80617	EE&G, Inc.	Risk-based site assessment. (PST Site Activities)	\$1,162,331
582-17-70639	Enprotec/Hibbs & Todd, Inc.	Remediation engineering services. (PST Engineering)	\$891,104
582-18-80618	Ranger Environmental Services, Inc.	Risk-based site assessment. (PST Site Activities)	\$796,379

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing, and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Landowner Responsibility for Release from a Petroleum Storage Tank (PST). At many PST sites the registered tank owner or operator is not the landowner, but often leases commercial real estate. When a release from a PST is discovered and reported, pursuant to TWC Section 26.351(b), the tank owner or operator (but not explicitly the landowner if a different person or entity) is required to conduct corrective action. **Refer to Section IX, Major Issues, Landowner Responsibility for Release from a Petroleum Storage Tank.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Dry Cleaner Remediation Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Dry Cleaner Remediation Program

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Health and Safety (THSC) Code Chapter 374.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Dry Cleaner Remediation Program (DCRP) manages the assessment and cleanup of releases of solvents from dry-cleaner eligible facilities using a risk-based approach. DCRP oversees and authorizes state contractors to conduct prescribed assessment and corrective action. Appropriations from the Dry Cleaning Facility Release Fund are used to administer the program.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness of the program is evidenced by outcomes of sites accepted into the program and sites achieving regulatory closure utilizing available funding. The efficiency of the program is evidenced by the timely processing of applications as required by statute. As of August 31, 2020, cleanup standards have been attained at 89 sites with a total of 227 sites remaining in the program. A total of 12 DCRP applications were received in FY 2020.

The following performance measures are reported in Section II, Exhibit 2.

- Number of Dry Cleaner Remediation Program site assessments initiated;
- Number of Dry Cleaner Remediation Program site cleanups completed (key);
- Average days to process Dry Cleaner Remediation Program applications; and
- Number of Dry Cleaner Remediation Program eligible sites.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the DCRP.

2003

- DCRP created by House Bill 1366 (78R) and codified in THSC Chapter 374. This law establishes environmental standards for dry cleaners and a remediation fund to assist with assessment and remediation of contamination caused by releases of dry-cleaning solvents.

2005

- House Bill 2376 (79R) authorizes removal of the five-year ownership requirement for landowner eligibility for the DCRP, revises fee structures, extends deadline for opting out of Dry Cleaner Facility Release Fund and limits applicability of some performance standards.
- SB 444 (79R) extends deadline for opting out of Dry Cleaner Facility Release Fund to February 28, 2006, and allows some dry cleaners that opted out to receive credit for previously paid fees.

2007

- House Bill 3220 (80R) creates registration requirements for current and former property owners to claim benefits from the Dry Cleaner Release Fund; allows liens against applicable properties for past-due registration fees and cleanup costs occurring while fees are in arrear; and prohibits use of perchloroethylene at sites where TCEQ has funded cleanup.

2021

- Senate Bill 872 (87R) extends expiration of THSC Chapter 374, Dry Cleaner Environmental Response, to September 1, 2041.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The DCRP affects dry-cleaner facility and drop station owners, current and former owners of a property where a release has occurred, and solvent distributors.

To be eligible, an applicant must be registered with TCEQ and be one of the following: (1) owner of the dry cleaner facility or drop station; (2) an owner of property where the facility or drop station is (or was) located; or (3) a former property owner with an agreement with the current owner establishing responsibility for cleanup costs.

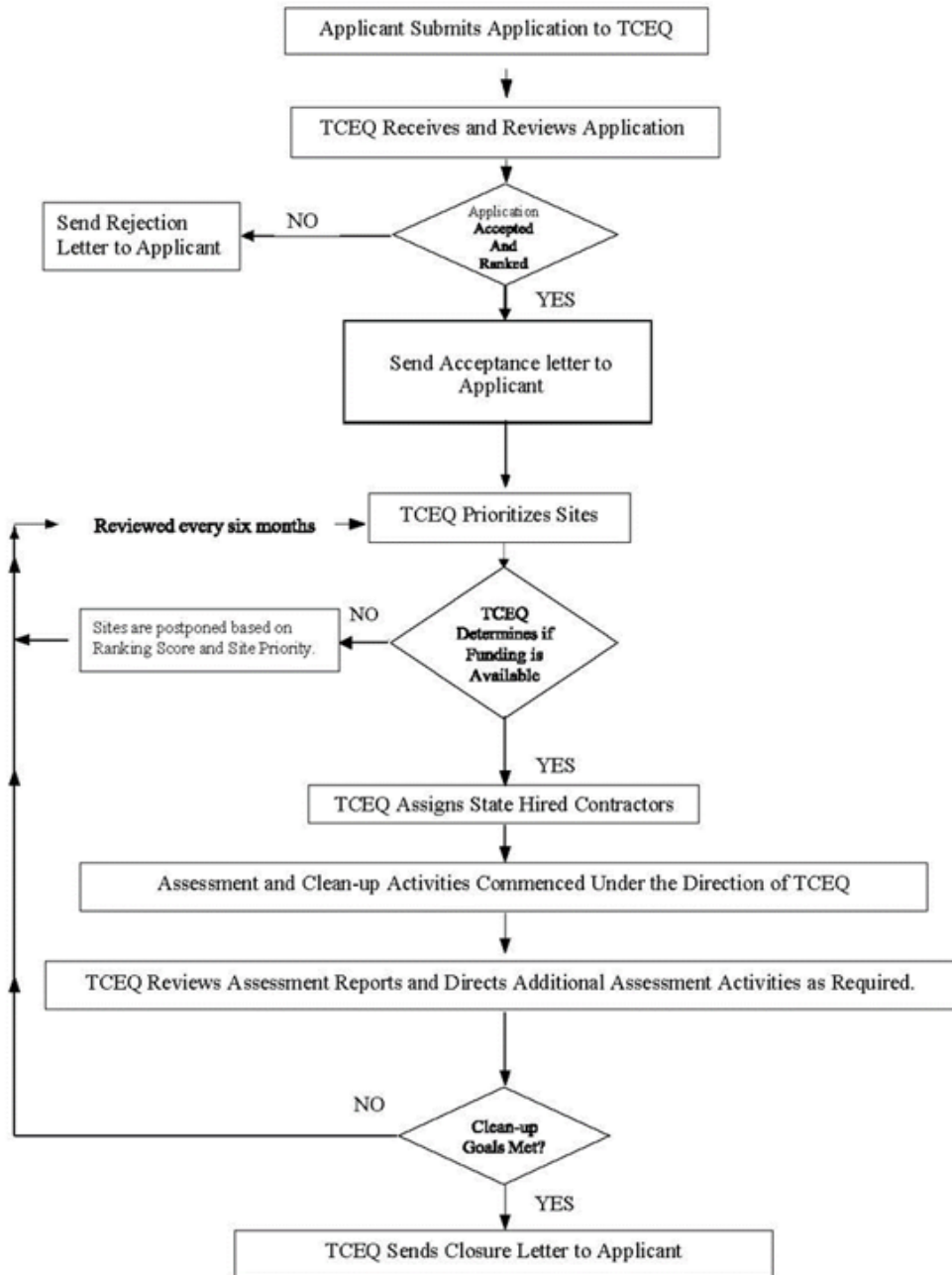
Applicants must submit an application for ranking which documents a release of dry cleaner solvent into the environment from a currently registered or former retail dry cleaner facility. The applicant must pay the first \$5,000 of corrective action costs and sign an affidavit stating perchloroethylene shall not be used at the site in the future. There were 227 sites in the program at the end of FY 2020.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Except for sites requiring emergency action, DCRP cannot commence assessment or cleanup at a site until the site application has been ranked and prioritized. Site ranking is based on potential harm to human health or the environment from the site. Site prioritization includes ranking, but also considers non-risk factors such as cost of assessment and cleanup.

The following flowchart illustrates the workflow process for DCRP.

Dry Cleaner Remediation Workflow Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Dry Cleaner Remediation Program Funding Sources

Account	Account Name	FY 2020 Expended
5093	Dry Cleaning Facility Release	\$3,539,807

The program is funded in the Hazardous Materials Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Remediation of dry cleaner facilities may be addressed in the Voluntary Cleanup Program or the Corrective Action Program within the Remediation Division, with the applicant or responsible party directing and funding the cleanup. However, what makes DCRP different is it funds assessments and site cleanups only at prioritized sites accepted into the program and DCRP sites are prohibited from continuing use of perchloroethylene as a dry-cleaning solvent.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

To ensure a site is not simultaneously in the Voluntary Cleanup Program (VCP) and DCRP, an applicant is required to withdraw from the VCP agreement before the site can be accepted in DCRP. A site will not be accepted in DCRP if it is being managed in TCEQ's Corrective Action Program. Once corrective action costs have been incurred at a site under DCRP, an applicant may not withdraw the site from DCRP before completion of correction action unless approved by the executive director.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

The contracts provide for assessment and remediation services at dry cleaner sites.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$3,248,367.

- the number of contracts accounting for those expenditures;

Five contracts.

- **the method used to procure contracts;**

The contracts are procured via request for proposals.

- **top five contracts by dollar amount, including contractor and purpose;**

Dry Cleaner Remediation Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-17-70631	Weston Solutions Inc	Site assessment and remediation services	\$939,857
582-17-70629	InControl Technologies, LLC	Site assessment and remediation services	\$924,352
582-17-70625	Aptim Environmental & Infrastructure, Inc.	Site assessment and remediation services	\$786,397
582-17-70630	Terracon Consultants, Inc.	Site assessment and remediation services	\$595,582
582-19-10028	NRC Gulf Environmental, Inc.	Removal and disposal of waste drums	\$2,179

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems for the DCRP.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Voluntary Cleanup and Corrective Action Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Voluntary Cleanup and Corrective Action Program

Location/Division: Austin Headquarters / Remediation Division

Contact Name: Beth Seaton, Deputy Director, Remediation Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 361 Subchapters S, V, and W.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Voluntary Cleanup Program (VCP)

The objective of the VCP is to encourage cleanup and redevelopment of contaminated properties with incentives to property owners, lenders, operators, and prospective purchasers. The program oversees cleanups by participants who apply, complete cleanup activities, and certify property cleanup is complete, whereupon the VCP issues a certificate of completion. The program also provides a release of liability for all future owners, lessees, operators, and lenders regarding the cleanup of past contamination at the site. Additionally, the VCP manages two other programs: the Innocent Owner/Operator Program and the Municipal Setting Designation Program.

Innocent Owner/Operator Program (IOP)

The IOP provides a process where an owner or operator of a property can apply for designation as an innocent owner/operator if the property became contaminated as a result of the migration of contaminants from releases not located on the property. The program reviews applications and environmental reports documenting that the source of the contamination is or was off-site. The program issues a certificate to the current owner and/or operator that protects them from liability to the state for further investigation, monitoring, or remediation of the affected property.

Municipal Setting Designation (MSD) Program

The MSD Program authorizes municipalities to restrict the potable use of groundwater within their jurisdiction. TCEQ receives, processes, and denies or certifies MSD applications. Once an MSD certificate is issued, it can limit the investigation and remediation requirements for contaminated groundwater that is not, and will not be, used as potable water. The result is an expedited cleanup of the site which in turn gives municipalities a tool for promoting economic redevelopment. The MSD Program is dependent upon the support of the local municipalities and retail water utilities, without which TCEQ cannot issue an MSD certificate.

Corrective Action (CA) Program

The objective of the CA Program is to oversee the cleanup of sites with soil and groundwater contamination by requiring mitigation and/or removal of the contamination to levels protective of human

health and the environment. The program oversees remediation at many sites under TCEQ's jurisdiction, including:

- facilities with industrial and hazardous waste permits which have released hazardous contaminants to environmental media from units regulated under the Resource Conservation and Recovery Act (RCRA);
- facilities with contamination caused by releases from solid waste management units, or closing such units, whether RCRA or not;
- facilities with municipal and water quality permits with units that have released hazardous contaminants to environmental media;
- RCRA and non-RCRA facilities which conduct corrective action through state-issued enforcement orders and agreed final judgments;
- facilities which self-implement the cleanup regulations of Title 30 TAC Chapters 335 and 350; and
- federal facilities which may include any of the above-referenced sites.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

VCP effectiveness and efficiency is evidenced by the number of cleanups completed each fiscal year, and percentage of properties made available for redevelopment, community, or other economic reuse since program inception (86% as of FY 2020). Additionally, in FY 2020, based on the review of voluntary responses to TCEQ's Brownfields survey, it is estimated 1,043 jobs were created in Texas and property values were reported to have increased by \$122,260,000.

In CA, program effectiveness and efficiency is evidenced by the percentage of industrial solid and municipal hazardous waste facilities cleaned up since program inception (79% as of FY 2020). Additionally, the U.S. Environmental Protection Agency (EPA) has established facility-wide environmental indicator measurements to track performance of the CA Program under the Government Performance and Results Act (GPRA) of 1993. The measurements are evaluated site-wide at facilities that have been specifically targeted by EPA. The state program met or exceeded established commitments for all such measurements in FY 2020.

In addition, 28 IOP certificates were issued and 21 MSDs were certified in FY 2020.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of voluntary and Brownfield cleanup properties made available for redevelopment, community, or other economic reuse (key);
- Number of voluntary and Brownfield cleanups completed (key); and
- Percent of industrial solid and municipal hazardous waste facilities cleaned up.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the VCP and CA Programs.

1995

- The legislature establishes the VCP by amending THSC Chapter 361 to create Subchapter S.
- Texas Natural Resource Conservation Commission (TNRCC) enters into a Memorandum of Agreement with EPA regarding VCP.

1997

- The legislature establishes the IOP by amending THSC Chapter 361 to create Subchapter V.

2003

- The legislature establishes the MSD Program by amending THSC Chapter 361 to create Subchapter W.

2007

- The legislature amends THSC Chapter 361 regarding MSDs to remove the municipal “20,000 population” restriction, making all municipalities eligible.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Voluntary Cleanup Program. Most VCP applicants are property owners, lenders, prospective purchasers, developers, or tenants; however, anyone with an interest in cleaning up the property may volunteer to conduct the cleanup. An application and fee are required. Applicants must be willing to enter into an agreement with TCEQ to perform the cleanup. In FY 2020, the VCP received 73 applications and accepted 68. The applicants consisted of 38 property owners and 25 prospective purchasers. The remaining applicants had other interests in the property (as tenants, operators, agents, etc.). There were 605 active sites in the program at the end of FY 2020.

Innocent Owner/Operator Program. Owners or operators of property affected by contamination solely from off-site sources are eligible to participate. As required by the IOP statute, parties must submit an application with a fee and a site-investigation report describing the contamination. Of the 30 applicants in FY 2020, three were operators, six were future purchasers, and 21 were current owners.

Municipal Setting Designation Program. MSD Program applicants include property owners, municipalities, developers, and anyone else interested in the affected property. The property must be located within the corporate limits or extraterritorial jurisdiction of a municipality and a public drinking water supply system must be available to the property and all other properties within one-half mile. The local municipality must support the MSD and restrict the potable use of the groundwater through an ordinance or restrictive covenant. All owners of wells within five miles of the MSD property supplying water to the public must also support the MSD. In FY 2020, 22 MSD applications were received by TCEQ; two from a municipality, the remainder from private property owners and developers.

Corrective Action Program. The CA Program serves owners and operators of industrial and non-hazardous waste sites, including federal facilities with contaminated sites. Application/notification to the agency is

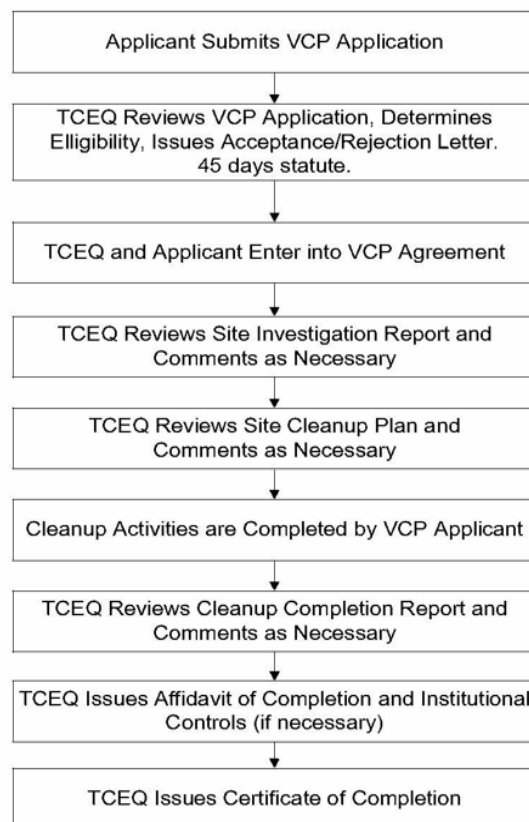
required. In FY 2020, 157 new sites involving cleanup actions entered the program. There were 964 active sites in the program at the end of FY 2020.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

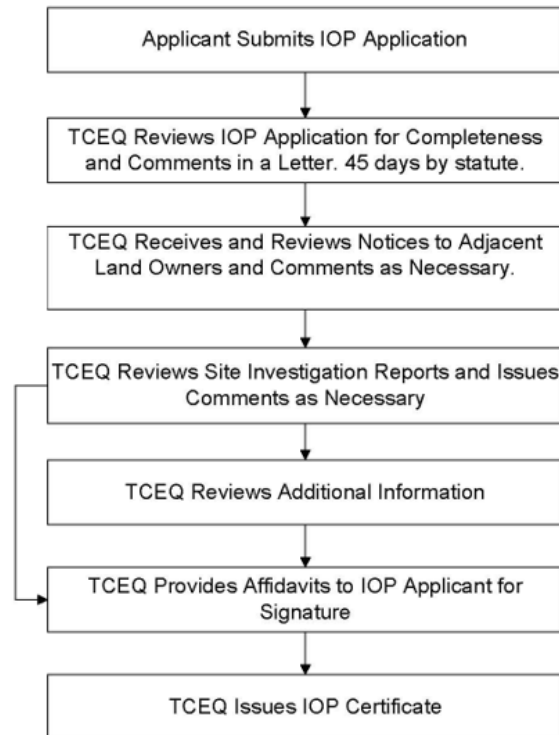
The VCP, IOP and MSD Programs respond to applications from applicants. Coordination with the applicant progresses through technical review of document submittals and concludes with issuance of a program-specific certificate to the applicant. The CA Program functions through coordination with owners and operators of contaminated sites and other TCEQ programs and performs technical and regulatory review of reports documenting cleanup actions at a site.

The following flowcharts illustrate workflow processes for VCP, IOP, MSD, and CA.

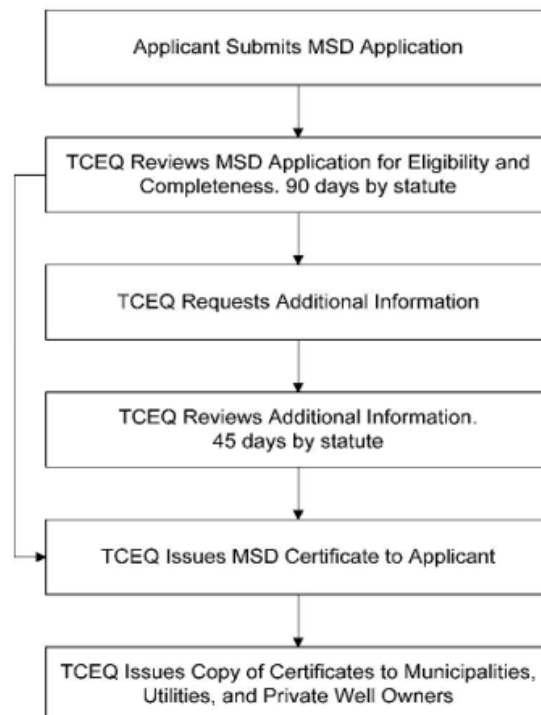
Voluntary Cleanup Program Workflow Process Flowchart



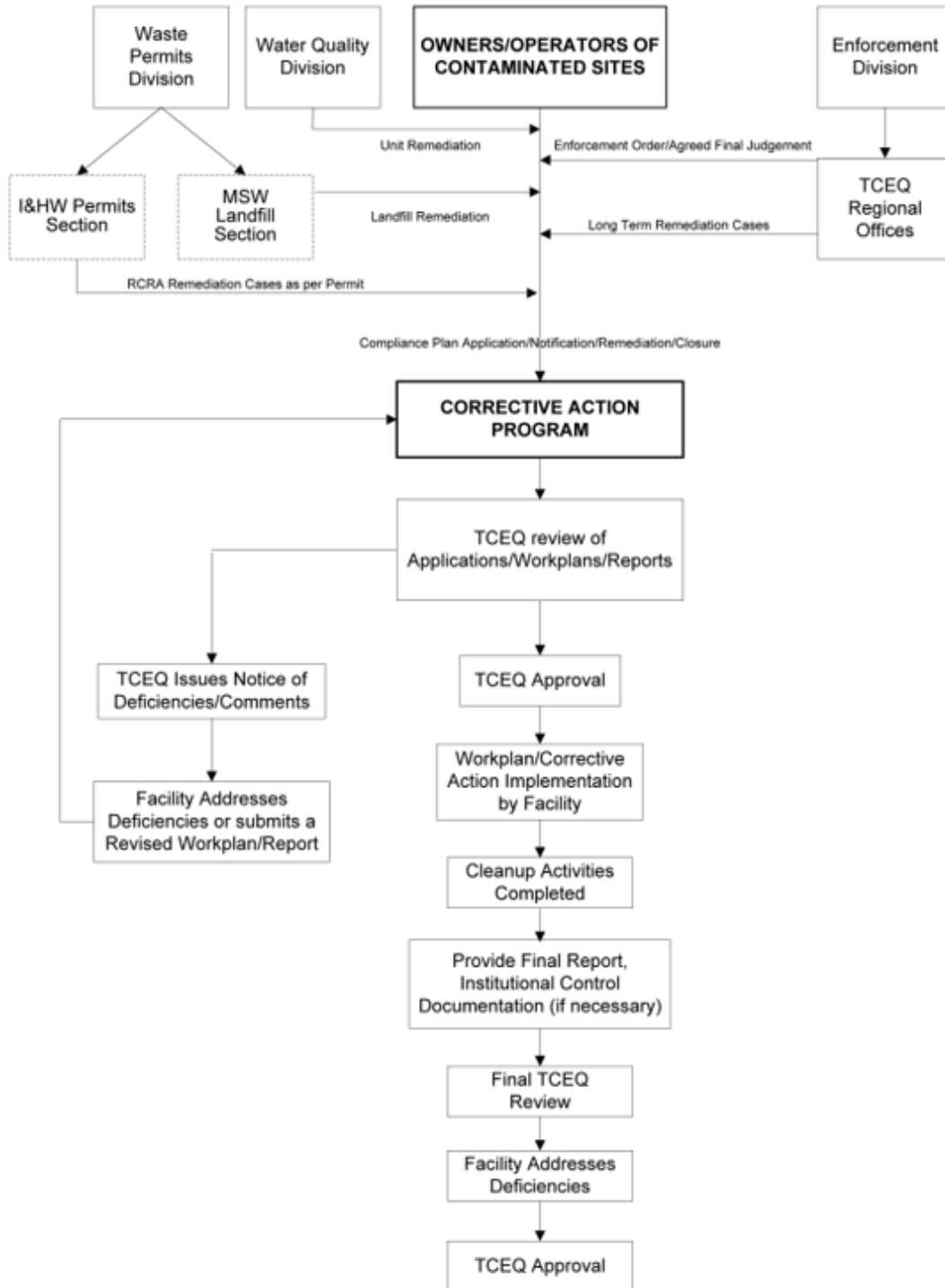
Innocent Owner/Operator Workflow Process Flowchart



Municipal Setting Designation Workflow Process Flowchart



Corrective Action Workflow Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Voluntary Cleanup and Corrective Action Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0549	Waste Management Account – Dedicated	N/A	N/A	\$1,125,725
0550	Hazardous & Solid Waste Account – Dedicated	N/A	N/A	\$1,006,392
0666	Appropriated Receipts	N/A	N/A	\$2,173
0555	Federal Funds	12.113	State Memorandum of Agreement Program for Reimbursement	\$130,256
0555	Federal Funds	66.605	Performance Partnership Grants	\$759,556
TOTAL				\$3,024,102

The program is funded in the Hazardous Materials Cleanup Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Voluntary Cleanup Program. TCEQ has other programs within the Remediation Division overseeing remediation conducted on affected property. These other programs perform similar work; however, the VCP differs from these programs by virtue of its voluntary nature and the liability release conferred on non-responsible parties following successful completion of site remediation.

The Railroad Commission of Texas (RRC) implemented a voluntary cleanup program, structured similarly to TCEQ's VCP, in June 2002 for properties contaminated by activities under its jurisdiction.

The EPA and TCEQ Brownfields Program also function to encourage voluntary cleanup of contaminated sites through issuance of supportive grants and technical assistance; however, the VCP does not issue grants.

Corrective Action Program. TCEQ's regional offices, VCP, and Industrial and Hazardous Waste (IHW) Permits Program similarly oversee certain remediation projects. TCEQ regional offices function as the first responders to spills and refer sites with historical contamination and sites requiring long-term cleanup to the CA Program. Responsible parties who are not subject to permit or enforcement directives for cleanup have the option to clean up the site through the VCP. The LPST Program has regulatory oversight of cleanup of contamination issues involving PST-regulated petroleum substances. The IHW Permits Program is responsible for closure of permitted units, whereas the CA Program is responsible for closure of non-permitted units. The CA Program oversees corrective action at both permitted and unpermitted sites and also provides technical assistance to the IHW Permits Program specific to releases associated with the closure of permitted units.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Voluntary Cleanup Program. The roles and responsibilities of TCEQ and EPA under the Texas VCP are defined in the May 1996 Memorandum of Agreement. Jurisdictional clarifications with the RRC are provided in a Memorandum of Understanding (16 TAC Section 3.30). Additionally, disclosure of prior regulatory involvement to support program eligibility is required from applicants prior to acceptance into the program. Contact with the applicable TCEQ regional office is also a part of VCP application review.

Corrective Action Program. Oversight of certain remediation activities by TCEQ's regional offices, the Petroleum Storage Tank Program, and the IHW Permits Program are coordinated through interoffice memorandums between the programs dated November 14, 2000; December 21, 2001; and August 29, 2002.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Voluntary Cleanup Program and Innocent Owner/Operator Program. Both the VCP and IOP Programs may work with local, regional, or federal government authorities on sites. Review and oversight of investigation and remedial activities are available for local governmental authorities that apply and is paid for through a federal Brownfields grant.

Municipal Setting Designation Program. The MSD Program often gives local municipalities guidance on the program and attends meetings on site-specific issues as requested by the local government.

Corrective Action Program. The CA Program coordinates with the Department of Defense under the Texas Defense State Memorandum of Agreement/Cooperative Agreement Program regarding the cleanup process at federal military facilities. At military installations undergoing base realignment and closure, the CA Program partners with the redevelopment authorities, the Department of Defense and EPA to achieve effective cleanups and maximize productive property reuse. The CA Program also works with EPA to monitor the progress of environmental-indicator cleanup milestones at sites subject to Government Performance and Results Act tracking requirements.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The purpose for the contracts is to provide technical support on various Military Munitions Response Program projects related to the investigation and cleanup of munitions and explosives of concern at munition response sites, to maintain division contract system and to digitize records.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$46,776.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

Contracts are procured via request for proposals or request for offers.

- **top five contracts by dollar amount, including contractor and purpose;**

Voluntary Cleanup and Corrective Action Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10015	UXO Pro, Inc.	Technical support on various Military Munitions Response Program projects related to the investigation and cleanup of munitions and explosives of concern at munition response sites	\$20,537
582-20-12189	WorkQuest	Digitize records	\$10,422
582-20-14000	WorkQuest	Mickey Leland summer intern providing program support	\$7,762
582-20-14096	WorkQuest	Mickey Leland summer intern providing program support	\$7,623
DIR-TSO-3571	NF Consulting Services	Maintain the division's Contract Administration and Tracking System	\$300

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems for the Corrective Action Program.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Industrial and Hazardous Waste Permits Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Industrial and Hazardous Waste Permits

Location/Division: Austin Headquarters / Waste Permits Division

Contact Name: Charly Fritz, Deputy Director, Waste Permits Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 361; Texas Water Code (TWC) Chapter 5.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Industrial and Hazardous Waste (IHW) Permits Program objective is to protect human health and the environment by responsibly managing and administering waste-related programs. This objective is achieved by ensuring requirements are met for the permitting of hazardous waste treatment, storage, and disposal facilities and off-site industrial non-hazardous waste storage and treatment facilities.

The IHW Permits Program is responsible for reviewing permit applications for storage, processing, or disposal of hazardous and non-hazardous industrial waste from generators and waste management facilities required to obtain permits. The program also reviews applications to modify existing permits, documents required as a condition of an IHW permit, and notifications of certain types of industrial solid waste management.

The Coal Combustion Residuals (CCR) Program requires registration of CCR management units such as landfills or surface impoundments at power production facilities. The Environmental Protection Agency (EPA) approved TCEQ's partial state CCR Program, effective July 28, 2021. The program is responsible for the review and issuance of CCR registrations and documents required as a condition of a CCR registration.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness and performance is based on developing, issuing, and maintaining industrial and hazardous waste permits in accordance with relevant state and federal rules, and reviewing applications within established time frames. Permits are modified at the request of the permittee to accurately reflect activities at the facility. Additionally, IHW permits are renewed and updated every 10 years to ensure facilities are operating in accordance with current rules.

The IHW Permits Program performance is determined by total number of applications reviewed quarterly, total number of permits issued annually, and percentage of applications reviewed within established time frames. An application is "reviewed" when the technically complete and preliminary decision milestone is reached. For minor modification applications, this technically complete milestone is the final decision date. Additionally, the "percent of permit applications reviewed within established time frames" measure

uses the technically complete milestone to calculate if an application was reviewed on-time, within agency- and program-established time frames. The number of applications submitted fluctuates from year to year.

The following performance measures are reported in Section II, Exhibit 2.

- Number of industrial and hazardous waste permits issued;
- Number of industrial and hazardous waste permit applications reviewed (key); and
- Percent of waste management permit applications reviewed within established time frames.

The IHW Permits Program conducts 570 randomly selected waste classification audits annually to confirm proper classification of non-hazardous industrial solid waste streams by the generator. Waste streams with noncompliant classifications are deactivated, and the generators are notified. Generators must correct the waste classification to properly dispose of the waste.

The following performance measures are reported in Section II, Exhibit 2.

- Number of new system waste evaluations conducted.

As part of the Resource Conservation and Recovery Act (RCRA) Performance Partnership Grant (PPG) with EPA, EPA Region 6 staff audit a selection of applications each year to verify adherence with federal standards. Additionally, the IHW Permits Program conducts RCRA program completeness audits on two modifications each year to ensure compliance with internal procedures. The program also reports to EPA on progress made relative to the RCRA PPG. This work plan contains TCEQ's RCRA program commitments to EPA for each biennium.

In addition to the above performance measures, the IHW Permits Program follows TCEQ's permit time frame tracking (PTT) process, which focuses on establishing time frames for processing applications and goals for adhering to those time frames. On a monthly basis, the program reviews data for the number of IHW applications (new permits, major amendments, Class 3 modifications, and renewals) received, completed, remain pending, and exceed goal time frames. FY 2020 program targets and performance for PTT measures are included in Exhibit 12.

IHW Permits Program has implemented TCEQ's Lean Management System to continue reducing processing time frames. Efficiency improvements include pre-application meetings, weekly huddles, updating forms and guidance, and the consolidation of application review processes over the last few years to improve application processing.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Calculation	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
IHW Permits Program – Permit Time Frame Tracking Report	Number (count) of received, pending, completed, and late applications; the average review time of applications based on applications completed in the previous 12 months. PTT does not include applications with time frame exceptions.	See following PTT report table	See following PTT report table	See following PTT report table
RCRA PPG Work Plan for FY 2020	Number (count) of applications reviewed and issued.	4	3	75%

IHW Permits Program PTT Report, August 2020

Project Type	Number Received Current Month	Number Processed (Completed) Current Month	Total Under Review (Pending)	Average Processing Time (Days)	Target Maximum (Days)	Number Under Review Exceeding Target	% Exceeding Target
Industrial & Hazardous Waste (IHW) New Permits	0	0	1	0	450	0	0%
IHW Class 3 Modifications	1	0	6	335	450	0	0%
IHW Major Amendments	0	0	0	0	450	0	0%
IHW Renewals	1	3	22	395	450	1	5%
Overall Totals	2	3	29	-	-	1	3%

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the IHW Permits Program.

1997

- Texas adopts EPA's Combustion Strategy for hazardous-waste-combustion facilities, which includes conducting risk assessments on emissions from hazardous-waste combustors. Texas imposes risk assessments and screens on all combustion facilities permitted under the RCRA as part of the Combustion Strategy.

2003

- Texas implements risk screening procedures for hazardous-waste-combustion facilities permitted under the RCRA.

2007

- Texas adopts Maximum Achievable Control Technology (MACT) regulations (Title 40, Code of Federal Regulations [40 CFR] Part 63 Subpart EEE) as amended through October 25, 2006.

2013

- Texas adopts MACT regulations (40 CFR Part 63 Subpart EEE) as amended through October 28, 2008.

2015

- Texas receives delegation authority from EPA to implement and enforce MACT regulations.

2017

- In response to new federal legislation passed in 2015, SB 1 (85R) directs TCEQ, through appropriation and four Full Time-Equivalents (FTEs), to implement a state CCR Program to operate in lieu of the federal CCR rules.

2018

- EPA revises existing hazardous secondary material recycling regulations associated with the definition of solid waste to comply with the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacatur. Specifically, the 2018 final rule: 1) vacates parts of the 2015 verified recycler exclusion and reinstates the 2008 transfer-based exclusion; 2) upholds the 2015 containment and emergency preparedness provisions for the reinstated transfer-based exclusion; and 3) vacates the fourth factor of the 2015 definition of legitimate recycling and reinstates the 2008 version of the fourth factor. Since the agency adopts the 2015 definition of solid waste, TCEQ proposes a rule change to 30 TAC Chapter 335 to address the 2018 federal changes. This rule, which is scheduled to be adopted in January 2022, will affect permitting, registration and reporting requirements, compliance monitoring, and enforcement procedures.

2020

- TCEQ adopts state rules to implement EPA's federal CCR Program and submits an application to EPA to seek approval to operate a state program in lieu of the federal CCR Program.

2021

- Due to changes in federal regulations, Texas receives partial program approval from EPA to operate in lieu of the federal CCR program.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

As of July 1, 2021, 176 facilities in Texas have industrial or hazardous waste permits. Nearly all are industrial—such as petroleum refineries and chemical manufacturers or are commercial waste-management facilities. Military bases are also permitted by this program.

Certain facilities are required to submit notifications of their waste management activities in lieu of applying for a permit. The IHW Permits Program reviewed 113 of these notifications in FY 2020 for on-site disposal of non-hazardous waste and other permit-exempt waste management activities. Examples of industrial waste generators who may be eligible for on-site disposal include facilities such as power plants, commercial agricultural facilities, and aluminum mills.

Classification of Active IHW Permitted Facilities in FY 2021

Facility Classification	Number of Facilities	% of Total
Hazardous Waste - Commercial	39	22%
Hazardous Waste - Non-commercial	120	68%
Industrial Solid Waste - Commercial	16	9%
Industrial Solid Waste - Non-commercial	1	0.5%
TOTAL	176	100%

Electric utilities or independent power producers are required to apply for a registration to manage CCR waste generated from the combustion of coal. TCEQ has identified 17 facilities with disposal units potentially subject to registration under 30 TAC Chapter 352. Initial applications are due to TCEQ in January 2022.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The function of IHW Permits Program is to review permit applications for the management of industrial solid waste and hazardous waste. The program's application review process is described below.

Applications are first reviewed for administrative completeness to ensure they contain all the required information. Next the program performs a technical review to ensure the application meets regulatory requirements, ensuring the permits issued are protective of human health and the environment. Deficiencies noted during the administrative and technical reviews are transmitted to the applicant. Prior to an application being declared technically complete, legislators representing the area where the facility is (to be) located are notified.

When the application is considered technically complete, an initial draft permit (IDP) is prepared. After receipt and consideration of comments on the IDP, a final draft permit (FDP), technical summary, and *Notice of Application and Preliminary Decision* (NAPD) are issued to communicate the executive director's (ED) preliminary decision on the application. Notice is published in a newspaper and mailed after the application is administratively complete and after the FDP is prepared. Prior to publication of the first newspaper notice, the applicant is required to provide a copy of the application in a publicly accessible

place for viewing and copying. Public comments are accepted beginning with this first newspaper notice until 45 days after the publication of the NAPD.

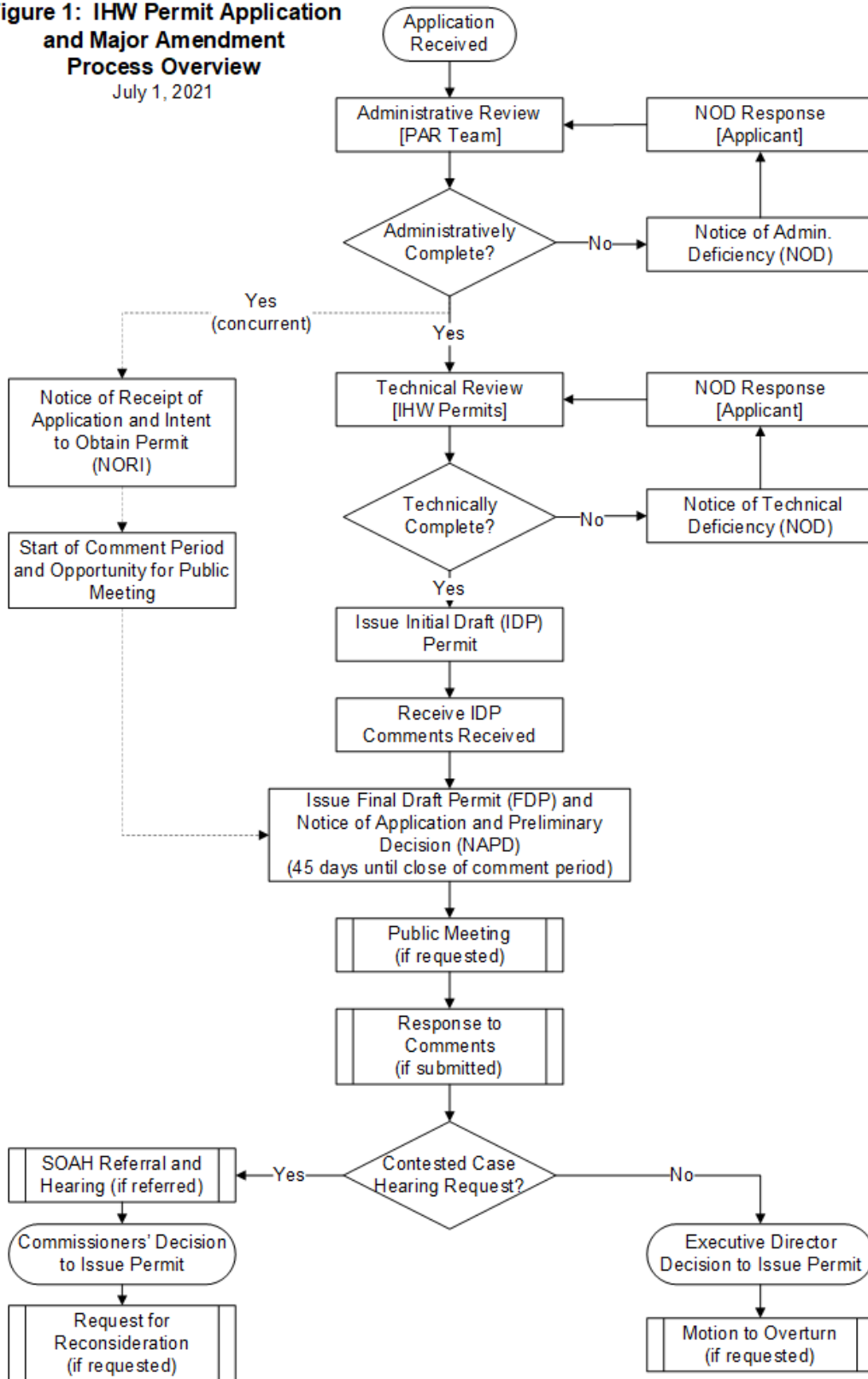
If no comments or requests for a public meeting or contested case hearing are received, the permit is placed on the ED agenda for issuance. Persons on the mailing list for the application are sent a letter indicating the permit or permit amendment is issued, and instructions are provided for filing a motion to overturn (MTO), which is a request the commission review the ED's decision.

TCEQ is committed to ensuring the public is involved in the IHW permitting process. There are opportunities for the public to participate by providing comments on an application throughout the entire application review process. The comment period begins when the first notice, *Notice of Receipt of Application and Intent to Obtain a Permit* (NORI), is issued when the application is declared administratively complete. If the application is declared technically complete, the NAPD is issued. Both notices are mailed and published and as stated above, the public can provide comments and request a public meeting or a contested case hearing. After the deadline for submitting public comments, the ED considers all timely comments and prepares a response to all relevant and material public comments. Unless the application is directly referred for a contested case hearing, the response to comments and the ED's decision on the application is mailed to those who submitted public comments and to those persons who are on the mailing list for the application. Additionally, this response contains instructions for requesting reconsideration of the ED's decision and for requesting a contested case hearing.

The following flowchart provides an overview of the IHW permit process.

IHW Permit Application and Major Amendment Process Overview Flowchart

Figure 1: IHW Permit Application and Major Amendment Process Overview
July 1, 2021



The function of the CCR Program is to review registration applications for the management of CCR generated by electric utilities or independent power producers and managed in surface impoundments or landfills. EPA partially approved TCEQ's CCR program on July 28, 2021, and initial applications will be due in January 2022.

The CCR registration application review process is described below. Applications will be reviewed to ensure they contain all required information and any registration issued is protective of human health and the environment. Deficiencies noted during the review will be transmitted to the applicant.

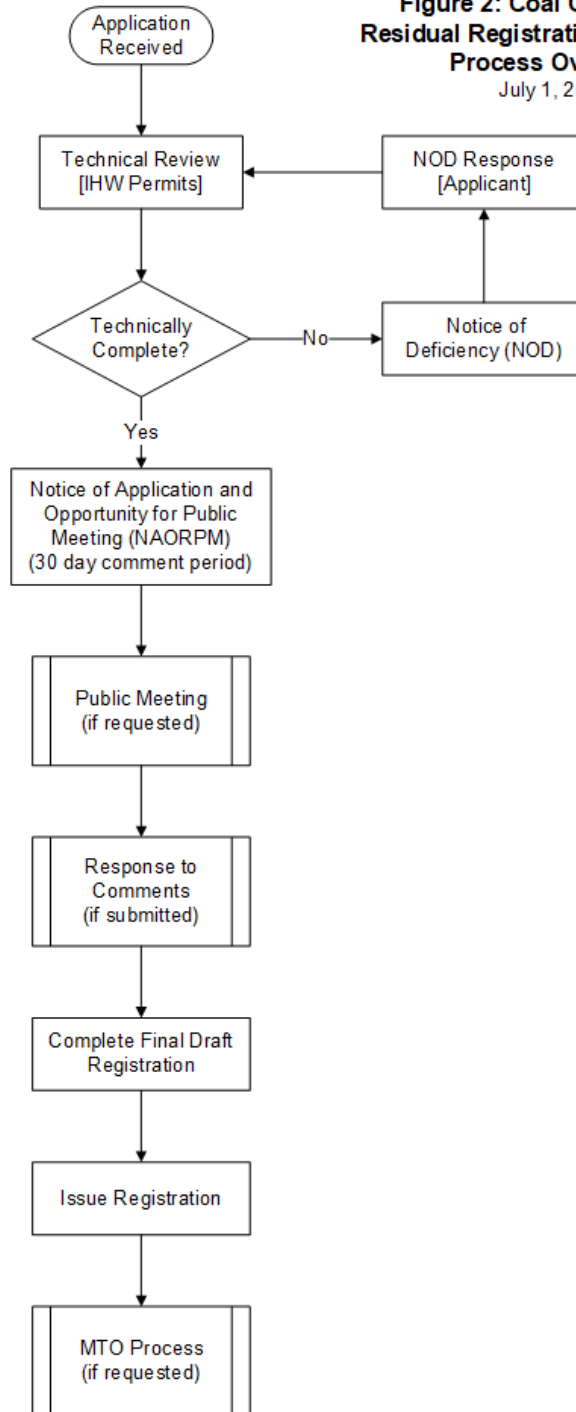
Registration applications are made available to the public through public notices and on the applicant's publicly accessible website. When a registration application is determined to meet all regulatory requirements, the executive director prepares a draft registration. Copies of the draft registration are made available to the public. The applicant is required to make a copy of the application available for review and copying at a public place in the county in which the facility is located. The text of the public notices on the application must include the internet address for the publicly accessible website for that facility. If no comments on the application are received, the executive director will issue the registration. The executive director must respond to any timely, relevant, and material or significant public comments received.

The following flowchart provides an overview of the CCR registration process.

Coal Combustion Residual Registration Application Process Overview Flowchart



Figure 2: Coal Combustion Residual Registration Application Process Overview
July 1, 2021



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Industrial and Hazardous Waste Permits Program Funding Sources

Account	Account Name	CFDA	CFDA Title	FY 2020 Expended
0549	Waste Management Account - Dedicated	N/A	N/A	\$1,160,278
0555	Federal Funds	66.605	Performance Partnership Grants	\$1,233,822
TOTAL				\$2,394,100

The program is funded in the Waste Management and Permitting Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ's regional offices, Corrective Action Program (CA), Voluntary Cleanup Program (VCP), and IHW Permits Program similarly oversee certain remediation projects. TCEQ regional offices function as first responders to spills and refer sites with historical contamination and sites requiring long-term cleanup to the CA Program. Responsible parties who are not subject to permit or enforcement directives for cleanup have the option to clean up the site through the VCP. The IHW Permits Program is responsible for the closure of permitted units, whereas the CA Program is responsible for closure of non-permitted units. The CA Program oversees corrective action at both permitted and unpermitted sites. The CA Program also provides technical assistance to the IHW Permits Program specific to releases associated with the closure of permitted units.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Oversight of certain remediation activities by TCEQ's regional offices, CA Program, and IHW Permits Program are coordinated through interoffice memorandums between the program areas.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

EPA Region 6. Under the RCRA PPG commitments, TCEQ commits to processing a targeted number of permit applications established by EPA each fiscal year. This is detailed in the 2020 RCRA End of Year Report (to be provided by EPA when complete).

Redevelopment authorities, the Department of Defense, EPA Region 6, and Base Realignment and Closure. The program works with these authorities and with TCEQ Remediation personnel to achieve the maximum productive reuse of former military properties.

EPA Region 6. The program informs EPA about the review of CCR registration applications and CCR unit details.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The contracts provide administrative support to the Waste Permits Division through temporary employee services and covered health-screening services for one matrix staff who assisted with emergency response events in the Houston Regional Office. Both contracts are one-time contracts that are not continued in the following year.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$13,665.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The temporary employee services contract was a managed term contract. The health-screening services contract with the University of Texas Health Services is procured by the Office of Compliance and Enforcement (OCE).

- **top five contracts by dollar amount, including contractor and purpose;**

Industrial and Hazardous Waste Permits Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-11302	WorkQuest	Front desk duties while the division had multiple vacancies with administrative staff	\$13,473
582-17-70412	University of Texas Health Services	Health screening services contract, procured by the Office of Compliance and Enforcement (OCE), additional details on the contract can be found in OCE's program description	\$192

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Municipal Solid Waste Permits Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Municipal Solid Waste Permits

Location/Division: Austin Headquarters / Waste Permits Division

Contact Name: Charly Fritz, Deputy Director, Waste Permits Division

Statutory Citation for Program: Texas Health and Safety Code (TSHC) Chapters 361 and 363; Texas Water Code (TWC) Chapter 5.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Municipal Solid Waste (MSW) Permits Program objective is to protect human health and the environment through regulation of the handling, storage, processing, and disposal of MSW and authorized industrial solid waste. The program also promotes and encourages recycling by authorizing this activity through a more streamlined mechanism than a permit.

The program is responsible for reviewing applications for handling, storing, processing, and disposing of MSW and specific types of industrial solid waste at MSW facilities. It also reviews applications to modify or amend existing permits and registrations. Applications for other required authorizations such as recycling operations and construction activities over closed landfills are also reviewed.

The Scrap Tire Program regulates the management of used and scrap tires in Texas. Owners or operators of regulated scrap tire management activities are required to obtain a scrap tire registration to ensure the safe management of scrap tires to protect human health and the environment. The program is responsible for reviewing applications for regulated management activities including used and scrap tire transportation, processing, recycling, utilization, storage, and land reclamation projects using tires (LRPUTs).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Program effectiveness and performance is based on developing, issuing, and maintaining MSW permits, registrations, and other authorizations in accordance with relevant state and federal rules and reviewing within established time frames. Authorizations are modified, at the request of the permittee, to ensure they accurately reflect activities at the facility and are reviewed to ensure any rule changes have been incorporated. Program efficiency for review and issuance of MSW authorizations is reliant upon the number of requests from the regulated community in response to changing business needs, such as opening a new facility, expanding an existing facility, changing operating hours, or modifying accepted waste types.

The MSW Permits Program performance is determined by the total number of applications reviewed quarterly, total number of permits issued annually, the total number of corrective actions implemented at an MSW facility annually, and the percentage of applications reviewed within established time frames. An application is “reviewed” when the technically complete and preliminary decision milestone is reached. For minor modification applications, this technically complete milestone is the final decision date. The number of applications submitted fluctuates from year to year.

The following performance measures are reported in Section II, Exhibit 2.

- Number of municipal non-hazardous waste permit applications reviewed (key);
- Number of municipal non-hazardous waste permits issued;
- Number of corrective actions implemented by responsible parties for solid waste sites; and
- Percent of waste management permit applications reviewed within established time frames.

Quarterly, operators of MSW landfills and certain types of processing facilities report and pay a fee on the amount of all solid waste received for disposal or processed for disposal. Also, all permitted and registered MSW facilities report annually and provide data such as the types and amounts of waste disposed or processed; amounts and types of materials diverted from disposal; and areas served by the facility. For regional planning of statewide landfill capacity, the annual landfill reports include capacity assessments, and the annual summary report includes remaining capacity data for each of the state’s 24 Councils of Government (COGs) regions.

The program’s performance related to MSW facility annual reporting is determined by the number of active MSW landfill capacity assessments reviewed and the time spent reviewing capacity assessments and creating the annual summary. Additional measures provide data for percentage of solid waste diverted from disposal, percentage change in amount of waste disposed from the previous year, and number of COG regions with 10 years or more of disposal capacity.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of solid waste diverted from municipal solid waste landfills;
- Percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills;
- Number of active municipal solid waste landfill capacity assessments (key);
- Average number of hours per municipal solid waste facility capacity assessment;
- Number of Councils of Governments in the state with 10 or more years of disposal capacity.

In addition to the above performance measures, the MSW Permits Program follows TCEQ’s permit time frame tracking (PTT) process, which focuses on establishing time frames for processing applications and goals for adhering to those time frames. On a monthly basis, the program reviews data for the number of MSW applications (new permits, major amendments, and registrations for transfer stations and liquid waste processors) received, completed, and remain pending. FY 2020 program targets and performance for PTT measures are included in Exhibit 12.

MSW Permits Program implemented TCEQ’s Lean Management System to continue reducing processing time frames. Improvements include pre-application meetings, weekly huddles, updating forms and guidance, and the consolidation of application review processes over the last few years to improve application processing.

Scrap Tire Program

The Scrap Tire Program effectiveness and performance is based on developing, issuing, and maintaining Scrap Tire registrations in accordance with relevant state rules and within established time frames. Authorizations are modified at the request of the permittee to ensure they accurately reflect activities at the facility. Program efficiency for review and issuance of Scrap Tire registrations is dependent upon the number of requests received from the regulated community in response to their changing business needs. The number of applications submitted fluctuates from year to year.

Effectiveness of the program is also measured by total number of scrap tires managed each year and monitoring of scrap tire sites throughout the state. Every year authorized facilities are required to report data on their scrap tire management activities. Based on information provided in annual reports submitted by registered scrap tire transporters, scrap tire facilities, and scrap tire storage sites in 2020, approximately 47 million scrap tires are managed in Texas annually, with a total 11,977 active scrap tire registrations. Scrap tire end-use/disposition includes use of tires as fuel, in land reclamation projects, crumb rubber production, as beneficial use including recycling, and disposal in landfills.

TCEQ also maintains a list of known unauthorized scrap tire sites in the state. The number of tires at such sites ranges from a few hundred to a few million, for a total of approximately 11.5 million tires across 108 sites. In 2020, approximately 475,743 tires were removed from 12 unauthorized sites, and cleanup continued at two other sites.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Calculation	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
MSW Permits Program – Permit Time Frame Tracking Report	Number (count) of received, pending, completed, and late applications; the average review time of applications based on applications completed in the previous 12 months. PTT does not include applications with time frame exceptions.	See following PTT report table	See following PTT report table	See following PTT report table

MSW Permits Program PTT Report, August 2020

Project Type	Number Received Current Month	Number Processed (Completed) Current Month	Total Under Review (Pending)	Average Processing Time (Days)	Target Maximum (Days)	Number Under Review Exceeding Target	% Exceeding Target
Municipal Solid Waste (MSW) New Permits	1	1	11	205	360	0	0%
MSW Major Amendments	0	0	11	218	360	0	0%
MSW Registered Transfer Stations	0	1	1	189	230	0	0%
MSW Registered Liquid Waste Processor	0	0	0	0	230	0	0%
Overall Totals	1	2	23	-	-	0	0%

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the MSW Permits and Scrap Tire programs.

1991

- HB 847 (72R) establishes the Waste Tire Recycling Fund for managing scrap tires, which was funded by a recycling fee charged on each new tire sold in the state. The fee was used to pay qualifying waste tire processors and was intended to stimulate the market for tire-derived products. The program operated until 1997 when the program expired, allowing tire dealers to set their own fees to cover their administrative and tire removal costs.

1998

- To address issues resulting from the expiration of the Waste Tire Recycling Fund Program, TNRC allows landfills to accept split, shredded or quartered tires. Approximately \$9 million was appropriated to TNRC for the cleanup of nearly 300 existing waste tire dumps. To help prevent unauthorized dumping, an existing registration and manifest system is authorized to continue to track used tires until they are recycled.

2002

- SB1 (77R) requires TCEQ to audit the Scrap Tire Program to improve compliance with rules. The audit results support TCEQ's contention most scrap tires are being properly manifested and transported to end users or landfills for disposition, and the number of scrap tires being illegally transported and disposed is not increasing. No further actions were identified.

2006

- TCEQ adopts major revisions, streamlining, and improvements of state regulations on municipal solid waste for Title 30 TAC Chapter 330.

2010

- TCEQ adopts rules to provide local officials with the opportunity to review and comment on scrap tire management registration applications for storage facilities, scrap tire facilities (processors), and land reclamation projects using tires (LRPUTs). Requirements for proof of notice by the applicant to local officials were also adopted.

2012

- To implement SB 1258 (82R), TCEQ amends rules allowing counties or municipalities with 10,000 or fewer residents to obtain a permit by rule for disposal of demolition waste (30 TAC Section 330.7). This same rule later amended in 2014, increasing the population limit to 12,000 people (SB 819, 83R).
- SB 329 (2011, 82R) results in TCEQ adopting new 30 TAC Chapter 328 Subchapter J, establishing a comprehensive, convenient, and environmentally sound program for the collection and recycling of television equipment. The rules require TV manufacturers and recyclers to annually register and report to TCEQ.

2014

- TCEQ adopts rule revisions (30 TAC Sections 330.671, 330.673, and 330.675) to implement HB 7 (83R), which reduces the municipal solid waste disposal fees (“MSW tipping fee”) by 25%.
- Additionally, HB 7 (83R) adjusts the percentage of municipal solid waste disposal fee revenue (from 50% to 66.7%) deposited into the Waste Management Account 0549 to support the agency’s solid waste permitting and enforcement programs. The remaining 33.3% is dedicated to local regional solid waste programs (Solid Waste Disposal Account 5000).
- Implementation of HB 2694 (82R) results in the transfer from TCEQ to Railroad Commission of Texas, duties relating to the protection of groundwater resources from oil- and gas-associated activities.

2016

- TCEQ adopts new 30 TAC Chapter 326 to implement HB 2244 (84R), in which medical waste rule requirements are removed from 30 TAC Chapter 330. Under 30 TAC Chapter 326, facilities accepting off-site medical waste are authorized by registration and not a permit.

2020

- HB 1331 (86R) allows TCEQ to increase application fee for MSW permits and major amendments from \$100 to \$2,000.
- To implement HB 1435 (86R), TCEQ adopts amendments requiring the agency to conduct a site assessment of the facility to confirm information included in the application for a permit or major amendment application.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The MSW Permitting Program affects the MSW management industry and local governments. Any person requesting authorization to handle, process, or dispose of municipal solid waste must demonstrate competency to perform the regulated activity. The public may be affected by the way solid waste is managed. In FY 2020, the program managed 275 permits for landfills (14 not constructed, 23 inactive, 198 active, and 40 in post-closure care) and 74 permits and 342 registrations for active processing facilities (e.g., transfer stations, liquid waste, solid waste, medical waste, composting, landfill gas for beneficial use, and scrap tire processors). Other types of facilities are authorized via notifications to the program, which serve as written commitments to comply with relevant regulatory standards. Most MSW facilities in Texas are owned by government entities such as cities and counties; the remaining are owned by corporations or privately held companies.

The following tables provide a breakdown of facility ownership for active permitted and registered MSW facilities in FY 2019 (the most recent published data available) and ownership of active scrap tire authorizations in FY 2020.

Ownership of Active MSW Authorized Facilities in FY 2019

Facility Classification	Number of Facilities	% of Total
Landfills - Public	130	32%
Landfills - Private	68	17%
Type V Processing Facilities - Public	72	18%
Type V Processing Facilities - Private	68	17%
Medical Waste Facilities - Public	1	0.3%
Medical Waste Facilities - Private	22	5%
Compost Facilities - Public	6	1%
Compost Facilities - Private	14	3%
Type IX Facilities – Public	3	0.7%
Type IX Facilities - Private	26	6%
Total Number of Facilities	410	100%

Ownership of Active Scrap Tire Authorizations in FY 2020

Facility Classification	Number of Facilities	% of Total
Generator	11,391	95%
Transporter	423	4%
Scrap Tire Facility - Processing	121	1%
Scrap Tire Facility - Recycling	8	0.07%
Scrap Tire Facility - Energy Recovery	8	0.07%
Scrap Tire Storage Site	12	0.1%
Land Reclamation Project Using Tires	14	0.1%
Total Number of Active Registrations	11,977	100%

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The MSW Permitting Program is responsible for processing applications for handling, storing, processing, and disposal of municipal solid waste as well as for recycling, composting, beneficial reuse activities, and construction activities over closed landfills using established procedures. Additional information about MSW permit, registration, and notification applications, as well as scrap tire registration applications, are included in this section.

Permits and Permit Amendments

MSW permit and permit amendment applications are first reviewed for administrative completeness to ensure they contain all required information. Second, a technical review is conducted to ensure the design and operation of the facility meet rule requirements and is protective of human health and the environment. Any deficiencies noted during the administrative and technical review processes are sent to the applicant through a written correspondence.

During the technical review period, an application summary, consisting of a summary of the contents of an application, is sent to appropriate federal, state, and local agencies and officials informing them of the proposed activity and requesting their comments.

Prior to an application being declared technically complete, the legislators representing the area where the facility is (to be) located are notified. Also, before a permit or major amendment is issued, TCEQ conducts a site assessment of the facility.

Once an application is declared technically complete by meeting all statutory and regulatory requirements, a technical summary, draft permit, and *Notice of Application and Preliminary Decision* (NAPD) are issued to communicate the executive director's (ED) preliminary decision on the application. If no comments or requests for a public meeting or contested case hearing are received, the permit or permit amendment is placed on the ED agenda for issuance. Persons on the mailing list for the application are sent a letter indicating the permit or permit amendment is issued, and instructions are provided for filing a motion to overturn (MTO), which is a request the commission review the ED's decision.

TCEQ is committed to ensuring the public is involved in the MSW permitting process. There are opportunities for the public to participate by providing comments on an application throughout the entire application review process. The comment period begins when the first notice, *Notice of Receipt of Application and Intent to Obtain a Permit* (NORI), is issued when the application is declared administratively complete. If the application is declared technically complete, the NAPD is issued. Both notices are mailed and published and as stated above, the public can provide comments and request a public meeting or a contested case hearing. After the deadline for submitting public comments, the ED considers all timely comments and prepares a response to all relevant and material public comments. Unless the application is directly referred for a contested case hearing, the response to comments and the ED's decision on the application is mailed to those who submitted public comments and to those persons who are on the mailing list for the application. Additionally, this response contains instructions for requesting reconsideration of the ED's decision and for requesting a contested case hearing.

The public can view a permit or permit amendment application and any revisions to the application during the review process. The applicant is required to post the application and revisions on a publicly accessible web site and at a public place in the county where the facility is (to be) located. Also, signage is required to be posted at the facility's proposed location.

Registrations

MSW registration applications are required for MSW processing facilities exempt from permit requirements. The application review process is similar to permit and permit amendment review processes. The application is first reviewed for administrative completeness to ensure it contains all information necessary for the required public notice document. Second, a technical review is conducted to ensure the design and operation of the facility meet rule requirements and is protective of human health and the environment. Any deficiencies noted during the administrative and technical review process are sent to the applicant through a written correspondence.

Once an application is determined to be administratively complete, *the Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility* (NAORPM) is issued. This is the only public notice issued for the application. The public comment period begins with the publication of the NAORPM and ends 30 calendar days after the notice is published. The comment period is extended to the close of any public meeting if one is held.

After an application is declared technically complete, a draft registration is sent to the Office of the Chief Clerk to be posted on the ED's agenda for issuance. If public comments are received, they are reviewed and a response to comments letter is prepared and included with the mailing of the issued registration and instruction letter for the MTO process and is sent to all persons on the mailing list for the application.

The public can view a registration application and any revisions to the application during the review process. The applicant is required to post the application and revisions on a publicly accessible web site and at a public place in the county where the facility is (to be) located. Also, signage is required to be posted at the facility's proposed location.

Notifications

Unless exemption requirements apply, facilities conducting recycling activities, such as mulching or composting clean wood and yard trimmings and processing source-separated recyclable materials for beneficial use or subsequent recycling, are required to submit a notice of intent for authorization to

operate. Notifications are also required to be submitted for citizens' collection stations, low volume transfer stations, on-site treatment of medical waste facilities, and composting facilities which accept any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials.

A Notice of Intent (NOI) application form is reviewed for completeness to ensure it contains all required information and the design and operation of the facility meet requirements and are protective of human health and the environment. Any significant deficiencies noted during the review process are sent to the applicant through a written correspondence. Following review and approval of the notice of intent, the facility's activity is authorized by letter.

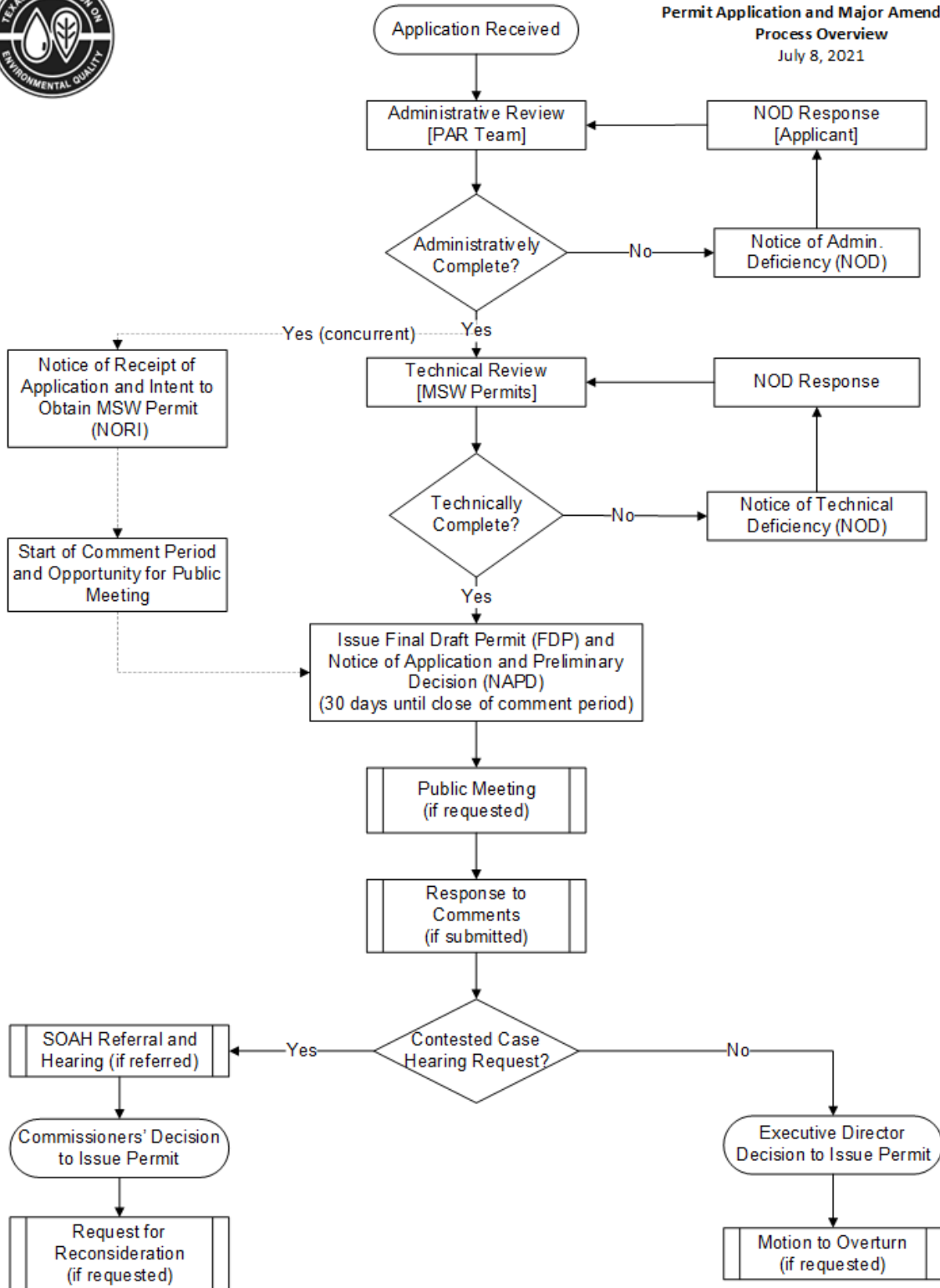
Notification applications for composting facilities which accept any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials are the only notification tier authorization to require a mailed public notice to adjacent landowners and other affected landowners as directed by the ED. Persons receiving the notice may contact the agency or the applicant for additional information about the application, but there is no opportunity for public meeting or contested case hearing.

The following flowcharts illustrate application review processes for the primary MSW applications: MSW permits and major amendments, and Type V registrations.

MSW Permit Application and Major Amendment Process Overview Flowchart



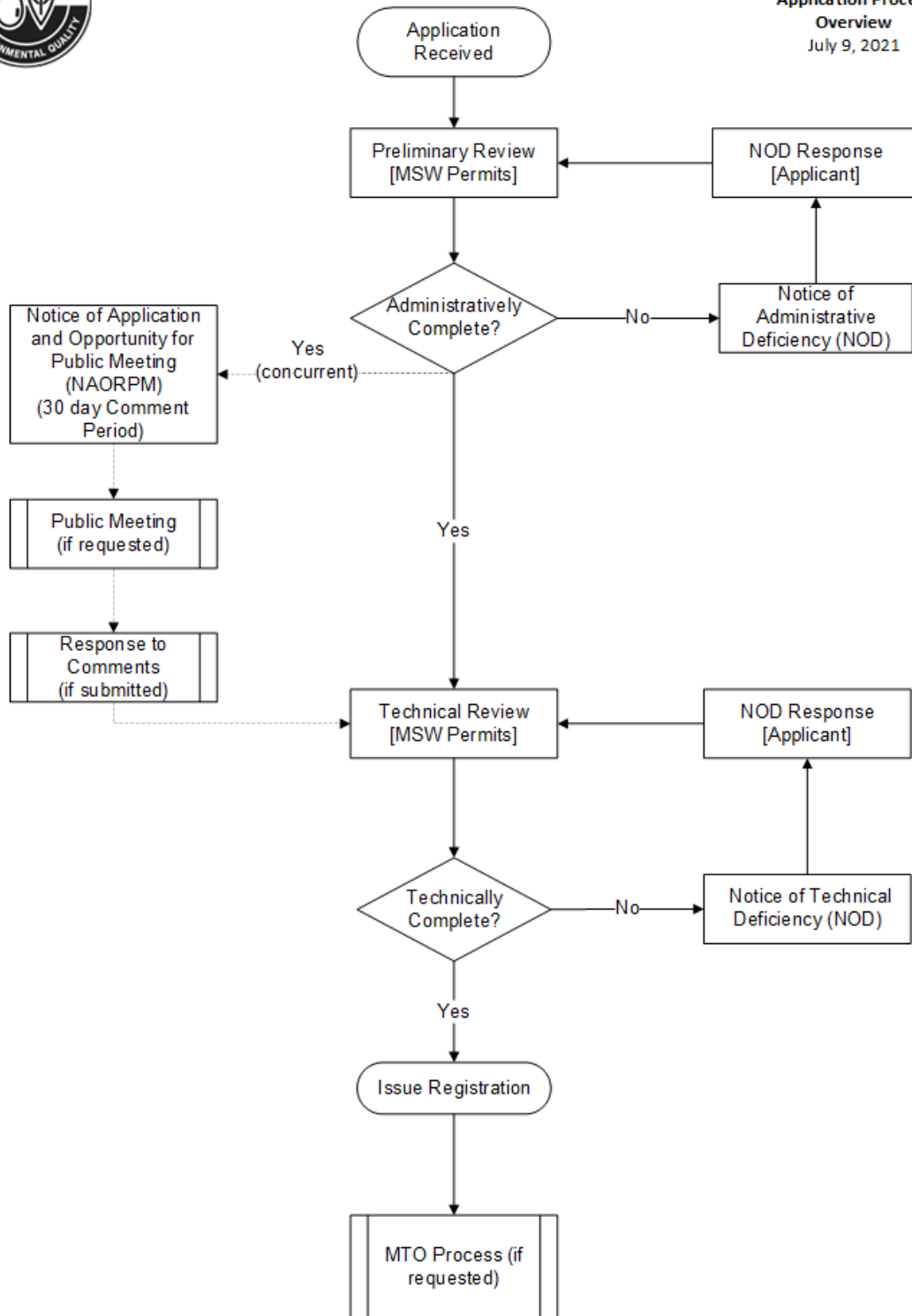
MSW
Permit Application and Major Amendment
Process Overview
 July 8, 2021



MSW Type V Registration Application Process Overview Flowchart



MSW
Type V Registration
Application Process
Overview
July 9, 2021



Scrap Tire Registrations

An application for a scrap tire registration is required for activities including used and scrap tire transportation, processing, recycling, utilization, storage, and LRPUs. An application is reviewed for completeness to ensure it contains all required information and meets rule requirements to protect human health and the environment. Deficiencies noted during the review process are sent to the applicant through written correspondence. A registration is issued following review and approval of the application.

The application process for generators and transporters does not include public notice. Scrap tire facilities, storage sites, and LRPUs require notice to local authorities, who can provide comments within 45 days.

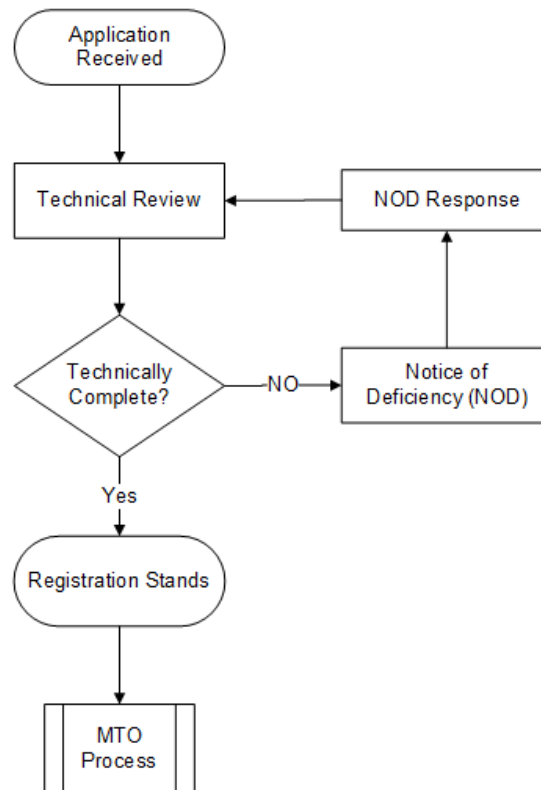
Applications for scrap tire storage sites and LRPUs require a mailed public notice to adjacent landowners and landowners within 500 feet. These registrations also require publication in a local newspaper. Persons receiving the notice may contact the agency or the applicant for additional information about the application, but there is no opportunity for public meeting or contested case hearing. Persons affected by a scrap tire registration may file an MTO.

The following flowcharts illustrate application review processes for the primary scrap tire applications: scrap tire generator and transporter registrations, and scrap tire facility, storage site and LRPUs.

Scrap Tire Application Review Process for Generators and Transporters Flowchart



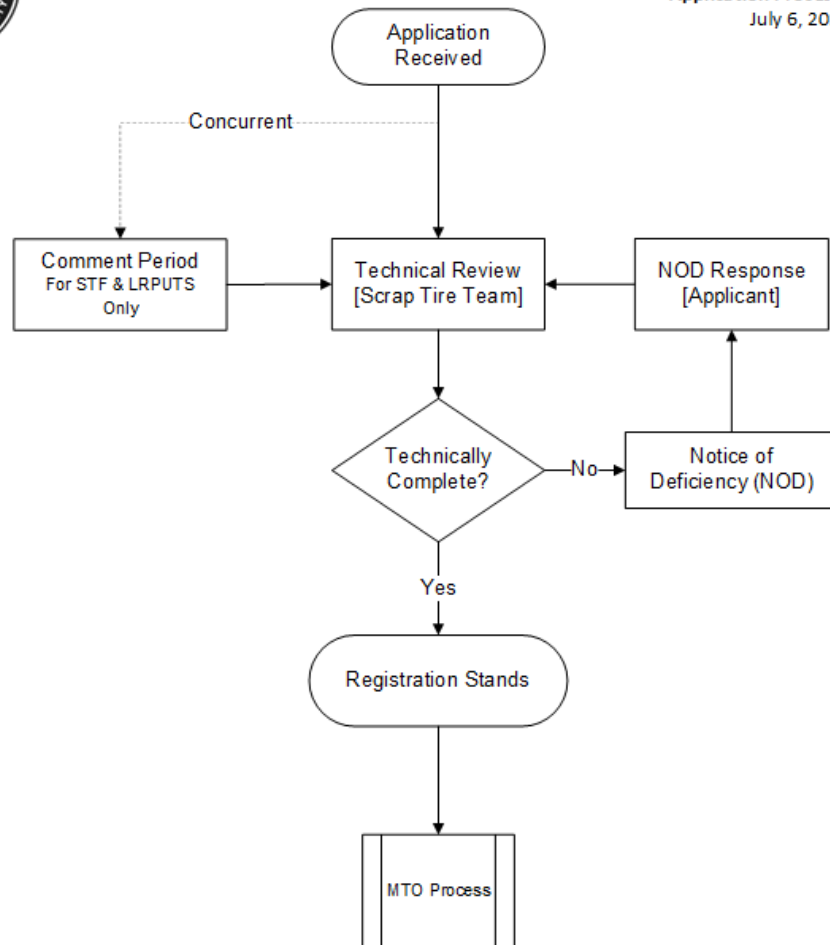
SCRAP TIRE PROGRAM
Generators and Transporters
Application Process Overview
July 6, 2021



Scrap Tire Application Review Process for Scrap Tire Facilities, Storage Sites, and LRPUTs Flowchart



SCRAP TIRE PROGRAM
 Facilities, Storage Sites, and LRPUTS
 Application Process Overview
 July 6, 2021



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Municipal Solid Waste Permits Program Funding Sources

Account	Account Title	FY 2020 Expended
0549	Waste Management Account – Dedicated	\$2,780,481
5000	Solid Waste Disposal Fees Account – Dedicated	\$5,493,162
TOTAL		\$8,273,643

The program is funded in the following strategies:

- Waste Management and Permitting;
- Waste Management Assessment and Planning; and
- Pollution Prevention Recycling.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program works with local and regional units of government when applicants submitting MSW permit or registration applications to TCEQ must submit parts I and II of the application for review to the applicable council of government (COG) for compliance with their regional solid waste plan. After review, the COG submits a letter to TCEQ's MSW Permits Program indicating the application is either in conformance, in conformance with conditions, or not in conformance with their regional plan. A COG's review of an MSW application and conformance determination letter provides a means for TCEQ to obtain qualified opinions from local governments in the impacted region. However, a COG's conformance review letter is not a prerequisite to TCEQ's final determination on a permit or registration application.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Temporary employees support administrative duties and the MSW Permits Program by reviewing annual report data and maintaining the MSW registration and notification records library. The employees also support contract management and provide grant development support to the Regional Solid Waste Grants Program by reviewing financial status reports, budget requests and amendments, and draft contracts.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$110,677.

- **the number of contracts accounting for those expenditures;**

Three contracts.

- **the method used to procure contracts;**

The temporary employee services contracts were managed term contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Municipal Solid Waste Permits Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-10409	WorkQuest	Temporary employee for contract management and grant development support to the Regional Solid Waste Grants Program by reviewing financial status reports, budget requests and amendments, and reviewing draft contract.	\$79,900
582-20-10411	WorkQuest	Temporary employee for reviewing of annual report data and maintaining the MSW registration and notification records library	\$24,224
582-20-11302	WorkQuest	Temporary employee for front desk duties while the division had multiple vacancies with administrative staff	\$6,553

- **the methods used to ensure accountability for funding and performance; and**

Methods used to ensure accountability for funding and performance include a defined and consistent process for developing, implementing and tracking projects, which includes project prioritization in alignment with required work and with agency priorities, development of a detailed scope of work to describe the work to be performed as well as deliverables and due dates, and review of all invoices to ensure consistency with contract dates, deliverables, work performed, and allowable expenses.

- **a short description of any current contracting problems.**

There are currently no contracting problems for the MSW Permits Program.

L. Provide information on any grants awarded by the program.

The Regional Solid Waste Grant Program's (RSWGP) objective is to pass through state-appropriated funds to the 24 COGs throughout Texas. COGs use the funds to maintain an inventory of closed MSW landfills, conduct regional coordination and planning activities, maintain a regional solid waste management plan, and administer pass-through grant programs to fund regional and local MSW projects. Funds are distributed based on a formula considering population, geographic area, percentage of solid waste fee revenue generated within each region, and public health needs. Program staff review each COG's application, 20-year Regional Solid Waste Management Plan, implementation projects, semi-annual reports, annual results reports, quarterly financial status reports, and budget adjustments. These documents are reviewed to ensure compliance with the regional solid waste management plan, RSWGP contract, Uniform Grant Management Standards, and administrative procedures. Program personnel provide technical assistance to COGs and recipients of grant funds. Additionally, program personnel monitor COG performance through desk audits of financial and project data, site-visits, and on-site audits.

**Regional Solid Waste Grant Program
FY 2020 Grant Allocations**

Contract Number	Council of Government	Amount
582-20-10203	Alamo Area Council of Governments	\$390,638
582-20-10204	Ark-Tex Council of Governments	\$115,000
582-20-10205	Brazos Valley Council of Governments	\$115,000
582-20-10206	Capital Area Council of Governments	\$323,836
582-20-10207	Central Texas Council of Governments	\$115,000
582-20-10208	Coastal Bend Council of Governments	\$137,394
582-20-10209	Concho Valley Council of Governments	\$115,000
582-20-10210	Deep East Texas Council of Governments	\$115,000
582-20-10211	East Texas Council of Governments	\$165,563
582-20-10212	Golden Crescent Regional Planning Commission	\$115,000
582-20-10213	Heart of Texas Council of Governments	\$115,000
582-20-10214	Houston-Galveston Area Council	\$1,005,289
582-20-10215	Lower Rio Grande Valley Development Council	\$206,348
582-20-10216	Middle Rio Grande Development Council	\$115,000
582-20-10217	Nortex Regional Planning Commission	\$115,000
582-20-10218	North Central Texas Council of Governments	\$1,134,749
582-20-10219	Panhandle Regional Planning Commission	\$170,317
582-20-10220	Permian Basin Regional Planning Commission	\$159,846
582-20-10221	Rio Grande Council of Governments	\$151,900
582-20-10222	Southeast Texas Regional Planning Commission	\$115,000
582-20-10223	South Plains Association of Governments	\$128,963
582-20-10224	South Texas Development Council	\$115,000
582-20-10225	Texoma Council of Governments	\$115,000
582-20-10226	West Central Texas Council of Governments	\$138,319
TOTAL		\$5,493,162

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Funding Cleanup of Illegal and Unauthorized MSW Disposal Sites. TCEQ has the authority to remediate unauthorized MSW disposal sites, but no appropriations to fund the cleanups. **Refer to Section IX, Major Issues, Funding Cleanup of Illegal and Unauthorized MSW Disposal Sites.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Refer to Question B for why the regulation is needed and refer to the Office of Compliance and Enforcement, Field Operations Program, Question O for all inspection and enforcement information related to this program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

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Office of Compliance and Enforcement

This office enforces compliance with state and federal environmental regulations, responds to emergencies and natural disasters threatening human health and the environment, oversees dam safety, and monitors air and water quality in Texas. The office seeks to promote voluntary compliance through a comprehensive program of regional investigations, technical assistance and outreach, environmental monitoring, and appropriate enforcement. The office is comprised of employees in 16 regional offices, one satellite office, and the Austin headquarters.

Critical Infrastructure Division

The Critical Infrastructure Division, in keeping with the State of Texas Homeland Security Strategic Plan, strives to achieve a safer, more secure, and more resilient state. To accomplish this, the division seeks to assure compliance with environmental regulations to protect public health and the environment, and to provide support during disaster conditions for regulated critical assets essential for the state and its citizens. The division oversees the following programs: Dam Safety, Emergency Management Support, Homeland Security, Radioactive Materials Compliance, BioWatch, and Tier II Chemical Reporting.

Enforcement Division

The Enforcement Division protects human health and the environment through enforcement of TCEQ rules, regulations, authorizations, and permits. The division develops formal enforcement cases in accordance with state statutes and agency rules, consistent with TCEQ's objective that enforcement, when necessary, must be swift, sure, and just. The division also drafts proposed enforcement orders that include appropriate penalties and ordering provisions for TCEQ's consideration and approval. In addition, the Enforcement Division is responsible for administering the Wastewater Compliance Monitoring Program.

Monitoring Division

The Monitoring Division provides TCEQ the foundation for making sound, scientifically based decisions for the protection of public health and the environment by ensuring the collection, analysis, and display of quality environmental data. The division oversees TCEQ's Stationary Air Monitoring Network, the Mobile Monitoring Program, the Laboratory Accreditation Program, and the Quality Assurance Program.

Program Support and Environmental Assistance Division

The Program Support and Environmental Assistance Division consists of the Program Support Section (PSS), which supports field operations, the Small Business and Local Government Assistance (SBLGA) Program which provides external compliance support, and a Division Support Team. The division also oversees the Landscape Irrigation, On-Site Sewage Facility, and Clean Water Certification programs.

The PSS aids regional management in ensuring statewide consistency in implementing regulatory requirements, developing internal programs and procedures, and training investigative staff. The PSS is responsible for central office administration and the development, coordination, and implementation of statewide regional office activities, such as annual investigation workplans; training events; special initiatives; and data maintenance and evaluation.

In addition, PSS manages: Landscape Irrigation, On-Site Sewage Facility, and Clean Water Certification programs. PSS also oversees field citations and helps manage an internal certification and recertification training program for the optical gas imaging cameras (OGIC). The agency uses OGICs across the state to address environmental issues that could affect air quality including those around oil and natural gas related sites and other facilities such as chemical plants, landfills, and truck loading and unloading activities.

The SBLGA program provides confidential compliance assistance on air, water, and waste regulations to small businesses and local governments. Their services are free and include a compliance assistance hotline (800-447-2827), online tools, on-site technical assistance, and other resources for regulatory compliance.

The Division Support Team coordinates purchasing and maintenance of regional monitoring equipment, management of OCE data including data transfer to U.S. Environmental Protection Agency (EPA); and web-page maintenance, as well as coordinating public information requests and record management for OCE.

In addition, the division coordinates activities with EPA Region 6; prepares reports for the Legislative Budget Board (LBB), EPA, and the legislature; provides program guidance and technical assistance to agency staff and the public; analyzes draft legislation; develops and implements rules; and coordinates contract activities supporting regional staff functions.

TCEQ Regional Areas

TCEQ's Field Operations Program consists of 16 regional offices and one satellite office located throughout the state. The regional offices managed by regional directors are divided into four geographical areas which are managed by four area directors who ensure the regions are functioning pursuant to established policies and procedures (see Attachments for Area and Regional map). The area directors, in cooperation with the regional directors, are responsible for the administration and operation of each region, including: legislative and EPA investigative commitments, emergency response, consistency of program implementation, development of program policy and guidance, coordination and implementation of special initiatives, coordination and interaction with EPA, and data management. Major responsibilities include:

- Conducting investigations for compliance at permitted and registered air, water, and waste facilities located across the state as well as investigating complaints at facilities and operations, whether permitted or not, based on requests for assistance from citizens, entities, or other concerned parties;
- Developing enforcement-action referrals for violations identified during investigations;
- Evaluating reported emissions events to determine compliance;
- Responding to environmental emergencies (including natural disasters) with personnel, equipment, and expertise;
- Implementing the Edwards Aquifer Protection Program;
- Providing environmental education and technical assistance to customers as needed;
- Monitoring the quality of ambient air, surface water (rivers, lakes, and bays), and public drinking water; and
- Overseeing and ensuring compliance with water rights outside of Watermaster areas.

Dam Safety Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Dam Safety Program

Location/Division: Austin Headquarters / Critical Infrastructure Division

Contact Name: Kelly Cook, Deputy Director, Critical Infrastructure Division

Statutory Citation for Program: Texas Water Code (TWC) Sections 11.126, 11.144, 12.015, and 12.052.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Dam Safety Program monitors and regulates both private and public dams in Texas. The program periodically inspects dams posing a high or significant hazard and provides recommendations and reports to responsible parties (owners) to help them maintain safe facilities. The program ensures these facilities are constructed, maintained, repaired, and removed safely. High or significant hazard dams are those could result in loss of life if the dam should fail.

The major activities performed by the program are:

- Review of construction plans and specifications for new dams requiring a water right permit and review of dam modifications;
- Review of water right permit applications for projects with a dam and lake to address dam safety issues;
- Review of owners' and contractors' engineering inspection reports;
- Inspections of high and significant hazard existing dams, new dams under construction, modifications to existing dams, and complaints on dams;
- Hydrologic and hydraulic reviews of dams;
- Review of emergency action plans;
- Breach analyses of dams to determine impact to downstream properties;
- Review of water district creations for dam safety issues; and
- Attend emergency action plan tabletop exercises.

The inventory of dams in Texas at end of FY 2020 included 7,314 dams, not including 116 federal dams. The number of these dams falling under TCEQ's dam safety jurisdiction is 4,049 dams. The remaining 3,265 dams are exempt from TCEQ regulations by definition under statute and are not subject to routine dam safety inspections but must comply with operation and maintenance requirements. The inventory is further broken down by exemption status and hazard classification:

Total Dams in Texas Inventory	7,314
• State-Regulated Dams	4,049
• Exempt Dams	3,265

Total State-Regulated Dams	4,049
• High Hazard Dams	1,502
• Significant Hazard Dams	304
• Low Hazard Dams	2,243
Total Exempt Dams	3,265
• Significant Hazard Dams	242
• Low Hazard Dams	3,023

The primary focus for the program is dam safety inspections on the 1,806 state-regulated high and significant hazard dams (1,502 high and 304 significant) (state-regulated) dams every five years as required in Title 30 Texas Administrative Code (30 TAC) Section 299.42(a)(2). According to the rule, high and significant hazard dams and the three large low hazard dams in the inventory are scheduled to be inspected every five years, while small and intermediate size, low hazard dams are only to be inspected at the request of an owner; as a result of a complaint; at the request of someone other than the owner; after an emergency such as a flooding event; or to determine the hazard classification.

The program also inspects poor condition high and significant hazard dams on a two-year frequency. Of the 1,806 high and significant hazard (state-regulated) dams, 244 (204 high and 40 significant) are in poor condition. Poor condition dams are dams with major maintenance, structural or hydraulic deficiencies, which could threaten integrity of the dam if the owner does not take immediate action. This shorter inspection cycle is needed to determine if previously identified problems have been corrected or if the situation is progressing to the point of being an imminent and substantial endangerment to public safety. The inventory further broken down by exemption status and condition is as follows:

Poor Condition State-Regulated Dams	300
• High Hazard Dams	204
• Significant Hazard Dams	40
• Low Hazard Dams	56
Poor Condition Exempt Dams	92
• Significant Hazard Dams	63
• Low Hazard Dams	29

The program is also required to complete 800 assessments each year, which includes completed dam safety inspection reports and assessment reports.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The numbers for the Performance Measures are taken from reports developed from the Dam Safety Program Module, which was created after the 2008 State Audit.

The following performance measures are reported in Section II, Exhibit 2.

- Number of dams in the Texas Dam Inventory;
- Percent of high and significant hazard dams inspected within the last five years;
- Number of dam safety assessments; and
- Average cost per dam safety assessment.

The effectiveness and efficiency of the Dam Safety Program is also shown by:

- The number of emergency action plan reviews increased from 72 in FY 2017 to 220 in FY 2020.
- All dam owners receive a copy of the inspection report following an inspection, attached to a letter requiring the owner to respond by a specific date with a plan of action and timeline for correcting any deficiencies documented during the inspection.
- The program has increased its presence across the state by performing more inspections, from 227 in FY 2006 to 451 in FY 2019; conducting dam-owner workshops; and making new publications available. These activities have been effective in increasing requests for inspections, electronic communications, telephone calls, written correspondence, and requests for presentations regarding the program.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions having directly affected the Dam Safety Program.

1914

- The Texas Dam Safety Program began with members of the Board of Water Engineers making construction inspections.

1968

- The modern version of the program began with the first inspections of existing dams in September 1969.

1977

- Phase I of the National Dam Inspection Act of 1972 (Public Law 92-367) was implemented, which led to significant changes in standards used in the evaluations of dams.

1981

- Federal funding for the Dam Safety Program ended.

1986

- Texas' first comprehensive set of dam-safety rules was adopted.

1998

- The Texas Natural Resource Conservation Commission's (TNRCC) Executive Director Task Force on Dam Safety published its final report, which was confirmed by the House Natural Resources Subcommittee on Dam Safety. Numerous recommendations were made, including updating the applicable rules.

2003

- At TCEQ's request, the Association of State Dam Safety Officials performed a peer review of the Dam Safety Program. The report recommended new rules be developed and the program be revitalized.

2008

- TCEQ approved new dam safety rules that became effective on January 1, 2009.

2011

- The legislature temporarily exempted certain dams from agency rules and regulations.

2013

- The legislature made the temporary exemptions permanent.

2016

- A new study of the Probable Maximum Precipitation was completed by TCEQ for the State of Texas.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The program affects all owners of dams and engineering firms working on dam-related projects. In FY 2020, there were 4,049 dams in the program database not exempted by the legislature. Of the regulated dams, 1,502 are high-hazard dams and 304 are significant-hazard dams.

The following table lists the types of non-exempt dam owners. Each dam could have more than one owner and/or owner type.

Dam Owner Types and Amounts

Type of Dam Owner	Number of Dam Owners
Individual	450
Private	835
Soil and Water Conservation Districts	1,444
Local Governments (Cities and Counties)	875
Districts and Water Authorities	676
Federal Agencies	26
River Authorities	76
Public Utilities	10
State Agencies	58

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Organizationally, the program is part of the Office of Compliance and Enforcement. Program inspectors are located at TCEQ's central office as well as in regional offices in Houston and Dallas-Fort Worth and cover the whole state.

The program inspects high and significant hazard dams and prepares reports which may include deficiencies needing to be addressed and recommendations for each deficiency noted. If an inspection reveals the need for a hydrologic and hydraulic adequacy analysis or structural analysis, a recommendation is made for the analysis. The dam owners receive a letter and a copy of the report from TCEQ. If necessary, the owners may be requested to provide a plan of action and timelines for addressing all noted deficiencies.

An agreement may be developed between TCEQ and the owners to set a timeline to meet the requirements of the rules. This written agreement will state the projects to be addressed and the timelines for performance.

The program staff also meet with owners and/or the owners' engineer, if requested, to discuss possible options, or alternatives, for upgrading the dams.

In addition to the activities described above in Question B, Dam Safety personnel manage contracts, communicate with dam owners and engineers before inspections, conduct exit interviews to discuss preliminary findings, conduct dam owners' workshops, make presentations to owner associations and engineering societies, and develop education materials, such as:

- *Dam Removal Guidelines;*
- *Guidelines for Operation and Maintenance of Dams in Texas;*
- *Hydrologic and Hydraulic Guidelines for Dams in Texas;*
- *Guidelines for Developing Emergency Action Plans for Dams in Texas;*
- *Design and Construction Guidelines for Dams in Texas;*
- *Probable Maximum Precipitation (PMP) User Guide and Final Report; and*
- *Forms for dam inspections and for reporting suspicious incidents.*

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Dam Safety Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$1,796,091
0555	Federal Funds	97.041	National Dam Safety Program	\$311,514
TOTAL				\$2,107,605

The program is funded in the Water Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other state programs in Texas, internal or external, perform dam-safety services or functions.

The Natural Resources Conservation Service (NRCS), a federal agency, offers dam-safety services—primarily technical assistance—to local sponsoring organizations on dams funded and built by NRCS or the predecessor agency (the U.S. Soil Conservation Service). These dams are owned by the local sponsoring organizations and are under Dam Safety Program jurisdiction. The NRCS does not have the same functions as the Dam Safety Program.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

To avoid duplication or conflict with the NRCS-assisted projects, TCEQ has an interagency contract 582-19-92239 (intergovernmental), with the NRCS providing for the NRCS to inspect a specified number of the high- and significant-hazard NRCS-assisted project dams. The NRCS submits the reports to the Dam Safety Program, which develops letters to send with reports to the dam owners.

To avoid duplication of effort on inspections by dam owners, the rules now allow the dam owner’s engineering inspection reports to meet the inspection requirements in 30 TAC Section 299.42; therefore, the program does not reinspect. The owner’s inspection reports are reviewed by the Dam Safety Program and appropriate recommendations are made to the dam owner(s).

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The units of government interrelating with the Dam Safety Program include:

- Local Governments (Cities and Counties) Own dams
- River Authorities Own dams
- Districts and Water Authorities Own dams
- Soil and Water Conservation Districts Own dams

- State Agencies Own dams
- U. S. Fish and Wildlife (Federal agency) Own dams
- U. S. Forest Service (Federal agency) Own dams
- Natural Resources Conservation Service Interagency contract for dam inspections w/Dam Safety Program
- U. S. Army Corps of Engineers (COE) Dams funded and built by the COE are exempt from state jurisdiction
- U. S. Bureau of Reclamation (BOR) Dams funded and built by the BOR are exempt from state jurisdiction
- International Boundary and Water Commission (IBWC) Dams funded and built by the IBWC are exempt from state jurisdiction

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The Dam Safety Program oversees contracts to help reduce the potential consequences of dam failures by reducing risks to life and property associated with dams and advancing the state in the practice of dam risk management.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$274,455.

- **the number of contracts accounting for those expenditures;**

Four contracts.

- **the method used to procure contracts;**

Contracts were either competitively bid or directly awarded to cooperating agencies.

- **top five contracts by dollar amount, including contractor and purpose;**

Dam Safety Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-19-92239	USDA Natural Resources Conservation Service	LiDAR Elevation Data Collection	\$200,000
582-20-12754	The Sanborn Map Company Inc	80 Dam Inspections of NRCS-assisted "Flood Control" Dams	\$49,983
582-20-12755	AECOM Technical Services	Quality Assurance/Quality Control (QA/QC) of LiDAR Data	\$24,435
582-19-97284	Michael J. Wood	Employee reimbursement for fingerprinting for a required background check by the Texas Board of Professional Engineers for Professional Engineer (P.E.) licensure	\$37

- **the methods used to ensure accountability for funding and performance; and**

Monitoring and evaluating contracts to ensure accountability for results is an integral part of every program receiving state and federal funds. Monitoring and evaluation are conducted by the assigned contract manager. No contract is signed unless it includes baseline data from which progress can be measured. In addition, every contract specifies regular benchmarks for evaluating progress and suggested corrective actions to be implemented when necessary. Fiscal monitoring includes careful review of expenses and supporting documents to ensure all expenses are substantiated, reported properly, and are in compliance with established agency guidelines.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

TCEQ's Dam Safety Program is awarded the Federal Emergency Management Agency's Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program. This grant provides technical, planning, design, and construction funding for rehabilitation of eligible high hazard potential dams. Grant funding is based on 65% federal funds with a 35% local match. In FY 2020, the Dam Safety Program provided three pass-thru grants for the HHPD Program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Resources for Dam Safety. The number of dams the Dam Safety Program is required to inspect each year is continually increasing. This yearly increase is largely from reclassifying dams due to increased development downstream of dams, and to a lesser extent from new dam construction, and existing but previously unknown dams being identified and added to the inventory. The Program was able to complete 91% of the inspections for the five-year cycle at the end of FY 2019 and 89% of the inspections at the end of FY 2020. However, without any increase in staffing resources, this percentage will continue to decrease each year additional inspections are added to the inspection cycle. **Refer to Section IX, Major Issues, Resource needs for the Dam Safety Program.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Since December 2003 several significant activities have been initiated to improve the program and to reassert it as a positive presence in Texas:

- Developing a training plan and program for new staff, including topics such as safety evaluations of existing dams, hydrologic and hydraulic courses, GIS-GPS courses, Risk Assessment training, and various webinars on dam safety;
- Determining which Texas dams are critical infrastructures;
- Reestablishing a presence for the program by increasing the numbers of inspections, contacting owners about inspections, sending reports to owners with a request for response, reviewing owner and consultant inspection reports, and responding to owner questions;
- Developing a new database for entering data securely;
- Utilizing GIS to evaluate dams;

- Conducting workshops for owners and engineers; and
- Publishing and republishing guidelines for owners and engineers.

In 2020, the Texas State Auditor’s Office published an audit report on the Dam Safety Program recommending several minor changes. The program is on task to timely implement all of the recommendations, including revising the rules to add the exemptions of dams, and to incorporate new legislation.

O. Regulatory programs related to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Texas Commission on Environmental Quality
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	7,289	7,314
Total number of entities inspected	621	629
Total number of complaints received from the public	16	10
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	2	5
Number of jurisdictional complaints	14	5
Number of jurisdictional complaints found to be without merit	0	0
Number of complaints resolved	14	5
Average number of days for complaint resolution	118	171

	FY 2019	FY 2020
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
Other	1	0
• District Court: Petition for injunctive relief (filed by the Office of the Attorney General)		

Emergency Management Support Team Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Emergency Management Support Team

Location/Division: Austin Headquarters / Critical Infrastructure Division

Contact Name: Kelly Cook, Deputy Director, Critical Infrastructure Division

Statutory Citation for Program: Texas Water Code (TWC) Sections 26.039, 26.127, 26.261-26.268; Texas Health and Safety Code (THSC) Section 361.024 and Chapter 382.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Emergency Management Support Team (EMST) provides critical support for the state's capability to prepare for, respond to, and recover from natural and manmade disasters.

The EMST supports TCEQ regional offices by providing enhanced disaster preparedness training and state-level coordination for responding to large-scale or statewide disasters. The EMST maintains advanced equipment, such as Command Post trailers, Satellite Communications including Voice Over Internet Protocol phones and a long-haul wireless Internet system, and a field-deployable Radio Interoperability System, all which are available for deployment and operation across the state in support of TCEQ's mission.

One of the main tasks of the EMST is to train and support TCEQ Disaster Response Strike Teams (DRSTs) in each region. DRST staff are provided training, knowledge, and skills to address needs during a major incident or disaster, with the understanding each incident is different. This training provides TCEQ the depth and expanse of expertise to provide specialized, long-term response capabilities to any region in the state. The trained cadre of staff participating in DRSTs enables TCEQ to rotate personnel responding to disasters, to ensure they are not exhausted and remain safe. Another objective of the EMST is to help ensure continuity of operations should one of TCEQ's offices be impacted by a disaster.

TCEQ is the primary state agency for Oil and Hazardous Materials Response, as stated in the ESF-10 Annex of the [State of Texas Emergency Management Plan](#). TCEQ also serves as a support agency for a number of other annexes, including ESF-1 Transportation, ESF-2 Communications, ESF-3 Public Works, ESF-4 Firefighting, ESF-5 Emergency Management, ESF-8 Public Health and Medical Services, and ESF-15 Public Information. To maintain preparedness to fulfill TCEQ responsibilities, the EMST sponsors training for members of DRSTs on various disaster response-oriented topics including air monitoring and sampling; hazardous materials response and remediation; Chemical, Biological, Radiological, and Nuclear (CBRN) emergency response protocols; the National Incident Management System (NIMS); the Incident Command System (ICS); and TCEQ senior DRST professional development plan. The training is designed to prepare TCEQ DRSTs across the state in such diverse capabilities as response and mitigation of spills of hazardous materials, air monitoring, environmental sampling, knowledge of public drinking water and wastewater systems, and surface water quality monitoring. The EMST and DRSTs enable TCEQ to provide an effective disaster response team, in accordance with state and national protocols and plans.

EMST also manages TCEQ Emergency Response Contracts. TCEQ Emergency Response Contractors are utilized during disasters and emergency response incidents to conduct operations for TCEQ. The contractors remove, contain, and remediate releases of hazardous materials when the responsible party is unknown, unwilling, or unable to conduct adequate response; conduct supplemental air monitoring; and provide logistical support during responses.

The EMST also manages the After-Hours Spill Reporting call center contract, which is a joint contract with the Texas General Land Office (GLO). This call center receives spill notifications for the State of Texas after normal business hours. The call center disseminates these notifications of spills to the appropriate TCEQ and GLO offices so adequate and timely responses may be conducted by staff.

EMST staff also conduct Tier II program investigations at every agricultural ammonium nitrate facility in Texas. Each facility is inspected at least every two years.

The EMST is currently developing an Unmanned Aerial Systems (UAS) or “Drone” Program. The purpose of the UAS Program is to provide aerial support and assistance to TCEQ personnel during field activities, disasters, and emergency response events. The UAS Program will augment TCEQ’s use of contracted manned aircraft during investigations, emergency response events, and natural disaster responses. This program will include central office staff as well as regional staff.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Many of these response actions have been multi-day responses in extreme conditions. EMST and DRSTs are prepared to be self-supporting for at least three days.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

TCEQ established the EMST in 2012 to provide critical support for the agency’s capability to prepare for, respond to, and recover from natural and manmade disasters. EMST took over some of the duties of the former TCEQ Strike Team.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Most of TCEQ’s Emergency Management efforts are not within its day-to-day regulatory responsibilities, rather, the program addresses state goals, strategies, and objectives to prepare for, prevent, minimize the effects of, respond to, and recover from disasters and emergencies, whether natural or human-

caused. TCEQ Emergency Management efforts focus on coordinating related efforts across agency programs.

The EMST supports the regional offices by providing and/or coordinating enhanced disaster preparedness training and exercises and coordinating state-level response to large-scale or statewide disasters.

In addition to coordinating the agency's emergency management preparedness activities, the program coordinators also deploy to the field during large disasters to help manage the response.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Emergency Management Support Team Program Funding Sources

Account	Account Title	FY 2020 Expended
0001	General Revenue	\$280,358
0151	Clean Air Account - Dedicated	\$311,017
0153	Water Resource Management Account - Dedicated	\$81,145
0549	Waste Management Account - Dedicated	\$32,923
0550	Hazardous and Solid Waste Account - Dedicated	\$700,857
0655	Petroleum Storage Tank Remediation Account - Dedicated	\$32,749
5020	Workplace Chemicals List Account - Dedicated	\$53,184
5094	Operating Permit Fees Account- Dedicated	\$250,000
TOTAL		\$1,742,233

The program is funded in the Enforcement and Compliance Support Strategy and the Field Inspections and Complaints Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ is the state's lead agency in responding to spills of all hazardous substances (except oil spills in coastal waters). This includes releases of refined petroleum products from pipelines; releases of crude oil being transported over the roadway; and discharges of any other substances that may cause pollution or harm air quality pursuant to the Texas Hazardous Substances Spill Prevention and Control Act (TWC Sections 26.261 et seq.) and the Texas Clean Air Act (THSC Section 382.001 et seq.). TWC Section 26.127 establishes TCEQ as the principal authority in the state on matters relating to the quality of water in the state. In addition, the Texas Hazardous Substances Spill Prevention and Control Act (TWC Sections 26.261 et seq.) establishes the policy to prevent the spill or discharge of hazardous substances into the waters in the state and to cause the removal of any spills and discharges without undue delay (TWC Section 26.262).

Under the State of Texas Emergency Management Plan, TCEQ's primary responsibility is as the state's lead agency for Emergency Support Function (ESF) No. 10, which addresses Hazardous Materials and Oil Spill Response. As the lead agency for ESF No. 10, TCEQ coordinates the spill response by determining which state agency has jurisdiction for the spill and ensuring appropriate spill response measures are being

taken. The other state agencies with primary spill response jurisdiction in Texas include the Texas General Land Office (GLO) and the Railroad Commission of Texas (RRC).

The GLO is responsible for responding to crude oil spills that enter, or threaten to enter, coastal waters pursuant to the Oil Spill Prevention and Response Act of 1991 (Texas Natural Resources Code (TNRC) Section 40.001).

The RRC is responsible for responding to spills or discharges from all activities associated with the exploration, development, or production of oil, gas, and geothermal resources, pursuant to TNRC Sections 85.042, 91.101, and 91.601, including storage or pipeline transportation and excluding highway transport and refined product spills.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program coordinates activities through memoranda of understanding (MOU) and through the rulemaking process with GLO and RRC to delineate jurisdiction and coordination for spill response for oil and hazardous materials. TCEQ jurisdiction is under TWC Section 26.261 and GLO jurisdiction is under Chapter 40 of the Oil Spill Prevention and Response Act of 1991. Additionally, an MOU between TCEQ and RRC (Title 30 Texas Administrative Code (30 TAC) Section 7.117) further outline division of responsibility between the two agencies.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ EMST coordinates with state, local, regional, and federal units of government for emergency and disaster preparedness, response, and recovery.

These agencies include but are not limited to: Texas General Land Office, Texas Division of Emergency Management, Texas Department of Public Safety, Texas Forest Service, EPA, and U.S. Coast Guard. TCEQ EMST also works with numerous local governmental entities during incidents and responses. Both technical and operational assistance are provided upon request of the jurisdiction.

K. If contracted expenditures are made through this program please provide.

- **a short summary of the general purpose of those contracts overall;**

The emergency management contracts ensure quick response to incidents involving oil and hazardous substances, hazardous waste, environmentally regulated substances, unknown materials, groundwater sampling, and to notify water well owners and operators(s) of possible groundwater contamination. The program also utilizes the Mickey Leland Environmental Internship Program (MLEIP) to support program needs.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$1,104,570.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

The emergency management contracts were solicited using a competitive bid process. An intern was hired using a managed term contract. The medical monitoring contract was directly awarded to a cooperating agency.

- **top five contracts by dollar amount, including contractor and purpose;**

Emergency Management Support Team Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-19-90562	Progressive Environmental Services Inc	Emergency Response Contracts	\$895,549
582-19-90564	Allied International Emergency LLC	Emergency Response Contracts	\$186,253
582-19-90561	Protect Environmental Services Inc	Emergency Response Contracts	\$11,644
582-20-13998	WorkQuest	Temporary Personnel Services – MLEIP Intern	\$10,164
582-17-70412	University of Texas Health Services	Annual Occupational Medical Monitoring Program	\$960

- **the methods used to ensure accountability for funding and performance; and**

The emergency management contracts include on site supervision from regional staff when applicable; discussions with the contractor before, during, and after the response to ensure appropriate actions were taken; and a detailed review of invoices to ensure all costs are reported properly and in compliance with the contract. For the other two program contracts, the program reviews each invoice to ensure accurate billing for intern time and medical monitoring costs.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Emergency Response. TCEQ spends significant resources to address on-demand emergency response needs. Expectations have increased with respect to response timeframes and the types of actions and amount of resources needed/necessary to address events. The agency recommends strengthening the required training for local emergency management officials and their chain of command to increase

knowledge and understanding of state and local roles and responsibilities and help ensure local requests for state assistance follow protocols established within the Texas Emergency Management Plan. **Refer to Section IX, Major Issues, Strengthen the Required Training for Local Emergency Management and Their Chain of Command.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

TCEQ EMST is a multidisciplinary force designed to provide critical support to the regional offices in the event regional staff and resources are exhausted.

TCEQ EMST also maintains and deploys equipment to TCEQ regions during disasters, for use by the EMST, DRSTs and regional staff. This equipment includes:

- a Mobile Command Post (MCP) trailer equipped with satellite communications and radio interoperability system;
- a Light Command Post (LCP) trailer equipped with satellite communications and radio interoperability system;
- two Regional Response trailers, with climate-controlled work stations;
- an equipment support trailer;
- two mobile 25 KW generators, one mobile 45KW generator, and one mobile 30KW generator;
- a communications/radio repeater trailer;
- satellite radio/telephones; UHF/VHF radio cache;
- iPads;
- Volvo semi (Mobile Command Post tow vehicle), Freightliner (Light Command Post tow vehicle) and five one-ton towing vehicles for auxiliary trailers and generators; and
- numerous pieces of direct read air monitoring equipment.

Through the program's efforts, TCEQ EMST strives to attain and improve its readiness for all emergencies. Notable demonstrations/responses include:

- *Ammonium Nitrate Explosion, West, Texas, April 17, 2013.* EMST deployed in support of TCEQ Waco Region staff responding to the disaster. EMST assisted with setting up Unified Command and immediately started addressing the numerous issues involved. This included utilizing air monitoring assets from the Texas 6th Civil Support Team (CST) TXMF (Texas National Guard) and TCEQ contractors to gather air quality data. EMST also provided HAZMAT contractor support to mitigate a leaking anhydrous ammonia tank and assist with the downstream assessment to determine the effects of the fire runoff. EMST and the regional offices had assets on the ground for over two months.
- *Ammonium Nitrate Fire, Athens, Texas, May 30, 2014.* EMST supported TCEQ Tyler Region staff in response to a major ammonium nitrate fire in Athens, Texas. EMST utilized the Texas 6th CST TXMF and TCEQ contractors to provide air monitoring for the affected population and first responders. EMST also provided technical assistance regarding ammonium nitrate helping bring the incident to a safe conclusion.
- *Syrian Chemical Shipment Response (Chemstroy), July 9, 2014.* EMST deployed in support of TCEQ Beaumont Region staff to provide air monitoring for the offloading of chemical warfare agent precursors from Syria. The chemical agents were offloaded and transported to a nearby facility for disposal with a safe conclusion.

- *Pecos River Floods, September 2014.* EMST deployed contractors to assist TCEQ Midland Region staff with removal of flood debris impinging the Pecos River bridge at Interstate Highway 20. EMST also assisted with the response strategies allowing for the safe removal of the debris.
- *Ebola Response, Dallas, September 2014.* EMST provided contractor support to assist TCEQ Dallas/Fort Worth Region staff and local jurisdictions on the remediation of the infected nurse's residences, pet rescue and veterinarian waste management, and coordinated the transportation and destruction of the Ebola waste from these operations.
- *East Texas Flood Response, March 2016.* EMST deployed in support of TCEQ Beaumont Region staff to assist with flood damage assessments and to provide liaisons to local jurisdictions. EMST also provided TCEQ contractor support to safely remove orphaned containers from the flooded areas. EMST assisted with these efforts for over two weeks.
- *A1 Chemical Fire, Houston, Texas, March 2016.* EMST deployed in support of TCEQ Houston Region staff to protect public health and welfare during the A1 chemical fire in a residential area. EMST activated TCEQ contractors to perform offsite cleanup of fire water runoff and removal of contaminated soil adjacent to the property. EMST also conducted the Tier II program compliance investigation which sent the responsible party to enforcement.
- *Corpus Christi Drinking Water Response December 2016.* EMST deployed to the TCEQ Corpus Christi Region to support response efforts. This includes performing water system sampling and providing technical assistance.
- *Mulch Fire, Selma, Texas December 19, 2016.* EMST deployed to the San Antonio Region to provide personnel and TCEQ contractor equipment to respond to a large mulch fire. EMST also assisted with the fire response strategies allowing for a safe conclusion of the incident.
- *Pesticide Response, Amarillo, Texas, January 2017.* EMST provided TCEQ contractor support to assist the TCEQ Amarillo Region with a high-profile fatality pesticide cleanup. EMST coordinated with Texas Office of Homeland Security and the Texas Division of Emergency Management (TDEM), EPA, and Texas Department of State Health Services (DSHS) to develop the clearance standards for the cleanup.
- *Hurricane Harvey Response, August 2017.* EMST deployed to the Houston and Corpus Christi Regions to assist unified command with the massive environmental response and recovery efforts involving public drinking water and wastewater sampling, debris management, air monitoring and coordinating with EPA, Federal Emergency Management Agency (FEMA), various other federal, state, and local agencies on all environmental aspects of response and recovery. EMST was deployed for over two months.
- *Intercontinental Terminals Company (ITC) Fire Response, Fire Deer Park, Texas, March 2019.* EMST responded to the ITC chemical fire to support TCEQ Houston Region staff with interface at the unified command and the local EOCs. EMST also deployed TCEQ contractors to assist with air monitoring in affected neighborhoods. EMST provided technical assistance with pollution runoff monitoring and cleanup. EMST was deployed for over three weeks in numerous capacities.
- *Skull Creek Response, April 2019.* EMST was requested to assist TCEQ Houston Region staff with a high-profile investigation of a release of an unknown chemical into Skull Creek. This included assisting with the investigation and interfacing with local elected officials. EMST also deployed a TCEQ contractor Unmanned Aerial Systems to fly over the affected areas to determine the extent of contamination.
- *TPC Port Neches Plant Fire, Port Neches, Texas, December 2019.* EMST deployed TCEQ contractor air monitoring assets to assist TCEQ Beaumont Region staff with the protection of the public. EMST also provided technical assistance and logistical support.

- Hurricane Laura Response, August 2020. EMST deployed to the TCEQ Beaumont Region to provide personnel and technical assistance with the Hurricane Laura response. EMST provided air monitoring support and coordinated the response of the Texas 6th CST TXMF, EPA, and TCEQ contractors to help protect the public. EMST also provided logistical support to ensure TCEQ's Beaumont office had electricity. EMST was deployed for 10 days assisting with this event.
- Winter Storm Uri Response, February 2021. EMST provided logistical support during the Winter Storm Uri response. This include TCEQ contractors supplying 40 pallets of bottled water to the City of San Antonio, coordinating the deployment of three EPA mobile drinking water labs at three of TCEQ's regional offices, and ensuring these labs had the supplies on hand to complete necessary sample analyses. EMST also ensured the labs had adequate electricity and infrastructure to function properly.
- Aransas Pass Drinking Water Response, June 2021. EMST deployed TCEQ contractors to provide 35 pallets of bottled water to the City of Aransas Pass.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Homeland Security Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Homeland Security Program

Location/Division: Austin Headquarters / Critical Infrastructure Division

Contact Name: Kelly Cook, Deputy Director, Critical Infrastructure Division

Statutory Citation for Program: Texas Government Code (TGC) Chapter 418 (Emergency Management) and Chapter 421 (Homeland Security).

B. What is the objective of this program or function? Describe the major activities performed under this program.

TCEQ's Homeland Security Program assists in the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy, and to detect, deter, respond to, and recover from disasters, both natural and human-caused. These initiatives include notifying and coordinating with many of those responsible for the state's critical infrastructure entities, including producers and purchasers of public drinking water, high-risk dams, refineries, petrochemical facilities, and wastewater treatment facilities.

As a member of the Texas Homeland Security Council, TCEQ assists in planning, coordination, and communication for homeland security preparedness. TCEQ's homeland security coordinator is on call 24 hours a day to facilitate requests for assistance from the Texas Office of Homeland Security and the Texas Department of Emergency Management (TDEM).

The Homeland Security Program coordinates with all TCEQ program areas, the Texas Office of Homeland Security, and TDEM, on issues and activities related to all hazards, including homeland security and emergency management. The program's focus is not the daily operation of the programs and the entities TCEQ regulates, but rather on detecting and preventing threats, responding to disasters or incidents affecting the public and regulated community, and recovering from their effects.

TCEQ's homeland security responsibilities are described in the [Texas Homeland Security Strategic Plan \(2021-2025\)](#), and its emergency management responsibilities are described in more detail in the [State of Texas Emergency Management Plan and the Emergency Support Function Annexes](#). These plans were developed to fulfill requirements in Texas Government Code Chapters 418 and 421.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

N/A

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

TCEQ's Homeland Security Program was established as part of a statewide, response to the attacks of September 11, 2001. Since then, significant expansion of emergency and disaster-management preparation, response, and recovery has occurred at the state and national levels, which included TCEQ increasing its staffing for homeland security activities. Currently, TCEQ's Homeland Security Program has a coordinator, assistant coordinator, and one additional staff member.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The program affects many internal programs; these programs have roles and responsibilities in preparing for and responding to widespread disasters. Also, a representative from each TCEQ office and other critical TCEQ personnel are required to undergo National Incident Management System training to ensure TCEQ employees expected to respond to a disaster understand the specific processes to follow.

The Homeland Security Program assists in reestablishing continuity of operations after a disaster with the public and regulatory community, thus, ensuring restoration of services at critical infrastructure facilities the agency regulates.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

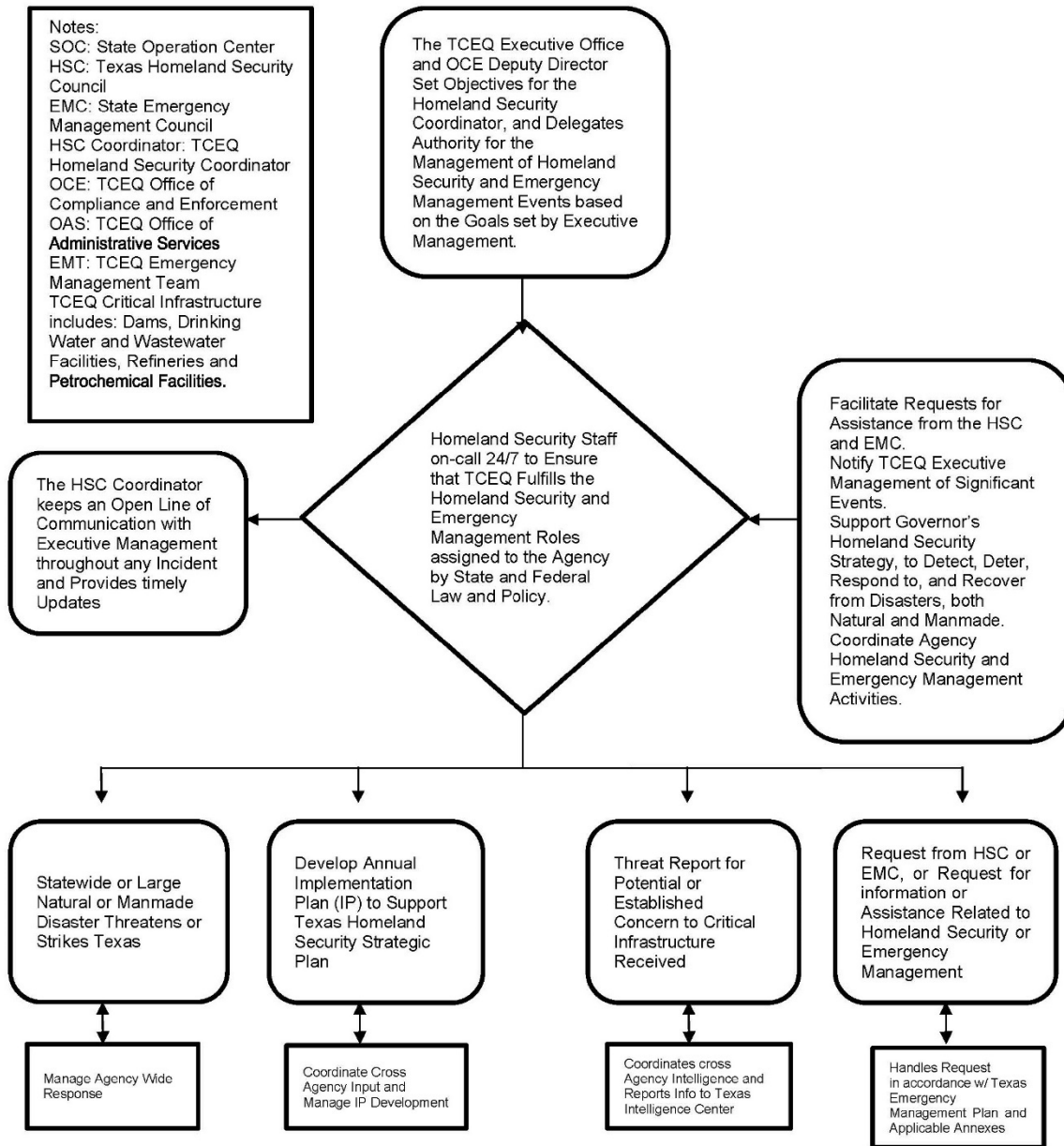
Most of TCEQ's homeland security efforts are not within its daily regulatory responsibilities; rather, they address state goals, strategies, and objectives to prepare, prevent, minimize the effects of, and respond to and recover from disasters and emergencies, whether natural or human-caused. TCEQ homeland security efforts focus on coordinating related efforts across agency programs.

Program duties include coordinating homeland security issues across the agency, as well as coordinating with state-level homeland security officials. The homeland security coordinator is the primary contact for issues communicated to TCEQ by the Texas Office of Homeland Security, TDEM, and other state members of the Emergency Management Council.

The homeland security program regularly coordinates with TCEQ management and personnel from each of the Agency's TCEQ Offices, in addition to other employees with knowledge of issues relating to critical infrastructure during disasters.

The following flowchart illustrates the homeland security coordination process.

TCEQ Homeland Security Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Homeland Security Program Funding Sources

Account	Account Title	FY 2020 Expended
0001	General Revenue	\$47,898
0151	Clean Air Account - Dedicated	\$16,249
0153	Water Resource Management Account - Dedicated	\$109,238
0549	Waste Management Account - Dedicated	\$60,690
0550	Hazardous and Solid Waste Account - Dedicated	\$111,081
5020	Workplace Chemicals List Account - Dedicated	\$12,698
TOTAL		\$357,854

The program is funded in the following strategies:

- Air Quality Assessment and Planning;
- Enforcement and Compliance Support;
- Field Inspections and Complaints;
- Waste Assessment and Planning; and
- Water Assessment and Planning.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Department of Homeland Security (DHS), and the Cybersecurity and Infrastructure Security Agency (CISA) provide similar functions on the federal level. DHS and CISA provide guidance to states on homeland security issues concerning infrastructure. The Texas Department of Public Safety's Texas Office of Homeland Security also provide similar functions on a state level involving infrastructure. TDEM also is involved in homeland security response. TCEQ has aspects of regulatory jurisdiction on specific infrastructure within the state, including but not limited to drinking water systems, wastewater treatment facilities, dams, waste disposal facilities, and chemical facilities. TCEQ has regulatory specific information on infrastructure and will ensure information sharing is provided to our state and federal partners if a facility has been impacted during an event and may need to coordinate with our state and federal partners to respond accordingly.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Intergovernmental committees on which TCEQ Homeland Security participates include the State of Texas Emergency Management Council and the State of Texas Homeland Security Council.

Texas' emergency-management plan defines the primary and support functions of all state agencies that are members of the Emergency Management Council.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program coordinates with state, local, regional, and federal units of government for emergency and disaster preparedness, response, and recovery. Coordination with law enforcement organizations is primarily for information and intelligence gathering and sharing.

State

- Texas Office of Homeland Security;
- Texas Division of Emergency Management; and
- State of Texas Emergency Management Council and its members.

Local, Regional

- Law-enforcement organizations/local homeland security programs; and
- Local emergency management.

Federal

- Federal Bureau of Investigation (FBI);
- EPA;
- Department of Defense (DOD);
- Federal Emergency Management Agency (FEMA);
- Department of Homeland Security (DHS);
- DHS Cyber Security and Infrastructure Security Agency (CISA);
- U.S. Army Corps of Engineers (USACE); and
- International Boundary and Water Commission (IBWC).

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The program uses a MLEIP intern to support the program. The program also had contract expenditures for employee medical monitoring, which surveys the health status of selected employees by means of annual medical examinations. The medical monitoring program is designed to encompass TCEQ employees whose work regularly poses the threat of them being exposed to hazardous substances per 29 CFR 1910.120(f).

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$9,626.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

The intern was hired using a managed term contract. The medical monitoring contract was directly awarded to a cooperating agency.

- **top five contracts by dollar amount, including contractor and purpose;**

Homeland Security Program Contracts

Contract Number	Vendor Name	Purpose	FY 2020 Expended
582-20-13880	WorkQuest	Temporary Personnel Services – MLEIP Intern	\$8,868
582-17-70412	University of Texas Health Services	Annual Occupational Medical Monitoring Program	\$758

- **the methods used to ensure accountability for funding and performance; and**

TCEQ reviews each invoice to ensure accurate billing for intern time and medical monitoring costs.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Significant activities led or supported by TCEQ’s Homeland Security Program are below:

- The Homeland Security Section (section) responded within hours of the deadly explosion at the West, Texas Fertilizer Plant on April 17, 2013. Staff coordinated the immediate response with the TCEQ Waco Region staff, agency contractors, Waco Fire Department, and the Texas National Guard 6th Civil Support Team (CST), to establish an air monitoring network around the area and to secure leaking chemicals for the protection of the citizens and first responders. Staff assisted with the response and recovery efforts involving chemical removal and safety; debris management; public drinking water and wastewater systems sampling; air monitoring and coordinating with EPA; Bureau of Alcohol, Tobacco, Firearms and Explosives; and various state and local agencies on all environmental aspects of the site cleanup over a 40-day period.
- During the 2014 Dallas Ebola Outbreak, staff coordinated with all TCEQ Offices, DSHS, TDEM, Centers for Disease Control and Prevention (CDC), and local and county jurisdictions to facilitate the rapid response to contain the outbreak. Staff assisted local jurisdictions on the remediation of the patient’s residences, pet rescue, veterinarian waste management, and coordination of the

transportation and destruction of the Ebola waste from these operations. Working in conjunction with the TCEQ Office of Waste, Presbyterian Hospital, and their contractors, and the University of Texas Medical Branch (Galveston) staff coordinated the transportation and destruction of contaminated medical waste. Staff assisted in the state development of waste disposal and residential decontamination procedures and the Texas Biological Hazards Annex.

- The section coordinated the state response during Operation Chemstroy, which was the destruction of the Syrian chemical weapon program precursor chemicals at the Veolia incinerator in Port Arthur, Texas. At the request of the Organization for the Prohibition of Chemical Weapons (OPCW), the U.S. government allowed the shipment of precursor chemicals associated with the Syrian Chemical Weapons Elimination Program to be brought into the country for destruction. The section assisted with the coordination of this operation which consisted of federal, state, and local agencies including the U.S. Coast Guard, Port Arthur Port Authority, Customs and Border Protection, National Guard CST, TDEM, City of Port Arthur, Jefferson County, Veolia Environmental, TCEQ, and EPA. The section planned and coordinated the air monitoring and hazardous material response during the operation in June and July 2014.
- Hurricane Harvey (Harvey) made landfall on August 25, 2017, as a Category 4 storm near Rockport, Texas and stalled over southeastern Texas. The impacted areas received more than 50 inches of precipitation producing catastrophic flooding. The section was responsible for staffing the State Operations Center (SOC) 24 hours a day. Staff then transitioned from supporting the SOC over to the FEMA Joint Field Office to assist with recovery efforts. The section assisted as part of the unified command with the massive response and recovery efforts involving public drinking water, wastewater, debris management, air monitoring and coordinating with EPA, FEMA, and various other federal, state and local agencies on all environmental aspects of response and recovery.
- During the October 2018 flooding event, the City of Austin issued a city-wide Boil Water Notice (BWN). The section staffed the SOC during the activation and along with TCEQ Office of Water and the TCEQ Austin Regional Office staff, provided technical assistance to the City of Austin and state and local officials to ensure citizens were provided correct information and potable water, and drinking water quality met standard before the BWN was lifted.
- Local governments throughout Texas experienced a ransomware attack on August 15, 2019. TCEQ Homeland Security personnel staffed the SOC during the activation and, along with the TCEQ Office of Water, worked to contact and provide technical assistance as needed to ensure potentially impacted public drinking water systems were contacted and provided technical assistance as needed.
- The program was responsible for staffing the SOC as requested in response to hurricanes. Assisting as part of the unified command with the response and recovery efforts involving public drinking water; wastewater; debris management; air monitoring and coordinating with EPA, FEMA, and various other federal, state, and local agencies on all environmental aspects of response and recovery. Hurricane Hanna made landfall on July 25, 2020, as a Category 1 storm near Corpus Christi, Texas. Hurricane Laura made landfall on August 27, 2020 as a Category 4 hurricane near Cameron, Louisiana. Hurricane Delta made landfall on October 5, 2020, as a Category 2 hurricane near Creole, Louisiana.
- The program was responsible for staffing the SOC as requested in response to the February 2021 winter weather event. The program assisted as part of the unified command with the response and recovery efforts involving public drinking water; wastewater; debris management; air monitoring; and coordinating with EPA, FEMA, and various other federal, state, and local agencies on all environmental aspects of response and recovery.

O. Regulatory programs related to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Radioactive Materials Compliance Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Radioactive Materials Compliance Program

Location/Division: Austin Headquarters / Critical Infrastructure Division

Contact Name: Kelly Cook, Deputy Director, Critical Infrastructure Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 401; Texas Water Code (TWC) Chapters 27 and 30; Atomic Energy Act; Safe Drinking Water Act.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Radioactive Materials Compliance Program (program) is to protect human health and the environment related to radioactive waste materials. To accomplish this, the program works to ensure licensed facilities are in compliance with state and federal regulations, and to ensure the protection of the public and workers from radiation overexposure and the environment from contamination resulting from the possession, processing, storage, and disposal of radioactive materials.

The major activities performed by the program are conducting radioactive materials compliance inspections statewide at regulated entities, which include uranium mining and recovery, waste storage and processing, by-product material handling and disposal, and low-level radioactive waste disposal facilities.

Additionally, the objective of the program is to protect underground sources of drinking water. To accomplish this, the program conducts Underground Injection Control (UIC) permit inspections at the regulated entities with UIC Class III injection wells. These inspections cover the construction, operation, maintenance, monitoring, and closure of these wells.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Through the Radioactive Material License inspections (listed below) accomplished in FY 2019 and FY 2020, the program effectiveness is shown by no evidence of radiation exposure to the members of the public, of radiation overexposure to the workers, or of contamination to the environment resulting from the possession, processing, storage, and disposal of radioactive materials.

- Radioactive Materials License Inspections: 18; and
- Low Level Radioactive Waste Shipment Inspection/Disposals: 1,316.

Through the UIC permit inspections (listed below) accomplished in FY 2019 and FY 2020, the program effectiveness is shown by no evidence of contamination in underground sources of drinking water.

- Underground Injection Control Permit Inspections: 9.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The licensees, permittees, and applicants are qualified through TCEQ's licensing and permitting programs. Specific education, knowledge, and experience are required for designation of a radiation safety officer, who is the responsible person under a radioactive-materials license.

The licensing and permitting aspects related to this program's function are handled by TCEQ's Radioactive Materials Division in the Office of Waste.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The program functions are accomplished through compliance investigations of regulated entities. A table summarizing the number of investigations can be found in Question P.

Disposal Inspections for Low-Level Radioactive Waste (LLRW) at the Waste Controls Specialists (WCS) facility near Andrews, Texas:

- Acceptance and disposal of commercial LLRW is conducted in accordance with THSC Chapter 401. TCEQ resident inspectors coordinate with the Licensee to ensure there are no issues or discrepancies with the waste shipment. In case of issues or discrepancies, the inspectors ensure the issues or discrepancies are addressed by the licensee in accordance with the license requirements and TCEQ approved Waste Acceptance Criteria and procedures. Depending on the severity of issues or discrepancies, further processing of the waste shipment may be put on hold until they are addressed by the licensee. Visual inspection and radiation surveys of the vehicle transporting the waste shipment are performed, including the shipping containers to ensure compliance with the U.S. Department of Transportation requirements. The inspectors conduct interviews with the drivers of the vehicle regarding their required training, the route the drivers followed to arrive at the facility, and any issues the drivers may have encountered while on the road. Inspectors conduct visual inspections and perform radiation surveys on each waste package or container (when applicable) and witness waste verification conducted by the licensee. This ensures the waste is properly characterized and packaged in accordance with the license requirements and TCEQ approved Waste Acceptance Criteria prior to approval of the waste shipment and subsequent disposal.

Underground Injection Control (UIC) permit inspections:

- The program conducts UIC permit inspections at the regulated entities with UIC Class III injection wells. These inspections review the construction, operation, maintenance, monitoring, and closure of wells and the records required to be kept by the regulated entities.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Radioactive Materials Compliance Program Funding Sources

Account	Account Title	FY 2020 Expended
0088	Low Level Radioactive Waste Account - Dedicated	\$224,893
0549	Waste Management Account -Dedicated	\$180,875
0550	Hazardous and Solid Waste Account - Dedicated	\$24,153
TOTAL		\$429,921

The program is funded in the Field Inspections and Complaints and the Low-Level Radioactive Waste Assessment strategies.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

- Texas Department of State Health Services (DSHS): regulation of possession, use (including industrial, medical, and academic), and transportation of radioactive material;
- Railroad Commission of Texas (RRC): regulating the disposal of oil and gas naturally occurring radioactive material;
- Nuclear Regulatory Commission (NRC): inspection and enforcement of radioactive material licenses; and
- TCEQ Office of Compliance and Enforcement: regulatory inspection and ensuring compliance of regulated facilities in Texas for programs other than radioactive materials.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program coordinates activities:

- Through memoranda of understanding and the rulemaking process with the DSHS and RRC, delineate jurisdiction and coordination in the regulation and licensing of radioactive materials. The memoranda of understanding with DSHS and RRC are located in Title 30 Texas Administrative Code (Title 30) (TAC) Chapter 7.
- Through an agreement between the Texas governor and NRC to regulate the possession, storage, and disposal of radioactive materials and source-material recovery in Texas. This agreement is located in Section 274b of the Atomic Energy Act.
- Through delineation of responsibility, regional offices and divisions have programmatic control of specific work functions preventing duplication of compliance and enforcement for radioactive materials.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal: The program is an Agreement State with NRC federal oversight through concurrence on licensing and rulemaking, compatibility reviews, and an NRC Integrated Materials Performance Evaluation every four years. The Atomic Energy Act allows the NRC to relinquish portions of its regulatory authority to states to license and regulate byproduct materials, source materials and certain quantities of special nuclear materials. The mechanism for the transfer of NRC's authority to the State of Texas is an agreement signed by the governor and the chairman of the NRC.

State: Coordination with DSHS and other state occurs as needed.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;

This contract surveys the health status of selected employees by means of annual medical examinations.

- the amount of those expenditures in fiscal year 2020;

Expenditures total \$1,742.

- the number of contracts accounting for those expenditures;

One contract.

- the method used to procure contracts;

This contract is directly awarded to a cooperating agency.

- top five contracts by dollar amount, including contractor and purpose;

Radioactive Materials Compliance Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-17-70412	University of Texas Health Services	Annual Occupational Medical Monitoring Program	\$1,742

- the methods used to ensure accountability for funding and performance; and

The program reviews each invoice to ensure the information is accurate.

- a short description of any current contracting problems.

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Radioactive Materials/Uranium
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	16	16
Total number of entities inspected	8	2
Total number of complaints received from the public	0	1
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	1
Number of jurisdictional complaints	0	0
Number of jurisdictional complaints found to be without merit	0	0
Number of complaints resolved	0	0
Average number of days for complaint resolution	0	0
Complaints resulting in disciplinary action:	N/A	N/A
Administrative penalty	N/A	N/A
Reprimand	N/A	N/A
Probation	N/A	N/A
Suspension	N/A	N/A
Revocation	N/A	N/A
Other	1	0
• NOV		

Biowatch Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: BioWatch Program

Location/Division: Austin Headquarters / Critical Infrastructure Division

Contact Name: Kelly Cook, Deputy Director, Critical Infrastructure Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapter 382; Texas Clean Air Act Section 382.011; Federal Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C 188.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The BioWatch Program is a federal initiative facilitating early detection of selected bioterrorism agents to enable the earliest possible response to an attack. TCEQ is a partner and federal-grant recipient in this project, responsible for oversight of the air monitoring networks in Texas.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The BioWatch air sampling network is focused solely on the detection of biological threat agents. TCEQ has achieved an excellent rate of data return with the operation of its air monitoring network. Air samples are collected on a regular basis, with minimal interruptions, reaching a completion rate greater than 98% statewide in FY 2020.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The BioWatch program was established as part of a nationwide initiative that began prior to the Gulf War in 2002. TCEQ's BioWatch program was created in 2003.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

BioWatch monitoring is designed to protect approximately 70% of the state's urban residents by identifying possible biological attacks.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The BioWatch program activities, goals, and strategies are directed by the U.S. Department of Homeland Security (DHS).

The BioWatch program provides oversight on contracted Texas jurisdictions conducting field operations. The BioWatch program ensures contracted jurisdictions are conducting activities in accordance with DHS standard operating procedures, directives, and policy. In addition, the BioWatch Program reviews and approves all invoicing by the contracted jurisdiction to the DHS grant and ensures they are in compliance with federal policy.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The funding for the BioWatch Program is received from the DHS as a 100% federally funded grant.

BioWatch Program Funding Sources

Account	Account Title	CFDA	CFDA Title	Total
0555	Federal Funds	97.091	Homeland Security BioWatch Program	\$2,166,235

The program is funded in the Air Quality Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The BioWatch Action Committees (BAC) are the decision-making authority, which represent all invested agencies in the BioWatch program which includes local, regional, state, and federal resources. The BAC is chaired by a local health official.

If a bioterrorism agent is detected, then the local health department and local law enforcement agency co-lead the response at the local level. The Texas Department of State Health Services is the state-level lead agency, along with the Texas Department of Emergency Management (TDEM). The federal-level lead agency is the Federal Bureau of Investigations.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The contracts operate air monitoring networks which provide communities with the capability to provide early warning of bioterrorism.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$2,078,573.

- **the number of contracts accounting for those expenditures;**

Multiple contracts.

- **the method used to procure contracts;**

Contracts were directly awarded to jurisdictions approved to participate in the DHS BioWatch Program.

- **top five contracts by dollar amount, including contractor and purpose;**

The jurisdiction names and individual contract amounts cannot be disclosed in a non-FOUO (For Official Use Only) document.

- **the methods used to ensure accountability for funding and performance; and**

Monitoring and evaluating contracts to ensure accountability for results is conducted by the program contract manager. No contract is signed unless it includes baseline data from which progress can be measured. In addition, every contract specifies regular benchmarks for evaluating progress and suggests corrective actions to be implemented when necessary. Fiscal monitoring includes careful review of expenses and supporting documents to ensure all expenses are substantiated, reported properly, and in compliance with established TCEQ guidelines.

- **a short description of any current contracting problems.**

There are currently no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Tier II Chemical Reporting Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Tier II Chemical Reporting Program

Location/Division: Austin Headquarters / Critical Infrastructure Division

Contact Name: Kelly Cook, Deputy Director, Critical Infrastructure Division

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapters 505, 506, and 507.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Private and public facilities within the state storing hazardous substances must submit a Tier II chemical inventory report to TCEQ, Local Emergency Planning Committees (LEPC), and local fire departments. Hazardous substances are defined by 29 Code of Federal Regulations (CFR) Section 1910.1200(c) and are reportable when a facility stores more than 10,000 pounds on any one day. Extremely Hazardous Substances (EHS) are defined by 40 CFR Part 355 and are reportable when a facility stores more than 500 pounds, or the Threshold Planning Quantity (TPQ) listed, whichever is less, on any one day. The report must contain information on facility location, chemical hazards and locations, and emergency contacts.

The objectives of the Tier II Program are:

- To serve as part of the State Emergency Response Commission (SERC). The SERC is a multi-agency work group charged with performing certain state emergency planning, community right-to-know, and response functions relating to hazardous materials. As a member of the SERC, the program does the following:
 - ensures a functional database of all Tier II reports received over the last 30 years as required by state statute;
 - serves as the state repository for Tier II Chemical inventory reports;
 - provides outreach for compliance and supports LEPCs; and
 - administers an investigation and enforcement program to ensure Tier II regulatory compliance.
- To assist the regulated community in filing Tier II chemical inventory reports in accordance with state requirements, including:
 - annual reports filed between January 1 and March 1;
 - initial reports filed within 90 days for any new chemical or facility (72 hours for ammonium nitrate facilities); and
 - update reports filed within 90 days for changes to previously reported information (72 hours for ammonium nitrate facilities).
- To provide public outreach, support, and training on Tier II reporting requirements and processes;
- To review Tier II reports for compliance and verify information needed for emergency planning and response;
- To work with emergency planning and response agencies to ensure the most current and accurate information about hazardous substances in their jurisdiction is received;
- To retrieve Tier II information as requested;
- To provide grant monies to the LEPCs across Texas to support their functions; and

- To coordinate with the Texas Department of Emergency Management (TDEM) and the Office of the State Chemist (OTSC) to ensure all facilities meeting the requirements as ammonium nitrate storage facilities are correctly identified, and information is shared with local jurisdictions.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Total number of organizations that filed a Tier II report with one or more facilities	N/A	6,362	N/A
Tier II Annual Facility Reports received	N/A	78,264	N/A
Tier II Initial Facility Reports received	N/A	1,479	N/A
Tier II Update Facility Reports received	N/A	1,904	N/A
Tier II Facility Reports reviewed	N/A	47,296	N/A
Facility Reports with deficiencies	N/A	5,511	N/A
Regulated community help requests received	N/A	6,294	N/A
Training classes provided across Texas	N/A	33	N/A
Number of attendees to training classes	N/A	1,448	N/A

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The federal requirement for Tier II reporting was driven by multiple chemical incidents that killed thousands of people, caused destruction, and released hazardous chemicals into the environment. The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, 42 U.S. Code Section 11001 et seq., was created to help communities plan for chemical emergencies. It also requires industry to report on the storage, use and releases of hazardous substances to federal, state, and local government agencies. EPCRA requires state and local governments, and Indian tribes to use this information to prepare for and protect their communities from potential risks.

In 2013 there was an ammonium nitrate explosion at a fertilizer company facility in West, Texas, that drove additional regulatory requirements for fertilizer grade ammonium nitrate. Facilities storing ammonium nitrate have less time to file initial and update reports (72 hours versus 90 days). This information is shared with the TDEM and OTSC.

TCEQ has developed online reporting for the Tier II Program through the State of Texas Environmental Electronic Reporting System that is required to be used by the regulated community. TCEQ maintains the Tier II report information over time in an online database. The system is accessible to state and local governments to use this information to prepare for and protect their communities from potential risks.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The program is administered by serving as part of the SERC and assisting the regulated community in correctly filing Tier II chemical inventory reports.

The program serves as the state repository for Tier II chemical inventory reports and ensures a functional database of all Tier II chemical inventory reports received over the last 30 years as required by state statutes. As the state repository for Tier II chemical inventory reports, the program fulfills data requests for the most current Tier II chemical inventory reports from local, state, and federal emergency planning and response agencies. The program maintains a database of all paper and electronic Tier II chemical inventory reports submitted over the last 30 years as required by state statutes. The database is also used to provide responses to public information requests and other needs. The program released an online application in 2019 to be used by the regulated community to file Tier II chemical inventory reports. The system allows for more accurate data and an understanding of reportable amounts of hazardous chemicals in Texas. The system has been designed to be compatible with other EPA software such as Tier2 Submit and CAMEO dm.

The program provides outreach for compliance and supports LEPCs. The program works with LEPCs to understand their compliance and support needs, providing LEPCs with the most current data, and other information, as needed. All LEPCs in Texas are contacted annually to ensure contact and other information posted on TCEQ's website is accurate. The program gives presentations for LEPCs at their meetings and works directly with them to provide any Tier II assistance. The program is currently developing training specifically for LEPCs to assist them in their duties. The program administers an investigation and enforcement program to ensure Tier II regulatory compliance.

The program answers phone calls, emails, and online customer help forms from the regulated community and the public. Annual reports are required to be filed between January 1 and March 1. Texas has the largest Tier II reporting program in the nation with over 70,000 facilities submitting reports during this two-month timeframe.

- To provide public outreach, support, and training on Tier II chemical inventory reporting requirements and process.
 - The program provides annual training free of charge prior to and during the annual reporting season (January 1 – March 1). Training is provided in either online or in-person classes. For in-person classes to remain free of charge, the program must find locations across Texas willing to host training events locally. Each year training materials are developed and updated to

- ensure the most current information is provided. After each training, a survey is submitted to get feedback from all attendees. Survey information is reviewed, and changes are made based on feedback.
- The program also created comprehensive online guidance documents, videos, and webpages. These are updated throughout the year as information changes.
 - To review Tier II chemical inventory reports for compliance and verify information needed for emergency planning and response.
 - The program reviews Tier II chemical inventory reports for compliance. When report deficiencies are found, a draft report is created. The program contacts the regulated community to assist in making the report compliant.
 - To work with emergency planning and response agencies to ensure they have the most current and accurate information within their jurisdictions.
 - The program fulfills data requests and provides support on Tier II related items. The online reporting database was designed to allow access to emergency planning and response agencies so the most current data for facilities storing hazardous chemicals in their jurisdiction is available. The program has created guidance documents to assist in gaining access to the system and extracting any data needed.
 - To provide Tier II chemical inventory information as requested.
 - The program provides Tier II chemical inventory information as requested by emergency planning and response agencies, internal TCEQ staff, and to the extent allowable for public information requests.
 - To provide grant monies to LEPCs.
 - State statutes allow the program to use up to 20% of revenue fees to be awarded as grants to LEPCs to establish, maintain, and improve implementation of the federal EPCRA.
 - To coordinate with TDEM and OTSC to ensure all facilities meet the requirements for ammonium nitrate facilities are correctly identified and information is shared.
 - The program reviews and identifies ammonium nitrate storage facilities within 72 hours. The online system has been designed to automatically send reports to TDEM and OTSC, as required by state statutes. The Emergency Management Support Team conducts inspections for 50% of all ammonium nitrate storage facilities each year. The program coordinates with the OTSC to verify data between the two agencies.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Tier II Chemical Reporting Program Funding Sources

Account	Account Title	FY 2020 Expended
5020	Workplace Chemicals List Account - Dedicated	\$568,326

The program is funded in the Enforcement and Compliance Support Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program works with local, regional, and federal units of government to assist in filing their Tier II reports when storing reportable amounts of hazardous chemicals. The program also works to provide these agencies with Tier II chemical inventory reports for their jurisdictions and assist in gaining access to the online system.

As a part of the SERC, the program serves as the state repository for Tier II Chemical inventory reports. The program provides a functional database of all Tier II chemical inventory reports received over last 30 years as required by state statutes. The program released an online reporting system in 2019 to be used by the regulated community to file Tier II chemical inventory reports. The system also allows emergency planning and response agencies to retrieve Tier II chemical inventory reports for their jurisdictions to assist in emergency planning and response activities. The system has been designed to be compatible with other EPA software (i.e., Tier2 Submit and CAMEO dm).

The program works with LEPCs to understand their compliance and support needs. The program provides LEPCs the most current data and other information as needed. All LEPCs in Texas are contacted annually to ensure updated contact and other information posted on TCEQ's website is accurate. The program provides presentations for LEPCs at their meetings and works directly with them to provide any Tier II assistance. The program is currently developing training specifically for LEPCs to assist them in their duties.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The program contracts with an information technology service contractor to update and maintain the Tier II Database. The program utilizes interns for administrative support during the reporting period. Additionally, the program contracted with a web subscription service company for domain names associated with the Tier II Chemical Reporting Program.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$91,857.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

The information technology contract was solicited using a competitive bid process. The temporary service contract was a managed term contract.

- **top five contracts by dollar amount, including contractor and purpose;**

Tier II Chemical Reporting Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-20-10009	Jet Software Solutions Inc	IT Service Contract to Update and Maintain the Tier II Database	\$77,616
582-20-12474	WorkQuest	Temporary Personnel Services - Administrative Support for Tier II	\$6,283
582-20-13886	WorkQuest	Temporary Personnel Services -MLEIP Intern	\$6,060
582-20-11611	WorkQuest	Temporary Personnel Services - Administrative Support for Tier II	\$1,779
PC20-2209191	GoDaddy Com Inc	Domain name annual subscription services for three Tier II web addresses	\$119

- **the methods used to ensure accountability for funding and performance; and**

Fiscal monitoring includes careful review of expenses and supporting documents to ensure all expenses are substantiated, reported properly, and in compliance with established agency guidelines. For the temporary personnel services and domain name subscription, the program reviews each invoice to ensure accurately billed for temporary personnel and intern time.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The Tier II Chemical Reporting Program awards grants for the Texas LEPC Grant Program through interlocal contracts. Funds are awarded to the LEPCs based on availability. The initial grant round awarded the same grant amounts to each eligible LEPC that applied. The second grant round awarded even amounts to returning grantees and double those amounts to first time applicants. The grant manager monitors each contract through financial reporting requirements and ensures funds are spent in accordance with grant and contract terms. Any unspent funds or funds spent on unapproved items must be returned to TCEQ after the end of the contract term.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary, to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	83,678	89,628
Total number of entities inspected	286	506
Total number of complaints received from the public	3	3
Total number of complaints initiated by agency	3	3
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints	3	3
Number of jurisdictional complaints found to be without merit	3	0
Number of complaints resolved	2	2
Average number of days for complaint resolution	63	82
Complaints resulting in disciplinary action:	N/A	1
administrative penalty	N/A	\$1,000
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	39	53
• NOV		

Enforcement Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Enforcement

Location/Division: Austin Headquarters / Enforcement Division

Contact Name: Susan Jablonski, P.E., Interim Deputy Director, Enforcement Division

Statutory Citation for Program: Texas Water Code (TWC) Chapters 5, 7, 11, 12, 13, 16, 26, 28a; Texas Health and Safety Code (THSC) Chapters 341, 382, 371, and 1101; and Texas Transportation Code Chapter 548

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Enforcement Program protects human health and the environment through enforcement of TCEQ rules, regulations and permits. The program develops enforcement cases in accordance with state statutes, TCEQ rules found at Title 30 Texas Administrative Code (30 TAC) Chapter 70, and policies consistent with TCEQ philosophy that enforcement, when necessary, must be swift, sure, and just. For each enforcement case, the program drafts proposed administrative enforcement orders that include appropriate administrative penalties and ordering provisions for the commission's consideration and approval.

In addition, the program is also responsible for the following activities:

- monitoring compliance with issued commission orders;
- incorporating third-party Supplemental Environmental Projects (SEPs) into administrative orders;
- monitoring compliance with the Texas Pollutant Discharge Elimination System (TPDES) 75/90 rule 30 TAC Section 305.126(a), which imposes requirements whenever flow measurements at a sewage treatment plant reach 75% and 90% of permitted capacity;
- reviewing and responding to notices of audit and disclosures of violation submitted pursuant to the Texas Environmental, Health, and Safety Audit Privilege Act (Audit Act);
- generating compliance history ratings and calculations annually, providing the regulated community the opportunity to review their information prior to it being made public through the Advanced Review of Compliance History (ARCH) program, processing compliance history appeals, and completing data correction requests if errors are identified; and
- sending periodic update letters to complainants until such time a complaint-initiated enforcement case is resolved.

TCEQ's enforcement process begins when a violation is discovered during an investigation conducted either at the regulated entity's location or through a review of records at TCEQ offices. Most violations are quickly corrected in response to notices of violation (NOVs). An NOV documents the violations discovered during the investigation, specifies a time frame to respond, and requires documentation of compliance.

If serious or continuing violations are identified during an investigation, as defined by the Enforcement Initiation Criteria (EIC), TCEQ initiates enforcement and the regulated entity receives a Notice of

Enforcement (NOE). The EIC is an internal guidance document establishing criteria for levels of enforcement response to various air, water, and waste violations.

The NOE documents the violations and puts the recipient, or “respondent,” on notice the case has been referred for enforcement. This notice also lets respondents know they can appeal the NOE by requesting an enforcement review meeting if they believe the violations were cited in error and they have new information that was not evaluated by the investigator.

When violations are serious enough to warrant an enforcement action, TCEQ is authorized to enforce correction of the violations and to seek penalties to deter future noncompliance. When environmental laws are violated, TCEQ has the authority to levy penalties up to the statutory maximum per day, per violation. The statutory maximums range up to \$25,000 per day, depending on the violation. TCEQ utilizes a standardized penalty calculation worksheet to assess and document penalty calculations for each order. Administrative penalties are calculated in accordance with a commission established Penalty Policy based on factors set forth in TWC Section 7.053 and other statutes with similar provisions applicable to administrative penalties.

TCEQ is allowed to pursue penalties in two different types of enforcement actions:

- administrative orders are issued by the commission; or
- referral of the case to the Office of the Attorney General (OAG) for enforcement through the courts, including potential civil penalties.

Most enforcement cases are handled through the administrative order process. Agreed orders are a type of administrative order used when the respondent agrees to the terms and conditions of the order, including the penalty. There are three types of TCEQ administrative orders as summarized below:

- 1660 agreed orders are named for Senate Bill (SB) 1660 (74R, codified in TWC Section 7.070) and include:
 - A statement the occurrence of any violation is in dispute and the entry of the agreed order shall not constitute an admission by the respondent of any violation alleged in the agreed order.
 - A statement the agreed administrative order, issued by the commission, shall not be admissible against the respondent in a civil proceeding, unless the proceeding is brought by the OAG to: enforce the terms of the order or pursue violations of the TWC or THSC.
- Findings Orders are used if the Findings Criteria in 30 TAC Section 70.11 is met or if matters are litigated through the State Office of Administrative Hearings (SOAH). A findings agreed order is an enforcement order drafted with findings of fact and conclusions of law. Proposed orders after an evidentiary hearing at SOAH also contain findings of fact and conclusions of law.
- Default orders are issued when the respondent fails to answer the Executive Director's Preliminary Report and Petition (EDPRP) within the time frame allowed by the Administrative Procedures Act.

The first step in the administrative process is to “screen,” or verify, the information documented in the investigation report. An enforcement coordinator then contacts the respondent by phone, explains the enforcement process and what the respondent can expect and offers the respondent the opportunity to submit additional information or set up a meeting.

If the case is expected to settle (pay the penalty and agree to the terms of the order) quickly, the enforcement coordinator then drafts an agreed order, which describes the alleged violations and any actions needed to be taken to correct them. The agreed order will also normally include a calculated penalty using the standardized penalty calculation worksheet.

Where possible, TCEQ encourages expeditious settlement of enforcement actions by extending a settlement offer in the agreed order. During the time allowed for settlement (generally within 60 days – this is known as “expedited” settlement), the respondent has the opportunity to discuss the violations with the enforcement coordinator and provide additional documentation that may influence the investigation findings, calculated penalty, or both.

If the respondent agrees with the terms of the agreed order and the penalty amount, the case is set for approval at a commission or executive director agenda meeting.

If settlement does not occur within an established deadline and the respondent does not agree to the order or the penalty, the program will refer the case to TCEQ’s Litigation Division. This referral step initiates the process that can lead to an administrative hearing. A TCEQ attorney is assigned to each referred case and drafts an EDPRP. This document notifies the respondent of the violations, the proposed penalty assessed, and any corrective actions needed to bring the respondent back into compliance with the regulations. The respondent may request an administrative hearing, which is held in front of an administrative law judge with the SOAH.

After the hearing, the judge makes a recommendation to the commission about an enforcement order. The commission considers this recommendation and then makes the final decision whether to issue, deny, or modify the judge's decision.

Once the respondent fully complies with the administrative order, including payment of any penalty, the typical enforcement process ends.

There are additional enforcement-related actions that can be taken outside of the processes described above. TCEQ may refer cases to the OAG who will, in turn, file civil proceedings against a respondent on behalf of the State of Texas by filing a petition in District Court. It is possible for the OAG to reach an agreement with the respondent without taking the case to trial, however, this settlement must be approved by the District Court Judge. The settlement is formalized in a document called an Agreed Final Judgment and subject to public notice and comment in accordance with TWC Section 7.110. Other actions the OAG may seek through the court include the following: an injunction; a restraining order; civil penalties; attorney’s fees; court costs; and investigation costs.

The criteria under which TCEQ may refer a case to the OAG are found in TWC Section 7.105 and 30 TAC Section 70.6 and include but are not limited to the following:

- need for immediate action (temporary restraining order or injunction, receivership, or Superfund) to protect public health, safety, or the environment;
- need for judgment to enforce compliance with an existing administrative enforcement order where there is a significant impact to the environment or to TCEQ policy, or the penalty is greater than \$10,000 and there is a sufficient basis for determining the penalty is collectible so as to warrant the use of resources necessary to pursue the matter;
- egregious violations where the availability of the OAG’s higher statutory civil penalties is necessary to adequately address the violations;

- TCEQ has been named as a necessary and indispensable party (NIP) in an action brought by a local government under TWC Sections 7.351 and 7.353; and
- when required by law under TWC Section 7.105, unless under TWC Section 7.106, the OAG and the ED agree to resolve the violation(s) through an administrative order.

The decision on whether to refer a case to the OAG is evaluated by TCEQ management on a case-by-case basis. Other administrative actions may be used, such as seeking the issuance of another administrative order or revocation of a specific commission authorization.

An enforcement case may also be referred to the EPA for federal enforcement in the following situations:

- EPA already has a case in progress against the respondent;
- TCEQ does not have jurisdiction over the matter;
- The case is considered part of a multi-state or federal enforcement initiative or program;
- The case involves violations of EPA orders or consent decrees; and
- Cases of national significance.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The following performance measures are reported in Section II, Exhibit 2.

- Percent of Administrative Penalties Collected;
- Average Number of Days to File an Initial Settlement Offer;
- Number of Administrative Orders Issued;
- Percent of Investigated Air Sites in Compliance;
- Percent of Investigated Water Sites and Facilities in Compliance;
- Percent of Investigated Waste Sites in Compliance;
- Percent of Identified Noncompliant Sites and Facilities for which Timely and Appropriate Enforcement Action is Taken;
- Percent of Investigated Occupational Licensees in Compliance;
- Percent of Administrative Orders Settled;
- Amount of Administrative Penalties Paid in Final Orders; and
- Amount Required to be Paid for Supplemental Environmental Projects Issued in Final Administrative Orders.

Executive Director Agenda

- Beginning in January 2012 TCEQ implemented an expedited enforcement approval process in which eligible enforcement cases are submitted to the executive director, or designee, for approval and are not presented at the commission agenda meeting. Where possible, TCEQ encourages expeditious settlement of enforcement actions by extending a settlement offer in an agreed order. During the 60 days allowed for settlement, the respondent has the opportunity to discuss the violations with the enforcement coordinator and provide additional documentation that may influence the investigation findings, calculated penalty, or both. Enforcement cases

involving a total penalty of \$7,500 or less and meeting the following criteria are eligible for the expedited approved process: the agreed administrative enforcement order is not a findings agreed order, and a findings agreed order is an enforcement order that is drafted with findings of fact and conclusions of law and is based on the criteria located in 30 TAC Section 70.11.

- The agreed administrative enforcement order meets all statutory requirements.
- No new issues affecting commission policy or involving unprecedented interpretations of existing policy are presented in the agreed administrative enforcement order.
- No objection is raised by TCEQ's Office of Public Interest Counsel (OPIC).
- No adverse public comment was received after the order or citation was published in the *Texas Register*.

Order Compliance Tracking

Approximately 62% of the orders issued by the enforcement program are assigned to the program's Order Compliance Tracking (OCT) team for compliance monitoring and tracking. For the remaining enforcement orders for which there are no technical requirements, no tracking is required to document full compliance. For FY 2019 and FY 2020, the program received approximately 870 orders for compliance monitoring and tracking. At any given time, the OCT is actively tracking approximately 2,100 cases for compliance. Approximately 5% of those cases are long-term compliance agreements, the majority of which assist municipalities and other publicly owned utilities in complying with wastewater regulations through TCEQ's Sanitary Sewer Overflow (SSO) Initiative. The SSO Initiative is a voluntary program initiated in 2004 to address an increase in SSOs due to aging collection systems throughout the state and encourage corrective action before there is harm to human health and safety or the environment. Such SSO compliance agreements may extend for up to 10 years as many of the systems are experiencing aging infrastructure with funding constraints.

The program is required by statute to produce a report monthly and present it to the commission at a public meeting. In addition to the monthly report, the program is required by statute to produce an annual report, known as the TCEQ Annual Enforcement Report, to the governor, lieutenant governor and speaker of the Texas House of Representatives.

Audit Act

TCEQ's traditional enforcement efforts have been enhanced by voluntary environmental self-audits conducted at facilities under the Audit Act (THSC Chapter 1101). This law encourages businesses and governments subject to environmental regulation to perform comprehensive assessments of compliance with environmental laws, regulations, and permits for their own facilities. Organizations who participate in the Audit Act are required to notify TCEQ of their intent to self-audit and then fully disclose and resolve violations resulting from the audit. TCEQ ensures all violations disclosed under this program are corrected and provides certain conditions of the Audit Act are complied with. The participants in this program may not be subjected to civil and administrative penalties.

Since not all regulated entities receive an TCEQ inspection by field staff every year, this avenue to identify and resolve noncompliance supplements our agency's investigative efforts. Texas is one of 42 states that currently has an Audit Program. EPA also has an audit policy. In FY 2020, regulated entities throughout the State of Texas submitted 2,439 notices of intent to conduct an audit and 1,875 disclosures pertaining to air, water, and waste violations. Over the past few years, there has been a significant increase in audits being conducted by the oil and gas industry.

The Audit Act provides two incentives for conducting systematic voluntary evaluations of compliance with environmental laws and regulations: a limited evidentiary privilege and immunity from penalties. An audit report is privileged and not admissible as evidence or subject to discovery in civil or administrative actions. Immunity from penalties is granted under the Audit Act when proper notice of the intent to conduct an audit is provided to TCEQ, violations discovered during an audit are properly disclosed, and corrective action to achieve compliance is completed within a reasonable time. In FY 2020, TCEQ staff evaluated self-reported compliance actions taken by regulated entities to voluntarily come into compliance for 1,709 approved audit investigations.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Enforcement Division.

1993

- Environmental enforcement was separated into seven enforcement programs: air, water quality, petroleum storage tanks, municipal solid waste, industrial solid waste, occupational license, and public water supply. Each program area had a penalty policy and general enforcement process. The air program had two additional policies: small business minor source policy and a no-penalty policy.

1995

- The Texas Natural Resource Conservation Commission (TNRCC), predecessor agency to TCEQ, consolidated all enforcement functions into a single division. At the same time, the TNRCC Office of Legal Services formed the Litigation Division to work with the Enforcement Program on cases where a settlement has not been reached and the respondent does not agree with the terms of the proposed agreed order or the proposed penalty amount.
- The Audit Act, Tex. Rev. Civ. Stat. Ann. art. 4447cc (Vernon Supp. 2002), was enacted encouraging businesses and governments subject to TCEQ's environmental regulation to perform comprehensive assessments, or self-initiated audits, for compliance with environmental laws, regulations, and permits for their own facilities.

1997

- SB 1876 (75R) consolidated myriad environmental enforcement authorities of the agency (administrative, civil, and criminal enforcement) into TWC Chapter 7. This addressed inconsistency and potential inequity in agency enforcement actions.
- The TNRCC adopted its first Penalty Policy. As part of this adoption, the small business minor source policy and the no-penalty policy were rescinded.
- The Enforcement Initiation Criteria (EIC) guidance document was developed to promote consistency in how violations were addressed through either formal enforcement (i.e., an order and penalty, or an NOV. At that time, the EIC was primarily utilized and maintained by the Field Operations Division with extensive review by the Enforcement and Litigation Division during revision periods.

1999

- EPA Region 6 and TCEQ jointly signed a Multi-Media/Multi-Year Enforcement memorandum of understanding (MOU). The MOU sets forth the roles and responsibilities for TCEQ's enforcement of major air sources, wastewater facilities, public water supplies, facilities with Underground Injection Control, and Resource Conservation and Recovery Act (RCRA) facilities.
- The commission considered and adopted the statutorily required quadrennial rule review of the agency's rule on the Enforcement process found at 30 TAC Chapter 70, Enforcement.
- The commission considered a revised penalty policy with additional discussion on the calculation of penalties for noncompliance for regulated entities.

2000

- The commission considered a revised penalty policy and criteria for use of findings orders. The Commission instructed the staff to publish the policies for public comment. No changes were made to the penalty policy at the time public comments were being sought and reviewed by the agency.
- EPA Region 6 and TCEQ signed a Joint Enforcement Cooperation Protocol. The protocol addresses the coordination of joint enforcement activities.

2001

- The commission considered and adopted additions to 30 TAC Chapter 70 regarding Public Citizen Collected Evidence.

2002

- The commission considered and adopted a revised penalty policy in which the basis of the revisions originated from comments made by the Commission during meetings on March 10, 2000 and September 12, 2000, HB 2912 (77R), 2001, and adoption of 30 TAC Chapter 60, Compliance History.

2003

- SAO published an audit report titled The Texas Commission on Environmental Quality's Enforcement and Permitting Functions for Selected Programs. The audit included observations the air, water quality, and public water supply enforcement programs did not consistently issue enforcement orders or settle enforcement cases within its required timeframes. The commission generally agreed with the enforcement recommendations. As a result of the audit, TCEQ's executive director announced the agency would undertake a comprehensive review of its enforcement functions called the Enforcement Process Review.
- The commission considered and adopted the quadrennial rule review of 30 TAC Chapter 70, Enforcement.

2004

- The commission considered and adopted additions to 30 TAC Chapter 70 regarding Criminal Enforcement Review.

2005

- TCEQ issued the Enforcement Process Review final report including specific recommendations for action for consideration by the executive director and commissioners. The commissioners accepted the recommendation to make the EIC document an agency-wide document. This requires other divisions initiating enforcement actions to apply the EIC and ensures all programs' violations are addressed within it. As a result of these changes, all enforcement initiation criteria are located in one document, making enforcement initiation practices across TCEQ more consistent and easier for the public and regulated community to access.

2009

- The commission considered and adopted amendments to 30 TAC Chapter 70 regarding Penalty Payments and Enforcement Authority.

2011

- HB 2694 (82R) amended TWC Chapter 5 Subchapter Q (Performance-Based Regulation), requiring changes to the compliance history rule. Rulemaking was initiated to implement the changes to develop new standards to replace the existing uniform standard for evaluating and using compliance history. In addition, the rulemaking modified the components and formula of compliance history in order to provide a more accurate measure of regulated entities' performance and make compliance history a more effective regulatory tool.
- The commission considered and adopted a revised penalty policy to implement revisions as required by HB 2694 and to include previous commission changes to the policy. This included:
 - penalty enhancement and reductions related to good faith efforts to comply are calculated on a per violation basis;
 - administrative penalties to recover avoided costs of compliance (i.e., "economic benefit"), from all respondents with the exception of political subdivisions and non-profit organizations;
 - the cap for the enhancement attributable to compliance history at 100% of the base penalty for any individual violation;
 - the increased statutory penalties and revised matrix percentages in the Environmental/Property and Human Health Matrix and the Programmatic Penalty Matrix.; and
 - authorized penalties for computer recycling, dry cleaners and vehicle emissions inspections and a revision to the penalty exception for rock crushers and concrete batch plants.

2012

- The commission considered and adopted the General Enforcement Rule, 30 TAC Chapter 70, which allowed for the delegation and resolution by the TCEQ executive director of lesser administrative enforcement orders.
- The commission implemented the executive director agenda to allow the commission to focus on higher penalty cases. The commission delegated, by resolution, the authority to issue certain administrative enforcement orders and field citations to the executive director (TWC Section 7.002, and 30 TAC Chapter 70 Subchapter A).

2013

- The Audit Act was amended by SB 1300 (83R) to allow new owners of facilities the opportunity to avail themselves of the Act for violations identified during their due diligence review prior to acquisition of the facility.

2014

- The commission considered and adopted a revised penalty policy. The changes brought the document in line with practices already effective, including statutory changes made during the 82nd and 83rd legislatures, adding deferral criteria, reorganizing the document to better align the policy with the penalty calculation worksheet, documenting calculated penalties, updating the implementation language, and making other edits to improve clarification.

2015

- The commission considered and adopted amendments to 30 TAC Chapter 70 regarding Contested Case Hearings and Post Hearings.

2017

- The Audit Act was codified into THSC Chapter 1101.

2019

- The commission considered and adopted the quadrennial rule reviews of 30 TAC Chapter 70, Enforcement, and 30 TAC Chapter 60, Compliance History.
- HB 2771 (86R) transferred state permitting authority for discharges of produced water, hydrostatic test water, and gas plant effluent from certain oil and gas activities from the RRC to TCEQ and required TCEQ seek delegation of the NPDES program from EPA for these sources.

2020

- EPA Region 6 and TCEQ jointly signed the revised 2020 memorandum of agreement (MOA) concerning the National Pollutant Discharge Elimination System. This revised agreement updated TCEQ language to reflect current policies at both agencies and included strategies for issuance, compliance monitoring and enforcement of wastewater permits.

2021

- The commission considered and adopted a revised penalty policy to include statutory requirements and significant changes intended to promote a deterrence to future noncompliance by using additional tools within the TCEQ Penalty Policy to impact the assessment of administrative penalties. The revised policy includes:
 - updated the applicability language and the Statutory Authorizations sections;
 - updated and re-organized the Statutorily Authorized Penalties table;
 - revised the Petroleum Storage Tank major and minor source threshold from 50,000 gallons per month throughput to 100,000 gallons per month;

- increased the percentages in the Environmental, Property, and Human-Health Matrix for violations with an actual environmental impact;
 - increased the percentages in the Programmatic Penalty Matrix for major violations;
 - added more flexibility to increase the number of violation events;
 - removed the 20% expedited settlement deferral for matters meeting the mandatory civil referral criteria as set out in TWC Sections 7.105(b)(2), (b)(4), or (b)(6); and
 - updated minor changes to help improve consistency and clarity in the use of the Policy.
- EPA approved TCEQ's application for the TPDES program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities.
 - An addendum to the 2020 Memorandum of Agreement between TCEQ and EPA, Region 6, concerning the National Pollutant Discharge Elimination System (NPDES) was jointly signed to delegate federal authorization to TCEQ for discharges of produced water, hydrostatic test water, and gas plant effluent from certain oil and gas activities in Texas. Additionally, as part of implementation of HB 2771 (85R), state-only permits for discharges of produced water, hydrostatic test water, and gas plant effluent were transferred from the RRC to TCEQ. With EPA's delegation to TCEQ, the state and federal authorizations are now both issued by TCEQ and can be consolidated into a single for these oil and gas activities moving forward.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Enforcement Program develops administrative orders and recommends penalties for violations requiring formal enforcement action. These actions are pursuant to enforcement rules found at 30 TAC Chapter 70, the Enforcement Initiation Criteria, the Penalty Policy, and TCEQ policies for issuance of orders as described in Question B above. The following table lists FY 2020 assessed penalties for effective agreed orders and default orders.

Enforcement Program Orders and Assessed Penalties

Program	Number FY 2020 Orders*	Assessed Penalties
Agriculture	6	\$23,603
Air	320	\$8,234,578
Dry Cleaners	1	\$2,228
Industrial and Hazardous Waste	10	\$376,487
Municipal Solid Waste	45	\$473,965
Occupational Certification	13	\$10,911
Petroleum Storage Tanks	345	\$2,979,766
Public Water Supply	444	\$548,105
Water Rights	18	\$59,450
Water Quality	263	\$3,609,359
Multi-Media	63	\$800,444
TOTAL	1,528	\$17,118,896

* Note: Does not include referrals made to the OAG

The program's OCT ensures each commission-issued order requiring corrective action is tracked until compliance is achieved or the matter is closed. The following table describes the percentage of regulated entities with an order being tracked for corrective action completion.

Enforcement Program Order Tracking

Program	Number FY 2020 Orders	Percentage in Tracking
Public Water Supply	610	33.5%
Water Quality	381	20.9%
Petroleum Storage Tanks	260	14.3%
Air Quality	178	9.8%
Multi-Media	162	8.9%
Municipal Solid Waste	149	8.2%
Industrial and Hazardous Waste	51	2.8%
Occupational Licensing	13	0.7%
Dry Cleaners	7	0.4%
Water Rights	7	0.4%
Agriculture	3	0.2%

Audit Act

TCEQ's traditional enforcement efforts have been enhanced by voluntary environmental self-audits conducted at facilities under the Audit Act. This law encourages businesses and governments subject to environmental regulation to perform comprehensive assessments of compliance with environmental laws, regulations, and permits for their own facilities. Organizations who participate in the Audit Act are

required to notify TCEQ of their intent to conduct an environmental audit and to provide a voluntary disclosure. A disclosure is voluntary if: (1) the disclosure was made promptly after discovery of the violation; (2) the disclosure was made in writing by certified mail to TCEQ; (3) an investigation of the violation was not initiated or the violation was not independently detected by an agency with enforcement jurisdiction before the disclosure was made using certified mail; (4) the disclosure arises out of a voluntary environmental audit; (5) the person making the disclosure initiates an appropriate effort to achieve compliance, pursues the effort with due diligence, and corrects the noncompliance within a reasonable time; (6) the person making the disclosure cooperates with the appropriate agency in connection with an investigation of the issues identified in the disclosure; (7) the violation did not result in an injury or imminent and substantial risk of serious injury to one or more persons at the site or off-site substantial actual harm or imminent and substantial risk of harm to persons, property, or the environment. TCEQ ensures all violations disclosed under this program are corrected, and, provided that certain conditions of the Audit Act are complied with, the participants in this program may not be subject to civil and administrative penalties.

Compliance History

Every September 1, TCEQ calculates Compliance History ratings and determines compliance history classifications for all entities regulated under 30 TAC Chapter 60. This includes every owner or operator of a facility regulated under any of these state environmental laws:

- The water quality laws of TWC Chapter 26;
- Laws for the installation and operation of injection wells (TWC Chapter 27);
- Subsurface Area Drip Dispersal Systems (TWC Chapter 32);
- The Texas Solid Waste Disposal Act (THSC Chapter 361);
- The Texas Clean Air Act (THSC Chapter 382);
- Removal of Convenience Switches (THSC Chapter 375); and
- The Texas Radiation Control Act (THSC Chapter 401).

The following laws are not included under the compliance history rule:

- Water rights (TWC Chapter 11);
- Water rates and services (TWC Chapter 13);
- Occupational licensing and registration—for example, the licensing of operators of water-treatment plants (TWC Chapter 37);
- Minimum standards of sanitation and health protection measures (THSC Chapter 341).
- Waste minimization, recovery, and recycling (THSC Chapter 363);
- On-site sewage disposal systems (THSC Chapter 366);
- Toxic chemical release reporting (THSC Chapter 370); and
- The collection, management, and recycling of used oil (THSC Chapter 371).

The Compliance History ratings are based on an evaluation of an entity's compliance with environmental rules and regulations over a period ending August 31st of the current year and going back to September 1st five years prior. This evaluation includes a review of any violations, investigations, or audits occurring within the previous five years.

The components of a regulated entity's compliance history are categorized as positive or negative. The compliance history of an entity results in a numerical rating converted to a general classification. An entity

may be classified as high, satisfactory, unsatisfactory, or unclassified. A high performer has a rating of less than 0.10 points, a satisfactory performer has a rating of 0.10 points to 55 points, an unsatisfactory performer has a rating of 55.01 or more points. Unclassified is a classification for entities which TCEQ has no adequate compliance history information available.

In response to incidents having caused significant impacts to the public and the environment demanding accountability and deterrence within the bounds of TCEQ authority, TCEQ revised the Enforcement Programs' Penalty Policy and is pursuing changes to the Compliance History Rule. TCEQ is proposing rulemaking to add new Section 60.4 in 30 TAC Chapter 60 (Compliance History), which would allow for the executive director to reclassify a site's compliance history classification for a site involved in an environmental emergency event causing or resulting in exigent circumstances.

The commission considers an entity's compliance history in all permitting and enforcement matters. Unsatisfactory performers are allowed to continue operating under their current permit, license, certificate, registration, approval, permit by rule, standard permit, and other forms of authorization. However:

- They might not be able to renew existing permits at the affected sites;
- They might not be able to obtain new permits;
- They may be subject to stricter permit conditions in the future;
- The affected sites will be subject to higher enforcement penalties (in accordance with the Commission's Penalty Policy); and
- Neither the customer nor the affected site will be eligible to participate in innovative TCEQ programs, such as the Regulatory Flexibility Program.

Supplemental Environmental Projects

When TCEQ finds a violation of environmental laws, the agency and the regulated entity often enter into an agreed administrative order, which usually includes the assessment of a monetary penalty. The penalties collected do not stay at TCEQ, but instead go to state general revenue. An alternative to the state collecting these penalties is the opportunity for regulated entities to offset paid penalties by providing funding for local projects beneficial to the environment and local citizens in their own communities.

Under TWC Section 7.067, regulated entities have an opportunity to direct a portion of the penalty dollars to local environmental improvement projects, known as Supplemental Environmental Projects (SEPs). By allowing penalty amounts to go toward a SEP, the violator can do something beneficial for the community in which the environmental offense occurred. Such a project must reduce or prevent pollution, enhance the environment, or raise public awareness of environmental concerns. TCEQ offers three types of SEPs: contribution, custom, and compliance SEPs.

TCEQ has a list of pre-approved SEPs, which have already received general approval from the commission. The projects—which are sponsored by both nonprofit organizations and governmental agencies—represent a wide array of activities, such as cleaning up illegal dump sites, providing first-time adequate water or sewer service for low-income families, retrofitting or replacing school buses with cleaner emission technologies, removing hazards from bays and beaches, and improving nesting conditions for colonial water birds. Contribution SEPs are SEPs whereby regulated entities may contribute a portion of the assessed administrative penalty to a pre-approved SEP performed by a Third-Party.

A regulated entity meeting program requirements may propose its own custom SEP as long as the proposed project is environmentally beneficial and the party performing the SEP was not already obligated or planning to perform the SEP 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.

The TWC requires TCEQ to approve SEPs for local governments to come into compliance with environmental laws or remediate environmental harm caused by a local government under certain conditions. This is called a compliance SEP, which may be offered to governmental entities such as school districts, counties, municipalities, junior-college districts, river authorities, water districts, other special districts, or other political subdivisions created under the Texas constitution or statute.

Except for a compliance SEP, a SEP cannot be used to remediate a violation, or any environmental harm caused by a violation, or to correct any illegal activity that led to an enforcement action. Regulated entities can utilize SEPs so the paid penalties that would typically go the General Revenue Fund can be applied to environmental projects in their local communities TCEQ's Litigation Division tracks and coordinates those SEP activities.

The following table provides details on administrative orders issued in FY 2019 and FY 2020.

Enforcement Program Supplemental Environmental Projects

Fiscal Year	Number of Administrative Orders	Assessed Penalties	Orders with SEPs (All Types)	SEP Funds	Orders with Third-Party SEPs	Third-Party SEP Funds
2019	1,307	\$12,123,643	153	\$2,783,120	116	\$2,746,617
2020	1,528	\$17,166,396	196	\$4,217,573	124	\$1,934,531

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Enforcement Program has staff located in several of TCEQ's regional offices across the state. These staff are matrix managed by the central office's Enforcement Division management. Matrix managed staffing allows for agency enforcement coordinators to work directly with regional staff who are documenting violations in the field and referring violations for enforcement action. This allows for efficiencies and greater collaboration of TCEQ staff working to a common mission. The following flowchart illustrates an overview of the enforcement process.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Enforcement Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0151	Clean Air Account - Dedicated	N/A	N/A	\$389,328
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$1,432,979
0549	Waste Management Account Dedicated	N/A	N/A	\$483,169
0555	Federal Funds	66.605	Performance Partnership Grants	\$595,596
0555	Federal Funds	66.805	Leaking Underground Storage Tank Trust Fund Program	\$48,336
0655	Petroleum Storage Tank Remediation Account - Dedicated	N/A	N/A	\$1,019,671
0777	Interagency Contracts	N/A	N/A	\$107,971
5094	Operating Permit Fees Account- Dedicated	N/A	N/A	\$615,396
TOTAL				\$4,692,446

The program is funded in the Enforcement and Compliance Support Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ's Litigation Division has a similar enforcement function. The attorneys in the Litigation Division work in partnership with the enforcement program when the program is unable to reach settlement with a responsible party, or in instances where a direct referral to the Litigation Division is deemed appropriate. Please see Question B for discussion on referred cases.

TCEQ's administrative enforcement program differs from entities pursuing enforcement through civil processes:

- Texas cities and counties can enforce environmental violations through the civil and criminal process as provided by THSC Section 382.111 for air; THSC Sections 361.154, 366.001, and 368.001 for waste; and TWC Chapter 13 for water.
- The OAG works in partnership with TCEQ's Enforcement Program to handle referrals from TCEQ and pursues civil suits when the administrative process has been unsuccessful or is inappropriate for the nature of the violation under the criteria in which TCEQ may refer a case to the OAG found in 30 TAC Section 70.6.
- EPA Region 6 has a similar enforcement function as TCEQ and cases may be referred to EPA as described in Question B above.
- EPA has an Audit Policy which is formally titled *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations*. This safeguards human health and the environment by providing several major incentives for regulated entities to voluntarily discover and fix violations of federal environmental laws and regulations. To take advantage of these incentives, regulated

entities must voluntarily discover, promptly disclose to EPA, expeditiously correct, and prevent recurrence of environmental violations.

Under the EPA Audit Policy, an entity may receive:

- Reduction of 100% of gravity-based penalties if all nine of the EPA Audit Policy's conditions are met. EPA retains its discretion to collect any economic benefit that may have been realized as a result of noncompliance.
- Reduction of 75% of the gravity-based penalties where the disclosing entity meets all of the EPA Audit Policy's conditions except for the detection of the violation through a systematic discovery process. In addition, if all of the applicable conditions under the EPA Audit Policy are met, EPA will not recommend criminal prosecution for entities that disclose criminal violations. Additionally, EPA Region 6 coordinates with TCEQ on any entity under their Audit Policy to ensure TCEQ cases are not negatively impacted in the process.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ's Enforcement Division and Litigation Division are the only areas that develop orders and assess penalties for commission approval. Duplication and conflict are prevented by ensuring Enforcement Program management reviews and coordinates any referral to the Litigation Division. Additionally, each referral is documented and tracked in TCEQ's Consolidated Compliance and Enforcement Data System (CCEDS) database. Once the Litigation Division receives a referral from the enforcement program, communication and negotiations are closely coordinated between the assigned Enforcement Coordinator and Litigation Division Staff Attorney.

In cases where the respondent holds an occupational license issued by TCEQ, it may be appropriate to pursue suspension or revocation of the license. These cases are most commonly referred for enforcement from central office program areas. However, the referral may also result from an investigation by regional staff. The Litigation Division is the lead on these types of cases. The Enforcement Division staff work with the Litigation Division attorney to develop the appropriate administrative order. Approval for suspensions and revocations is required through the executive director or the commission.

When a respondent fails to comply with a statute within TCEQ's jurisdiction or a rule, permit, or order issued under such statute, the enforcement program may coordinate with the Litigation Division and refer the case to the OAG for civil enforcement in accordance with TWC Section 7.105. The OAG may seek an injunction requiring compliance, civil penalties, and its reasonable attorney's fees and court costs. Failure to comply with a court-ordered injunction may result in a contempt of court charge punishable with incarceration. Judgments won by the OAG in district court are abstracted and filed in the county property records where the respondent owns real property. The abstracted judgments act as a lien on real property until the monetary portion of the judgment is paid. Homestead property is generally exempted from such lien.

If the respondent does not comply with the commission's enforcement order and human health is endangered, the executive director may seek an emergency order under THSC Section 341.0356 and/or refer the case to the OAG for receivership proceedings.

Continued noncompliance also presents the possibility of an action brought by EPA, which is authorized to seek an administrative penalty or a civil penalty.

In 2021, EPA and TCEQ jointly signed an addendum to the MOA between TCEQ and EPA Region 6 concerning the National Pollutant Discharge Elimination System and includes strategies for transfer to state lead for issuance, compliance monitoring and enforcement of permits for discharges of produced water, hydrostatic test water, and gas plant effluent in Texas from oil and gas activities.

Additionally, EPA Region 6 and TCEQ have a collaborative relationship which includes monthly and quarterly meetings on enforcement matters to coordinate efforts and ensure no duplication of effort. State and Federal coordination is extended to instances where regulated entities may be under self-audit pursuant to TCEQ or EPA rules. EPA Region 6 and TCEQ regularly share information on cases where regulated entities are engaged in self-audit. Prior to proceeding with an enforcement case, both agencies will ensure the proposed action does not hamper the sister agency's ability to follow its audit policies and procedures.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ's Enforcement Program works in partnership with the OAG. When TCEQ refers violations to the OAG, a lawsuit is filed against a responsible party on behalf of the State of Texas. TCEQ completes OAG referrals for: violations needing immediate corrective action; egregious violations; cases where TCEQ is a party; and when conditions specified in TWC Sections 7.105(a) and (b), 7.106 and applicable provisions of 30 TAC Chapter 70 exist. Please see Question B for the conditions under which OAG referrals are made by TCEQ.

When local governments file a civil suit under TWC Section 7.351, then TCEQ becomes a necessary and indispensable party (NIP) in the suit pursuant to TWC Section 7.353. This means TCEQ is deemed essential to be included in the suit because of its close association with the subject matter in the suit. NIPs are classified as a Court Order resolution. These court resolutions are tracked and counted in TCEQ Monthly and Annual Enforcement Reports.

Likewise, when a local jurisdiction files a criminal case it must coordinate with TCEQ pursuant to TWC Section 7.203. These criminal cases are coordinated through a special unit within TCEQ's Litigation Division.

TCEQ may also outsource compliance monitoring of certain programs to third-party contractors. These third-party contractors are held to the same investigation and documentation standards as TCEQ personnel (including data entry into CCEDS) and their performance is overseen by TCEQ personnel in the program area in which the contract is managed. The types of programs outsourced to third-party contractors are dependent upon the needs of the agency and can vary from year to year. To this end, the enforcement program currently utilizes TCEQ's Field Operations Program contract with the University of Texas at Arlington for additional staffing (see Question K).

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Temporary personnel assist with monitoring the status of approved enforcement orders. The minor construction service was used to convert office space into a multi-media training and conference room to support professional and technical development of program staff.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$26,988.

- **the number of contracts accounting for those expenditures;**

Five contracts.

- **the method used to procure contracts;**

The temporary service contract was a managed term contract. The program issued a work order with the Texas Facilities Commission for non-routine minor construction service.

- **top five contracts by dollar amount, including contractor and purpose;**

Enforcement Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-20-14048	WorkQuest-Temps	Temporary Personnel Services - MLEIP Intern	\$10,435
582-20-13867	WorkQuest-Temps	Temporary Personnel Services - MLEIP Intern	\$10,118
582-20-11923	WorkQuest-Temps	Temporary Personnel Services - Administrative Support for Enforcement/Compliance Monitoring Section	\$2,888
582-20-10280	Texas Facilities Commission	Non-routine minor construction services for Park 35.	\$2,594
582-20-11604	WorkQuest-Services	Web Data Entry	\$953

- **the methods used to ensure accountability for funding and performance; and**

TCEQ reviews each invoice for accuracy of services rendered and billing for each intern and temporary personnel time. The Program conducted audit checks on data entry by the contracted staff and manually validated the number of DMRs transcribed monthly. Enforcement Program area and Facility staff physically verify the completion of work order and reviews invoice for accuracy to ensure funds are properly utilized.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Under TWC Subchapter H, a local government may institute a civil suit for injunctive relief and a civil penalty against a facility within the boundaries of the local government for violation of a statute, rule, order, or permit within the jurisdiction of the TCEQ. The TCEQ is a necessary and indispensable party in any suit brought by a local government (TWC § 7.353). Pursuant to TWC § 7.3511, the local government must provide notice to the TCEQ prior to filing a suit seeking civil penalties. When filing a suit seeking only injunctive relief, the local government does not have to notify the TCEQ. These dynamics can result in agency resources being diverted.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Wastewater Compliance Monitoring Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Wastewater Compliance Monitoring

Location/Division: Austin Headquarters / Enforcement Division

Contact Name: Susan Jablonski, P.E., Acting Deputy Director, Enforcement Division

Statutory Citation for Program: Texas Water Code (TWC) Chapter 26, Sections 26.027, 26.121, and 26.131.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Wastewater Compliance Monitoring Program reviews and responds to self-reported data recorded on the Texas Pollutant Discharge Elimination System (TPDES) discharge monitoring reports (DMR) and monthly effluent reports (MER). These reports, which are required to be submitted under Title 30 Texas Administrative Code (30 TAC) Section 305.125(17), summarize wastewater analytical results from samples collected at those facilities. All TPDES-permitted wastewater treatment facilities discharging to surface waters are required to submit DMRs electronically through the EPA Network Discharge Monitoring Report (NetDMR) system. TCEQ-permitted wastewater treatment facilities do not have point source discharges and are required to submit MERs for certain permit limits in paper copy. Effluent data for land application permits and 210 reclaimed water authorizations is self-reported on MERs. The data is entered into TCEQ's Permit and Registration System – Water Quality (PARIS-WQ) by an independent contractor.

The TPDES program focuses primarily on domestic and industrial wastewater but also includes pretreatment, sewage sludge, biomonitoring (whole effluent toxicity testing), stormwater, and concentrated animal feeding operations. All TPDES facilities are designated as *major* or *minor* sources, depending on design flow or based on EPA criteria. Specifically, major municipal dischargers include all facilities with design flows of greater than one million gallons per day and/or facilities with state approved industrial pretreatment programs. Major industrial dischargers are determined based on specific rating criteria developed by EPA and the state. By default, any discharger not classified as a major facility is considered a minor facility.

For oversight and review purposes of the TPDES program, major and minor facilities are required to be monitored as specified in 40 Code of Federal Regulations (CFR) Section 123.45. In accordance with this regulation, EPA publishes an NPDES noncompliance report (NNCR) each quarter (formerly known as a quarterly noncompliance report (QNCR)). The NNCR identifies facilities in violation of permitted effluent limits and other compliance reporting requirements. The program performs monthly reviews of the NNCRs to determine compliance with the applicable permit reporting requirements and limits and to initiate the appropriate level of enforcement action when necessary. The level of enforcement is based on EPA's Significant Non-Compliance (SNC) criteria and TCEQ's Enforcement Initiation Criteria (EIC). EPA SNC violations, which are defined in EPA's September 1995 memorandum entitled *Revision of NPDES Significant Noncompliance (SNC) Criteria to Address Violations of Non-Monthly Average Limits*, range from significant exceedances of effluent limits to failure to submit reports. The EIC is the guidance document used by all TCEQ investigators to determine the appropriate level of enforcement for air, water, and waste violations.

Primary activities performed by the program include the following:

- Monitoring data entities self-reported (DMR or MER data);
- Reviewing records to determine receipt status and effluent compliance status;
- Contacting permittees for missing DMRs/MERs or reports;
- Issuing notices of violation (NOVs) for missing DMRs/MERs or reports;
- Issuing notices of enforcement (NOEs) and initiating enforcement referrals for TPDES permit noncompliance triggering formal enforcement;
- Supplying standard DMR or MER forms to permit holders;
- Transcribing DMR data into the federal database tracking system (Integrated Compliance Information System-National Pollutant Discharge Elimination System or ICIS-NPDES); and
- Supporting permittees with the electronic DMR reporting System (NetDMR).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Actual Performance
Informal Enforcement Actions	1,253*
Notices of Violation	64
Enforcement Action Referrals	130
Customer Services Calls and Emails	2,472

*Includes the following actions as specified in ICIS-NPDES and described in more detail in Section F: No Further Actions, Notices of Noncompliance, Phone Calls and Emails, Under Reviews, and Resolved Pending Actions.

Program staff (compliance monitoring coordinator or CMC) is required to conduct reviews of the NNCRs, supporting documents and database information to identify violations and determine the appropriate enforcement action. In FY 2020, the program was responsible for the review of 3,744 regulated facilities (712 major facilities and 3,032 minor facilities). Although the NNCR is published on a quarterly basis, the frequency of compliance reviews of self-reported data is established by program management. To identify and address noncompliance in a timely manner, assignments to identify and document effluent exceedance violations and missing DMRs and other reports are established each month. In FY 2020, the program completed 1,447 compliance monitoring actions based on those assignments, including 130 referrals to initiate formal enforcement actions.

Additionally, since 2018, staff have concentrated their efforts to reduce the number of facilities with SNC violations. These efforts involved identifying and correcting database errors, increasing contact with permittees to request missing DMRs and compliance schedule reports, and streamlining processes to increase formal actions taken for violations. As a result, the SNC rate for Texas facilities has steadily declined from 19% in the first quarter of FY 2019 to 12% in the fourth quarter of FY 2020. Staff have also been working on modernizing tools in the MER program to improve the retrieval of self-reported data.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions that have directly affected the Wastewater Compliance Monitoring Program.

1998

- The State of Texas assumed authority to administer the National Pollutant Discharge Elimination System (NPDES) program (referred to by the state as the TPDES program) on September 14, 1998. The purpose of the TPDES program is to control discharges of pollutants to water in the state. Under the TPDES program, TCEQ regulated discharges from domestic and industrial facilities, with the exception of discharges associated with oil, gas, and geothermal exploration and development activities, which were regulated by the Railroad Commission of Texas (RRC).

2006

- The State of Texas Environmental Electronic Reporting System (STEERS) e-DMR system became available for TPDES facilities to electronically report DMR data.

2009

- The program began giving technical and administrative support to the modernized e-DMR reporting system called NetDMR, which was released for public use on June 23, 2009. The Texas NetDMR application was developed under an EPA grant by a consortium of 12 states coordinated by the Environmental Council of States and led by Texas.
- The program assumed responsibility for monitoring the TCEQ NetDMR help line, helping potential NetDMR users subscribe to the system, and approving NetDMR subscriber participation agreements.

2015

- EPA's NPDES Electronic Reporting Rule (40 CFR Part 127) became effective on December 21, 2015. The rule required all DMRs to be submitted electronically by December 21, 2016 (Phase I), and all other NPDES compliance reports to be submitted electronically by December 21, 2020 (Phase II) (40 CFR Section 127.16[a]).

2018

- In March 2018 Texas moved from the Texas NetDMR system to the EPA NetDMR system.
- In July 2018 EPA implemented a National Compliance Initiative (NCI) to reduce the SNC rate nationwide in the NPDES program. The objective of this initiative is to improve surface water quality and reduce potential impacts on drinking water supplies by assuring all NPDES permittees are complying with their permits. Through this initiative, EPA and state regulators focus compliance and enforcement efforts on all NPDES-regulated facilities in SNC, regardless of facility size. Texas actively participates in numerous national workgroups with the goal of reducing by half the FY 2018 national quarterly SNC baseline rate of 20.3% by the end of FY 2022.

2020

- In September 2020, EPA amended the compliance deadline for Phase II of the NPDES Electronic Reporting Rule from December 21, 2020, to December 21, 2025.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

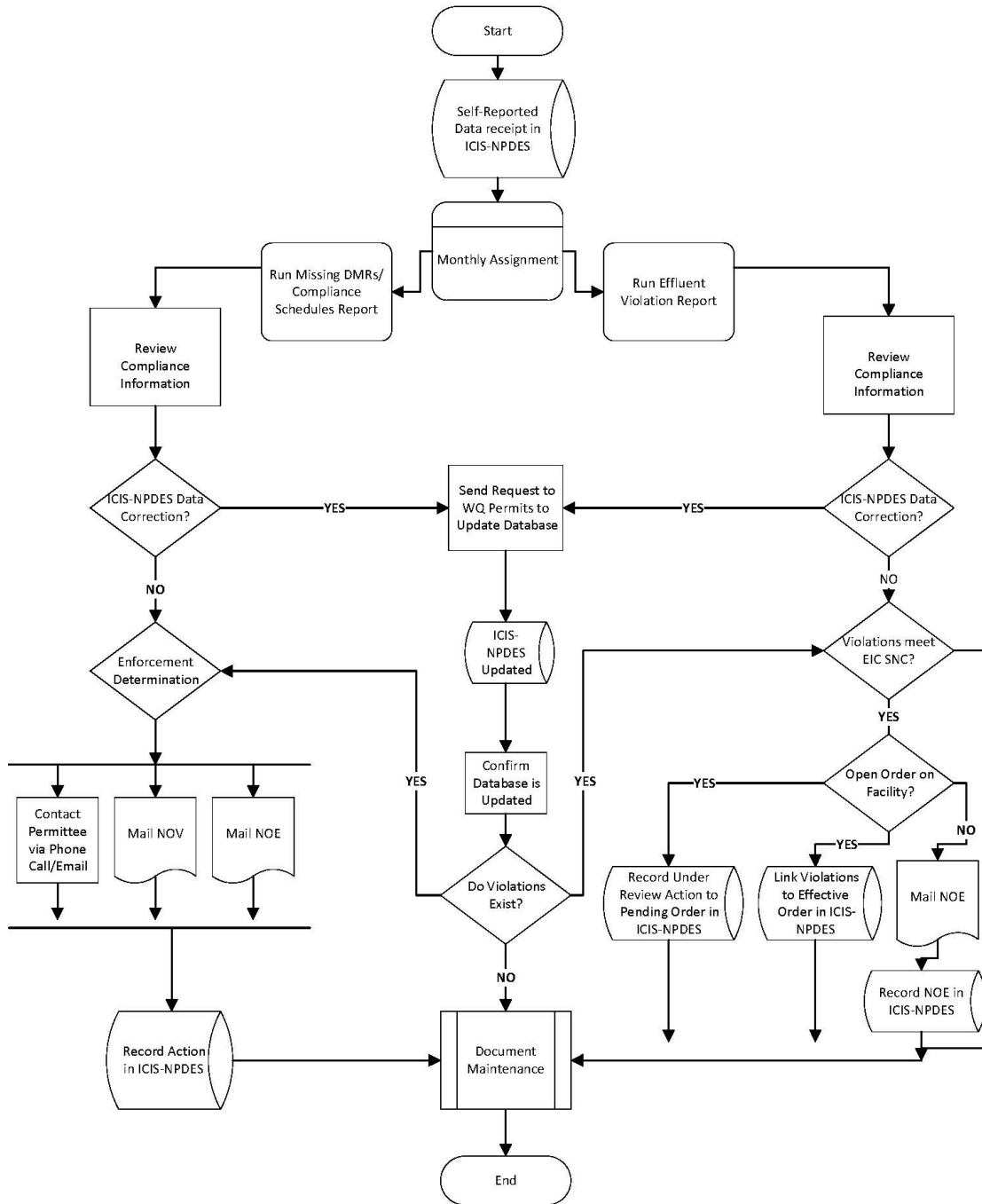
F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Reports for TPDES facilities (NNCRs) are produced monthly on compliance data contained in EPA's ICIS-NPDES system. Information from MERs is contained in PARIS-WQ and reports on compliance data are generated as needed. The program has identified improvements to the PARIS-WQ system to enhance the MER compliance monitoring process. An information technology project is currently underway to allow data to be retrieved more efficiently.

For missing DMRs and scheduled reports, the CMC first determines whether there are any permit requirement coding errors in ICIS-NPDES. If errors are discovered, the CMC sends a data correction request to the TCEQ Water Quality Division's Application Review and Processing (ARP) Team. Once the error is corrected, the CMC will confirm the database is updated and re-evaluate the data for an enforcement action. If the violations no longer exist, the CMC will record the action taken in TCEQ's file and the process ends until the next review cycle. If data correction was not required or if violations remain after data are corrected, the CMC will take one of three actions: 1) call or email the permittee to request the missing DMRs or reports; 2) mail a notice of violation (NOV); or 3) mail a notice of enforcement (NOE). The action depends on whether it is the first occurrence or if there have been multiple attempts to contact the regulated entity, or if an NOV has already been sent. The CMC enters the compliance monitoring review action in ICIS-NPDES and records applicable documents in TCEQ's files, along with appropriate data entry in TCEQ's Consolidated Compliance and Enforcement Data System (CCEDS).

For permit limit exceedances, the CMC reviews self-reported data and first determines whether there are any permit requirement coding errors. If errors are discovered, the CMC coordinates with the ARP Team to correct the data. Once the data are corrected, the CMC will conduct an evaluation to determine whether any remaining violations meet the requirements in TCEQ's EIC for formal enforcement. If the violations do not meet the EIC, the CMC will document the review in TCEQ's file and the process ends until the next review cycle. If the violations meet TCEQ's EIC for formal enforcement, the CMC will check CCEDS to see if an open enforcement action exists for the facility. Depending on the outcome, the CMC will take one of three actions in ICIS-NPDES: 1) link the violations to an open, effective order (Resolved Pending); 2) link the violations to a pending order (Under Review); or 3) link the violations to an Enforcement Action Referral (EAR). If formal enforcement is initiated, the CMC will also prepare an EAR in CCEDS and mail an NOE letter to the permittee. The approved EAR is received by the Water Enforcement Section in the Enforcement Division. The CMC will record the action in TCEQ's file along with appropriate data entry in CCEDS and the process ends until the next review cycle. The following flowchart illustrates an overview of the compliance monitoring process.

Wastewater Compliance Monitoring Process Overview Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Wastewater Compliance Monitoring Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$755,438
0555	Federal Funds	66.605	Performance Partnership Grants	\$271,418
TOTAL				\$1,026,856

The program is funded in the Enforcement and Compliance Support Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

In addition to the program, TCEQ's Field Operations Program reviews self-reported DMR/MER data as part of an on-site investigation. The program reviews DMR data monthly for both major and minor facilities and MER data quarterly for minor facilities whereas the Field Operations Program conducts self-reported data reviews to supplement comprehensive compliance investigations.

TCEQ's Water Quality Division (WQD) administers compliance monitoring for the pretreatment and biomonitoring (whole effluent toxicity [WET] testing) programs. These programs are similar but separate from the functions performed by the Wastewater Compliance Monitoring Program. Specifically, permittees with approved pretreatment programs and biomonitoring WET testing requirements in their permits are required to submit certain reports, such as pretreatment annual reports and toxicity reduction evaluation reports. The receiving programs in WQD review these reports for completeness and may address compliance issues using TCEQ's EIC when necessary. Coordination between the program and appropriate WQD staff typically occurs when mis-routed reports are re-directed to the applicable program staff, and when there are questions about pretreatment and biomonitoring information in ICIS-NPDES.

Previously, RRC and EPA retained jurisdiction and authority over NPDES facilities for oil and gas activities. TCEQ was delegated authority over these sites from EPA on January 15, 2021. This change was prompted by HB 2771 (84R) which transferred jurisdiction and authority of these facilities to TCEQ.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program's CMCs screen self-reported DMR and MER data for compliance and enforcement determinations. TCEQ field investigators may also evaluate this data during investigations. As part of the investigation process, field investigators follow guidance documents which require them to review databases and contact CMCs prior to citing violations to prevent duplication of effort.

In May 1998 a memorandum of agreement established policies, responsibilities, and procedures for program commitments between TCEQ and EPA Region 6 for assumption of the NPDES program by TCEQ.

The MOA was updated in January 2021 when TCEQ received approval from EPA to administer the NPDES program for oil and gas facilities.

Also, in May 1998 a memorandum of understanding clarified jurisdictional boundaries of TCEQ and the RRC. This MOU was updated in June 2020 for the oil and gas program 30 TAC Section 7.117.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program routinely communicates with local, state, and federal governmental authorities operating wastewater treatment facilities subject to TPDES requirements. The CMCs interact with these entities via phone calls, email, and postal mail as part of the compliance monitoring review process. These entities also contact the program when they need assistance with the NetDMR system or have questions regarding their permitted reporting requirements.

The program also communicates and coordinates with EPA Region 6 and EPA Headquarters. Program staff participates in monthly and quarterly conference calls to discuss a variety of TPDES-related topics, and national workgroup calls to discuss the NPDES SNC NCI. Other forms of communication include email and occasional in-person meetings.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Please refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

Stationary Air Monitoring Network Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Stationary Air Monitoring Network

Location/Division: Austin Headquarters / Monitoring Division

Contact Name: Cory Chism, Deputy Director, Monitoring Division

Statutory Citation for Program: 42 United States Code (USC) Section 7410 (a)(2)(B); Title 40 Code of Federal Regulations (CFR) Parts 50 and 58.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Stationary Air Monitoring Network measures the concentration of pollutants in ambient air and provides data to assess regional air quality representative of areas frequented by the public.

As of June 1, 2021, the program consists of 255 state- and partner-owned air monitoring stations serving over 25 million Texans statewide in areas where the presence of industry intersects with large segments of the state's population. The Stationary Air Monitoring Network involves the operation of both continuous and non-continuous air monitors; laboratory analysis of air quality samples, collection, management; validation of vast amounts of data; and reporting of air quality data to the public and the EPA. Air monitoring data from the program assists TCEQ in determining compliance with federal air quality standards, providing information in response to localized air quality concerns, evaluating air pollution trends, and studying air pollution formation and behavior. Specifically, TCEQ relies on data from the Stationary Air Monitoring Network to support the State Implementation Plan (SIP) development, verify air quality planning and permitting models, assess emissions control strategy effectiveness, and evaluate the need for, improvement, and progress of the Air Pollutant Watch List (APWL) areas.

Major program activities include the deployment and operation of air monitors, collection and analysis of air samples, management of air monitoring data, validation and quality assurance of data, and public display of air data.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

TCEQ's Stationary Air Monitoring Network includes more than double the number of monitors required under 40 CFR Part 58 Appendix D, in addition to numerous state-initiative monitors. The data from this network is effective in assisting TCEQ with determining compliance with federal air quality standards, providing information in response to localized air quality concerns, evaluating air pollution trends, and studying air pollution formation and behavior.

The following performance measures are reported in Section II, Exhibit 2.

- Number of air monitors operated; and
- Percent of valid data collected by TCEQ continuous and non-continuous air-monitoring networks.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Since 1973, the Stationary Air Monitoring Network has increased the number of monitoring sites, the number and complexity of sampling instruments, and the number of data points collected—now exceeding 1.5 trillion total data records. This growth is the result of new federal monitoring requirements, an expanding state population and industry base, technological advancements in monitoring capabilities, and an emphasis on measuring air quality.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Stationary Air Monitoring Network is not a regulatory program. Air quality monitoring data are available to and used by the public, EPA, local governments, universities, non-profit organizations, and other TCEQ programs.

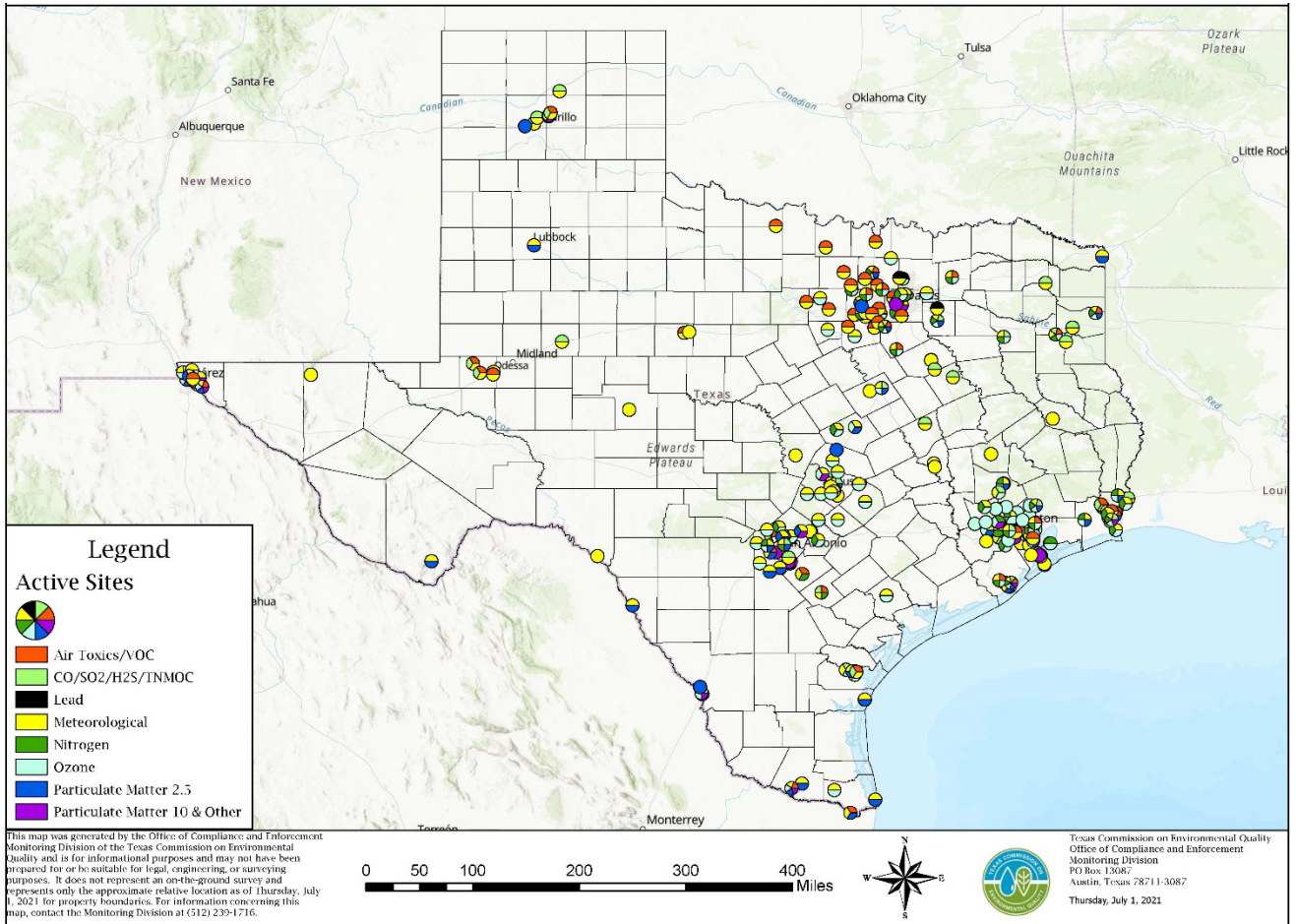
F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Stationary Air Monitoring Network is administered to comply with federal air monitoring requirements while also meeting the needs of data customers. Generally, decisions regarding the number, type, and placement of air monitors are determined in accordance with federal air monitoring rules using population trends, reported emissions inventory data, local meteorological data, and, if available, existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential air quality issues, or to address local air quality concerns. As agency data users, the Air Quality Division, Toxicology Division, and regional offices provide input on the need for and placement of monitors to ensure alignment of monitoring objectives with data needs.

Operation and maintenance of TCEQ air monitoring stations is performed by Monitoring Division staff located in the regional offices. These field staff perform routine quality assurance, preventive maintenance, and sample collection. Continuous monitors transmit measurements electronically to a centralized data management system that publicly displays preliminary data in near, real-time on a [TCEQ webpage](#). Non-continuous monitors collect discrete samples are also retrieved by field staff and shipped to Austin for analysis in TCEQ's air laboratory. All stationary monitoring data are quality assured and validated before final reporting to EPA.

The following map identifies ambient air monitor locations across the state.

Ambient Air Monitors in Texas



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Stationary Air Monitoring Network Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$10,937
0151	Clean Air Account - Dedicated	N/A	N/A	\$4,989,872
0555	Federal Funds	66.034	Surveys, Studies Relating to Clean Air Act	\$1,430,388
0555	Federal Funds	66.605	Performance Partnership Grants	\$2,454,490
0777	Interagency Contracts	N/A	N/A	\$1,106
5094	Operating Permit Fees Account-Dedicated	N/A	N/A	\$2,264,973
TOTAL				\$11,151,766

The program is funded in the Air Quality Assessment and Planning Strategy and Field Inspections and Complaints Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ's Stationary Air Monitoring Network is the only program to operate and manage data from air quality monitors statewide. Other monitoring organizations, such as local governments, non-profits, universities, and industry groups, conduct ambient air monitoring for localized purposes, often in partnership with TCEQ. Generally, TCEQ partners with other organizations monitoring air quality so the data can be displayed via TCEQ's webpage. Most other organizations in Texas collecting air quality data share those data with TCEQ.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ routinely collaborates with network partners (described in Question J) using a combination of grants, contracts, and voluntary participation commitments. Generally, grant requirements ask grantees to document coordination of roles and responsibilities with EPA, actual contract language describes TCEQ's expectations from local governments, and voluntary agreements are used to coordinate requirements with universities, private institutions, and other organizations.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal:

- EPA – partial funding of TCEQ air monitoring network;
- National Park Service – shares data from monitoring sites it operates;

- National Oceanic and Atmospheric Administration – supplies data to support the network, especially data essential to forecasting air quality events;
- National Weather Service – supply data to support the network, especially data essential to forecasting air quality events; and
- National Aeronautics and Space Administration – supplies data to support the network, especially data essential to forecasting air quality events.

State Government:

- Texas Department of Transportation – provide property access to locate stationary monitors.

Local Government:

- City of Houston – operates monitors in the TCEQ network;
- Harris County Public Health – operates monitors in the TCEQ network;
- Galveston County Health District – operates monitors in the TCEQ network;
- City of Dallas – operates monitors in the TCEQ network;
- City of Fort Worth – operates monitors in the TCEQ network;
- City of El Paso – operates monitors in the TCEQ network;
- City of San Antonio – operates monitors in the TCEQ network;
- Capitol Area Council of Government (CAPCOG) – operates monitors in the TCEQ network;
- Alamo Area Council of Government (AACOG) – operates monitors in the TCEQ network; and
- South East Texas Regional Planning Commission (SETRPC) – operates monitors in the TCEQ network.

Non-profit Organization:

- North Texas Commission (NTC) – operates monitors in the TCEQ network.

Universities and Research Institutions:

- University of Texas System (Austin, Galveston, El Paso, San Antonio, Rio Grande Valley) – operates monitors in the TCEQ network and share data from monitoring sites it operates;
- Texas A&M University (College Station) – operates monitors in the TCEQ network;
- University of Houston (Main and Clear Lake) – shares data from monitoring sites it operates;
- Texas Tech University – operates monitors in the TCEQ network; and
- St. Edward's University – shares data from monitoring sites it operates.

Industry:

- Houston Regional Monitoring – shares data from monitoring sites it operates;
- Texas Petrochem – shares data from monitoring sites it operates;
- Goodyear Tire and Rubber – shares data from monitoring sites it operates;
- Texas City Industry Group – shares data from monitoring sites it operates;
- Marathon Petroleum – shares data from monitoring sites it operates;
- Freeport Industry Group – shares data from monitoring sites it operates;
- Freeport LNG – shares data from monitoring sites it operates; and
- San Antonio City Public Services – shares data from monitoring sites they operates.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Contracts are used for air monitoring operations, sample analysis, laboratory waste disposal, data management, and validation.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$2,286,040.

- **the number of contracts accounting for those expenditures;**

Eighteen contracts.

- **the method used to procure contracts;**

The contracts are procured through open market solicitation or awarded as interagency contracts.

- **top five contracts by dollar amount, including contractor and purpose;**

Stationary Air Monitoring Network Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-20-10016	Orsat LLC	Contract to provide on-call operations and maintenance, technical support, and training for automated gas chromatographs located at state initiative sites.	\$380,128
582-20-10014	Orsat LLC	Contract to provide on-call operations and maintenance, technical support, and on-training for automated gas chromatographs located at federally-required sites.	\$319,174
582-20-10020	Desert Research Institute	Particulate Matter 2.5 (PM _{2.5}) Filter Laboratory Analysis Program	\$277,692
582-20-10012	Texas Precision Monitoring	Contract to operate and maintain multiple samplers at the Houston Deer Park #2 monitoring station.	\$212,539
582-19-90040	City of San Antonio	Contract to operate and maintain five continuous air monitoring stations.	\$204,856

- **the methods used to ensure accountability for funding and performance; and**

Contracts are monitored by a contract manager to ensure expenditures do not exceed the contract amount and the work is performed in accordance with contract requirements before payments are approved. Separate division personnel audit contractor performance to verify costs and troubleshoot potential problems that would impede the contractor's ability to fulfill contract deliverables.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

The program provides grants to local air pollution control agencies to carry out responsibilities under Section 105 of the Clean Air Act. Federal funds make up 60% of the cost, while state and local agencies provide the remaining 40%.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Stationary Air Monitoring Network measures ambient concentrations for six commonly occurring air pollutants known as criteria pollutants. They include ozone, nitrogen dioxide, sulfur dioxide, carbon monoxide, particulate matter, and lead. Due to their potential impact on human health and the environment, the Federal Clean Air Act provides for the establishment of national ambient air quality standards (NAAQS) for the criteria air pollutants. In addition, the Stationary Air Monitoring Network measures a variety of air toxics, pollutants known or suspected to cause cancer or other serious health effects. These include hydrogen sulfide, volatile organic compounds (e.g., benzene, ethylbenzene, toluene, xylene, butadiene, and styrene), metals (e.g., arsenic, chromium, and mercury), carbonyls (e.g., formaldehyde), and semi-volatile organic compounds (e.g., naphthalene and pyrene). The specific pollutants measured at each monitoring station can be identified using the [GeoTAM viewer](#).

While TCEQ's air monitoring network includes more than double the number of federally required monitors, as well as numerous state-initiated monitors. Placement of air monitors is determined consistent with federal air monitoring rules using population trends, reported emissions inventory data, local meteorological data, and, if available, existing air monitoring data for a given area. Each specific monitor location must meet strict siting criteria under 40 CFR Part 58 Appendix E including minimum spacing from trees or other obstructions, freedom of influences from specific sources, and logistical considerations, such as available space, power, and level terrain. Final site selection is contingent on TCEQ receiving proper access authorization from property owners for properties meeting these siting criteria.

In addition, TCEQ may prioritize monitor placement in areas with potential air quality issues, or to address local air quality concerns. In response to increasing concerns regarding local air quality from the public and elected officials due to events such as natural disasters, industrial fires and increased oil and gas activity, TCEQ deployed ten new stationary air monitors in specific areas of the state. At the end of FY 2019, TCEQ procured three new automated gas chromatographs (autoGCs) for air toxics monitoring in three communities along the Houston Ship Channel. In FY 2020, four new stationary monitors were deployed in central Texas near aggregate mining operations in response to localized concerns. Due to increased oil and gas activity in the Permian Basin, three stationary monitors are being deployed to monitor sulfur compounds as well as air toxics. The budget supports the ongoing operation, maintenance and data validation of these new sites.

Each specific monitor location must meet strict siting criteria under 40 CFR Part 58 Appendix E including minimum spacing from trees or other obstructions, freedom of influences from specific sources, and logistical considerations, such as available space, power, and level terrain. Final site selection is contingent

on TCEQ receiving proper access authorization from property owners for properties meeting these siting criteria.

TCEQ uses a variety of measures to ensure its air monitoring data are of the utmost quality. Air monitors are assessed daily to verify their operations remain within proper specifications. TCEQ personnel physically visit each monitoring station on a weekly basis to conduct various quality control checks and preventive maintenance activities. The monitoring instruments themselves must meet rigorous sampling and analytical requirements prescribed under 40 CFR Part 58 Appendix A Section 3, and undergo daily, weekly, and quarterly quality control checks to verify the instrument's calibration, accuracy, and precision. In addition, independently calibrated instruments are used to perform quarterly and annual audits of the air monitors and their operation. Finally, a validation assessment is performed to verify all data meet data quality objectives under 40 CFR Part 58 Appendix A Section 2.3. The data are reviewed for outliers, regional comparability, quality assurance and quality control requirements, and other data quality assessment indicators. Data that do not meet these objectives completely are invalidated or denoted accordingly.

TCEQ's Stationary Air Monitoring Network is designed to measure pollutant concentrations for assessing regional air quality representative of areas frequented by the public. Monitors can measure the impact on air quality from industrial sources present in an area, but do not measure the emissions from individual sources or determine a source's compliance with permitted emission limits. Data from the ambient air monitoring network is used to determine compliance with NAAQS, evaluate pollutant trends, forecast daily air quality conditions, perform air quality and human health impact studies, and inform regulatory decisions. Finally, while stationary air monitors may provide useful data during disasters or emergency events, they are not specifically intended for those purposes.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Mobile Monitoring Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Mobile Monitoring Program

Location/Division: Austin Headquarters / Monitoring Division

Contact Name: Cory Chism, Deputy Director, Monitoring Division

Statutory Citation for Program: None

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Mobile Monitoring Program conducts short-term mobile air monitoring assessments in support of regional investigations, special air quality assessment projects, environmental emergencies, and natural disaster recovery. The program consists of a fleet of three monitoring vans capable of continuous, real-time measurement of a wide range of target pollutants while in transit. Using on-board instrumentation and GPS mapping capabilities, these monitoring vans provide net upwind/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; and data for regulatory and/or health impacts assessments. Housed in Austin, these three monitoring vans are available to perform mobile monitoring activities anywhere in the state. In addition to these monitoring vans, the program includes two rapid assessment survey vehicles capable of continuous, real-time measurement and mapping of fourteen target compounds. Anticipated for deployment by the first quarter of FY 2022, these rapid assessment survey vehicles will be located in TCEQ's coastal regions to provide routine mobile monitoring assessments in the heavily industrialized areas of Beaumont, Houston, and Corpus Christi.

During the 87th Legislative Session, TCEQ received four full-time equivalent employees (FTEs) and \$250,000 for each year of the 2022-2023 biennium to operate the agency's mobile air monitoring equipment in the coastal regions. Six staff currently maintain and operate the three vans and onboard instrumentation, as well as perform quality assurance and data reporting functions. With the operation of each van requiring a driver and an analyst, these four FTE employees will significantly increase the staff available for routine monitoring van operations, performing quality assurance and data reporting functions, and rotating van operators during extended deployments.

The Mobile Monitoring Program also includes the use of handheld monitoring and optical gas imaging technologies to augment on-board instrumentation.

Mobile Monitoring deliverables include validating air quality data, pollutant concentration mapping, technical reports, infrared and optical gas imagery, and investigative and scientific documentation. These deliverables are used in a variety of applications, including assessment of Air Pollutant Watch List (APWL) areas, environmental emergency response, disaster recovery, complaint investigations, source identification, and determinations related to public health. As provided under Texas Health and Safety Code (THSC) Section 382.0161, TCEQ maintains the APWL to identify those areas in Texas where monitoring data show persistent, elevated concentrations of air toxics. TCEQ uses the APWL process to focus its resources, notify the public, engage stakeholders, and develop strategic actions to reduce emissions.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

During FY 2020, the Mobile Monitoring Program implemented upgrades and enhancements to improve its effectiveness and efficiency. These included the addition of a new rapid assessment survey van and instrumentation retrofits to two existing vans. The new equipment allows for sampling in-transit for a broader list of pollutants, which improves the agency's ability to conduct air monitoring during responses to emergencies, incidents, and natural disasters, and support investigations related to local air quality concerns. In addition to implementing these upgrades, the Mobile Monitoring Program conducted air quality surveys for hydrogen sulfide in the Permian Basin area, resulting in the placement of three new stationary air monitors; assisted regional investigators in identifying potential sources of chronic odors related to complaints; and provided air monitoring surveys in response to the Corpus Christi Tule Lake Channel Fire and Hurricane Laura in Beaumont-Port Arthur. In FY 2021, the monitoring vans participated in response to Hurricane Delta, Winter Storm Uri, and regional investigations of fugitive emissions.

There are no existing performance measures for the Mobile Monitoring Program.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The Mobile Monitoring Program was established in the mid-1980s. Although its original intent focused on permitting and enforcement actions, the application of TCEQ's mobile monitoring technology has expanded significantly to include environmental emergency response, disaster recovery, and complex investigation assistance.

In 2019, the legislature appropriated funding to allow the agency to expand and make technology upgrades to its mobile monitoring fleet. The new equipment provided needed retrofits to allow in-transit sampling for a broader list of target pollutants, which improves TCEQ's ability to conduct air monitoring during responses to emergencies, incidents, and natural disasters, and support investigations related to local air quality concerns.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Based on agency needs, the program is engaged to provide technical consultation on strategic monitoring approaches, conduct mobile monitoring project work, or respond in the event of an environmental emergency or disaster. Internal agency customers may include TCEQ regional offices, Toxicology Division, Air Quality Division, and Air Permits Division.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Mobile Monitoring Program Funding Sources

Account	Account Title	FY 2020 Expended
0151	Clean Air Account - Dedicated	\$468,795
5094	Operating Permit Fees Account- Dedicated	\$699,133
TOTAL		\$1,167,928

The program is funded in the Air Quality Assessment and Planning Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The City of Houston operates a mobile laboratory providing mobile monitoring of specific target pollutants. In addition, the EPA operates the Trace Atmospheric Gas Analyzer (TAGA) bus, a self-contained mobile laboratory capable of real-time ambient air monitoring and mapping for a variety of target pollutants.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program is available to conduct mobile monitoring activities statewide. While TCEQ's mobile monitoring program is used to assist and augment TCEQ's investigative efforts, it may be called upon to assist in large scale emergency or disaster response by local governments and the Texas Department of Emergency Management. TCEQ coordinates activities with local, state, and federal partners, as appropriate, when responding to emergency events. Additionally, deployment of TCEQ's mobile monitoring assets includes coordination with regional investigative staff, and internal data users, such as the Air Quality Division and Toxicology Division.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

All TCEQ mobile monitoring activities are coordinated through the appropriate TCEQ regional office, which also coordinates as needed with relevant local governments. During large-scale environmental emergencies or disaster events, TCEQ also coordinates with EPA on the deployment of their TAGA bus to maximize the coverage of responding mobile monitoring assets.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Laboratory Accreditation Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Laboratory Accreditation Program

Location/Division: Austin Headquarters / Monitoring Division

Contact Name: Cory Chism, Deputy Director, Monitoring Division

Statutory Citation for Program: Texas Water Code (TWC) Section 5.134 and Section 5.801 et seq.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Laboratory Accreditation Program is a voluntary program that accredits environmental laboratories providing analytical data directly or indirectly to the agency. Accreditation ensures environmental laboratories meet established standards of operation and reduces the risk of making decisions based on poor environmental data. The components of accreditation include on-site assessments of laboratories, semiannual proficiency testing, adherence to recognized quality-assurance and quality control standards, and minimum qualifications for the personnel performing environmental tests and key managers. In addition, TCEQ collects fees from laboratories to support administration of the Laboratory Accreditation Program, issues accreditation certificates to laboratories, and maintains extensive records regarding laboratories and their accreditations.

TCEQ is one of 14 agencies located in 14 states, in addition to three non-governmental accreditation bodies, comprising the National Environmental Laboratory Accreditation Program (NELAP). Collectively, these agencies have issued over 1,200 accreditations to environmental laboratories located in the U.S., Canada, Puerto Rico, Europe, South Korea, and Fiji.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

TCEQ issues accreditations to environmental laboratories after determining the ability of the lab to perform analytical tests in accordance with published methodologies and meet NELAP standards. TCEQ currently offers accreditation for 10,653 separate fields of accreditation, encompassing most environmental laboratory analyses. Each field is a unique combination of matrix, analytical method, and parameter.

TCEQ demonstrates effectiveness of the Laboratory Accreditation Program through the actions taken regarding issuance and denial of applications for accreditation. Since 2005, TCEQ has accredited a total of 327 laboratories, while denying 38 applications for initial accreditation or accreditation renewal after determining minimum performance and analytical standards were not met.

Certification of TCEQ's Laboratory Accreditation Program as an accreditation body is renewed through The NELAC Institute (TNI) annually. TNI also conducts a thorough onsite assessment of TCEQ's program

every three years as a part of the renewal process. The Laboratory Accreditation Program successfully completed TNI renewal assessments in 2009, 2012, 2015, and 2018. The program will be assessed again in 2021.

TCEQ reports the number of environmental laboratories accredited as a key output measure to the LBB. In FY 2020, 254 environmental laboratories held accreditations issued by TCEQ, achieving 95.85% of the annual target of 265.

The following performance measure is reported in Section II, Exhibit 2.

- Number of environmental laboratories accredited.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Laboratory Accreditation Program.

2001

- The Sunset Advisory Commission recommended, and HB 2912 (77R) required, TCEQ to administer a voluntary laboratory-accreditation program consistent with the NELAP (TWC Section 5.801). The agency has done so.

2005

- TCEQ's accreditation program received approval from EPA and other accrediting states.

2008

- Requirements concerning the use of accredited laboratories became effective on July 1, 2008 (TWC Section 5.134).

2010

- The accreditation rules under 30 TAC Chapter 25 were amended to reference the TNI NELAP standard and revise accreditation fees.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Laboratory Accreditation Program affects all environmental laboratories supplying analytical data for agency decisions, directly to TCEQ, or indirectly through regulated entities. These laboratories include commercial, governmental, and certain in-house environmental laboratories operated by regulated entities. Laboratories needing accreditation must meet program requirements and pay associated fees.

The program may also affect regulated entities relying on laboratories for the analysis of environmental samples. As of June 2021, 250 laboratories held accreditations issued by TCEQ (108 of which are located outside of Texas, including:

- 172 commercial laboratories;
- 65 laboratories operated by local governments; and
- 13 laboratories operated by state and federal agencies, universities, and non-profit organizations.

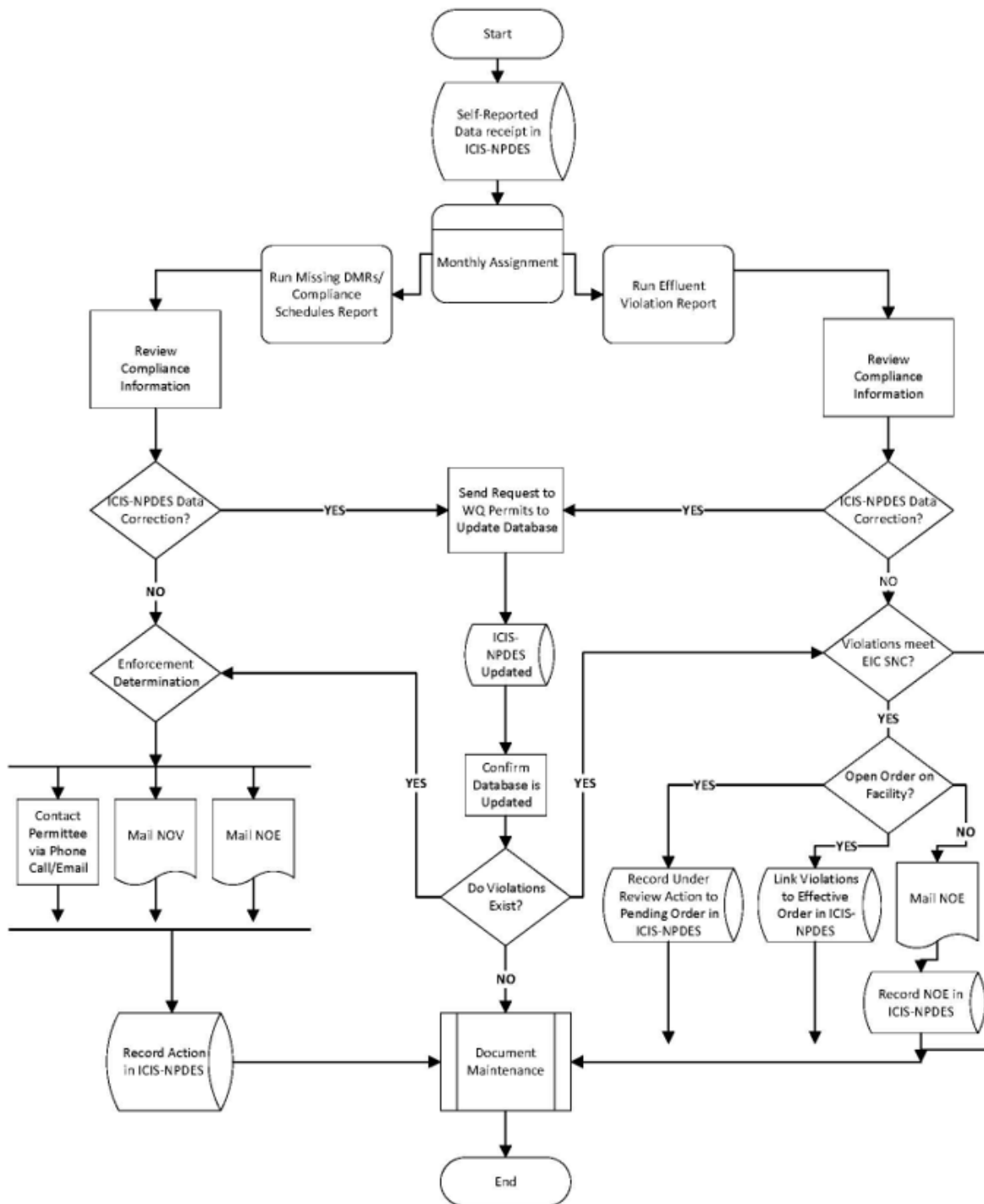
F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Laboratory Accreditation Program is administered and operates according to requirements and timeframes contained in the 2016 National Environmental Laboratory Accreditation Conference (NELAC) Standard and TCEQ's laboratory accreditation procedures.

These procedures address, among other things, receipt and processing of applications for accreditation, planning and conducting inspections, confidential business information, complaints, and sanctions (denial, suspension, and revocation). The procedures also address internal controls, such as inspector training and qualifications, standards of conduct, annual audits, annual management reviews, and recordkeeping.

The following flowchart illustrates the laboratory accreditation process.

Laboratory Accreditation Process Flowchart



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Laboratory Accreditation Program Funding Sources

Account	Account Title	FY 2020 Expended
5065	Environmental Testing Laboratory Accreditation Account - Dedicated	\$705,593

The program is funded in the Enforcement and Compliance Support Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TCEQ is one of 14 state agencies certified to issue accreditations under the NELAP.

TCEQ's Public Drinking Water (PDW) Program performs laboratory approvals (not accreditations) for laboratories that analyze parameters associated with process control. Unlike the laboratory approvals, accreditations apply to analyses related to agency decisions on items such as permit compliance.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The TNI Standard, applicable to all accrediting bodies, includes requirements precluding duplication or conflict among accrediting states. For example, non-federal laboratories must apply for primary accreditation in their home state unless the state has no accreditation program or does not offer the fields of accreditation needed by a laboratory.

In addition, under the TNI Standard, accreditations issued by one state must be accepted by other accrediting states. Other accrediting states must issue secondary (or reciprocal) accreditations to laboratories holding primary accreditations from another state. The other states may not impose any inspection, testing, or quality control requirements on laboratories applying for secondary accreditation and must issue secondary accreditations within 30 days. TCEQ's Laboratory Accreditation Program is required under Title 30 Texas Administrative Code (30 TAC) Section 25.22 to provide secondary accreditation for laboratories located in other states and accredited by another NELAP accreditation body.

Requirements for public drinking water systems under 30 TAC Section 290.119 outline when laboratory accreditation versus laboratory approval is required, preventing duplication and conflict between the accreditation program and the PDW program's laboratory approvals. Parameters differ between accreditation and approval.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Laboratory Accreditation Program accredits all laboratories operated by units of local government or federal agencies that analyze environmental samples for compliance with the federal Safe Drinking Water Act and report to TCEQ. The program accredits laboratories operated by units of local government,

regional governments, or federal agencies, that are required under TCEQ rules (30 TAC Section 25.6) to be accredited or, that voluntarily choose to be.

To determine compliance with 40 CFR Section 142.10(b) and in accordance with the EPA Manual for the Certification of Laboratories Analyzing Drinking Water, 5th Edition (EPA 815-R-05-004, January 2005), the program is reviewed by EPA Region 6 every three years to assess conformance to requirements associated with enforcement (primacy) delegation under the Safe Drinking Water Act.

To maintain status as an accrediting body, under the TNI Standard, the Laboratory Accreditation Program is reviewed by a team representing other accrediting states on a triennial basis to assess, among other things, conformance to national accreditation standards and determine whether to continue recognition of accreditations issued by TCEQ. The program successfully completed TNI renewal assessments in 2009, 2012, 2015, and 2018 and will be assessed again in 2021.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

The contracts provide qualified laboratory assessors to plan, organize, conduct, and report the results of on-site assessments of environmental laboratories. The program also has a contract for maintenance of the laboratory accreditation database.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$198,003.

- **the number of contracts accounting for those expenditures;**

Three contracts.

- **the method used to procure contracts;**

These contracts were procured through an open-market solicitation by requests for proposal.

- **top five contracts by dollar amount, including contractor and purpose;**

Laboratory Accreditation Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-17-70654	Sims and Associates	Lab assessments	\$95,590
582-17-70653	Shepherd Technical Services	Lab assessments	\$98,563
582-20-10021	AQS, Inc.	Maintenance contract for laboratory accreditation database	\$3,850

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines, which include, but is not limited to financial monitoring, auditing and record keeping. Vendor performance

is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted unless discrepancies are resolved.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Quality Assurance Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Quality Assurance Program

Location/Division: Austin Headquarters / Monitoring Division

Contact Name: Cory Chism, Deputy Director, Monitoring Division

Statutory Citation for Program: Texas Water Code (TWC) Sections 26.023 and 26.0135; Title 40 Code of Federal Regulations (CFR) Parts 31 and 35.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Quality in environmental programs contributes to public health and safety, economic development, efficient use of public monies, technical credibility, and a recognition of excellence. The achievement of quality in environmental programs is the responsibility of each employee of TCEQ.

TCEQ's Quality Assurance (QA) program provides a formal quality assurance system covering a wide range of federal and state environmental programs, including all federally funded environmental activities where data is produced. In addition, certain state laws also require quality-assured environmental data. In other cases, the importance and complexity of environmental operations warrant implementation of a formal quality assurance program.

TCEQ uses a semi-decentralized structure for its QA program, relying on one agency division to coordinate the development and implementation of the agency-wide program and related systems; and on offices, divisions, and individual programs to implement other quality assurance elements and systems. The Monitoring Division serves as the quality assurance coordinating division for TCEQ.

The QA program is responsible for developing the agency's Quality Management Plan (QMP), reviewing programmatic quality assurance project plans (QAPPs), performing audits of programmatic quality systems, reviewing and tracking corrective actions, and reporting.

Approval of the QMP by TCEQ's agency senior management reflects the agency's commitment to the principles and quality systems described in the document.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

TCEQ's QA program must be approved annually by the EPA, Region 6. As outlined under 40 CFR Part 35 and EPA QA/R-2, EPA Requirements for Quality Management Plans, annual approval of the QA program is a prerequisite for federal funding of environmental data activities.

TCEQ's QMP requires an annual assessment of the agency's quality assurance system with results and findings submitted to EPA for review and approval. TCEQ's QA program has been reapproved each year since FY 1995.

There are no existing performance measures for the QA program.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The QA program coordinates an annual review and revision to TCEQ's QMP for submittal to and approval by EPA. The program is also delegated authority by EPA to review and approve QAPPs for the Galveston Bay Estuary (GBEP), Nonpoint Source (NPS), and Total Maximum Daily Load (TMDL) programs. In addition, the program provides review and comment of other air, water, and waste related QAPPs prior to their submittal for approval by EPA. The program conducts assessments of programmatic quality systems, reviews and approves corrective actions, and prepares annual reports on agency quality assurance performance and activities.

Copies of the QMP are issued to those staff whose work is directly related to the collection, analysis, and use of environmental data by TCEQ. At a minimum, staff is responsible for ensuring work products are of known and documented quality and deemed acceptable for their intended use.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Quality Assurance Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0151	Clean Air Account - Dedicated	N/A	N/A	\$759,845
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$95,473
0549	Waste Management Account - Dedicated	N/A	N/A	\$67,237
0555	Federal Funds	66.605	Performance Partnership Grants	\$189,194
0777	Interagency Contracts	N/A	N/A	\$119,137
5094	Operating Permit Fees Account- Dedicated	N/A	N/A	\$374,141
TOTAL				\$1,605,027

The program is funded in the following strategies:

- Enforcement and Compliance Support;
- Waste Assessment and Planning; and
- Water Assessment and Planning.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

While the Monitoring Division serves as the quality assurance coordinating division responsible for development and implementation of the agency-wide program, TCEQ offices, divisions, and individual program areas implement other quality assurance elements and systems.

EPA also provides quality assurance functions and serves as an oversight body for quality assurance elements required of federal programs or related to the receipt of federal funds.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TCEQ's QA program is organizationally independent of operational programs and activities within the agency and has sufficient access and authority to coordinate development and implementation of the agency's quality system.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The QA program works closely with EPA Region 6 quality assurance personnel who provide oversight for federal quality assurance requirements.

As necessary to comply with 40 CFR Part 35 and EPA QA/R-2, EPA Requirements for Quality Management Plans, TCEQ's QA program may conduct quality system assessments of city and/or county governments performing monitoring or other data collection activities for TCEQ.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Landscape Irrigation Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Landscape Irrigation Program

Location/Division: Austin Headquarters / Program Support and Environmental Assistance Division (PSEAD)

Contact Name Kristi Mills-Jurach, P.E., Assistant Director, Office of Compliance and Enforcement

Statutory Citation for Program: Texas Occupational Code (TOC) Chapter 1903; Texas Water Code (TWC) Chapter 37.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Landscape Irrigation Program (LIP) is tasked with conserving water and protecting the public health regarding landscape irrigation systems. This is accomplished by the administering of agency regulations governing landscape irrigation systems, as well as providing technical guidance, outreach, and education to the public and regulated communities. These regulations require local jurisdictions with a population of 20,000 or more to adopt local ordinances governing landscape irrigation in their area. This constitutes a local LIP. In areas with no adopted local programs, TCEQ is the primary enforcement authority.

Major activities include:

- regulatory assistance and guidance for municipalities, the public, and regulated community;
- technical assistance;
- education and outreach;
- facilitation of the Irrigator Advisory Council (IAC); and
- complaint investigations, corrective action guidance, and enforcement referrals.

A key component of the program is backflow prevention. Licensed irrigators must ensure suitable backflow prevention assembly devices are in place and functioning properly. These devices prevent contaminants from entering a public water system via a landscape irrigation system.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The following performance measures are reported in Section II, Exhibit 2.

- Number of citizen complaints investigated;
- Number of investigations of water sites and facilities; and
- Average days from air, water, or waste investigation to report completion.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target*	FY 2020 Actual Performance	FY 2020 % of Annual Target
LIP Investigations	N/A	11	N/A

*There are no specific landscape irrigation investigation targets; however, they do contribute to LBB Performance Measure Output 03-01-01.03, Number of Investigation of Water Sites and Facilities.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The mission and functions of LIP have not significantly changed since its inception. LIP staff continue to work with local municipalities and their customers to provide guidance in the implementation of LIPs across the state. In areas where ordinances have not been adopted, TCEQ staff serve as the primary enforcement authority.

The most recent LIP changes came from updates to the landscape irrigation regulations (Title 30 Texas Administrative Code [30 TAC] Chapter 344) that became effective on July 1, 2020. These changes were in response to petitions filed by the Irrigator Advisory Council. Although the primary petition request to require all landscape irrigation systems to be classified as a health hazard was denied, the regulations were updated to clarify requirements and reflect current practices. Significant changes included providing for increased protection of public health and water conservation and updating terms and definitions to align with 30 TAC Chapter 290 Public Drinking Water.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

For FY 2020, the following occupational licenses administered by TCEQ were affected by the LIP:

- Landscape irrigators – 6,653;
- Landscape irrigation technicians – 1,401;
- Landscape irrigation inspector – 81; and
- Backflow prevention assembly testers – 5,526.

The following entities and individuals are affected by the LIP:

- Public water systems – 6,250;
- Private citizens and businesses who own and operate a landscape irrigation system(s) – not quantifiable;
- Landscape irrigation businesses – not quantifiable;
- Irrigation equipment manufacturers and distributors – not quantifiable;
- Plumbers - 35,897; and
- Plumbing inspectors – 1,548.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The LIP has two dedicated staff members in the central office who assist regulated entities, and the public, with complaints, regulatory guidance, technical assistance, outreach and education.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Landscape Irrigation Program Funding Sources

Account	Account Title	Total
0153	Water Resource Management Account - Dedicated	\$87,772

The program is funded in the Field Inspections and Complaints Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Local jurisdictions with a population of 20,000 or more are required to adopt local ordinances governing landscape irrigation at least as stringent as the 30 TAC Chapter 344, Landscape Irrigation rules. Approximately 118 municipalities have complied with the requirement to adopt ordinances. In areas not required to have local programs, TCEQ is the primary enforcement authority. The fundamental difference between the function TCEQ serves and that of the municipalities or districts is that TCEQ does not administer any of the local irrigation system permitting requirements, plan approval, on-site inspection, or oversight of installation. Another primary difference is TCEQ oversees all occupational licensing requirements for irrigation professionals and is the primary resource for regulatory and educational materials. The areas where the local and state programs are similar are in promoting water conservation and protecting public health regarding landscape irrigation systems.

The Texas State Board of Plumbing Examiners (TSBPE) issues licenses for plumber inspectors who are authorized to function as an irrigation inspector and plumbers who can install and maintain irrigation systems. TCEQ coordinates with the TSBPE prior to initiating enforcement against licensed plumbers and plumbing inspectors.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

LIP staff are the primary regulatory contacts and administer and investigate landscape irrigation complaints submitted to TCEQ. LIP staff work with licensed irrigators, irrigation technicians, irrigation inspectors, Texas State Board of Plumbing Examiners, backflow prevention assembly testers, and the public to administer the landscape irrigation rules.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

LIP works with local jurisdictions, including cities, municipalities, and water purveyors, that have adopted landscape irrigation ordinances to ensure consistent application of rules. For those local jurisdictions that do not have an ordinance, the program also serves as the primary enforcement authority and public education coordinator.

LIP also works with the Texas State Board of Plumbing Examiners on coordination of rule and enforcement matters impacting both agencies.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Regulation of landscape irrigation is necessary to ensure the conservation of water and protection of public health and potable water supply by having specifically outlined occupational licensing requirements, minimum design standards and operating requirements. Regulated entities are inspected

at the local level through the permitting, inspection, and approval process for those municipalities, districts, and special districts with populations greater than 20,000.

Any person may submit a complaint against any individual or company regarding landscape irrigation. Landscape irrigation complaints are typically investigated by LIP staff as a file or record review investigation and is conducted in the office (not on-site). LIP is a complaint-based program and follows TCEQ's standard complaint and enforcement procedure.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Refer to the Office of Compliance and Enforcement, Field Operations Program, Question P for complaint related data for this program.

On-Site Sewage Facility Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: On-Site Sewage Facility Program

Location/Division: Austin Headquarters / Program Support and Environmental Assistance

Contact Name: Kristi Mills-Jurach, P.E., Assistant Director, Office of Compliance and Enforcement

Statutory Citation for Program: Texas Health and Safety Code (THSC) Chapters 366 and 367; Texas Water Code (TWC) Section 5.124.

B. What is the objective of this program or function? Describe the major activities performed under this program.

TCEQ's On-Site Sewage Facility (OSSF) Program is designed to eliminate and prevent health hazards by regulating and properly planning the location, design, construction, installation, operation, and maintenance of on-site sewage disposal systems.

TCEQ has established a permitting process for the construction, alteration, repair, extension, and operation of new or replacement OSSFs. TCEQ has statutory authority to delegate the program and the permitting requirements to local governmental entities, known as Authorized Agents (AA). In absence of an AA, TCEQ regional staff serves the community in that capacity. Approximately 75% of the state is within an AA's jurisdiction with the remaining 25% under TCEQ's jurisdiction. OSSF staff review and recommends approval of local orders that codify the requirements of the local programs. The Program Support Section (PSS) staff within the Program Support and Environmental Assistance Division (PSEAD) provides oversight of the required periodic compliance inspections of the delegated OSSF programs, in coordination with TCEQ regional offices, to ensure state regulations are appropriately administered. PSS staff also manages the On-Site Activity Reporting System (OARS), which is used to collect monthly data on the number and types of OSSF permits issued, and enforcement activities. PSS staff also maintains information on AA enforcement actions and make information available to the Office of Waste, Occupational Licensing and Registration Division (OLRD). The history of court judgements against OSSF license holders is used by OLRD to support decisions on issuing, renewing, or revoking licenses. PSS staff also provides technical assistance and support to local governmental entities who have or are seeking delegation, licensees, OSSF manufacturers, and the regulated community. In addition, TCEQ regional staff conducts on-site inspections of OSSF installations in areas under TCEQ jurisdiction. This function is covered under the Field Operations Program.

Primary program activities include:

- Adopting, maintaining, and enforcing a minimum state code for design, construction, installation, operation, and maintenance of OSSFs, which TCEQ promulgated in Title 30 Texas Administrative Code (30 TAC) Chapter 30 Subchapters A and G, and 30 TAC Chapter 285.
- Reviewing and approving non-standard treatment systems and technologies.
- Maintaining a permitting process for the construction, alteration, repair, extension, and operation of OSSFs.
- Delegating regulatory authority to local governments.
- Providing oversight for periodic reviews of delegated OSSF programs.

- Providing technical assistance and support to local governmental entities, licensees, OSSF manufacturers and the regulated community.
- Managing a grant program for research into OSSF technologies funded through collected fees as required by HB 2771 (85R) and THSC Chapter 367.
- Administering OARS.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The following performance measures are reported in Section II, Exhibit 2.

- Number of investigations of water sites and facilities;
- Number of citizen complaints investigated;
- Average days from air, water, or waste investigation to report completion; and
- Number of applications to address water quality impacts reviewed.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

TCEQ is required by THSC Chapter 366 Section 366.001(1) to "eliminate and prevent health hazards by regulating and properly planning the location, design, construction, installation, operation and maintenance of on-site sewage disposal systems." The following history highlights significant actions directly affecting the OSSF Program.

1977

- In November 1977 the Texas Department of Health (TDH) published the first "Construction Standards for On-Site Sewage Facilities."

1987

- On January 10, 1987, HB 1875 (70R) was passed to regulate OSSFs statewide.

1989

- On September 1, 1989, HB 2136 (71R) reorganized Title 5, Sanitation and Environmental Quality, Subtitle B, Solid Waste, Toxic Chemicals, Sewage, Litter and Water, to numerous new Chapters in the THSC. THSC Chapter 366, concerning On-Site Sewage Disposal Systems, was created, which became effective on September 1, 1989. The TDH was the state agency still charged with regulating OSSFs.

1992

- On March 1, 1992, the environmental health responsibilities of the TDH were transferred to the Texas Water Commission, which included all responsibilities under the current OSSF laws and regulations. A ten-dollar fee charged for every OSSF permit in Texas was established with fees

collected and grants awarded by Texas On-Site Wastewater Treatment and Research Council (TOWTRC).

1993

- On August 30, 1993, the legislature passed SB 1042 (73R) which modified portions and added to the 1987 law and sections of THSC Chapter 366 that authorized administrative and civil penalties.
- On September 1, 1993, the Texas Water Commission was combined into a new agency, the Texas Natural Resource Conservation Commission (TNRCC). TNRCC was charged with regulating OSSFs.

2002

- On July 31, 2002, the OSSF 30 TAC Chapter 285 Regulations were revised to address HB 2912 (77R) prior to the adoption date of July 10, 2002. This rule update resulted in the addition of one amendment and one new subsection. This version of the OSSF regulations required a licensed Soil/Site Evaluator as of September 1, 2002.

2011

- TOWTRC was ended by the legislature by HB 2694 (82R). Duties previously performed by TOWTRC were transferred to TCEQ. The bill requires revenue for the Texas Onsite Wastewater Treatment Council fee be deposited to the Water Resource Management Account #153.

2017

- HB 2771 (85R) passed, requiring TCEQ to award competitive grants using the account holding the \$10 OSSF fees and TCEQ created the On-Site Sewage Research Advisory Council.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

- TCEQ has delegated OSSF regulatory authority to 354 local governmental entities, known as AAs.
- Over the last fiscal three years (FY 2019, FY 2020, and FY 2021), on average 41,000 OSSF permits were issued annually in Texas. Of these permits, approximately 40,000 were issued by local governmental entities.
- AAs are required to have a licensed Designated Representative (DR) to facilitate the local program, in accordance with 30 TAC Section 285.62(1).
- DRs are required to ensure only individuals with an appropriate OSSF license perform installation or maintenance of an OSSF, as per 30 TAC Sections 285.61(1) and 285.62(9).

Number of On-Site Sewage Facility Delegated Authorities by Type

Fiscal Year	Counties	Cities	Districts*	Total
FY 2010	192	124	18	334
FY 2011	192	125	19	336
FY 2012	192	127	19	338
FY 2013	192	129	21	342
FY 2014	192	130	21	343
FY 2015	192	130	19	341
FY 2016	191	131	19	341
FY 2017	191	132	19	342
FY 2018	193	132	19	344
FY 2019	195	132	19	346
FY 2020	195	134	19	348
FY 2021	196	138	20	354

* Districts defined as: fresh water supply districts, river authorities, municipal water authorities, health districts, water supplies, and water control and improvement districts

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The primary functions of the OSSF program include implementation on three levels: central administration, regional and authorized agent oversight; and compliance determinations.

Central Administration:

- Review and approve proprietary products for use on OSSF system design;
- Provide technical review and assistance on non-standard OSSF system designs;
- Review and approve AA applications;
- Provide training for AA staff and Designated Representatives (DRs);
- Provide technical assistance to the regulated community;
- Provide administrative and technical assistance to regional staff and AA;
- Coordinate and administer the OSSF research grant program (HB 2771 85R) and THSC Chapter 367); and
- Administer and manage OARS. AAs submit monthly activity reports to TCEQ through OARS. TCEQ also collects fees submitted by AAs in accordance with THSC Chapter 367.

Regional Office Programs:

- Conduct annual audits or reviews of AAs to ensure AAs have properly implemented an OSSF program for their jurisdictions;
- Issue permits for OSSF systems within TCEQ jurisdiction;
- Perform installation inspections to ensure systems are constructed and installed in accordance with 30 TAC Chapter 285 requirements;

- Perform complaint investigations;
- When violations are identified, prepare an administrative enforcement referral for public health and nuisance violations, or violations of OSSF regulatory program requirements. TCEQ's Enforcement Division may pursue administrative remedies pursuant to TWC Chapter 7, or refer a matter to the Office of the Attorney General (OAG) for civil enforcement in accordance with THSC Section 343.011 and Chapter 366 Subchapter F;
- Perform development plan reviews to ensure compliance with regulations; and
- Ensure maintenance and reporting requirements for advance treatment systems are performed as required.

Authorized Agent Programs:

- Issue permits for OSSF systems;
- Perform installation inspections to ensure systems are constructed and installed in accordance with 30 TAC Chapter 285 requirements;
- Perform complaint investigations;
- File enforcement action with the appropriate local court for violations cited;
- Perform development plan review(s) to ensure compliance with local and state regulations;
- Submit monthly reporting of OSSF activities through OARS; and
- Ensure maintenance and reporting requirements for advance treatments systems are performed as required.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

On-Site Sewage Facility Program Funding Sources

Account	Account Title	FY 2020 Expended
0153	Water Resource Management Account - Dedicated	\$119,405

The program is funded in the Water Resource Permitting Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Certain local governmental authorities (e.g., counties, cities, river authorities, health districts, and water districts) are authorized by TCEQ to regulate and manage OSSF programs within their jurisdiction, performing the same functions as TCEQ except for licensing and imposing administrative penalties. AAs may also implement more stringent standards for an OSSF within their jurisdiction.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

At the request of a local governmental authority, TCEQ may delegate administration and enforcement of OSSF rules. Delegation prohibits TCEQ from taking independent action on specific cases in the jurisdiction of that authority. However, TCEQ conducts annual audits or reviews of the local program to ensure it is

managed in accordance with statutes and 30 TAC Section 285.12. An AA's order, ordinance, or resolution may be revoked for failure to implement, administer, or enforce THSC 30 TAC Chapter 285, or its order, ordinance, or resolution. An authorized agent may relinquish their delegation as allowed by 30 TAC Section 285.10(d). For any area where such delegation has not occurred, TCEQ enforces the OSSF rules.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Please refer to Q and I.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

The program awards competitive grants to support applied research and demonstration projects regarding on-site wastewater treatment technology and systems. Projects are selected by six-person panel consisting of two TCEQ employees and four other individuals.

The applied research and demonstration projects are applicable to wastewater treatment technology and systems in the State of Texas that are directed toward improving the quality and reducing cost of wastewater treatment, including wastewater reuse. Eligible grant recipients are accredited colleges and universities in Texas, other governmental entities, and acceptable public or private research centers.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

OSSF systems in Texas serve single-family homes, schools, churches, restaurants, apartments, condominiums, RV parks, manufactured home communities, and other structures. Proper construction and maintenance of OSSF systems are essential for the protection of water in the state, as defined in TWC Section 26.001. OSSF systems are an invaluable source for recharge of groundwater supplies. Through development of better OSSF treatment methods and with the ability to reuse treated wastewater, OSSF systems are helping provide additional ways to reduce the demand on the limited water supply in Texas.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	16,123	17,250
Total number of entities inspected	1,409	1,551
Total number of complaints received from the public	184	159
Total number of complaints initiated by agency	170	149
Number of complaints pending from prior years	8	12
Number of complaints found to be non-jurisdictional	1	0
Number of jurisdictional complaints	183	159
Number of jurisdictional complaints found to be without merit	73	63
Number of complaints resolved	169	160
Average number of days for complaint resolution	117	131
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
Other	115	101
• NOV		

Clean Water Certification Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Clean Water Certification Program

Location/Division: Austin Headquarters / Program Support and Environmental Assistance Division

Contact Name: Kristi Mills-Jurach, P.E., Assistant Director, Office of Compliance and Enforcement

Statutory Citation for Program: Texas Water Code (TWC) Section 26.044.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Clean Water Certification Program (CWC) manages the self-certification of marine sanitation devices (MSDs) and boat pump-out stations (POSS) through the collection of fees and the issuance of Clean Water decals for boat owners to affix to their vessels. The regulations prohibit the discharge of treated or untreated boat sewage into waters in the state, require permanently installed MSDs on certain boats, and require the certification of MSDs and POSSs. The program's goal is reducing sewage discharges into waters in the state from boats and sewage POSSs.

As defined under the provisions of TWC Chapter 26, TCEQ is authorized to administer the certification of MSDs and boat POSSs and Texas Parks and Wildlife Department (TPWD) may enforce the certification requirements. The rules allow TCEQ to delegate its authority to local governments or other state agencies to perform the certification functions. Fees collected by the delegated entity are retained by the entity.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target*	FY 2020 Actual Performance	FY 2020 % of Annual Target
Marine Sanitation Devices	N/A	1949	N/A
Pump Out Stations	N/A	52	N/A

*There are no performance targets for the Clean Water Certification Program. Certifications are issued on-request and there are no investigations; complaints are referred to TPWD.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the Clean Water Certification Program.

1985

- The program was created for the purpose of reducing sewage discharges into water in the state from boats and sewage pump-out stations. The program was delegated to the Texas Water Commission when the Texas Department of Water Resources was reorganized in 1985.

2009

- SB 2445 (81R) amended TWC Sections 26.044 and 26.045 by revising the definition for the term "boat;" adding definitions for "boat pump-out station," "shoreside, mobile, or floating installation," and "surface water in the state" and by changing the frequency for renewal of certifications for pump-out stations from annual to biennial.

2010

- The boat sewage rules in Title 30 Texas Administrative Code (30 TAC) 321 Subchapter A were repealed and readopted on November 5, 2010. The readopted rules incorporated the changes required by SB 2445.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The CWC requires owners of boats with MSDs and owners of POSs to obtain a decal, self-certifying the MSD or POS is operating properly to prevent the discharge of sewage into Texas waterways. A total of 1,949 MSDs and 52 POSs have been certified. These registrations were required to be renewed by January 1, 2021, for the 2022-2023 biennial period.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Owners of boats with MSD or POSs are required to obtain a CWC decal and register their information through TCEQ's Single-Use Non-Cross Media Electronic Reporting Rule (CROMERR) Submission System (SUNSS). The on-line application for SUNSS access can be found at TCEQ's [CWC homepage](#). Registrations are either initial registrations or renewal registrations. Provided information enables the CWC coordinator to produce decals, which are printed in batches and mailed to the POS owners. The owners are required to apply these decals to their vessel or station.

The CWC coordinator provides technical assistance to customers and provides assistance with the registration process. Because all decals expire at the end of a biennium, the coordinator conducts the renewal cycle, which involves outreach to registered owners to inform them to re-register their vessels or stations with TCEQ to meet deadlines.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Clean Water Certification Program Funding Sources

Account	Account Title	FY 2020 Expended
0153	Water Resource Management Account - Dedicated	\$17,680

The program is funded in the Water Resource Permitting Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

As defined under the provisions of TWC Chapter 26, TCEQ is authorized to administer the certification of MSDs and boat POSs; TPWD may enforce the certification requirements. The rules allow TCEQ to delegate its authority to local governments or other state agencies wishing to perform certification functions. Fees collected by the delegated authority are retained by the entity. TCEQ collects and administers fees, and the TPWD oversees compliance and enforcement. Under the authority granted to the CWC, the agency can delegate program oversight and application processing to any local governmental entity wishing to perform the certification functions.

There are currently no delegated CWC programs. The Brazos River Authority (BRA) was granted authority on December 13, 2004, and had authority rescinded, at the request of the BRA, on March 21, 2018. The San Jacinto River Authority was granted authority on February 23, 1994, and had authority rescinded at the authority's request on April 10, 2018, due to lack of activity.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TPWD has the authority to enforce the regulations in 30 TAC Chapter 321 Subchapter A. Many of the vessels required to have marine sanitation devices and boat pump-out stations certified by TCEQ must also be registered with the TPWD.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ is authorized to administer the certification of MSDs and boat POSs. The TPWD may enforce the certification requirements, as well as violations of 30 TAC Chapter 321 Subchapter A.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Clean Water Certification. A boat owner with an on-board toilet, marine sanitation device or MSD, is required to obtain a boat registration through TPWD and a toilet sticker through TCEQ. Two different agencies for one boat. In addition, most boat owners have little, if any, interaction with our agency. The enforcement authority for TCEQ rules concerning the disposal of sewage from boats is in Texas Parks and Wildlife Code Section 31.129. This statute allows for a game warden or peace officer who is certified as a marine safety enforcement officer to enforce TCEQ rules concerning the disposal of sewage from boats. If a complaint is received regarding noncompliance with the boat sewage disposal regulations, TCEQ refers the complaint to the TPWD. The management of the Clean Water Certification program by two different agencies presents a customer service issue because the boat owner with a MSD needs to make two separate transactions, with two different agencies, for two registrations (one for the boat and another for the MSD). Most of the CWC regulated community does not interact with TCEQ outside of this program.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The regulations protect water quality by prohibiting the discharge of treated or untreated boat sewage into waters in the state, require permanently installed MSDs on certain boats, and require the certification of MSDs and POSs. The program's primary function is the issuance of the Clean Water decals and referring complaints regarding potential noncompliance with 30 TAC Chapter 321 Subchapter A, to TPWD. If there

are allegations of noncompliance with any other TCEQ regulations, staff will forward to the appropriate TCEQ region for follow-up.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	6,293	6,598
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	N/A	N/A
Total number of complaints initiated by agency	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	N/A	N/A
Number of jurisdictional complaints	N/A	N/A
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	N/A	N/A
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
Other	N/A	N/A
• NOV		

Small Business and Local Government Assistance Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Small Business and Local Government Assistance

Location/Division: Austin Headquarters / Program Support and Environmental Assistance Division

Contact Name: Kristi Mills-Jurach, P.E., Assistant Director, Office of Compliance and Enforcement

Statutory Citation for Program: Section 507 of the 1990 Federal Clean Air Act Amendments; Texas Water Code (TWC) Section 5.135.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Small Business and Local Government Assistance (SBLGA) Section provides confidential compliance assistance on air, water, and waste regulations to small businesses and small local governments. Major activities are described below.

Federal and state laws require TCEQ to provide compliance assistance to small businesses and the agency also offers this service to small local governments. This service is confidential, except when there is an imminent threat to the environment or when the assistance is a direct result of a referral by an enforcement arm of the agency. By keeping assistance confidential, and separate from enforcement, the agency encourages entities to seek assistance and achieve compliance. SBLGA offers compliance assistance through:

- direct on-site assistance;
- a toll-free hot line and a dedicated email box answered by its staff;
- active participation on agency rule, standard permit, and general permit teams;
- compliance workshops and webinars;
- regulatory updates via GovDelivery email and text messaging service;
- regulatory guidance development; and
- advisory committees.

Section 507 of the 1990 Federal Clean Air Act (CAA) Amendments require all states to implement a program to help small businesses comply with all facets of the CAA, employ an ombudsman to represent small-business interests before the state environmental regulatory agency, and convene a Compliance Advisory Panel (CAP) comprised of individuals that advise the agency on the concerns and interests of small businesses. The state equivalent to that statute is TWC Section 5.135, which requires that compliance assistance be provided across all environmental media, including air programs.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The effectiveness of this program is demonstrated through positive feedback submitted by customers via the customer service surveys, which are administered by the External Relations Division. In addition, surveys submitted by attendees of the various compliance assistance workshops and webinars are generally overwhelmingly positive. Refer to Section II Key Functions and Performance, Question K, Exhibit 2. SBLGA activities are reported under the Performance Measure: number of small businesses and local governments assisted.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

SBEA was created in 1999 by merging multiple assistance programs. SBEA was composed of the former Office of Pollution Prevention and Recycling, the Small Business Assistance Program, and the Local Government Assistance Program. At the same time, the agency deployed more assistance resources to TCEQ regional offices. (see Attachments for TCEQ's Area and Regional map with SBLGA compliance specialists).

In 2009, TCEQ created the rural ombudsman position to act as the primary liaison between TCEQ and small local government representatives, and rural community staff members

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

For compliance-assistance purposes, a small business is defined as a regulated business with 100 or fewer employees statewide, and a small local government is defined as a city with a population of 50,000 or fewer, a county with 100,000 people or fewer, or a school district with a student population of 100,000 or fewer. SBLGA does not use any monetary threshold for defining these entities. Assistance is available based solely on size. Most businesses and governments served are very small—for example, businesses with fewer than 20 employees. The program provides direct one-on-one assistance to approximately 7,900 businesses and governments on average per year. Of these, approximately 18% are Local governments and 82% are small businesses:

- 18% local governments;
- 29% small businesses with less than 20 employees;
- 7% small businesses with 21-100 employees;
- 2% small businesses with 101-250 employees;
- 1% small businesses with 251-500 employees;
- 2% >500 employees;
- 6% environmental consultants;
- 3% new business inquiries;
- 7% private citizens; and
- 25% undetermined/ or anonymous.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The section has employees located both in the central office and the regions. There is at least one staff member in 15 of the 16 regional offices who is available to assist regulated entities one-on-one, including on-site. More populous regions, including Houston, Dallas-Fort Worth, and San Antonio, have multiple SBLGA personnel.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Small Business and Local Government Assistance Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$44,965
0151	Clean Air Account - Dedicated	N/A	N/A	\$493,843
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$358,522
0549	Waste Management Account - Dedicated	N/A	N/A	\$488,439
0555	Federal Funds	66.805	Leaking Underground Storage Tank Trust Fund Program	\$785,557
0655	Petroleum Storage Tank Remediation Account - Dedicated	N/A	N/A	\$228,220
5094	Operating Permit Fees Account- Dedicated	N/A	N/A	\$115,674
TOTAL				\$2,515,220

The program is funded in the Enforcement and Compliance Support Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

EPA is also required to have a small business assistance program and ombudsman (CAA Section 507 Amendments). The EPA counterpart is known as the asbestos and small business ombudsman. The program has some similarities to its state counterparts, but important differences as well.

The program is similar because there is an ombudsman, a national-level CAP, and a compliance-assistance hot line. The program also advocates on behalf of small businesses within EPA. The national program also helps disseminate information among all of the state programs for small-business assistance.

The program is different because it serves more as a clearinghouse of information to state programs and less as a direct compliance-assistance. Direct on-the-ground assistance, and the degree to which it is performed, is left to the states. Further, the guidance documents it creates are based solely on federal rules.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Because of the different natures and products of the programs, there is no duplication of effort. Coordination is achieved through participation in meetings with EPA and other state programs. The state has also participated in national conferences with EPA and other programs as resources have allowed. All states also must report their activities annually to EPA.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The section assists local units of government with compliance assistance and technical matters. Additionally, the agency created the rural ombudsman position in 2009 to act as the primary liaison between TCEQ and small local government representatives, and rural community staff members.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The contracts executed between TCEQ and Emerald Environmental Services, LTD., is for the provision of environmental compliance site visits of facilities with USTs that have made a request to TCEQ to provide environmental compliance education and site visits at facilities within Hurricane Harvey affected counties. The contractor is required to assist with conducting educational workshops for PST facilities at the request of TCEQ. Additionally, there was a contract to remove an Underground Storage Tank, and an expenditure to analyze an e-coli sample through a laboratory.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$1,004,728.

- **the number of contracts accounting for those expenditures;**

Two contracts.

- **the method used to procure contracts;**

These contracts were competitively bid through the request for proposal process and the purchase was completed through TCEQ purchasing process.

- **top five contracts by dollar amount, including contractor and purpose;**

Small Business and Local Government Assistance Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-18-80025	Emerald Environmental Services, LTD.	Small Business Site Visit and Compliance Education Assistance Program	\$986,448
582-18-14510	EE and G	Contractor to remove underground storage tank (UST)	\$18,280

- **the methods used to ensure accountability for funding and performance; and**

Each contract is monitored by a contract manager to ensure expenditures do not exceed the contract amount and the work is performed in accordance with contract requirements before payments are approved. Separate division personnel audit contractor performance to verify costs and work product.

- **a short description of any current contracting problems.**

The program experienced no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

Edwards Aquifer Protection Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Edwards Aquifer Protection Program

Location/Division: Austin Headquarters, San Antonio Regional Office, and Austin Regional Office / Central Texas Regional Area

Contact Name: David Van Soest, Interim Director, Central Texas Area

Statutory Citation for Program: Clean Water Act (CWA) Section 33; United States Code (USC) Sections 1311 and 1319; Texas Water Code (TWC) Sections 26.046 and 26.0461.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Edwards Aquifer is a source of drinking water for over two million people including the city of San Antonio and surrounding Central Texas communities. The aquifer is a karst aquifer covered in fractures, caves, sinking streams, and sinkholes that are direct conduits to the aquifer from the surface. The Edwards Aquifer Protection Program (EAPP) regulates activities having the potential to pollute the Edwards Aquifer and hydrologically connected surface streams in order to protect existing and potential uses of groundwater and maintain Texas Surface Water Quality Standards. The program implements federal and state statutes and Title 30 Texas Administrative Code (30 TAC) Chapter 213.

The EAPP conducts an administrative and technical review of applications for regulated activities located in the recharge, transition or contributing-zones of the aquifer. These activities include construction, clearing, excavation, sewage collection, underground and aboveground storage tanks, or anything altering the topography of a site or having the possibility to contaminate the aquifer and connected surface waters. Plans are for pre-construction authorization for certain regulated activities in the following zones:

- Recharge and Contributing – Residential and non-residential or commercial development;
- Recharge and Transition – Installation of underground and above-ground storage tanks; and
- Recharge only – Sewage collection systems.

Eight counties are affected by the regulations: Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson. The regulated area of the aquifer covers approximately 3,580 square miles and includes portions of the eight counties sharing the aquifer's recharge, contributing, and transition zones. Staff based in the Austin and San Antonio regional offices are managed out of the Austin Regional Office. They are responsible for:

- review and approval of standard applications;
- review and approval of optional enhanced measures;
- review and approval of innovative technology use and evaluation;
- protection of sensitive geologic features;
- performance of initial site assessments prior to construction; and
- performance of compliance investigations.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The following performance measures are reported in Section II, Exhibit 2.

- Number of applications to address water quality impacts reviewed;
- Number of investigations of water sites and facilities;
- Number of citizen complaints investigated; and
- Average days from air, water, or waste investigation to report completion.

Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Plans Approved	N/A	781	N/A
Plans Withdrawn	N/A	15	N/A
Plans Denied	N/A	2	N/A
Plans Expired	N/A	1	N/A

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The following history highlights significant actions directly affecting the EAPP.

1959

- The legislature created the Edwards Underground Water District. The district supplied maps previously unavailable and assisted licensing authorities.

1970

- The Texas Water Quality Board issued the first regulations for the protection of the aquifer recharge and buffer zones. The first counties affected were Kinney, Uvalde, Medina, Bexar, Comal, and Hays. Sources of pollution, such as underground storage tanks, above-ground storage tanks, and sewer lines, were regulated.

1974

- Water-pollution abatement plans were first required.

1977

- The installation of new underground storage tank sites had to be approved prior to construction. The sites were required to have double-walled tanks and piping as well as a method of leak

detection. These standards were in advance of the statewide regulations on underground storage tank systems and first went into effect in 1989.

1984

- Water-pollution abatement plans were required for regulated developments including residential, commercial, and industrial. A Geologic Assessment (GA) was required for housing developments with 100 or more family living units, and non-residential developments greater than five acres. Also, ongoing testing requirements for sewer lines were established.

1986

- Upon petition, construction activities in portions of Williamson County became regulated.

1988

- Fees were assessed for all types of development. These one-time fees cover the review of the protection plans as well as inspections during and after construction. The money is used to support program efforts.

1990

- Construction in portions of Travis County was first regulated.
- GA requirements for residential developments were decreased to 25 or more units, plus notification of recharge features was made mandatory.

1996

- GA required for all new, regulated developments except residential sites less than 10 acres.

1997

- The schedule of fees was increased by the legislature.

1999

- Significant rule changes went into effect. The changes included a design performance standard for permanent best management practices. The standard applies to water quality systems used for stormwater treatment. The rules also require engineers to certify the construction of the systems and to ensure maintenance of these systems. The 1999 rule changes brought the contributing-zone into regulation. Regulated activities are those having the potential for polluting surface streams crossing the recharge zone, including large construction projects and installation of petroleum storage tanks.

2001

- TCEQ began distributing contributing-zone plans to affected municipalities, counties, or groundwater conservation districts according to HB 2912 (71R), which added TWC Section 26.137, mandating a 30-day public comment period for the applications. Also, as a result of HB 2912 Bill,

TWC Section 26.051 was added requiring the agency to prepare reports of annual expenditures of funds related to the EAPP.

2013

- Senate Bill 59 (83R) repealed TWC Section 26.051. Program administration expenditure reports that summarized the annual costs to implement the EAPP were no longer required to be compiled, prepared, and submitted to the legislature.

2018

- The EAPP implemented electronic notice of pending plans to affected incorporated cities, groundwater conservation districts, and counties in which the proposed regulated activity will be located. Additionally, the pending plans are also available on TCEQ's EAPP webpage.
- GAs included in applications expire 10 years after the GA's original certification date.

2020

- Streamlined application forms were made available for roadway projects.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

EAPP designs are required to be sealed by a professional engineer licensed by the Texas Board of Professional Engineers. If a plan requires submittal of a GA, this assessment is required to be sealed by a professional geoscientist licensed by the Texas Board of Professional Geoscientists. Void mitigation plans may be submitted by either a professional engineer or professional geoscientist, depending upon the regulated activity. Because EAPP submittals are on-demand activities, a statistical breakdown of persons affected is not available.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

EAPP staff conduct administrative and technical reviews of all plan applications. A plan must be declared administratively complete or deficient within 30 days of receipt as outlined in 30 TAC Chapter 213.

After a plan is deemed administratively complete, the plan is provided to affected incorporated cities, groundwater conservation districts, and counties in which the proposed regulated activity will be located. The plans are also made available on TCEQ's EAPP webpage and any person can file comments within 30 days of the date that the application is mailed to local governmental entities.

The plans are reviewed for technical completeness in accordance with 30 TAC Chapter 213 and program technical guidance including temporary best management practices (BMPs), permanent BMPs, and total suspended solids reduction calculations.

Per 30 TAC Chapter 213, plans must be completely reviewed within 90 days of the date of administrative completeness. Plans can be issued, withdrawn, denied, or expired.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Edwards Aquifer Protection Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$1,399,746
0555	Federal Funds	66.605	Performance Partnership Grants	\$56,761
0666	Appropriated Receipts	N/A	N/A	\$78,350
TOTAL				\$1,534,857

The program is funded in the Field Inspections and Complaints Strategy and the Water Resource Permitting Strategy.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Local Governments. Some local municipalities, through their approved ordinances, have restrictions or guidance the same as, or similar to, TCEQ rules in regard to development over the Edwards Aquifer. While these local ordinances are required to be met by a regulated entity, they are not incorporated into or recognized by TCEQ's EAPP. Local municipality authorization is separate and apart from any TCEQ authorization. Differences can include preferences in the type or removal efficiency of BMPs and other types of restrictions such as land clearing and or wildlife restrictions and ordinances.

TCEQ Water Quality Division. The Water Quality Division regulates construction activities under a Construction General Permit (CGP) if one acre or more of soil is disturbed. If disturbance occurs in a county regulated by TCEQ's EAPP, the entity must also obtain an EAPP authorization. Temporary BMPs listed in the CGP Stormwater Pollution Prevention Plan may be replicated in EAPP submittals.

TCEQ Water Availability Division (WAD). WAD maintains official maps of the Edwards Aquifer Recharge, Transition, and Contributing Zones. WAD also maintains the [Edwards Aquifer Map Viewer](#). This interactive map viewer allows users to view the areas of Texas subject to regulation by TCEQ under the EAPP.

During review of an EAPP plan located in the Recharge or Transition Zones, TCEQ regional office staff conduct an on-site assessment to review and identify any geologic features and may initiate an investigation if regulated activity has commenced. An on-site assessment does not occur prior to CGP issuance however, as these are issued automatically through the State of Texas Environmental Electronic Reporting System (STEERS).

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The EAPP does not recognize ordinances or requirements from local governments. Local authorization is separate and apart from TCEQ authorization.

TCEQ's website informs customers any applicable EAPP requirements are *in addition to* other TCEQ water quality permitting requirements. The EAPP also implements several ways in which customers can ask questions or get clarification on plan requirements, including dedicated Regional employees available to take calls each day, and an EAPP electronic mailbox monitored by the program staff.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program has a contract agreement with the Texas Department of Transportation (TxDOT) for expedited plan review with a primary program staff member for road and bridge infrastructure projects. The contract was developed as an Interagency Agreement under Government Code Chapter 771 and had a FY 2020 income of \$71,350. This agreement resulted in 11 plans being approved in FY 2020 with an average completion time of 50 days, well within the required 90-day issuance timeframe in 30 TAC Chapter 213.

Additionally, the program has a concurrence letter with the U.S. Fish and Wildlife Service (USFWS). The USFWS issued letters on September 4, 2007, to the Governor of Texas and TCEQ that concurs the EAPP authorization program with enhanced water control measures addresses known threats to the species identified by USFWS. The concurrence is not a delegation of the USFWS responsibilities under the Endangered Species Act but rather an acknowledgment the program meets the USFWS standards.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

The program contracts with the University of Texas' Bureau of Economic Geology (BEG) for the revision and update of the program's technical guidance manual, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (RG-348), and the total suspended solids removal calculation spreadsheet. The contract is procured as an Interagency Agreement through Chapter 771 of the Government Code and as a grant under TWC Section 5.124.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

The objective of the EAPP is explained above in Question B. Regulation is needed so the Edwards Aquifer and hydrologically connected surface streams remain protected for Texans today and in the future as the Edwards Aquifer is the primary source of drinking water for over two million people in Central Texas.

If non-compliance with an EAPP plan is found during a site assessment, the entity will be investigated under standard Office of Compliance and Enforcement investigation protocols and any violations will be documented and addressed per TCEQ's Enforcement Initiation Criteria. Additionally, complaints filed against an EAPP plan holder are investigated per TCEQ's Complaints Process.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	9,995	10,262
Total number of entities inspected	669	619
Total number of complaints received from the public	95	39
Total number of complaints initiated by agency	61	42
Number of complaints pending from prior years	7	13
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints	95	39
Number of jurisdictional complaints found to be without merit	34	17
Number of complaints resolved	52	38
Average number of days for complaint resolution	97	282
Complaints resulting in disciplinary action:	23	21
administrative penalty	\$136,804	\$153,302
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
Other	27	28
• NOV		

Field Operations Program

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Field Operations Program

Location/Division: Austin Headquarters / Office of Compliance and Enforcement

Contact Name: Randy Ammons, Director, North Central and West Texas

Statutory Citation for Program: TCEQ regional offices are responsible for monitoring compliance across nearly every program within the jurisdiction of TCEQ. Generally, Texas Water Code (TWC) Chapter 7 grants TCEQ authority to enforce statutes, rules, orders, permits, or other decisions of TCEQ. There are other program-specific citations referenced throughout this response.

B. What is the objective of this program or function? Describe the major activities performed under this program.

TCEQ's Field Operations Program consists of 16 regional offices and one satellite office located throughout the state and the Program Support and Environmental Assistance Division (PSEAD) located in TCEQ's central office. The regional offices are divided into four areas including the: Border and Permian Basin, Coastal and East Texas, Central Texas, and North Central and West Texas (see Attachments for Area and Regional map). The areas are managed by four area directors who ensure the regions are functioning pursuant to established policies and procedures. The major activities performed by TCEQ regional offices include:

- conducting investigations at regulated entities across the state to determine compliance with applicable air, water, and waste rules and regulations;
- investigating environmental complaints based on information from Texas residents, organizations, or other concerned parties;
- addressing violations documented during investigations through written notices of violation (NOVs) or development of formal enforcement referrals;
- monitoring the quality of ambient air, surface water (rivers, lakes, and bays), and public drinking water;
- overseeing and ensuring compliance with water rights regulations and allocating the limited water resources in certain designated areas of the state when drought conditions exist; and
- responding to environmental emergencies including natural disasters statewide as needed.

The PSEAD supports the regional offices through the following functions:

- Development, coordination, and implementation of statewide region support including annual investigation workplans, investigator training events, special initiatives, data and webpage maintenance, and responding to complaints, and public information requests;
- Coordination with, and reporting to, the EPA and the LBB; and
- Provide multi-media program guidance and technical assistance to TCEQ staff, the regulated community, and the public. TCEQ regulatory areas to which regional and PSEAD staff provide compliance and technical assistance include: public water supply; air quality; emissions events; Surface Water Quality Monitoring programs; industrial and municipal wastewater; petroleum storage tanks; concentrated animal feeding operations; industrial and hazardous waste;

municipal solid waste; outdoor burning; pretreatment; sludge; Stage II Vapor Recovery (Stage II); emergency response; aggregate production operation; water rights; stormwater; and Tier II Chemical Reporting Program (Tier II).

The following additional PSEAD programs are described in separate SER sections:

- Small Business and Local Government Assistance;
- On-site Sewage Facility (OSSF) Program;
- Landscape Irrigation Program; and
- Clean Water Certification Program.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The following performance measures are reported in Section II, Exhibit 2.

- Number of investigations of air sites;
- Number of investigations of water sites and facilities;
- Number of investigations of waste sites;
- Number of emission events investigations;
- Number of citizen complaints investigated;
- Number of spill cleanup investigations;
- Average days from air, water, or waste investigation to report completion;
- Number of applications to address water quality impacts reviewed;
- Number of applications to address water rights impacts reviewed; and
- Number of drinking water samples collected.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

2010

- Closure of Amarillo Region satellite office in the City of Perryton. The Perryton satellite office was set up to provide quicker response to odor complaints allegedly associated with corporate hog farms located in the area. By 2010, the number of complaints had declined to the level the Perryton office was no longer necessary and could be handled out of the Amarillo office.

2011

- House Bill (HB) 571 (82R), added a requirement in Texas Water Code (TWC) Chapter 28A for the registration and investigation of certain aggregate production operations (APOs). TCEQ adopted rules implementing HB 571 on June 13, 2012, which are codified in 30 Texas Administrative Code (30 TAC) Chapter 342.
- Expanded Texas Areas from three to four: Border and Permian Basin; Coastal and East Texas; Central Texas; and North Central and West Texas. Expanding the number of areas from three to

four reduced the number of regions each area director oversees. This change allowed the area directors to be more involved in the ongoing functions of their respective regions and be more responsive to media and legislative inquiries.

2014

- To implement federal regulations (40 Code of Federal Regulations (40 CFR) Part 51), TCEQ amended 30 TAC Chapter 115 to specify owners or operators of new gasoline stations are not required to install Stage II equipment, and existing facilities in the current program areas may decommission Stage II equipment. The effective date of EPA's approval of the rule and SIP revisions was April 16, 2014. Beginning May 16, 2014, gasoline stations began the process of removing Stage II equipment. Gasoline stations were required to complete decommissioning activities by August 31, 2018.

2015

- As a result of HB 942 (84R), the Tier II Chemical Reporting Program was transferred from the Department of State Health Services (DSHS) to TCEQ. Regional investigators began conducting investigations of Tier II facilities in the fall of 2015.

2017

- As a result of EPA's Revised Total Coliform Rule (78 FR 10269), Field Operations received eight additional public water supply (PWS) investigators to conduct field validation of corrective actions taken by PWS who had evidence of coliform contamination. These were incorporated into scheduled on-site sanitary surveys.
- HB 2582 (85R) amended TWC Chapter 28A by adding a fifth exemption to the definition of an APO. This excluded the extraction area from which marble or granite material is extracted for decorative or artistic uses and the average amount of riprap removed per year in the preceding 10-year period is less than 1,500 tons.

2019

- The Field Operations Program received eight additional municipal solid waste (MSW) investigators. Prior to receiving the addition investigators, managing the total volume of MSW facilities generally required prioritizing landfill investigations in response to complaints received. The additional eight FTE employees enabled routine comprehensive investigations of active MSW landfills every three years and of inactive or closed MSW landfills as a result of complaints or risk assessment.
- HB 907 (86R) amended TWC Chapter 28A to require TCEQ to investigate APOs every two years during the first six years in which the APO is registered, and at least once every three years thereafter. The bill also increased the maximum annual registration fee for APOs from \$1,000 to \$1,500 as well as increased the maximum penalty assessed to an unregistered APO from \$10,000 to \$20,000 for each year the APO operates without a registration. The bill also increased the maximum penalty assessed to an APO operated three or more years without being registered from \$25,000 to \$40,000.

2020

- EPA's coal combustion residuals (CCR) requirements were adopted by TCEQ (30 TAC Chapter 352). The CCR program required additional oversight of certain hazardous waste landfills and the Office of Compliance and Enforcement (OCE) received one additional industrial and hazardous waste (IHW) investigator to coordinate the program.

2021

- As a result of HB 2771 (86R), TCEQ assumed responsibility of the wastewater discharge program for oil and gas facilities previously under the jurisdiction of the Railroad Commission of Texas. The Field Operations Program received four FTE employees designated to conduct field inspections and complaint investigations of regulated entities.
- EPA's Federal Lead and Copper Rule Revision (LCRR) was published on December 22, 2020, and added new requirements for approximately 5,500 public water systems. The proposed rule expands requirements for lead service line inventories and lead service line replacement; establishes a new, lower trigger level for action; strengthens evaluation and implementation of corrosion control treatment; establishes new sampling procedures; updates and shortens timeframes for risk communication requirements; and requires sampling of drinking water outlets at approximately 25,000 schools and childcare facilities. The LCRR implementation requires a significant increase in resources, including staff and a data management system. OCE is allocated an increase of \$1.1 million and five FTE employees for implementation of the Federal Lead and Copper Rule Revision related specifically to field investigations.
- The APO program was originally initiated with four FTE employees to manage an estimated universe of 600 APO entities with an inspection frequency of once every three years. Currently, the universe of APOs is approximately 1,000 and the inspection frequency has been statutorily changed to once every two years. The funded APO FTE employees have not been adjusted upward accordingly in TCEQ appropriations. In addition to scheduled Comprehensive Compliance Investigations (CCIs), investigators also conduct other activities such as complaints, record reviews, violation follow-ups, and annual surveys to identify unregistered APOs. Approximately one-third of APO investigations expand to include multiple TCEQ programs, primarily stormwater. Additionally, HB 907 (87R) increased the frequency of investigations to every two years, resulting in an annual increase of approximately 300 investigations.
- There are large and complex APO sites within Texas that must be accurately identified and their geographic footprint fully documented. APO verified boundary mapping has become necessary due to the complexity of multiple companies and regulated activities occurring within the physical boundaries of large acreage APOs. There can be 20 or more regulated activities occurring concurrently on an APO site. TCEQ needs a comprehensive way to document these activities both locationally within an APO's metes and bounds, and activity-specific based on regulations that control those activities across all TCEQ programs (air, water, waste, and the EAPP).
- TCEQ was provided seven additional FTE employees from the 87th legislature to be placed in the regions with the greatest needs.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The agency regulates almost 723,000 public and private facilities and/or individuals in Texas that affect, or have the potential to significantly affect, the environment. Each year, the regional offices are

responsible for investigating a significant portion of TCEQ's regulated community. Additionally, the regional offices and staff in PSEAD respond to complaints submitted by public citizens and elected officials. Question P provides a breakdown of the investigations by program.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The primary function of the Field Operations Program is to assess compliance of regulated entities, respond to citizen complaints, and evaluate the impact of emergency response events and air emissions events.

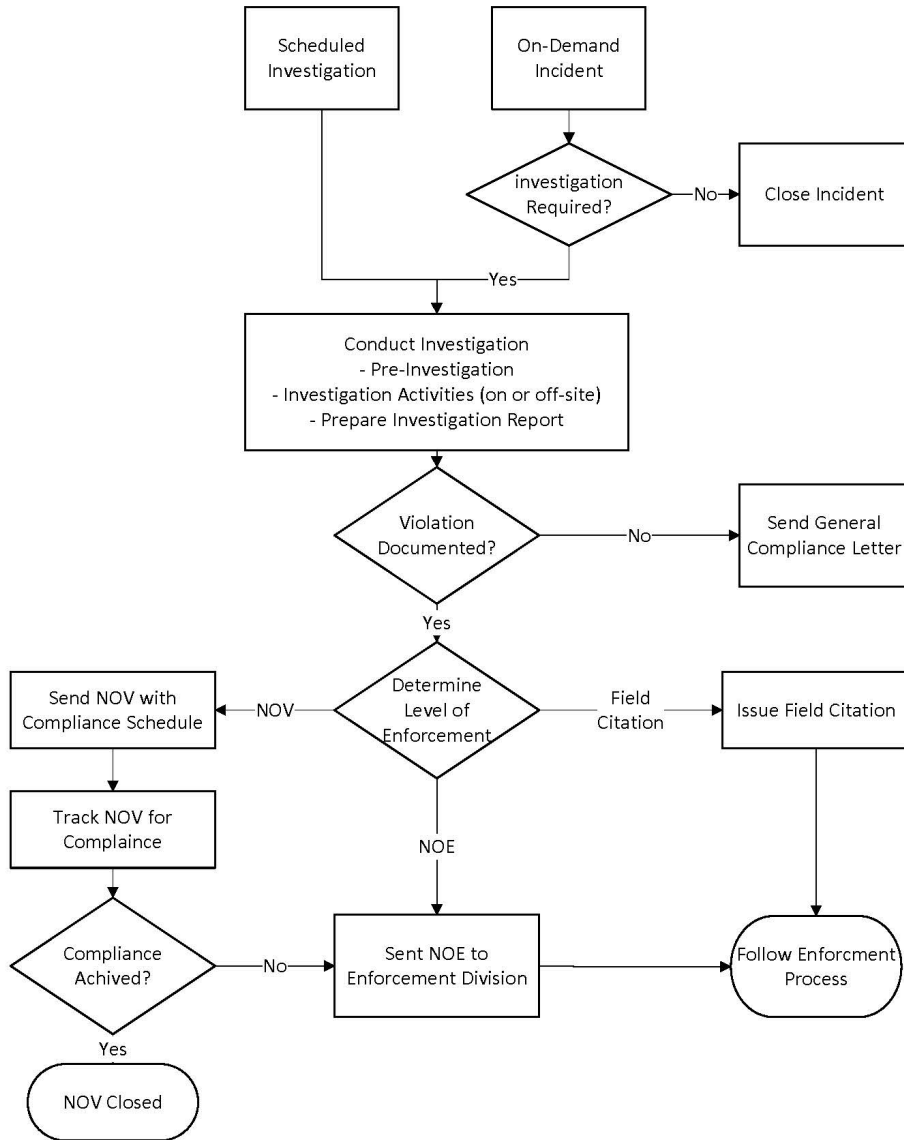
Regional and central office staff conduct investigations to ensure regulated entities comply with applicable environmental rules and regulations through issuance of notices of violations (NOVs), field citations and formal notices of enforcement (NOEs). Where possible, staff work with regulated entities to ensure violations are resolved in a timely manner.

Air/Water Monitoring Programs. Regional offices set up pre-established reconnaissance routes in areas of concern such as the Gulf Coast's industrial ports or near oil and gas refineries where frequent complaints or impacts to ambient air quality monitors are observed. The purpose of these investigations is to identify potential sources impacting air quality in the area for further evaluation and enforcement. Air reconnaissance investigations typically involve the use of handheld air monitoring equipment and optical gas imaging cameras (OGICs) at multiple facilities, particularly those involving an established route.

In addition, Regional Offices conduct fugitive-focused investigations. This is a specialized investigation focusing on volatile organic compound (VOC) leaks and emissions at petrochemical and refining facilities. These investigations typically involve the use of OGICs and handheld air monitoring equipment. The goal is to identify emission sources posing a risk such as leaking components and pinhole leaks and assess compliance with Leak Detection and Repair (LDAR) rules.

The following flowchart illustrates the investigation process.

Investigation Process Flowchart



To maintain consistency across the four areas and the 16 regions, the area directors meet on a weekly basis. In addition to these weekly meetings, the area directors also meet with the PSEAD director to discuss workplan performance, and any inconsistencies across the regions. The regional section managers and regional directors also meet monthly to discuss region issues, directives, and workplan implementation and issues. Additionally, there are standing programmatic committees (Air Investigator, Stack Testing, Edwards Aquifer, Oil and Gas, Water Rights, Aggregate Production Operations, Safety, Solid Waste, Petroleum Storage Tank, Public Water Supply, Stormwater, Water Quality, Surface Water Quality Monitoring, Concentrated Animal Feeding Operations, On-Site Sewage Facility and Emergency Response Committees) comprised of representatives from the regions, a liaison from PSEAD, and a section manager that meets quarterly. Committees are essential for programmatic, technical, operational, administrative, and state-wide coordination. The purpose of these committees is to research and coordinate issues affecting regional staff across the state, then recommend modifications and improvements, which are presented to the steering committee for review and approval by management prior to implementing. The steering committee is comprised of the four area directors and additional OCE deputy directors, as needed.

Developing Workplan. In preparation for each fiscal year, the Field Operations Program's regional and central office personnel develop a workplan to determine the number and types of investigations to be conducted statewide. The workplan is developed to ensure state and federal statutory requirements are being met, specifically the EPA Compliance Monitoring Strategy (air, wastewater, and hazardous waste), Public Water System Sanitary Surveys, the Federal Energy Policy Act (underground storage tanks), and the state aggregate production operation regulations. In addition, other on-demand activities are planned for based on historical annual work performed. Those include investigations of reported emission events (EEs), emergency response, and complaints. Plan development also considers LBB performance measure targets, state and federal funding, federal grant workplan commitments, agency priorities, and regional knowledge of historical issues and concerns. The workplan development also considers the most effective use of investigation resources, such as availability of investigative staff and contractors.

Emissions Events. Emissions must be authorized in Texas, before construction is started on a facility. These authorizations cover routine operations but may also cover certain types of maintenance, startup, and shutdown (MSS) activities. Emissions in excess of permit limits may be caused by emergencies, negligent or intentional acts of the owner or operator, upsets or malfunctions, or unplanned MSS activities. Upsets and unplanned MSS fall within the emissions event program. These are eligible for the affirmative defense if they are reported properly and meet other criteria provided in 30 TAC Sections 101.201 and 101.211. An initial notification with estimated emissions is required within 24 hours of discovery of an emissions event and this may be revised in the final notification due two weeks after the end of the emissions event. After the final notification is received, TCEQ investigates instances of excess emissions and takes enforcement action when appropriate. TCEQ receives and investigates approximately 4,000 events per year, and additional information is available in Chapter 5 of the Annual Enforcement Report. The enabling laws for this program are Texas Health and Safety Code (THSC) Sections 382.0215 and 382.0216, and the reports of emissions events are available on TCEQ's website in the [Air Emission Event Report Database](#).

Conducting Investigations

The Field Operations Program's investigators conduct scheduled investigations, such as planned activities based on workplan development criteria, and on-demand investigations, such as unplanned activities complaints, emissions events, and emergency-response actions. These investigations are further divided into three categories:

- Compliance Investigation—compliance evaluation using established investigation protocol.
- Agent Evaluation—evaluation of the performance of a regulated entity administering a program over which TCEQ has jurisdiction.
- Site Assessment—characterization of site conditions related to an authorization approval or established standard, or to aid in the establishment of a standard.

A Field Operations Program investigation generally requires pre-investigation activities, including reviewing the background file, determining applicable requirements, gathering relevant checklists and publications, and contacting the regulated entity to schedule the investigation, if necessary. Advance notification is not given for certain investigations, such as complaints, for an entity with an unsatisfactory compliance classification and for enforcement follow-up investigations. The investigation includes an entrance interview, review of site records, investigator observations, sampling (if appropriate), and an exit interview. Post-investigation activities include assessment of the information gathered, compliance determinations, assessment of the need for additional site visits or information, an enforcement determination, and documentation of the investigation in writing. Issues identified by investigators that could potentially become violations if not corrected, are noted as additional issues in the investigation reports. Investigation reports and associated information are maintained in the Consolidated Compliance and Enforcement Data System (CCEDS).

PSEAD provides analysis of data for field activities and contributes to various reports provided to internal and external customers. This includes the Annual and Monthly Enforcement Reports, the Biennial Report Appendix A – Assessment of Complaints Received, EPA Performance Partnership Grant reporting, and LBB reporting.

Air/Water Monitoring Programs. Regional offices set up pre-established reconnaissance routes in areas of concern such as the Gulf Coast’s industrial ports or near oil and gas refineries where frequent complaints or impacts to ambient air quality monitors are observed. The purpose of these investigations is to identify potential sources impacting air quality in the area for further evaluation and enforcement. Air reconnaissance investigations typically involve the use of handheld air monitoring equipment at multiple facilities, particularly those involving an established route.

During natural disasters or other emergency events involving regulated entities, regional staff, and agency contractors, if needed, conduct air monitoring and reconnaissance to pinpoint air quality impacts to populated areas. As an event demands, TCEQ investigators also may conduct in-house and field surveys of public water and wastewater systems to assess impacts and aid systems to quickly recover, such as helping with State of Texas Assistance Request (STAR) requests. TCEQ staff guide water systems regarding issuance of boil water notices and work directly with system operators to expedite getting systems back to operational status. Releases of wastewater from sanitary sewers often occur because of flooding and TCEQ actively monitors facilities reporting spills. Simultaneously, TCEQ conduct outreach and provides technical guidance to other wastewater facilities in flood-impacted areas.

Surface Water Quality Monitoring (SWQM). The Field Operations Program’s investigators and aquatic scientists, as part of the SWQM program, collect surface water quality samples, and, in conjunction with the Office of Water, compile data as an integrated evaluation of physical, chemical, and biological characteristics of aquatic systems in relation to human-health concerns, ecological conditions, and designated uses. The SWQM program includes a routine monitoring network, intensive surveys, special studies, and use attainability analyses. The program also coordinates with local governments and river authorities. The SWQM programs encompass a full range of activities required to obtain, manage, store, assess, share, and report water quality information to other TCEQ programs, agency management, other

agencies and institutions, local governments, and the public. This information is used by the agency to make informed decisions and direct limited resources to projects in order to develop water quality standards, identify impacted water bodies, provide early notifications of adverse water quality conditions, set permit limits for discharges, and develop restoration strategies for watershed initiatives. The following sections of the TWC are important to the Surface Water Quality programs and were developed to meet the requirements of the Federal Clean Water Act Section 305(b): TWC Sections 26.011, 26.012, and 26.0135 through 26.036. Additionally, the following state administrative rules apply: 30 TAC Chapter 307, which includes Texas Surface Water Quality Standards, and 30 TAC Sections 290.101 through 121, which includes the Texas Drinking Water Standards.

Drought/Water Rights. TCEQ's Office of Water is responsible for the issuance of water rights permits and amendments to all permits except for some temporary permits. Temporary permits for use of state water for up to 10 acre-feet for one calendar year or less are issued by a regional office or a Watermaster. The areas of the state without a Watermaster rely on regional investigators to enforce water rights regulations. The investigations conducted by region investigators generally begin with a complaint filed with the regional office.

Other water rights duties conducted by the regional offices, particularly during times of drought, include on-site evaluations of priority calls. At any time, a water right holder may submit a priority call to TCEQ if they feel the water appropriated to them is not available. Outside of a Watermaster area, regional staff will respond to the priority call and coordinate with the Office of Water to address the priority call. Regional investigators may also perform stream flow measurements during times of drought which are an integral part of determining the current state of a stream.

Emergency Response (ER). TCEQ is identified as the state's lead agency for the response to all discharges or spills of oil, used oil, petroleum products, hazardous substances, industrial solid waste, or other substances into the environment in a quantity equal to or greater than the reportable quantities defined in 30 TAC Section 327.4 (relating to Reportable Quantities) in any 24-hour period. This authority is derived from TWC Section 26.039, the Texas Hazardous Substances Spill Prevention and Control Act, found in TWC Sections 26.261-26.268, and THSC Section 361.024.

TCEQ ER encompasses TCEQ's OCE staff within TCEQ regional offices, Program Support Section, and Critical Infrastructure Division (CID). Structure of the ER program differs from region to region based on personnel, resources available, and the historical number of ER events in the region. Regardless of regional program structure, each region is required to maintain 24-hour capability to respond to incidents. Each region is also required to have an ER coordinator assigned to provide oversight for ER within the region and coordinate with management for staffing and ER duties. Extensive training is required for all ER staff. This includes training in agency- and job-specific duties, the federally required Incident Command System (ICS) program, health and safety protocols, equipment competence, real-time drills, and tabletop exercises.

The CID's role in the ER program is described in a separate SER section.

Complaint Handling. TCEQ places a high priority on response to citizen complaints. TCEQ encourages and receives important information and evidence from Texas citizens and this enhances the agency's ability to evaluate compliance of regulated entities. TCEQ evaluates all complaints received. If an individual has an environmental concern, they may contact the agency through our complaint hotline or file a complaint using an online form. In addition, the status of complaints may be tracked on TCEQ's website. If TCEQ receives a report of an imminent threat to health or to the environment, the agency will respond as soon

as possible, but no later than 24 hours. Complaints within TCEQ's jurisdiction are assigned a priority with corresponding investigation timelines based on the information given during the initial contact with the complainant. TCEQ investigators conduct complaint investigations in accordance with policies and procedures established under the various programs within our jurisdiction.

Ensuring Compliance through Notices of Violation and Formal Enforcement Referrals. If violations are documented during an investigation, the field operations investigator and management are responsible for initiating enforcement based on TCEQ's enforcement-initiation criteria (EIC), is approved by the executive director to ensure consistent handling of air, water, and waste violations documented by TCEQ staff. Violations are addressed with a field citation, notice of violation (NOV), or notice of enforcement (NOE) depending on the significance and pattern of noncompliance. An NOE is the beginning of TCEQ's formal enforcement process, which may result in an order issued and penalty approved by the commission. If an enforcement case is referred to the Office of the Attorney General, the investigator may be required to testify on the facts of the investigation.

TCEQ's enforcement process begins when a violation is discovered during an investigation conducted either at the regulated entity's location or through a review of records at TCEQ offices. Most violations are quickly corrected in response to NOVs. An NOV documents the violations discovered during the investigation, specifies a timeframe to respond, and requires documentation of compliance.

If serious or continuing violations are identified during an inspection, as defined by the EIC, TCEQ initiates enforcement and the business or individual inspected receives an NOE. The EIC is approved by the executive director to ensure consistent handling of air, water, and waste violations documented by TCEQ staff.

The NOE documents the violations and puts the recipient, or respondent, on notice the case has been referred for enforcement. This notice also lets respondents know they can appeal the NOE by requesting an enforcement review meeting if they believe the violations were cited in error and they have information that was not previously evaluated by the investigator.

Once the investigation is complete, the investigation is transferred to the Enforcement Division to process these enforcement actions, as necessary.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Field Operations Program Funding Sources

Account	Account Title	CFDA	CFDA Title	FY 2020 Expended
0001	General Revenue	N/A	N/A	\$1,784,327
0151	Clean Air Account - Dedicated	N/A	N/A	\$7,270,306
0153	Water Resource Management Account - Dedicated	N/A	N/A	\$9,599,634
0549	Waste Management Account - Dedicated	N/A	N/A	\$7,346,039
0550	Hazardous and Solid Waste Account - Dedicated	N/A	N/A	\$199,120
0555	Federal Funds	12.113	State Memorandum of Agreement Program for Reimbursement	\$48,253
0555	Federal Funds	66.204	Multipurpose Grants to States and Tribes	\$405,241
0555	Federal Funds	66.605	Performance Partnership Grants	\$5,539,567
0555	Federal Funds	66.804	State Underground Storage Tanks Program	\$1,316,119
0655	Petroleum Storage Tank Remediation Account - Dedicated	N/A	N/A	\$2,790,318
0777	Interagency Contracts	N/A	N/A	\$1,620,730
5094	Operating Permit Fees Account-Dedicated	N/A	N/A	\$6,743,543
TOTAL				\$44,663,197

The program is funded in the following strategies:

- Air Quality Assessment and Planning;
- Enforcement and Compliance Support;
- Field Inspections and Complaints;
- Waste Assessment and Planning;
- Waste Management and Permitting;
- Water Assessment and Planning; and
- Water Resource Permitting.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Spill Response. This is handled by the Texas General Land Office (GLO), the Railroad Commission of Texas (RRC), the Texas Parks and Wildlife Department (TPWD), and TCEQ. Each agency has jurisdiction over spills according to the source of the spill, material spilled, quantity spilled, and location of the spill. For example, GLO has jurisdiction over coastal oil spills greater than 240 barrels, while RRC has jurisdiction over all spills from activities associated with the exploration, development, or production of oil, gas, and geothermal resources, including coastal spills of 240 barrels or less of crude oil. TPWD interacts with TCEQ when spills occur that destroy wildlife or habitat. In accordance with TWC Section 26.261, TCEQ has jurisdiction over all other solid waste spills, which encompasses hazardous, nonhazardous, industrial and municipal solid

wastes. Additionally, regulations addressing spills are found in 30 TAC Section 327, with specific required actions outlined in 30 TAC Section 327.5. In general, spills must be cleaned up to background or prerelease conditions. For spills requiring more than 180 days to clean up, the cleanup requirements are specified in the Texas Risk Reduction program rules of 30 TAC Chapter 350.

Surface Water Quality Monitoring. TCEQ's SWQM Program coordinates the annual planning and development of a coordinated monitoring schedule for organizations, such as river and municipal water authorities, who supply data to TCEQ's SWQM Program. TCEQ and the organizations meet to discuss state monitoring needs and negotiate sampling schedules to ensure appropriate coverage. This type of schedule has been in place for over ten years, and its development has been modified to ensure TCEQ objectives of the SWQM Program are met.

Office of Water. TCEQ's Water Supply Division conducts record reviews of self-reported water sampling data and develops enforcement referrals. The Field Operations Program's staff reviews this same data when conducting an on-site investigation, however, they document these as additional issues in the investigation reports and do not initiate an enforcement referral.

Enforcement Division. TCEQ's Enforcement Division conducts record review investigations for past due fees and to determine or recognize compliance with commission order violations and technical requirements. The Field Operations Program staff may review an outstanding violation when conducting an on-site investigation but would capture it as an additional issue or as an order violation after consultation with the Enforcement Division.

Federal. EPA is authorized to conduct investigations at the facilities TCEQ regulates. Although most EPA investigations are conducted independent of TCEQ, there is coordination between the agencies, and TCEQ may host EPA staff on investigations or accompany EPA staff on investigations. EPA and TCEQ may share technical information related to compliance initiatives such as observations from aerial surveillance programs.

Local Governments. Local governments have statutory authority to conduct investigations regarding environmental requirements. TCEQ contracts with local air programs (LAPs) in nonattainment areas (Dallas, Fort Worth, El Paso, Houston, and Galveston County) to conduct air and PST investigations. These investigations are included in TCEQ's workplan, are documented in the CCEDS database, and count towards meeting targets for TCEQ LBB performance measures, and federal grant workplan agreements.

Railroad Commission of Texas. RRC has jurisdiction over hazardous and nonhazardous industrial and municipal solid wastes resulting from activities associated with the exploration, development, or production of oil, gas or geothermal resources. This includes transportation of crude oil or natural gas by pipeline. TCEQ and RRC share jurisdiction under the Clean Air Act for oil and gas facilities in accordance with 16 TAC Section 3.30. RRC has jurisdiction over exploration and TCEQ has jurisdiction over production and refineries. Beginning January 15, 2021, the authority over wastewater discharges from oil and gas facilities was transferred from RRC to TCEQ. RRC retains authority over stormwater activities involving unrefined oil and gas. TCEQ regulates the disposal of septage generated at oil and gas sites. There is significant coordination which occurs with RRC on oil and gas issues.

Texas Department of Licensing and Regulation (TDLR). TDLR conducts investigations for calibration and accuracy of gasoline dispensers at the same gasoline service stations where TCEQ regulates the control of volatile organic compounds and underground petroleum storage tanks. Until 2019, these investigations

were under the jurisdiction of the Texas Department of Agriculture. TCEQ and TDLR will refer complaints, as appropriate.

Texas State Soil and Water Conservation Board (TSSWCB). TSSWCB conducts evaluations of nonpoint source animal feeding operation dischargers below the threshold number of animals requiring a TCEQ permit. TCEQ conducts compliance investigations of permitted concentrated animal feeding operations and complaint investigations of animal feeding operations in accordance with 30 TAC Section 321 Subchapter B.

Texas Pollutant Discharge Elimination System (TPDES) Discharge Monitoring Reports. The Compliance Monitoring Team within TCEQ's Enforcement Division conducts record reviews of self-reported effluent discharge monitoring data. The Field Operations Program's staff reviews this same data when conducting an on-site investigation, however, they capture any non-compliance issues as an additional issue and do not initiate an enforcement referral.

University of Texas at Arlington (UTA). TCEQ contracts with UTA to conduct investigations of underground storage tanks, public water supplies, and reported emissions events. UTA investigation assignments are generally limited in scope and less complex than the assignments for TCEQ staff. This allows UTA to complete a large number of investigations consistently. All UTA investigators have authorization to conduct investigations on behalf of TCEQ and refer violations to TCEQ's Enforcement Division.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Spill Response. GLO, RRC, TPWD and TCEQ have jurisdiction over spills according to the source of the spill, material spilled, quantity spilled, and location of the spill. Each agency's jurisdiction and role is specified in The State of Texas Oil and Hazardous Substances Spill Contingency Plan. Additionally, a MOU between TCEQ and the RRC (30 TAC Section 7.117) further clarifies jurisdictions between the agencies.

Surface Water Quality Monitoring. TCEQ's SWQM Program coordinates the annual planning and development of a coordinated monitoring schedule for organizations, such as river and municipal water authorities, who supply data to TCEQ's SWQM Program. TCEQ and the organizations meet to discuss state monitoring needs and negotiate sampling schedules to ensure appropriate coverage. This type of schedule has been in place for over ten years, and its development has been modified to ensure TCEQ objectives of the SWQM Program are met.

Federal. TCEQ and EPA have specific memorandums of agreement (MOAs) and memorandums of understanding (MOUs) which define how the agencies will coordinate activities, so duplication of effort is minimized. TCEQ participates in a performance partnership grant (PPG) with EPA which identifies the number of facilities TCEQ will inspect. TCEQ also develops Compliance Monitoring Strategies (CMS) with EPA for the Clean Air Act (Title V), Texas Pollutant Discharge Elimination System (wastewater) and Resource Conservation and Recovery Act (hazardous waste) which identify investigation frequency and scope for categories of facilities. Performance for the PPG and CMS is reported to EPA monthly, semi-annually, or annually, depending on the program. Monthly meetings are held between OCE staff and EPA Region 6 staff on the major air, wastewater, and hazardous waste programs. During these meetings, EPA will identify facilities they are planning to inspect. In addition, there are quarterly compliance and enforcement managers meetings between EPA and TCEQ to discuss issues of mutual interest.

Local Governments. TCEQ assigns workplans to the local air programs (LAP), oversees work through work product evaluations (WPE), refers complaints, and meets routinely to discuss progress. TCEQ evaluates contract performance annually. In addition to formal contracts, TCEQ coordinates informally with local governments and other authorities performing investigations to prevent duplication of effort.

Railroad Commission of Texas. THSC Chapter 361 Subchapter A defines the jurisdictional boundaries for waste regulation. TCEQ and RRC have two MOUs for water and waste outlining the duties of each agency. Quarterly coordination meetings between the agencies are an opportunity to discuss emerging issues of interest to both, share data and other information, and resolve ongoing issues where both parties are involved.

Texas Department of Licensing and Regulation. Prior to September 1, 2019, the Texas Department of Agriculture (TDA) conducted investigations for calibration and accuracy of gasoline dispensers at the same gasoline service stations TCEQ regulates. There was a MOU between TCEQ and TDA establishing procedures for referring instances of non-compliance observed during each agency's respective investigations. TCEQ and TDLR have not entered into a MOU to date, however, TCEQ continues following its standard complaint referral process when a complaint under TDLR's jurisdiction is received.

Texas State Soil and Water Conservation Board. A MOU outlines the authority of TCEQ and TSSWCB over agricultural and silvicultural point and nonpoint source pollution programs. The TSSWCB conducts nonpoint source evaluations of animal feeding operations below the threshold number of animals requiring a TCEQ permit. TCEQ addresses operations above the threshold.

TPDES Discharge Monitoring Reports. Screening of self-reported effluent data for formal enforcement is conducted by the TPDES Compliance Monitoring Team for all TPDES facilities. This function is specified in TCEQ's EIC. Regional investigators review self-reported effluent data as part of facility investigations to better understand overall operations and performance.

University of Texas at Arlington. TCEQ has contracts in place with UTA to conduct underground storage tank inspections, public water supply investigations, and air emissions event reviews. In addition, TCEQ provides oversight through work product evaluations (WPE) and reviews any enforcement referral from the Enforcement Division. TCEQ completes annual contractor performance reviews.

There are additional MOAs or MOUs in place to ensure the Field Operations Program avoids duplication with other state agencies. These additional listings of MOUs or MOAs are discussed in Section II in response to Question E.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Please refer to H and I.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

Outside contractors are hired to assist with temporary personnel services, perform medical monitoring for field investigators and central office staff, and conduct non-routine minor construction and janitorial services at the regional offices. The Field Operations Program hires contractors to review emissions events

and prepare investigation reports under the oversight of TCEQ staff. The program also maintains contracts to perform laboratory analyses, provide technical training, and offer technical guidance and support.

- **the amount of those expenditures in fiscal year 2020;**

Expenditures total \$1,338,817.

- **the number of contracts accounting for those expenditures;**

84 contracts.

- **the method used to procure contracts;**

The method used to procure contracts is a systematic approach to procure services the agency requires. The procurement process is not competed by one individual. It takes a team of stake holders to complete a successful contract through multiple phases. A contract can be a direct award, where it is noncompetitive, and is interagency, interlocal, or intergovernmental. Contracts may also be solicited through a request for proposal or request for grant application where respondents are graded upon their responses provided to the request. These processes allow for negotiations between a proposer and the agency. The program uses the Texas Comptroller of Public Account's contract for temporary personnel.

- **top five contracts by dollar amount, including contractor and purpose;**

Field Operations Program Contracts

Contract No.	Vendor Name	Purpose	FY 2020 Expended
582-17-70412	University of Texas Health Services	Annual Occupational Medical Monitoring Program	\$565,990
582-19-96452	WorkQuest	Temporary Personnel Services – MLEIP Intern, assistance in preparing emission event and on-demand reports, administrative duties and developing requirements for applications and ColdFusion tools.	\$343,490
582-20-10383			
582-20-10383			
582-20-10384			
582-20-10388			
582-20-10399			
582-20-10399			
582-20-10400			
582-20-10401			
582-20-13706			
582-20-13707			
582-20-13802			
582-20-13828			
582-20-13878			
582-20-13881			
582-20-13882			
582-20-13936			
582-20-13937			
582-20-13938			
582-17-70419	Lower Colorado River Authority	Remedial and compliance analysis of samples	\$181,856
582-20-10412	WorkQuest-Services	Janitorial services for regional offices	\$80,326
582-20-10527			
582-20-10280	Texas Facilities Commission	Non-routine minor construction services for Park 35.	\$49,872

- **the methods used to ensure accountability for funding and performance; and**

The vendor or contractor is required to adhere to all applicable standards, principals, and guidelines, which include, but are not limited to financial monitoring, auditing and record keeping. Vendor performance is ensured by standard contract management and oversight in accordance with the contract's scope of work and terms and conditions. Performance is assessed by an approved schedule and a set of deliverables. If discrepancies occur, then projects are not considered complete and accepted unless discrepancies are resolved.

- **a short description of any current contracting problems.**

The program did not experience any contracting problems.

L. Provide information on any grants awarded by the program.

The Field Operations Program provides grants to local air programs (LAPs) in nonattainment areas (Dallas, Fort Worth, El Paso, Houston, and Galveston County) to conduct air and PST investigations. These investigations are documented in the CCEDS database and included in the TCEQ workplan. The investigations count towards meeting targets for performance measures and federal grant workplan agreements. TCEQ also uses grants to contract with the University of Texas Arlington (UTA) to conduct investigations of underground storage tanks. UTA investigations have authorization to conduct investigations on behalf of TCEQ and refer violations to the TCEQ Enforcement Division. Grant funds are awarded by using the agency's systematic approach to procure services the agency requires.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Evaluating Houston Regional Office. Relocation of TCEQ's Houston Regional Office from the Elias Ramirez State Office Building (ERB) is a major priority due to the lack of security of the current facility to support TCEQ's mission-critical compliance and disaster emergency response field activities. **Refer to Section IX, Major Issues, Facility Review – Houston Regional Office.**

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Agriculture
Animal Feeding Operations
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	1,059	1,053
Total number of entities inspected	285	260
Total number of complaints received from the public	73	54
Total number of complaints initiated by agency	65	50
Number of complaints pending from prior years	2	4
Number of complaints found to be non-jurisdictional	4	12
Number of jurisdictional complaints	73	54
Number of jurisdictional complaints found to be without merit	52	37
Number of complaints resolved	106	52
Average number of days for complaint resolution	174	167
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	64	62
• NOV		

Air Quality
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	74,496	76,904
Total number of entities inspected	6,155	5,635
Total number of complaints received from the public	3,355	3,519
Total number of complaints initiated by agency	1,577	1,514
Number of complaints pending from prior years	149	61
Number of complaints found to be non-jurisdictional	443	401
Number of jurisdictional complaints	2,912	3,118
Number of jurisdictional complaints found to be without merit	2,045	2,433
Number of complaints resolved	2,592	2,916
Average number of days for complaint resolution	59	64
Complaints resulting in disciplinary action:	219	339
administrative penalty	\$5,055,825	\$8,510,345
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	1,230	1,180
• NOV		

Includes Air Operating Permit, Air New Source Review, Air Non-Permitted, Air Emissions Inventory, and Emissions Banking and Trading.

Aggregate Production Operations
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	1,017	1,056
Total number of entities inspected	527	686
Total number of complaints received from the public	135	191
Total number of complaints initiated by agency	109	82
Number of complaints pending from prior years	6	5
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints	135	191
Number of jurisdictional complaints found to be without merit	56	59
Number of complaints resolved	120	115
Average number of days for complaint resolution	98	141
Complaints resulting in disciplinary action:	28	27
administrative penalty	\$157,132	\$172,499
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	161	157
• NOV		

Industrial Hazardous Waste (IHW)
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	19,372	17,240
Total number of entities inspected	1,245	1,201
Total number of complaints received from the public	297	284
Total number of complaints initiated by agency	147	117
Number of complaints pending from prior years	20	11
Number of complaints found to be non-jurisdictional	82	67
Number of jurisdictional complaints	215	217
Number of jurisdictional complaints found to be without merit	97	125
Number of complaints resolved	190	181
Average number of days for complaint resolution	152	132
Complaints resulting in disciplinary action:	33	17
administrative penalty	\$1,082,264	\$634,119
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	350	427
• NOV		

Includes IHW, Dry Cleaner, and Emergency Response.

Municipal Solid Waste (MSW)
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	19,652	19,841
Total number of entities inspected	848	746
Total number of complaints received from the public	2,438	1,767
Total number of complaints initiated by agency	517	413
Number of complaints pending from prior years	50	34
Number of complaints found to be non-jurisdictional	557	660
Number of jurisdictional complaints	1,861	1,108
Number of jurisdictional complaints found to be without merit	1,507	811
Number of complaints resolved	1733	1134
Average number of days for complaint resolution	82	119
Complaints resulting in disciplinary action:	64	79
administrative penalty	\$794,431	\$997,386
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	318	279
• NOV		

Occupational Licensing
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	45,724	44,800
Total number of regulated entities	N/A	N/A
Total number of entities inspected	2,667	2,520
Total number of complaints received from the public	40	36
Total number of complaints initiated by agency	15	28
Number of complaints pending from prior years	2	0
Number of complaints found to be non-jurisdictional	7	1
Number of jurisdictional complaints	33	35
Number of jurisdictional complaints found to be without merit	18	6
Number of complaints resolved	40	14
Average number of days for complaint resolution	348	393
Complaints resulting in disciplinary action:	25	20
administrative penalty	\$9,801	\$12,773
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	14	6
• NOV		

Includes Landscape Irrigation, PWS, PST/UST, MSW, OSSF, WQ, and Visible Emissions Evaluators.

Petroleum Storage Tank (PST)
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	30,905	31,052
Total number of entities inspected	6,454	5,384
Total number of complaints received from the public	132	137
Total number of complaints initiated by agency	94	87
Number of complaints pending from prior years	7	5
Number of complaints found to be non-jurisdictional	29	30
Number of jurisdictional complaints	103	107
Number of jurisdictional complaints found to be without merit	61	76
Number of complaints resolved	92	109
Average number of days for complaint resolution	161	137
Complaints resulting in disciplinary action:	341	351
administrative penalty	\$2,551,687	\$3,003,166
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	880	655
• NOV		

Public Water Supply/System
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	19,659	19,667
Total number of entities inspected	3,510	3,169
Total number of complaints received from the public	1,650	1,282
Total number of complaints initiated by agency	915	771
Number of complaints pending from prior years	53	39
Number of complaints found to be non-jurisdictional	36	51
Number of jurisdictional complaints	1,616	1,231
Number of jurisdictional complaints found to be without merit	806	657
Number of complaints resolved	1,334	1,278
Average number of days for complaint resolution	99	126
Complaints resulting in disciplinary action:	364	461
administrative penalty	\$476,778	\$664,297
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	12,293	11,936
• NOV		

Water Quality
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	37,990	41,623
Total number of entities inspected	5,136	5,033
Total number of complaints received from the public	2,741	2,631
Total number of complaints initiated by agency	1,049	875
Number of complaints pending from prior years	54	63
Number of complaints found to be non-jurisdictional	984	952
Number of jurisdictional complaints	1,750	1,665
Number of jurisdictional complaints found to be without merit	963	939
Number of complaints resolved	1,541	1,380
Average number of days for complaint resolution	89	144
Complaints resulting in disciplinary action:	243	246
administrative penalty	\$3,179,845	\$3,676,177
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	1,395	1,119
• NOV		

Includes Wastewater Permits, Sludge, Stormwater, Pretreatment, Water Quality Non-Permitted, and Water Utility.

Water Rights
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	12,873	13,163
Total number of entities inspected	19,250	19,811
Total number of complaints received from the public	128	120
Total number of complaints initiated by agency	94	89
Number of complaints pending from prior years	4	3
Number of complaints found to be non-jurisdictional	8	1
Number of jurisdictional complaints	120	119
Number of jurisdictional complaints found to be without merit	101	102
Number of complaints resolved	97	97
Average number of days for complaint resolution	116	123
Complaints resulting in disciplinary action:	30	25
administrative penalty	\$46,277	\$78,042
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	7	2
• NOV		

Includes areas with a Watermaster program and all other Water Rights throughout the state.

Underground Injection Control (UIC)
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Total number of regulated persons	N/A	N/A
Total number of regulated entities	569	579
Total number of entities inspected	46	5
Total number of complaints received from the public	0	2
Total number of complaints initiated by agency	0	1
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints	0	2
Number of jurisdictional complaints found to be without merit	0	2
Number of complaints resolved	0	0
Average number of days for complaint resolution	0	0
Complaints resulting in disciplinary action:	4	3
administrative penalty	\$508,484	\$126,476
Reprimand	N/A	N/A
Probation	N/A	N/A
Suspension	N/A	N/A
Revocation	N/A	N/A
other	13	4
• NOV		

Includes all UIC classes.

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2015–2020, or earlier significant Attorney General opinions, that affect your agency’s operations.

Exhibit 14: Statutes / Attorney General Opinions

Citation / Title	Authority / Impact on Agency
33 United States Code (USC) Sections 1251 through 1388 Federal Water Pollution Control Act (Clean Water Act)	The Clean Water Act has the objective of restoring and maintaining the chemical, physical, and biological integrity of water of the United States. The Act creates the federal framework on which the delegated National Pollution Discharge Elimination System program is patterned.
33 USC Sections 2701 through 2762 Federal Oil Pollution Act of 1990	The Federal Oil Pollution Act provides for the Federal and State Natural Resource Trustees to collect natural resource damages from responsible parties when there has been an injury to, destruction of, or loss of natural resources as a result of a discharge of oil. These provisions also establish the federal oil spill fund, which allows the federal and state Natural Resource Trustees to seek reimbursement from the fund for damages to natural resources. TCEQ is one of three state Natural Resource Trustees for Texas.
42 USC Sections 2014, 2021, 2022, 2011, 2113, NS 2114 Atomic Energy Act of 1954	The Atomic Energy Act of 1954 authorizes the regulation of the uses of nuclear materials and facilities. The Act requires the Nuclear Regulatory Commission (NRC) to establish standards for the possession, use, handling, and disposal of nuclear materials and allows the NRC to enter an agreement with a state to cede authority to the state to implement certain regulatory programs under the act as long as the state maintains a regulatory program compatible to the NRC’s requirements. Texas is an agreement state.
42 USC Sections 2021b through 2021j Low-Level Radioactive Waste Policy Act	The Low-Level Radioactive Waste Policy Act and its subsequent amendment give the states responsibility for the disposal of low-level radioactive waste within their boundaries and authorizes them to enter interstate compacts to create regional disposal facilities.
42 USC Sections 300f et seq. Federal Safe Drinking Water Act	The Federal Safe Drinking Water Act gives authority to regulate public water systems and ensure U.S. Environmental Protection Agency’s (EPA) safe drinking water requirements are met in Texas. Additionally, Sections 300h through 300h-8 apply to underground injection wells and allow a state to implement an underground injection control program that meets the minimum federal requirements.
42 USC Sections 6901 through 6992k Solid Waste Disposal Act (Resource Conservation and Recovery Act)	The Resource Conservation and Recovery Act (RCRA) governs the management and disposal of solid wastes. Under RCRA, EPA has promulgated federal standards for the generation, transportation, treatment, storage, and disposal of nonhazardous solid wastes (RCRA Subtitle D) and hazardous solid wastes (RCRA Subtitle C). TCEQ is authorized to implement RCRA Subtitle D for nonhazardous municipal and industrial solid waste under TCEQ’s jurisdiction in Texas. TCEQ executive director is the administrator of Texas’ approved hazardous waste program which implements RCRA Subtitle C in Texas. TCEQ regulates hazardous municipal and industrial solid waste under TCEQ’s jurisdiction and is the permitting authority for all hazardous waste treatment storage and disposal facilities in Texas. In addition, Texas is approved to administer the underground storage tank program, under RCRA, Subtitle I, which regulates underground storage tanks containing hazardous substances and petroleum products.

Citation / Title	Authority / Impact on Agency
<p>42 USC Sections 7401 through 7671g</p> <p>Air Pollution Prevention and Control (Federal Clean Air Act)</p>	<p>The Federal Clean Air Act (CAA) establishes the federal program for air-pollution prevention and control. It provides for air quality and emissions limitations (e.g., air quality control regions, national ambient air quality standards, state implementation plans, new-source performance standards, emission standards for hazardous air pollutants); establishes programs for the prevention of significant deterioration and nonattainment permits, emissions standards for moving vehicles (including engine and fuel standards), and acid deposition control; the federal operating permit program (Title V); and other programs not administered by the states (Title VI— Stratospheric Ozone Protection). TCEQ administers the federal air permitting programs, (i.e., Title V, New Source Review permits).</p>
<p>42 USC Sections 9601 through 9675</p> <p>Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)</p>	<p>CERCLA provides broad federal authority and requirements for coordination with the states for responding directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Additionally, CERCLA establishes prohibitions and requirements concerning closed and abandoned hazardous waste sites, provides for the liability of persons responsible for releases of hazardous substances at these sites, establishes a fund for cleanup when no responsible party can be identified, and provides for the restoration of natural resources.</p>
<p>42 USC Sections 11001 through 11050</p> <p>The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)</p>	<p>EPCRA was passed in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. The provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.</p>
<p>Texas Government Code (TGC) Chapter 418</p> <p>Emergency Management</p>	<p>This chapter establishes the authority of the governor and the Texas Division of Emergency Management to prepare for and manage emergencies and disasters that affect the state. It also establishes state agencies as members of the State Emergency Management Council and lays out responsibilities in emergencies.</p>
<p>TGC Chapter 421</p> <p>Homeland Security</p>	<p>This chapter specifies TCEQ as a member of the Texas Homeland Security Council and lays out responsibilities related to security and critical infrastructure protection.</p>
<p>TGC Section 2107.003</p> <p>Collection of Delinquent Obligations to State/Collection by Attorney General or Outside Agent</p>	<p>This section provides authority to collect fiscal debts owed the TCEQ.</p>
<p>TGC Section 2155.145</p> <p>Purchasing: General Rules and Procedures/Certain Purchases by Texas Commission on Environmental Quality</p>	<p>This section delegates to TCEQ purchasing functions relating to Texas Health and Safety Code (THSC) Chapter 361, Subchapters F and I.</p>
<p>THSC Chapter 341 Subchapter C</p> <p>Minimum Standards of Sanitation and Health Protection Measures/Sanitary Standards of Drinking Water; Protection of Public Water Supplies and Bodies of Water</p>	<p>This subchapter preserves the public health, safety, and welfare by requiring TCEQ to ensure systems that supply public drinking water do so in adequate quantities, are financially stable, and are technically sound. The chapter prescribes a review and approval process to be applied prior to the construction and operation of a new public water system and establishes administrative, civil, and criminal penalties for noncompliance.</p>

Citation / Title	Authority / Impact on Agency
THSC Chapter 361 Solid Waste Disposal Act	This chapter safeguards public health, welfare, and physical property and protects the environment by controlling the management of solid waste. The chapter authorizes and requires TCEQ to control all aspects of the management of municipal and industrial solid waste and hazardous waste and establishes fees and a permitting system for the administration of this responsibility. The chapter includes provisions authorizing and setting forth procedures for the investigation and remediation of certain sites contaminated by hazardous substances and for other remediation and recycling programs.
THSC Chapter 363 Municipal Solid Waste	This chapter establishes a cooperative framework among federal, state, and local governments and private enterprise for reductions in the generation of solid waste generation and its proper management, including disposal and processing to extract usable materials or energy. Subchapter C creates the Municipal Solid Waste Management and Resource Recovery Advisory Council.
THSC Chapter 364 County Solid Waste	This chapter authorizes a cooperative effort by counties, public agencies, and other authorities and individuals for the safe and economical collection, transportation, and disposal of solid waste to control pollution in the state. Section 364.012(f) prohibits TCEQ from granting an application for a permit to process or dispose of municipal or industrial solid waste where prohibited by ordinance (with one exception).
THSC Chapter 365 Litter	This chapter safeguards public health, welfare, and physical property and protects the environment by controlling the management of litter and other solid waste. The chapter authorizes TCEQ to adopt rules and standards regarding the processing and treatment of litter disposed in violation of this chapter and includes criminal penalties for violation of those rules, standards, or statutory provisions.
THSC Chapter 366 On-Site Sewage Disposal Systems (OSSF)	This chapter requires that TCEQ regulate the construction, installation, alteration, repair, or extension of OSSF. The agency is authorized to enact fees, issue permits, and impose penalties in its efforts to eliminate and prevent health hazards from these systems. TCEQ is required to license or register persons who install and maintain OSSFs.
THSC Chapter 367 On-Site Wastewater Treatment Research	This chapter allows TCEQ to accept grants and donations and award competitive grants to support research to improve the quality of wastewater treatment and reduce the cost of providing wastewater treatment to consumers, including wastewater reuse. Section 367.010 directs the agency to collect a \$10 fee on all on-site wastewater treatment permit applications and enforce the collection of the fee by certain local governments. The fee is deposited to the credit of the water resources management account.
THSC Chapter 369 Plastic Containers	This chapter requires that the appropriate symbol be placed on plastic containers to indicate the resin used to produce the container. The chapter also provides for civil penalties. The commission is required to maintain a list of the appropriate symbols and may approve other symbols.
THSC Chapter 370 Toxic Chemical Release Reporting	This chapter requires facilities that use toxic chemicals in excess of a threshold amount to submit a "toxic chemical release" form and accompanying fee to the agency. The purpose of the form is to inform the public and communities surrounding the facilities.
THSC Chapter 371 Used Oil Collection, Management, and Recycling	This chapter authorizes TCEQ to adopt rules governing the registration and reporting requirements of used-oil handlers other than generators. The chapter also authorizes the agency to adopt rules and procedures necessary to implement the used-oil recycling program, and includes registration and reporting requirements for used-oil filter transportation, storage, and generation and requires the agency to adopt rules relating to financial responsibility.

Citation / Title	Authority / Impact on Agency
THSC Chapter 372 Environmental Performance Standards for Plumbing Fixture Standards	This chapter requires TCEQ to maintain a list of manufacturers for plumbing fixtures that meet the standards set out in the statute.
THSC Chapter 374 Dry Cleaner Environmental Response	This chapter establishes an environmental regulation and remediation program for dry cleaning facilities and dry cleaning drop stations in Texas. Under the program, operating dry cleaning facilities and drop stations pay registration and solvent fees into a fund that is then used by TCEQ to investigate and clean up eligible contaminated dry cleaning sites.
THSC Chapter 382 Texas Clean Air Act	This chapter establishes the Texas Clean Air Act to safeguard the state's air resources from pollution, consistent with the protection of public health, general welfare, and physical property, including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility. The chapter establishes authority for air quality planning and a comprehensive permitting system applicable to a variety of facilities that emit pollutants as well as other authority to meet federal obligations established in the FCAA, 42 USC, Sections 7401 through 7671q.
THSC Chapter 384 Area Emission Reduction Credit Organizations	This chapter allows the establishment of organizations to promote the creation, trading, and tracking of emission reduction credits in nonattainment areas. TCEQ has oversight authority to approve the initial establishment, withdraw approval, dissolve, renew, and to audit an area emission-reduction credit organization.
THSC Chapter 386 Texas Emissions Reduction Plan (TERP)	This chapter establishes TERP, which funds emissions reductions projects throughout Texas. TERP includes air quality research support, regional air monitoring, air quality planning activities, and a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions.
THSC Chapter 387 Air Quality Research Support Program (AQRP)	This chapter establishes the air quality research support program and provides funding for the AQRP for the purposes of conducting studies related to Texas air quality in the areas of emissions inventory development, atmospheric chemistry, meteorology, and air quality modeling.
THSC Chapter 390 Clean School Bus Program	This chapter establishes the Clean School Bus Program, administered by TCEQ, to reduce the exposure of schoolchildren to diesel exhaust in and around school buses through technology that reduces diesel emissions.
THSC Chapter 391 New Technology Implementation for Facilities and Stationary Sources	This chapter establishes the New Technology Implementation for Facilities and Stationary Sources grant program, administered by TCEQ, to provide incentives for the implementation of emissions-reduction technologies for facilities and stationary sources.
THSC Chapter 392 Texas Clean Fleet Program	This chapter establishes the Texas Clean Fleet Program, administered by TCEQ, to provide incentives for the replacement of diesel-powered fleet vehicles with alternative-fueled or hybrid vehicles.
THSC Chapter 393 Alternative Fueling Facilities Program	This chapter establishes the Alternative Fueling Facilities Program, administered by TCEQ, to provide incentives for the establishment of fueling facilities in the clean transportation zone for alternative fuels, including: biodiesel, compressed natural gas, liquefied natural gas, propane, hydrogen, electricity, or a mixture of fuels containing at least 85% methanol by volume.
THSC Chapter 394 Texas Natural Gas Vehicle Grant Program (TNGVGP)	This chapter establishes the TNGVGP administered by TCEQ. TNGVGP provides incentive funding for the replacement or repower of existing heavy-duty or medium-duty motor vehicles with natural-gas vehicles to be operated in the clean transportation zone for at least 75% of its annual use.

Citation / Title	Authority / Impact on Agency
THSC Chapter 395 Government Alternative Fuel Fleet Program	This chapter establishes a grant program to be implemented and administered by TCEQ to incentivize state agencies and political subdivisions to purchase alternative fuel vehicles.
THSC Chapter 401 Radioactive Materials and Other Sources of Radiation	This chapter authorizes a program that will ensure the effective regulation of sources of radiation for protection of occupational and public health and safety and the environment. The chapter also promotes the orderly regulation (in the state, among states, and between the federal government and the state) of sources of radiation to minimize regulatory duplication. The chapter establishes a licensing and registration system applicable to persons who manufacture, produce, transport, own, process, or dispose of a source of radiation not exempted by law. TCEQ has jurisdiction to regulate and license the disposal of radioactive substances; the recovery or processing of source material, the processing and disposal of by-product material, the commercial storage or processing of radioactive substances (except oil and gas naturally occurring radioactive material (NORM) waste), the disposal of radioactive substances (except oil and gas NORM waste), low-level radioactive waste disposal sites, and NORM waste.
THSC Chapters 505, 506, and 507 Manufacturing Facility Community Right-to-Know Act, Public Employer Community Right-to-Know Act, and Nonmanufacturing Facility Community Right-to-Know Act	These chapters ensure information regarding the presence of hazardous chemicals is accessible and provided to emergency responders and available for public disclosure. The chapters require a facility operator to compile and maintain a Tier II (two) form that contains information on certain highly toxic or extremely hazardous chemicals present in the facility in certain quantities. The facility operator is required to submit the Tier II form annually to TCEQ and the appropriate local fire department or emergency planning committee.
THSC Section 753.008 Flammable Liquids/Enforcement	This section gives TCEQ concurrent jurisdiction with the Texas State Board of Insurance regarding the inspection of initial installation and other administrative supervision of above-ground storage tanks. TCEQ has primary authority for inspection of initial installation of the tanks and is required to report all violations of the chapter regarding such tanks to the state fire marshal for enforcement proceedings.
THSC Chapter 1101 Environmental, Health, and Safety Audit Privilege Act	This chapter establishes audit privilege and provides immunity from penalties for regulated entities to encourage voluntary compliance with environmental and occupational health and safety laws.
Texas Local Government Code (TLGC) Sections 212.0101 and 232.0032 Additional Requirements: Use of Groundwater	These sections require TCEQ, to establish by rule the appropriate form and content of a certification to be attached to a plat application under the section as well as requirements for the certifications to be transmitted to the Texas Water Development Board (TWDB) and any applicable groundwater conservation district.
TLGC Chapter 375 Municipal Management Districts in General	This chapter governs the creation and regulation of municipal management districts and outlines the role and authority of TCEQ regarding such districts.
Texas Natural Resources Code Chapter 40 Oil Spill Prevention and Response Act of 1991	This chapter establishes the Texas General Land Office as the agency with primary response obligations for unauthorized oil spills, but includes provisions allowing other state agencies, such as TCEQ, to carry out response and cleanup operations related to the unauthorized discharge of oil. Additionally, TCEQ is a Natural Resource Trustee, and this chapter allows the Texas General Land Office, on behalf of the Natural Resource Trustees, to seek reimbursement from the federal oil-spill fund for damages to natural resources.

Citation / Title	Authority / Impact on Agency
Texas Occupations Code (TOC) Chapter 53 Consequences of Criminal Convictions	This chapter gives TCEQ authority to suspend or revoke a license, disqualify a person from receiving a license, or deny a person the opportunity to take a licensing examination on the grounds that the person has been convicted of: (1) an offense that directly relates to the duties and responsibilities of the licensed occupation; (2) an offense listed in Article 42A.054, Code of Criminal Procedure; or (3) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.
TOC Chapter 1903 Irrigators	This chapter gives TCEQ authority to license and regulate irrigators.
TOC Chapter 1904 Water Treatment Specialists	This chapter gives TCEQ authority to license and regulate water treatment specialists.
Texas Tax Code (TTC) Section 11.31 Taxable Property and Exemptions/ Pollution Control Property	This section creates a tax exemption for pollution control equipment. TCEQ is required to determine whether and what proportion of the subject property is used for pollution control and to establish rules to make such determinations.
TTC Section 26.045 Assessment/Voter-Approval Tax Rate Relief for Pollution Control Requirements	This section creates tax rate adjustments for pollution-control equipment. TCEQ is required to determine the applicability of the adjustment and is required to establish rules to make such determinations.
TTC Section 151.355(5) Limited Sales, Excise, and Use Tax/Water-Related Exemptions	This section creates a tax exemption for equipment, services, or supplies used solely to construct or operate a water or wastewater system certified by TCEQ as a regional system.
TTC Section 548.3065 Compulsory Inspection of Vehicle/Administrative Penalty	This section provides authority to assess an administrative penalty on a person in the amount of not more than \$500 for each violation.
Texas Water Code (TWC) Chapter 5 TCEQ	This chapter defines the organizational structure of TCEQ, and its duties, responsibilities, authority, and functions. The chapter also establishes the Office of the Executive Director to manage the agency's administrative affairs and establishes environmental permitting procedures and fees, and standards for evaluating and using compliance history. This chapter also establishes the Environmental Testing Laboratory Program.
TWC Chapter 7 Enforcement	This chapter sets forth the duties and obligations of the commission and the executive director to institute legal proceedings and to compel compliance with the relevant TWC and THSC provisions, and sets forth rules, orders, permits, or other decisions of the commission. The chapter also authorizes the imposition of administrative, civil, and criminal penalties.
TWC Chapter 11 Water Rights	This chapter establishes a permitting system for the appropriation of surface water administered by the commission and provides for adjudication of claims by state district courts. It provides authority for the water rights permitting and Watermaster programs. The chapter also authorizes the imposition of administrative and civil penalties.
TWC Chapter 12 Provisions Generally Applicable to Water Rights	This chapter addresses general powers and duties relating to water rights, federal projects and dam safety, oversight of districts, and disposition of fees.

Citation / Title	Authority / Impact on Agency
TWC Chapter 13 Water Rates and Services	This chapter is shared between the Public Utility Commission and TCEQ and provides authority to regulate water and wastewater utilities. TCEQ may regulate water and sewer utilities within its jurisdiction to ensure safe drinking water and environmental protection. This chapter also authorizes the imposition of administrative and civil penalties.
TWC Section 16.236 Construction of Levee Without Approval of Plans; Levee Safety	This section requires the commission to review levee projects and adopt rules, issue emergency orders, and hear appeals of decisions by cities or political subdivisions approving dam or levee projects.
TWC Section 16.237 Provisions Generally Applicable to Water Development/ Administrative Penalty; Civil Remedy	This section authorizes the commission to impose administrative, civil, and criminal penalties.
TWC Chapter 18 Marine Seawater Desalination Projects	This chapter establishes an expedited wastewater permitting process for marine seawater desalination facilities and provides an expedited water rights permitting process for applications in coastal areas and the Gulf of Mexico.
TWC Chapter 26 Water Quality Control	This chapter requires TCEQ establish the level of water quality to be maintained and to protect the quality of water in the state. The chapter provides that waste discharges or impending waste discharges are subject to reasonable rules or orders adopted or issued by the commission. The chapter creates the Texas Groundwater Protection Committee.
TWC Chapter 27 Injection Wells	This chapter establishes a policy of the state to maintain the quality of its fresh water and the regulation and permitting of underground injection control wells subject to the jurisdiction of TCEQ or the Railroad Commission of Texas (RRC).
TWC Chapter 28 Water Wells and Drilled or Mined Shafts	This chapter establishes permitting requirements for water wells and drilled or mined shafts.
TWC Chapter 28A Registration and Inspection of Certain Aggregate Production Operations (APOs)	This chapter requires TCEQ to ensure the registration and inspection of certain APOs and authorizes a fee. The chapter also authorizes TCEQ to assess penalties for registration violations and requires TCEQ to include information about its surveys and inspections in its annual enforcement report.
TWC Chapter 30 Regional Waste Disposal	This chapter gives TCEQ authority to exercise continuing supervision over regional plans for water quality management control, and abatement of pollution under the chapter.
TWC Chapter 31 Subsurface Excavations	This chapter gives TCEQ authority to issue a permit to allow a person to drill, excavate, or otherwise construct a subsurface excavation.
TWC Chapter 32 Subsurface Area Drip Dispersal System	This chapter establishes permitting requirements for subsurface area drip dispersal systems.
TWC Chapter 35 Groundwater Studies	This chapter requires coordination between the Texas Water Development Board and TCEQ and authorizes the agency to evaluate and designate priority groundwater management areas.

Citation / Title	Authority / Impact on Agency
TWC Chapter 36 Groundwater Conservation Districts (GCDs)	This chapter authorizes the creation of GCDs to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence. The chapter recognizes GCDs as the state's preferred method of groundwater management. The chapter authorizes TCEQ to facilitate the creation of GCDs and to review GCD performance and take administrative action regarding GCD management plan development, coordination, and implementation when necessary.
TWC Chapter 37 Occupational Licensing and Registration	This chapter requires the commission to adopt rules for licenses and registrations prescribed by TWC Sections 26.0301, 26.3573, 26.452, and 26.456; THSC Sections 341.033, 341.034, 361.027 and 366.071; and TOC Section 1903.251.
TWC Chapters 41, 42, 43, 44, and 46 Rio Grande Compact, Pecos River Compact, Canadian River Compact, Sabine River Compact and Red River Compact	These chapters provide for the administration of each of the five river compact commissions, which represent the State of Texas and protect Texas' right to equitable shares of interstate water.
TWC Chapter 49 through 59, 65, and 66 Provisions Applicable to Water Districts	These chapters govern the creation and general oversight of water districts and outlines the role and authority of TCEQ. Chapter 49 provides for the general supervision of water districts. The other chapters provide for water control and improvement districts, metropolitan water control and improvement districts and subdistricts, underground water conservation districts, fresh water supply districts, municipal utility districts, water improvement districts, drainage districts, levee improvement districts, irrigation districts, regional districts, special utility districts, and stormwater control districts.

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
JC-0372	JC-0372 recognizes that the pollution control property tax exemption in Tax Code Section 11.31 applies to both add-on pollution-control devices and methods of production that limit pollution at new facilities. TCEQ implements the program in conformance with the statute and the Attorney General opinion.
KP-0078	KP-0078 recognizes that Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) funds are federally appropriated and subjecting the trust fund to further appropriation by the state would appear to stand in contravention of the intent of the RESTORE Act. A rider in the 2015 General Appropriations Act that would have subjected RESTORE funds to the state appropriations process has no effect on these funds. Further, the opinion allows RESTORE funds to be deposited in a Trust outside the State Treasury, with the Comptroller serving as trustee.

B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 15 Example.

Exhibit 15: 87th Legislative Session

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB 963 SB 645	Lozano Zaffirini	The Act relates to the Texas natural gas vehicle grant program and provides that used vehicles may also be eligible.
HB 1284	Paddie	The Act gives the RRC sole jurisdiction to regulate the injection and geologic storage of carbon dioxide (CO ₂) in Texas. Applicants will be required to obtain a letter of determination from TCEQ stating whether the proposed injection would impact any injection wells permitted by TCEQ and the associated waste plumes with those wells.
HB 1680	Smith	The Act requires TCEQ's OSSF program to consider each tract of land owned by the federal government that is leased out to be considered as separate tracts of land under THSC Chapter 366 and any rules adopted under THSC Chapter 366.
HB 2004	Ashby	The Act relates to a limitation on liability and sanctions in connection with certain prescribed burns. It defines a "Burn Boss's" liability. TCEQ adopted the term "Certified and Insured Prescribed Burn Manager" under 30 TAC Section 111.
HB 2708	Patterson	The Act amends THSC permit funding, within General Revenue Dedicated Hazardous and Solid Waste Remediation Account No. 550, to be used for the remediation of certain former battery recycling facilities.
HB 3717	Burns	The Act relates to the sale of a water or sewer utility system by a municipality without an election. It excludes a municipality from the requirement to hold an election to authorize the sale of a municipal retail water or sewer utility system if TCEQ has issued a Notice of Violation to the utility system, and the governing body of the municipality finds by official action that the municipality is either financially or technically unable to restore the system to compliance with applicable laws or regulations.
HB 4472	Landgraf	The Act deposits the title fee to the Trust Fund, allocates 35% from the TERP Trust Fund to the state highway fund for congestion mitigation projects, and allocates the balances at the end of the biennium to the state highway fund.
SB 3	Schwertner	The Act relates to preparing for, preventing, and responding to weather emergencies and power outages and increases the amount of administrative and civil penalties. The Act creates the Texas Energy Reliability Council for which TCEQ's presiding officer is a member. Affected utilities are required to create Emergency Preparedness Plans (EPPs). TCEQ will participate in the council, provide technical assistance for creation of EPPs, and enforce the applicable EPP requirements.
SB 15	Nichols	The Act relates to the Texas Consumer Privacy Act Phase I. It restricts disclosure of personal information contained in motor vehicle records under the Motor Vehicle Records Disclosure Act, Chapter 730 of the TTC, and creates criminal offenses and increases the punishment for an existing criminal offense related to unauthorized disclosure. This Act adds a definition of authorized recipients of personal information and adds additional details to the list of information considered to be protected information.

Bill Number	Author	Summary of Key Provisions
SB 211	Zaffirini	The Act relates to judicial review of acts by TCEQ.
SB 600	Perry	The Act relates to an inventory of dams controlled by river authorities. The Act requires river authorities to submit operation and maintenance reports of their dams to TCEQ. This Act identifies the information that must be provided to TCEQ and requires TCEQ to make the information available on its website.
SB 601	Perry	The Act creates a Produced Water Consortium to study the economic, technological, environmental, and public health considerations for beneficial reuse of fluid oil and gas waste. TCEQ is required to assign a representative to the agency advisory council of the consortium by October 1, 2021 and meet with other members of the consortium as necessary to ensure the requirements of the statute are met.
SB 703	Buckingham	The Act removes the Texas Department of Agriculture (TDA) from the multi-agency coordination that previously existed between TDA, TCEQ and the Texas Parks and Wildlife Department regarding commercial aquaculture facilities located within the coastal zone and engaged in the production of shrimp. The Act requires a commercial aquaculture facility located within the coastal zone and engaged in the production of shrimp to provide a report to TCEQ instead of TDA.
SB 872	Hancock	The Act extends the Dry Cleaner Response Program until September 1, 2041 and makes conforming changes that outline the use of the Dry Cleaning Facility Release Fund after the expiration of the program.
SB 900	Alvarado	The Act creates a new safety standards certification program for storage vessels with a capacity over 21,000 gallons. It applies to regulated substance tanks located within a petrochemical plant, a petroleum refinery, or a bulk storage terminal. New registration and inspection requirements are created for approximately 36,000 tanks and requires agency rulemaking and creating applications, guidance documents, websites, a database, and fees.
SB 952	Hinojosa	The Act relates to plot plan requirements for an application for a standard permit for a concrete batch plant issued by TCEQ.
SB 1818	Zaffirini	The Act creates a recycling defense for certain scrap metal transactions and establishes affirmative defense for arrangers and transporters from responsibility for solid waste for certain scrap metal recycling transactions occurring on or after November 29, 1999.

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 50	Johnson, Jarvis	The bill relates to the issuance of an air quality permit for a concrete plant located in an area of a municipality not subject to zoning regulations. It would add language for plants located in incorporated areas that is not subject to zoning regulations. This bill did not get a committee hearing.
HB 56 SB 953	Johnson, Jarvis Hinojosa, Chuy	The bills relate to prohibiting the operation of concrete plants and crushing facilities at certain locations. They would expand distance requirements from 440 yds to 880 yds. These bills did not get a committee hearing.
HB 65	Johnson, Jarvis	The bill relates to the requirements for notice of a standard permit for certain concrete plants. It would add language for all concrete applicants to mail written notice to each household within 880 yds. This bill did not get a committee hearing.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 70	Swanson	The bill relates to legislative review and approval of certain agency rules. This bill would apply to non-emergency rules with an economic impact of \$20 million or more and would require that the state agency must provide a copy of the proposed rule to the legislature for review. It provides that a proposed rule is approved if the vote is unanimous by the full committee, otherwise, the rule is suspended. The bill was left pending in committee.
HB 242	Zweiner	The bill relates to the authority of TCEQ to require water pollution abatement plans from certain facilities regulated by the RRC. The bill would have authorized TCEQ to require a water pollution abatement plan from owners and operators of a facility used in connection with exploration, development, or production of oil, gas, or geothermal resources regulated by RRC if the facility was located within the recharge zone of the Edwards Aquifer. This bill was left pending in committee.
HB 271	Murr	The bill relates to the procedure by which a state agency may issue an opinion that a watercourse is navigable. The bill would establish a public notice, meeting, and comment process for the navigability determination and allow a party to appeal an agency's opinion in District Court. adds language determining what is a navigable waterway. Requiring surveys and GLO opinion. Also provide written notice to surrounding landowners. With public meetings to follow. This bill would require TCEQ to revise its internal policies and procedures to incorporate this new function for determining navigability. It would also require TCEQ to do rulemaking. This bill did not get a committee hearing.
HB 286	Cortez	The bill relates to the eligibility for grants for alternative fueling facilities. This bill was left pending in the Local & Consent calendar committee.
HB 291	Murr	The bill would have required APOs to implement best management practices and remediation. The bill was left pending in committee.
HB 303	Collier	The bill relates to testing for lead contamination in public school drinking water. Related to the Safe Water Drinking Act, the bill would require tests for lead and water quality in schools. The bill did not receive a committee hearing.
HB 2038	Talarico	The bill relates to lead in drinking water at schools and childcare facilities. The bill would require replacement of lead service lines, testing and remediation of drinking water outlets, and for the commission to issue technical guidance. The bill was left pending in committee.
HB 355	Lopez	The bill relates to providing notice to a state representative and senator of an administrative penalty assessed by TCEQ. The bill would have added a requirement for the commission to notify the State Representative and State Senator who represent the area where the violation for which a penalty is being assessed occurred and to provide notification of the proposed order or agreement and of the commission's decision on the order or agreement. The bill was left pending in committee.
HB 416	Walle	The bill relates to plot plan requirements for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality. Identical to SB 952, it would require the applicant to include a detailed plot of the proposed concrete facility. This bill was postponed on the House floor.
HB 711 SB 126	Perez Johnson	The bills relate to performance standards for certain aboveground storage tanks. The bills would have required chemical storage tanks at facilities to be more resilient against natural and industrial disasters. The bills would have instructed TCEQ to adopt more stringent standards for tanks in areas vulnerable to extreme weather events. The bills were left pending in committees.
HB 767	Huberty	The bill would require TCEQ to adopt best management practices for APOs and make them available on TCEQ's website. The bill was left pending in committee.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 858 SB 1981	Dutton Miles	The bills propose to require TCEQ to set each carcinogenic risk level used in the development of a protective concentration level, risk-based exposure limit, or any other remediation standard, including the Texas Risk Reduction Program or a similar program established by TCEQ, at a rate not greater than one in a million. These bills were left pending in house and senate committees.
HB 889 SB 1166	Dutton Campbell	These bills relate to who may request a public hearing from the TCEQ related to the construction of a concrete plant. The bills would add language defining a "representative" of a school, place of worship, licensed day-care, hospital, or medical facility and provide that any hearing request by those entities must be by a representative of those entities. These bills were left pending in committee.
HB 1267	Walle	This bill relates to who may request a public hearing from the TCEQ related to the construction of a concrete plant. The bill provides that the commission shall adopt rules to establish who qualifies as a "representative" of a school, place of worship, licensed day-care center, hospital, or medical facility and that any hearing request by those entities must be by a representative of those entities. The bill was left pending in committee.
HB 960	Allen	The bill relates to the location of certain public meetings for certain permits issued by the Texas Commission on Environmental Quality. This bill would require public meetings to be held in TX House district where facility is located or proposed. This bill was left pending in House Calendars committee.
HB 968	Dutton	The bill relates to public comments on matters subject to a hearing under the jurisdiction of the Texas Commission on Environmental Quality. This bill adds language for the commission to consider all public comments when deciding on applications. This bill did not receive a committee hearing.
HB 969	Dutton	The bill relates to the definition of "affected person" for purposes of a contested case hearing held by or for the Texas Commission on Environmental Quality regarding certain environmental permit applications. It would add language for legislators to be considered as affected persons during contested case hearings. This bill did not receive a committee hearing.
HB 1143	Ramos	The bill requires TCEQ to publish available monitoring data and assessment results related to pathogens and pathogen indicators collected from freshwater bodies on TCEQ website. The bill lists monitoring and assessment results collected from lakes, bays, springs, rivers, streams, creeks, inlets and other bodies of fresh water commonly used for swimming, fishing, or other types of recreation as applicable to the bill. The bill was on the house local and consent calendar.
HB 1289	Reynolds	The bill relates to notice of certain accidental discharges or spills to local government officials by TCEQ. The bill would have required TCEQ to notify local government officials of certain accidental discharges/spills. This bill was left pending in committee.
HB 1534	Reynolds	The bill would require TCEQ to adopt, charge, and collect a \$5 per ton of CO2 equivalent annual fee on each facility permitted under THSC Section 382.05185. The bill was left pending in committee.
HB 1544	Guillen	The bill would create a tax incentive for eligible sand mining operations to establish and implement reclamation standards and plans. The bill was passed by the legislature but vetoed by the governor.
HB 1627 SB 1350	Thompson Miles	The bills relate to the issuance of air quality permits for concrete plants located in certain areas. The bills were left pending in committees.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 1683 SB 1763	Landgraf Springer	The bills relate to the enforcement of certain federal laws regulating oil and gas operations within the state of Texas. HB 1683 was sent to the Senate. SB 1763 was reported out of committee.
HB 1721	Reynolds	The bill relates to a study by TCEQ of air contaminants in residential areas in certain counties. The bill was left pending in committee.
HB 1786 SB 368	Thierry Miles	The bills relate to the issuance of air quality permits for concrete plants located in certain areas. The bills were left pending in committee.
HB 1810 SB 928 SB 729	Capriglione Zaffirini Johnson	The bills relate to maintenance and production of electronic public information under the Public Information Law. The bills were left pending in committee.
HB 1820	Zwiener	The bill relates to the regulation, monitoring, and enforcement of matters under the jurisdiction of TCEQ, and authorizing the assessment or increase of civil or administrative penalties. Bill was left pending on the General State Calendar.
HB 1821	Zwiener	The bill would require TCEQ and the state climatologist to develop a report on the potential impact of climate change on the state every four years. This report would address scientific predictions and uncertainties regarding climate change, the impacts of climate change on multiple sectors, and any economic opportunities potentially arising from climate change challenges. The first report would be due June 1, 2022. The bill was left pending in committee.
HB 1912 SB 1209	Wilson Schwertner	The bills relate to air quality permits for APOs and concrete batch plants. The bills were left pending in committees.
HB 1947 SB 1913	Ordaz Perez Blanco	The bills relate to the permitting of medical waste facilities by the Texas Commission on Environmental Quality. The bills would require TCEQ to notify state and county officials of new permits and renewals and provide that a permit cannot be granted until compliance. The Senate bill was left pending in committee. The House bill was placed on General State Calendar and not called.
HB 2019 SB 699	Hefner Hughes	The bills relate to a study of the conversion of surface mine pits and quarries to water storage reservoirs to enhance this state's available water supply. The bills would identify which rock quarries and mines could be used as water storage reservoirs in the future. Both bills were left pending in committees.
HB 2099	Schaefer	The bill would limit the disclosure of personal information in connection with a motor vehicle record to use by government entities, in conjunction with court proceedings, and for use by employer or insurers. The bill was left pending in committee.
HB 2136	Thompson, Ed	The bill relates to marine vessel projects in the diesel emissions reduction incentive program. This bill was left pending in House committee.
HB 2140	Thompson, Ed	The bill relates to the administration of and funding for the Texas emissions reduction plan. This bill was left pending in House committee.
HB 2148	Stephenson	The bill relates to notice of contamination of a public water supply to certain water providers by the Texas Commission on Environmental Quality. TCEQ shall notify PWS owners and operators that their source of water is contaminated with <i>Naegleria fowleri</i> (amoeba) no later than notifying media outlets. This bill was removed from the Senate local calendar.
HB 2206	Talarico	The bill would require TCEQ to adopt rules and regulations to require reporting and verification of GHG emissions. Goals for reducing greenhouse gas (GHG) emissions in 2050, 2040 and 2030 are included in the bill. The bill was left pending in committee.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 2221	Canales	The bill would create the Texas Transportation Electrification Council with senior-level staff of certain state agencies, including TCEQ, to assess, plan, and provide policy recommendations for the development of electric charging infrastructure in Texas through 2040. The bill was sent to house calendars.
HB 2368	Morales Shaw	The bill relates to the participation by local governments in water quality control measures. This bill was left pending in House committee.
HB 2369	Morales Shaw	The bill relates to the shutdown during a weather-related disaster of facilities that have reported emissions events to TCEQ. The bill would have required that TCEQ adopt rules to implement a system of staggered shutdowns for regulated entities, in the event of a state or federally declared weather-related disaster. The rules would have applied to regulated entities that are required to report emissions events under THSC Section 382.0215. This bill was left pending in committee.
HB 2423	Davis	The bill specifies the inspection and maintenance (I/M) programs apply to gas powered vehicles that are required to be registered in certain counties and are model year 1997 or later. The bill was sent to the house local and consent calendar.
HB 2426	Murr	The bill relates to water quality protection areas. The bill would have expanded the pilot program originally established for quarries in the John Graves Scenic Riverway (Brazos River Basin) to include the "Coke Stevenson Scenic Riverway" (Colorado River Basin). This would have required visual inspections and water sampling activities each calendar year. This would also have required permitting (individual permit or a general permit based on the proximity to the river), financial responsibility, inspections, sampling, cost recovery, and enforcement programs. The bill was left pending in committee.
HB 2468 SB 1454	Thompson Alvarado	The bills would allow TERP funds to be used for the purchase, maintenance, upgrade, and operation of air monitoring equipment in certain areas. The bills would increase Air Quality Research Project (AQRP) funds to \$1 million (from \$750,000) and increase TCEQ research funds to \$5 million (from \$2.5 million). Both bills were left pending in Senate committee.
HB 2539	Turner	The bill relates to the distribution of funds designated for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program (LIRAP). The bill would require TCEQ to distribute fees collected for LIRAP to counties for use in the Local Initiatives Projects program. The bill was sent to Senate committee.
HB 2540	Anchia	The bill would amend the Texas Transportation Code to prohibit modification of the exhaust emission system of a passenger car or light truck in a manner that the owner or operator knows or should know will increase the noise emitted above that emitted by the originally installed muffler. The bill was left pending in committee.
HB 2564	Crockett	The bill relates to mailed notice of the intent to obtain certain environmental permits. This bill would require TCEQ to mail notices (NOI) to persons within one mile of the proposed facility. This bill did not receive a committee hearing.
HB 2577	Kuempel	The bill relates to the light-duty motor vehicle purchase or lease incentive program. Bill would add motorcycles, not scooters. This bill was left pending in the Senate.
HB 2652 SB 1039	Larson Eckhardt	The bills relate to establishing an advisory board to study surface water and groundwater interaction and provide that TCEQ will make recommendations on board members based on expertise. The House bill was postponed, and the Senate version did not receive a committee hearing.
HB 2692 SB 1046	Landgraf Birdwell	The bills relate to the regulation of radioactive waste; reducing a surcharge; reducing a fee. The bill is identical to SB 1046 and defines storage capacity limits and proper disposal. The House bill was returned to committee and the Senate version was left pending on Senate intent calendar.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 2659	Rosenthal	The bill relates to reporting requirements for certain accidental spills or discharges. This bill would have required additional notification to the applicable county judge for spills and discharges. The bill was left pending in committee.
HB 2671	Guillen	The bill relates to the operations, communications, and notice procedures of state agencies and political subdivisions. The bill was sent to house local and consent calendar.
HB 2683 SB 924	Canales Zaffirini	The bills relate to requirements for open meetings that are broadcast over the internet or held by telephone conference or videoconference call. HB 2683 was sent to the Senate. SB 924 was left pending in committee.
HB 2710	Bowers	The bill relates to an exemption to the cancellation of a water right for nonuse. The bill was left pending in the Senate.
HB 2717	Landgraf	The bill relates to certain requirements for water systems. Instructs public water systems to contact their customers during and after a BWN. Also add section for weatherization. This bill did not receive a committee hearing.
HB 2811 SB 2110	Murphy Taylor	The bills relate to the release of a tier two form listing hazardous chemicals that is in the possession of a political subdivision of this state and would provide that a Tier Two form to be made available to the public. Both bills were left pending in committees.
HB 2877	Beckley	The bill relates to notice to elected officials of a widespread power, water, or natural gas outage or emergency. The bill would have required notification by email and telephone as soon as practicable after an electric utility, municipally owned utility, or electric cooperative experiences a widespread power outage or electric service emergency to various officials. Additionally, the bill would have required notification by email and telephone as soon as practicable after a retail public utility experiences a widespread water service outage or a widespread water service emergency to various officials. This bill was left pending in committee.
HB 2898	Lopez	The bill relates to notice required after an intentional shutoff of electric and water service. The bill would have required a notice by email or text messages to customers within three hours of an intentional outages from an electric utility, municipally owned utility, or electric cooperative in response to an emergency event. Additionally, the bill would have required notice by email or text messages to customers within three hours after a retail public utility intentionally shuts off water service in response to an emergency event. This bill was left pending in committee.
HB 2990	Morales Shaw	The bill relates to a requirement to make certain environmental and water use permit applications available online. Bill would require TCEQ to post copies of applications online rather than post them in newspapers NOIs. This bill was left pending in the Senate committee.
HB 3073	Shaheen	The bill relates to a requirement that state agencies make agency guidance documents accessible to the public. The bill was left pending in committee.
HB 3294 SB 1263	Bell, Cecil Birdwell	The bills relate to funding for the Texas emissions reduction plan. The House version was laid on table subject to call of the chair, and the Senate version went to conferees and not reported out.
HB 3387	Rogers	The bill relates to authorization of certain land applications and discharges into retention facilities of dairy waste. This bill would have enabled TCEQ to issue authorizations for land application of dairy waste. The bill was removed from the Senate local and uncontested calendar.
HB 3412	King, Tracy	The bill relates to the location and operation of certain concrete crushing facilities. This bill did not receive a committee hearing.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 3492	Frank	The bill would limit the assessment of taxes or fees by the state during the time the operation of a business or nonprofit is restricted by order, proclamation, or regulation during a declared state of disaster. The bill was left pending in committee.
HB 3650	Lucio	The bill relates to transferring back to TCEQ the water and wastewater utility programs that were transferred from TCEQ to the Public Utility Commission by legislation in the 83 rd Legislative Session back to TCEQ. The bill was sent to house calendars.
HB 3727	Middleton	The bill relates to the adoption of rules concerning certain on-site sewage disposal systems. The bill would have required TCEQ to adopt rules to allow for aerobic drip emitters systems to be installed on subdivided or platted single-family home properties that are smaller than one-half acre only when the drinking water to the property is provided by a public drinking water system. This bill was left pending in committee.
HB 3793 SB 861	Shaheen Paxton	The bills relate to remote meetings under the Texas Open Meetings Act. SB 861 was reported out of committee and HB 3793 was left pending in committee.
HB 3814 SB 2097	Hunter Zaffirini	The bills would have required individual permits for any facility where preproduction plastic is manufactured, handled or transported. The permit must prohibit the discharge and release of preproduction plastic to either a body of water or land outside of the facility's property line. Additionally, permittees would have been required to promptly clean up plastic presumed to have been discharged or released from the facility. The bills were left pending in committees.
HB 3858 SB 1304	Ordaz Perez Blanco	The bills relate to the provision by the Texas Commission on Environmental Quality of certain information in a language other than English. The bills would require TCEQ to respond to comments in language in which it was received and would include translations of notices and applications. The House bill was left pending in committee and the Senate version did not receive a committee hearing.
HB 3918	Romero, Jr.	The bill would amend the Texas Transportation Code by adding a new subsection that specifies motor vehicle muffler noise requirements and includes the muffler as one of the items inspected at an inspection station or by an inspector. The bill was left pending in committee.
HB 4146 SB 1747	Tracy O. King Zaffirini	The bills relate to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain stream segments or assessment units. The bills would have required TCEQ to perform the prescribed surface water quality data analysis to identify the classified stream segments and assessment units of classified stream segments to which the bill would have applied and implemented additional permitting prohibitions. HB 4146 was referred to the House and SB 1747 was left pending in committee.
HB 4253	Perez	The bill relates to the procedure for qualifying for the exemption from ad valorem taxation of pollution control property. The bill was left pending in committee.
HB 4384	Hefner	The bill relates to the replacement of the light-duty motor vehicle purchase or lease incentive program with the gas flaring and venting reduction program. TCEQ shall develop a grant for gas flaring and venting reduction in place of light-duty vehicles. This bill did not receive a committee hearing.
HB 4341	Biedermann	The bill relates to the transfer of regulation of APOs from TCEQ to RRC on delegation by the EPA, authorizes a fee, provides administrative penalties and other civil remedies, and creates a criminal offense. The bill was left pending in committee.
HB 4489	Zwiener	The bill would have placed restrictions on permits for direct discharge of waste or pollutants into water in certain zones of the Barton Springs segment of the Edwards Aquifer. The bill was left pending in committee.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 4478	Huberty	The bill would require APOs within 1,500 feet of the San Jacinto River to submit a certified restoration plan, certified reclamation plan, and demonstrate financial responsibility with their registration. The bill was left pending in committee.
HB 4524	Zweiner	The bill relates to the adoption of rules by the Texas Commission on Environmental Quality regarding the discharge into water in this state of produced water resulting from certain oil and gas activities. This bill did not receive a committee hearing.
SB 87	Miles	The bill relates to the consideration of the cumulative effects of air contaminant emissions in the emissions permitting process. TCEQ shall consider public health hazards within 3 miles for site of concern. This bill did not receive a committee hearing.
SB 125	Johnson, Nathan	The bill relates to the regulation of hydrofluorocarbons under the Texas Clean Air Act. It prohibits the sale, lease, rent, installation or otherwise cause any hydrofluorocarbon product or equipment to enter into commerce in Texas if that product or equipment consists of, uses, or will use a substitute. This bill did not receive a committee hearing.
SB 364	Miles	The bill relates to affirmative defenses for a TCEQ enforcement action for unauthorized emission or opacity events. This bill would have eliminated the affirmative defense by repealing four sections of the THSC. The bill was left pending in committee.
SB 365	Miles	The bill relates to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities. Bill would require new applicants must submit to TCEQ an environmental justice report in order to determine if their proposed facility will be located in an environmental justice community. This bill did not receive a committee hearing.
SB 366	Miles	The bill relates to the minimum amount of an administrative penalty assessed by TCEQ for a violation of certain laws. This bill would have established a minimum penalty of \$250 per day per violation for facilities that fail to comply with certain environmental regulations. The bill was left pending in committee.
SB 684	Blanco	The bill relates to an affirmative defense to a TCEQ enforcement action for unauthorized emission events. This bill would have eliminated the affirmative defense by repealing two sections of the THSC. The bill was left pending in committee.
SB 765	Huffman	The bill relates to seller's disclosures regarding the proximity of certain residential real property to certain landfills and related facilities. This bill did not receive a committee hearing.
SB 1261	Birdwell	The bill relates to the exclusive jurisdiction of the state to regulate GHG emissions in this state and the express preemption of local regulation of those emissions. The bill was postponed by the house.
SB 1482	Zaffirini	The bill relates to the issuance of a permit for a municipal solid waste landfill facility located in a special flood hazard area. Redefines FEMA floodplains to "special flood hazard area" and prevents landfill applications from being approved in those areas. This bill did not receive a committee hearing.
SB 1559	Nichols	The bill would repeal transfer of Certificate of Title Fee revenue from the Texas Mobility Fund/Highway Fund to the TERP Trust Fund. The bill would also repeal the remittance of TERP fee revenue to the TERP Trust Fund outside of the Treasury, keeping the revenue in the TERP account/fund within the Treasury for appropriation. The bill was left pending in committee.
SB 1713	Hall	The bill would amend THSC and the Texas Transportation Code to eliminate the mandatory annual vehicle safety inspection program and to retain the fee revenue that was provided to the state from this program. The bill was left pending in committee.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
SB 1747	Zaffirini	The bill relates to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain stream segments or assessment units. This bill did not receive a committee hearing.
SB 1734	Springer	The bill relates to the enforcement of certain federal laws regulating oil and gas operations within the state of Texas. The bill was left pending in committee.
SB 1804	Johnson, Nathan	The bill relates to use of Texas emissions reduction plan funds for a small non-road engine purchase incentive program. This bill did not receive a committee hearing.
SJR 52	Birdwell	The joint resolution would establish the TERP fund outside the state treasury and allow funds to be spent without legislative appropriation. The joint resolution was left pending in committee.

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by the agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve the agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's commission or staff. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during their detailed research on the agency

Issue 1: Funding Source or Financial Assistance for Small Water Systems

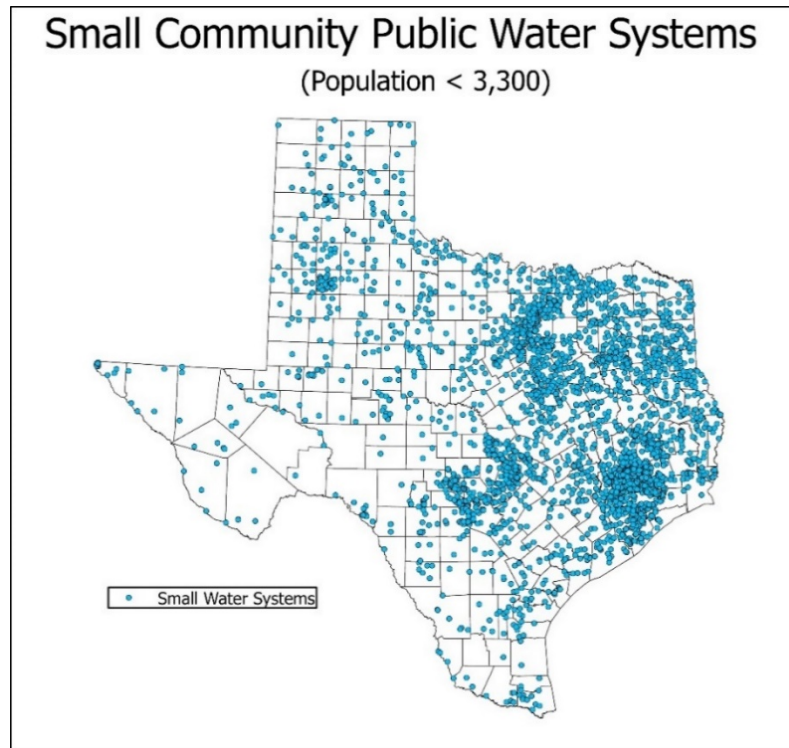
A. Brief Description of Issue

Currently, 84% of Texas' 7,053 public water systems serve a population of less than 3,300. As water infrastructure ages and regulations become more stringent and complex, a small system that serves 3,300 people or less is more likely than a larger system to face challenges in its ability to maintain safe and adequate drinking water supplies.

B. Discussion

A public water system provides potable water for public use. The following types of entities can qualify as a "public water system": cities, residential subdivisions, private businesses, and governmental entities. TCEQ is responsible for enforcing the federal Safe Drinking Water Act, which requires a public water system to provide safe and adequate drinking water supplies to the public. Most of Texas' public water systems are classified as a community water system. This means the system serves the same people on a year-round basis. Of the 4,641 community water systems, 3,483 serve a population of less than 3,300. The following map shows locations of small community public water systems.

Locations of Small Community Public Water Systems



Small System Challenges: Small systems face the greatest challenge in supplying water of adequate quality and quantity because of the difficulty in developing or accessing the financial, managerial, and technical resources needed to comply with the increasing number and complexity of EPA regulations and rising customer expectations. Given their small customer base, small systems often struggle to effectively operate and maintain their systems. These systems lack the expertise to make upgrades and repairs and also lack financial resources to hire experienced operators to make infrastructure upgrades and repairs, or to install or operate treatment technology. They also lack resources and expertise to develop short- and long-term financial planning and asset management. When operational problems arise, residents can be faced with limited or no water service. Small systems often lack capital reserves or resources of a large system. The problems are compounded by the fact that the customers of these systems are often on low or fixed incomes and cannot afford to collectively contribute to the projects needed to improve service.

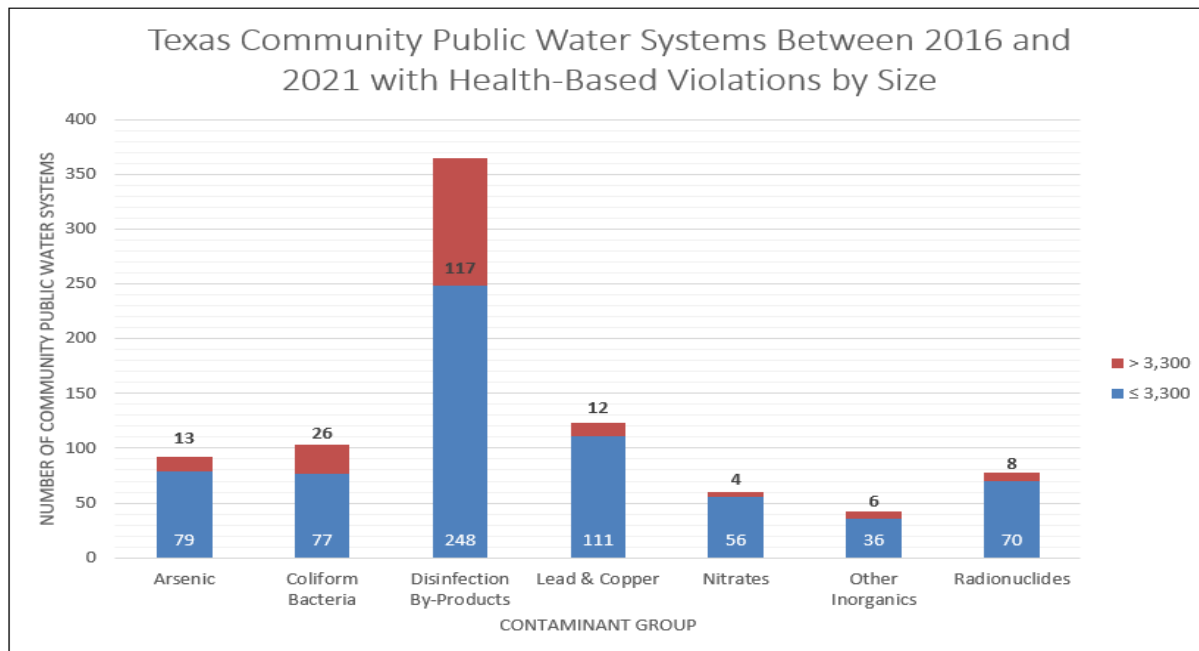
Some owners even abandon these small systems and a receiver or temporary manager must be found through state resources to continue operations. When immediate management is necessary to restore service, TCEQ has the authority to appoint a temporary manager for short-term relief (Texas Water Code (TWC) Sections 5.507 and 13.4132). The system can also be referred to the Office of Attorney General for the appointment of a receiver (TWC Section 13.412).

Other circumstances that impede the viability and performance of small systems include the lack of alternative water supplies, limited financial assistance mechanisms, and the inability to promote system consolidation or regionalization. These types of challenges ultimately hinder their ability to achieve and

maintain system sustainability and lead to hundreds of Texas' small systems every year being noncompliant with state and federal drinking water regulations⁶.

Small System Non-Compliance with Health-Based Standards: In the last 30 years, the number and complexity of drinking water regulations has significantly increased, for systems of every size and type of water source. Currently, small systems account for 92% of the community water systems that have outstanding health-based violations. Health-based violations in Texas are largely due to naturally occurring contaminants such as arsenic, nitrates, fluoride, and radionuclides. The following graph provides health-based violation details.

Texas Community Public Water Systems with Health Based Violations Between 2016 and 2021



Naturally occurring contaminants are often the result of poor-quality source water options and the inability to obtain alternative sources of acceptable quality due to geographic, geological, or economic limitations. When alternative water sources are not available, treating these types of contaminants usually requires the addition of enhanced treatment at a substantial expense and continued operations by an experienced and knowledgeable operator. The financial, managerial, and technical limitations of small systems often put enhanced treatment beyond the capabilities of the system.

TCEQ often receives numerous complaints regarding small, struggling systems, which require more frequent investigations, sampling, and onsite assistance to determine if public health is being protected. Systems with drinking water violations must work rapidly to make changes to their system or face formal enforcement and fines. These systems are often referred for formal enforcement. TCEQ allows public water systems under a commission enforcement order to participate in a Supplemental Environmental Project (SEP), which is not a long-term viable option to address major system issues or deficiencies. An

⁶ <https://www.tceq.texas.gov/compliance/enforcement/enforcement-reports/annenreport.html>

approved SEP can allow a non-profit organization or government to offset up to 100%, and a for profit organization to offset up to 50%, of an assessed penalty to contribute toward an environmentally beneficial project. Under the provisions of TWC Section 7.067 for certain local governments, the offset amount may also be used to address a system's compliance needs.

Extensive Agency Resources are Used Assisting Small Systems to Remain Viable: Many small public water systems require extensive TCEQ resources to respond to recurring or on-going compliance issues, failing treatment and facility equipment, service interruptions or outages, drinking water contamination, distribution of boil water notices to customers when small systems are unable or unwilling to do so, and abandonment. TCEQ staff rapidly troubleshoot issues to get systems back online as soon as possible by helping systems make repairs, adjust treatment strategies, find funding opportunities, and identify alternate water sources by working with adjacent systems or water haulers to ensure water is delivered to customers. Agency staff work with city, county, and state emergency management personnel to address a multitude of operational issues, relay citizen needs, and work within the emergency management structure to secure bottled water for drinking and water for basic sanitation needs when necessary.

While TCEQ does not provide direct financial assistance for small systems, it does employ various tactics and services to encourage systems to operate effectively and in compliance with state and federal drinking water requirements. TCEQ's Financial, Managerial, and Technical Assistance and Small Business and Local Government Assistance programs work with small public water systems to help resolve compliance and operational issues; find and apply for funding; and provide guidance on system sustainability. These programs also assist with capacity assessments, consolidation, operator training and a multitude of other financial, managerial, and technical assistance activities.

During the last five years, TCEQ performed 5,119 financial, managerial, technical, and general assistance water system related assignments, 4,190 of which related to small systems. During the same period, staff from the Texas Optimization Program provided advanced on-site operator training and technical assistance at 206 small systems.

Although TCEQ and other state agencies and organizations provide financial, managerial, and technical assistance to these systems, the needs of small systems often outweigh the available capacity of state agencies and supporting organizations.

C. Possible Solutions and Impact

Funding: Owners of small public water systems need additional funding sources and financial assistance opportunities. Because most of the state and federal agencies that fund water system improvements have limited grants, most of the funding comes in the form of loans. However, many small systems are reluctant to take out loans either because they already have considerable debt, or they do not have the financial resources to repay the loan.

It is also difficult for small systems to access funding for anything but relatively large infrastructure projects. There is a lack of loans and grants in small amounts that are easy to access. It would be beneficial to have a state grant program operated by qualified nonprofits for small projects including general infrastructure improvements, emergency repairs, operator training, access to third-party analysis and recommendations from engineers and consultants, and asset management. Availability of easy to access small grants and loans for other supporting activities is also important. These activities could include short

and long-term planning, financial education and management, and assistance to resolve legal issues, such as ownership.

When small ailing systems are abandoned, receivers and temporary managers need swift emergency funding sources for repair of failing infrastructure or to get non-operational systems back online as quickly as possible. Currently, temporary managers and receivers must rely solely on the revenues of the ailing system or their own personal funds for operations and for immediate or emergency repairs. The approval process for utility rate increases (overseen by the Public Utility Commission) can take time and often the customer base for many struggling systems is so small that revenues are not adequate to make needed repairs so the infrastructure can provide continuous and adequate water service.

A potential funding source could be a fund set in statute such as the previously created Water Utility Improvement Account (WUIA) discussed below. TCEQ could access the account to provide funds to authorized small systems for improvements or for operating and maintenance expenses needed to protect the public health and water resources of the state. The WUIA, originally created in 1997 in Texas Health and Safety Code (THSC) Section 341.0485, provides that certain civil or administrative penalties collected from a utility be deposited into the WUIA rather than the state's General Revenue Fund. Similarly, TWC section 13.418 was amended to provide that fines and penalties collected from a utility pursuant to violations of TWC Chapter 13 be deposited into the WUIA instead of the General Revenue fund. However, the account was never created because the WUIA was not included in the funds consolidation bill.

In addition, expanding eligibility requirements for who can be a receiver and providing incentives that will attract receivers to operate abandoned systems are also needed. Currently, under Civil Practice and Remedies Code Section 64.021, only an individual can be appointed as a receiver. If the eligibility requirements are expanded to include corporations or a municipality, entities with additional resources may be appointed to serve as receivers. Since receivers typically manage abandoned systems that have significant infrastructure needs due to lack of adequate maintenance, it is common for a receiver to be required to immediately invest in new infrastructure to avoid a water outage.

Regionalization and Consolidation: Small systems need reasonable and practical mechanisms to consolidate or tie into larger or high-functioning systems. Regionalization may be best supported by legislation that creates incentives to encourage voluntary regionalization projects at a local level. Small systems struggle with gaps in expertise that can make regionalization projects daunting. Increased flexibility in existing or new funding to include regionalization support such as feasibility studies, increased outreach and education, legal assistance, funding coordination, and meeting facilitation would be beneficial. Additionally, it could also be helpful to have state funding to increase the economic feasibility of connecting to an existing system, rather than developing a new system, or to incentivize formal and informal private or public partnerships.

Sometimes the best solution for a non-compliant system is to be part of a regional project, consolidate, or purchase water from a compliant system. Legislatively mandated regionalization or consolidation may be necessary where there are recalcitrant systems. However, willing partners would be needed to provide service to the troubled systems as well as funding incentives to make interconnects or mergers affordable and attractive. Larger systems are often reluctant to take on another water system's problems and non-compliance issues. Larger municipal systems require annexation to provide service and smaller system customers typically do not want to be annexed.

Issue 2: Authority to Protect Public Health, Safety, and Welfare During Droughts and Emergency Water Shortages

A. Brief Description of Issue

TCEQ administers water rights in accordance with the prior appropriation doctrine which essentially provides that earlier water rights must be satisfied before later water rights. During times of drought, TCEQ may need to suspend junior water rights to enforce a priority call to protect senior water rights. Junior water right owners can include municipal users and power generation users. As discussed below, the courts have ruled that TCEQ does not have authority to exempt junior water rights from a priority call even if the exemption is needed to protect public health, safety, or welfare.

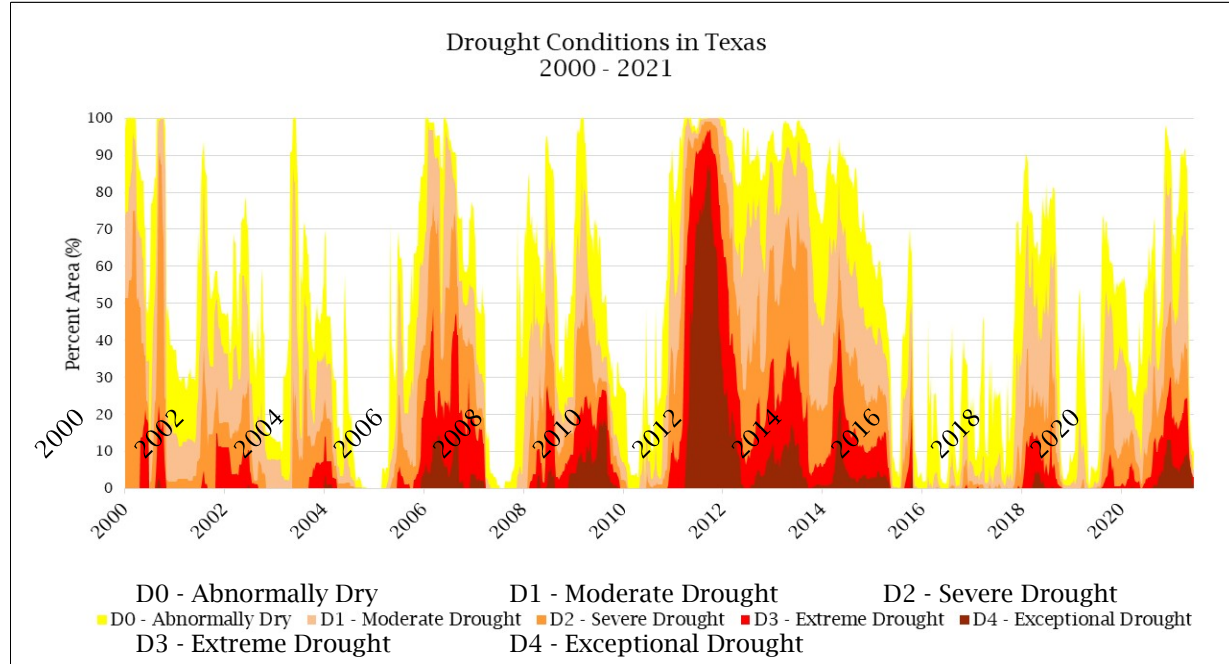
B. Discussion

In 2011, the 82nd Legislature passed House Bill (HB) 2694 relating to changes to TCEQ's statutory authority and continuation of the agency for 12 years. HB 2694 added Section 11.053 to the Texas Water Code (TWC), which states that the executive director may issue orders to temporarily suspend or adjust water rights during times of drought or other emergency shortage of water, and required TCEQ to adopt rules. TCEQ adopted rules implementing the statute, which were effective May 3, 2012.

If a senior water right holder or a domestic and livestock user is not receiving the water they are entitled to, they can make a priority call to TCEQ. TCEQ responded to 32 priority calls between 2009 and 2018. Many of the priority calls resulted in complete suspension or partial curtailment of junior water rights, however, not every priority call resulted in suspension or curtailment of water rights. For priority calls received prior to the court ruling that TCEQ may not exempt junior water rights, junior water rights for municipal or power generation uses were either not suspended or were only partially curtailed to protect the public health, safety and welfare. The priority calls after the court ruling have thus far not required TCEQ to suspend or curtail any junior municipal or power generation uses based on the circumstances; however, that may change for future priority calls made under different circumstances.

Weather patterns and demand on water supplies vary across the state. Recurring drought conditions create a high probability that TCEQ will need to respond to priority calls in the future. At any given time, all or a portion of the state can be in some level of drought condition as shown in the following chart.

Drought Conditions in Texas From 2000 to 2021



The court's ruling in *Tex. Comm'n on Environmental Quality v. Tex. Farm Bureau*, 460 S.W.3d 264 (Tex. App. – Corpus Christi 2015) (rev. denied 2016) invalidated TCEQ's rules implementing Section 11.053. The courts ruled that:

- TCEQ exceeded its statutory authority because the rules allow exemption of preferred uses from a curtailment or suspension order, and such exemptions are not in accordance with the priority of water rights established by TWC Section 11.027.
- Exemption of junior water rights from a priority call and curtailment or suspension order is not authorized under TCEQ's police powers or any general authority to protect the public health, safety, or welfare.

Some communities and power generation users that rely on surface water do not have alternate sources of water to support their uses when surface water is not available. As a result, TCEQ's ability to protect drinking water supplies and ensure adequate power generation during a priority call is severely compromised as follows:

- TCEQ will not be able to manage a response to a senior call in a manner that takes into account concerns about public health, safety, or welfare because TCEQ will not be able to exempt municipal uses or power generation if they have a junior priority date.
- Suspended or curtailed water right holders that lack sufficient alternative sources of water will have to purchase water from a supplier; apply for an emergency permit under TWC Section 11.139(a) if unappropriated water is available; or apply for an emergency transfer of a water right under TWC Section 11.139(h). An emergency transfer of a water right requires the payment of fair market value of the water transferred and payment of any damages caused by the transfer.

C. Possible Solutions and Impact

A statutory change could provide TCEQ the authority to protect public health, safety, and welfare during droughts or emergency shortages of water. This authority would enable TCEQ to consider impacts that the suspension or partial curtailment of junior water rights would have on municipal or power generation uses that have no feasible or practical alternatives to augment their surface water supply. While TWC Section 11.139 provides a process for relief from emergency conditions through TCEQ approval of an emergency water right authorization or an emergency transfer of a water right, there are locations around the state where the relief contemplated under that section would not provide available water for a suspended or partially curtailed junior municipal or power generation user due to insufficient unappropriated water available. In addition, an emergency transfer of a water right for public health and safety purposes under TWC Section 11.139(h) may only be granted to a retail or wholesale water supplier. Further, there are locations where there are no practicable alternative sources of water for these junior water right holders. A change to the statute could allow TCEQ to protect municipal drinking water supplies and ensure adequate power generation for the duration of a drought in instances of an imminent threat to the public health, safety, or welfare.

Issue 3: Strengthen the Required Training for Local Emergency Management and Their Chain of Command

A. Brief Description of Issue

TCEQ spends significant resources addressing on-demand emergency response needs. Expectations of the agency have increased with respect to response timeframes and the type of actions and amount of resources necessary to address events where many local entities view TCEQ as a first responder.

B. Discussion

TCEQ is expending significant resources responding to emergency events such as hurricanes; floods; tornadoes; droughts; extreme winter storms; large industrial fires and explosions with potential discharges and emissions events; chemical spills resulting in releases of contaminants to air, water and land; and bacteriological and chemical contamination in drinking water distribution systems. During these events, there can be a common, public misconception that TCEQ's role is in the same category as local first responders, which it is not. Many local governments also have expectations that TCEQ should take a larger role in on-going emergency response events, beyond that of regulatory oversight and providing technical guidance.

Recent natural disasters such as Hurricane Laura (2020), Hurricane Delta (2020) and Winter Storm Uri (2021) resulted in 59 days of extensive air-monitoring events using handheld instruments that captured over 14,000 discreet air samples, and 43 days of mobile air surveys with specialized air monitoring vans that captured over 2,000,000 data points.

Recent industrial incidents such as the ITC Terminal Fire (2019) and TPC Explosion (2019) resulted in 135 days of air monitoring using handheld instruments, collecting approximately 72,000 discreet samples.

In accordance with Chapter 418 Government Code and the State of Texas Emergency Management Plan, initial emergency response is the responsibility of local jurisdictions (city and county governments). The local government first responders have primary responsibility for responding to emergency situations. These first responders also determine when evacuation or sheltering-in-place is necessary. Local government representatives are responsible for communicating immediate actions that may be needed, as well as other pertinent information related to an emergency to their citizens. Each local government and interjurisdictional emergency management agency is required to prepare, keep current, and distribute to appropriate officials a local or interjurisdictional emergency management plan. When local government resources are exhausted during a response, supplemental support should be requested on the local level through mutual aid agreements or county assistance. Similarly, when all local resources are exhausted, state assistance can be requested. In other situations, where the responsible party or local government response is insufficient, state assistance may be required.

Most Texas counties have a single Local Emergency Planning Committee (LEPC); however, some counties, like Harris County, have multiple LEPCs that serve individual cities or communities in that county. An LEPC is a voluntary organization required under the federal Emergency Planning and Community Right-to-Know Act that is established in an Emergency Planning District. These districts are designated by the State Emergency Response Commission. LEPC membership usually includes:

- elected state and local officials;

- police, fire, civil defense, and public health professionals;
- environmental transportation, and hospital officials;
- facility representatives; and
- representatives from community groups and the media.

While TCEQ's involvement in emergency response is necessary and appropriate at times, the impact on the agency is increasing and diverting resources away from routine state and federally mandated investigations, and placing higher demands on staff to balance workplan requirements and on-demand events. On occasion, local governments are too quick in requesting state assistance when local resources may not be truly exhausted. Local governments sometimes find themselves lacking knowledge of the state's emergency management protocols and are unprepared to respond.

In November 2020, pursuant to HB 2305 (86R) and SB 6 (86R), the Professional Development Working Group provided recommendations to the legislature for a comprehensive emergency management professional development program in the state. The program would ensure emergency management professionals meet a certain standard of education, training, and experience, and have knowledge of laws, rules, regulations, and programs. Texas Department of Emergency Management provided online access to FEMA's Professional Development Series for Emergency Management Officials through [PreparingTexas.org](https://www.preparingtexas.org), but the legislature has not made the additional training a requirement.

C. Possible Solutions and Impact

TCEQ recommends strengthening the required training for local government emergency management officials and their chain of command. This training should result in knowledge and understanding of federal, state, and local government roles and responsibilities for emergency management; emergency operation center operations; unified command operations; and, most importantly, the Incident Command System (ICS) structure that is the center piece for all emergency response events.

Strengthening participation between local government emergency management officials and their chain of command with LEPCs would also greatly benefit emergency management planning and understanding at the local level. The benefits of expanding local government knowledge and understanding of federal, state, and local roles and responsibilities for emergency management would result in greater disaster preparedness at the local level, less dependence on state resources, and increased public safety during emergency events.

If these recommendations or other dynamic strategies are not successful in strengthening the required training and participation by local government officials, new funding and authority for the agency may be needed to meet these heightened expectations. If TCEQ is expected to, or needs to, respond to more major emergency events in coordination with local governments, the agency will require significant additional funding and statutory changes to enhance spills and emissions reporting requirements by regulated entities to TCEQ. These changes would move TCEQ beyond its current regulatory role into that of a first responder.

Issue 4: Selection of State Superfund Remedial Actions

A. Brief Description of Issue

TCEQ is required by statute to select state Superfund remedial actions that it determines to be the lowest cost alternative among the statutorily viable remedial alternatives. The requirement to select the lowest cost alternative does not allow TCEQ to account for site-specific factors that may affect the successful implementation of the remedy.

B. Discussion

When selecting a remedial action for a state Superfund site, Texas Health and Safety Code (THSC) Section 361.193 requires TCEQ to select the lowest cost alternative that is technologically feasible and reliable, effectively mitigates and minimizes damage to the environment, and provides adequate protection of public health and safety and the environment. If a remedial alternative is technically feasible and reliable, it must be selected if it represents the lowest cost, even though other alternatives may be considered *more* reliable or feasible and therefore preferred given site-specific circumstances. Requiring the agency to select the lowest cost alternative does not allow TCEQ to account for site-specific factors that may affect the successful implementation of the remedy.

An example of a site-specific factor is where a higher cost could facilitate redevelopment by requiring fewer restrictions on the use of the property. For instance, a remedy allowing waste to be left on-site under a protective cap could be used as a parking lot. However, this might result in a higher cost for engineering and construction requirements. Costs might include additional testing and potential reinforcement of the cap suitable for future vehicle parking. Redesigning the space for more functional purpose may attract buyers and allow the space to be more productive. This productive reuse would likely benefit local taxing entities such as cities or counties. Additionally, having a site owner or operator who would assume responsibility for future maintenance of the cap also could reduce long term maintenance costs that may otherwise be borne by the State.

C. Possible Solutions and Impact

TCEQ recommends THSC Section 361.193 be revised to provide that costs to conduct a remedial action be balanced with the other factors currently provided in statute. The change would allow the State Superfund Program to consider the evaluation of site-specific factors that may affect the successful implementation of remedial action and select a remedy that best fits site conditions. From a fiscal perspective, this change may result in increased costs for remedy implementation, but may be balanced with other factors such as making the affected property available for redevelopment or reducing long-term liability.

The recommended change may affect potentially responsible parties (PRPs) of state Superfund sites who are parties in cost recovery and/or contribution litigation. Generally, state Superfund law authorizes TCEQ to address sites posing an imminent and substantial endangerment in one of two ways. First, TCEQ may utilize administrative or civil tools to compel PRPs to address the relevant site. Notably, those PRPs who conduct a TCEQ-approved removal or remedial action that is necessary to address a release or threatened release may bring suit in a district court for contribution to recover reasonable costs against other PRPs. Second, TCEQ may conduct environmental response actions utilizing the Hazardous and Solid Waste fee account (State Superfund) and thereafter litigate to recover expended costs from PRPs. An often-disputed issue in state Superfund litigation is the commission's selection of the remedy because the expenses

associated with a particular remedy translate into costs for which a PRP may be pursued by either the state, other PRPs, or both.

Removing constraints to select the lowest cost remedial alternative and allowing TCEQ to balance all statutory factors will ensure the selected remedial action for any state Superfund site will achieve the most advantageous combination of cost, quality, and sustainability.

Issue 5: Landowner Responsibility for Release from a Petroleum Storage Tank

A. Brief Description of Issue

Current Texas law identifies owners or operators of an underground or aboveground petroleum storage tank (PST) system as responsible for any releases from those systems but does not identify landowner responsibility for corrective action for releases from tanks on their property. In those situations where corrective action is necessary and a tank owner or operator is unwilling, unable, or cannot be found, the state must assume responsibility for the cleanup.

B. Discussion

The registered owner or operator of a PST may be a different entity than the landowner, as property is often leased to a tenant business (e.g., gas station). When a release from a PST is discovered and reported, the tank owner or operator is required to conduct corrective action pursuant to Texas Water Code (TWC) Section 26.351(b). Where the tank owner or operator is unwilling or unable to take corrective action or cannot be found (e.g., corporate dissolution), or if more expeditious corrective action is necessary, TCEQ is authorized to conduct corrective action under TWC Section 26.351(c).

Site cleanups can be delayed in cases where tank owner/operator individuals or business entities fail to conduct corrective action for various reasons. Additional issues include landowner reluctance to provide property access for effective and timely completion of corrective action.

C. Possible Solutions and Impact

TCEQ recommends amending TWC Chapter 26 Subchapter I to include landowners among the parties considered responsible for corrective action for PST sites. Under this statutory change, the responsibility for corrective action would fall first to the tank owner or operator and then to landowners of commercial properties where the tank owner or operator is unwilling, unable, or cannot be found. Additionally, TCEQ recommends a corresponding change to TWC Section 26.351(c) to explicitly allow TCEQ to conduct corrective action where the owners/operators and landowners are unwilling or unable to take corrective action or cannot be found (e.g., corporate dissolution), or where more expeditious corrective action is necessary.

The entity most directly impacted by the amendment would be landowners of commercial properties who do not also own or operate the tanks located on their property. However, joint liability between landowners and tank owners/operators would be consistent with Texas Health and Safety Code Section 361.271, which provides that the current owner of a solid waste facility is jointly liable with persons who owned or operated the facility at the time of processing, storage, or disposal.

The proposed change would assist with effective and timely completion of corrective action at these PST sites. The fiscal impact for amending the statute would be preservation of state and/or federal funding for sites without another viable party and possible mitigation of problems related to landowner reluctance to provide property access for effective and timely completion of corrective action. TCEQ does not anticipate any negative outcomes to the state from the recommended amendment.

Issue 6: Revenue Shortages in the Waste Management Account 0549

A. Brief Description of Issue

The Waste Management Account (Account 0549) fund balance is decreasing. As fund obligations exceed annual revenue, the fund is expected to be depleted by the end of FY 2024.

B. Discussion

The largest revenue source in the Waste Management Account (Account 0549) is the Municipal Solid Waste Disposal Fee (tipping fee), which is the fee charged on all solid waste disposed in Texas. This fee is paid by municipalities and waste management businesses operating municipal solid waste facilities. The tipping fee revenue is allocated between the Waste Management Account (Account 0549) and the Solid Waste Disposal Fees Account (Account 5000), per Texas Health and Safety Code (THSC) Section 361.014. Account 0549 receives 66.7% and the Solid Waste Disposal Fees Account (Account 5000) receives 33.3%.

In total, Account 0549 is estimated to collect approximately \$36.2 million in FY 2021. TCEQ is appropriated \$33.9 million in FY 2021 from Account 0549 to support the costs of managing certain waste programs. Account 0549 also supports other costs for employee benefits and the Statewide Cost Allocation Plan, which is estimated to be \$7.5 million for FY 2021. The total TCEQ obligation to Account 0549 in FY 2021 is estimated to be \$41.4 million, resulting in an account deficit of \$5.2 million. Beginning in 2016, TCEQ began funding insurance costs for retired employees from general revenue dedicated accounts. Notably, Account 0549 costs began to exceed revenues that same year.

The waste programs funded by Account 0549 include the municipal solid waste permitting programs, enforcement programs, site remediation programs; and it also generally pays for activities that enhance the state's overall solid waste management strategy. While TCEQ has the authority to fund municipal solid waste site remediation programs from Account 0549, appropriation levels do not support site remediation projects.

The account's fund balance is trending upward, with revenue double that of current obligations. The account collects approximately \$11 million in revenue per year from the tipping fee deposits. The agency is appropriated approximately \$5.5 million per year in grants to support local and regional solid waste projects. The projects may include technical assistance to local governments; education, training, and outreach; data collection and analysis; sub-grants for local projects; or closed landfill inventory maintenance.

House Bill 7 (83R) established the current allocation between the accounts. HB 7 also reduced the Municipal Solid Waste Disposal Fee by 25%. Prior to the 86R Legislative Session, TCEQ briefed the House Appropriation and Senate Natural Resources Committees on the revenue shortage in Account 0549. In an interim report, the Senate Natural Resources Committee recommended increasing the Account 0549 allocation percentage from 67% to 83% and decreasing the allocation to Account 5000 from 33% to 17%; however, no resulting legislation was introduced.

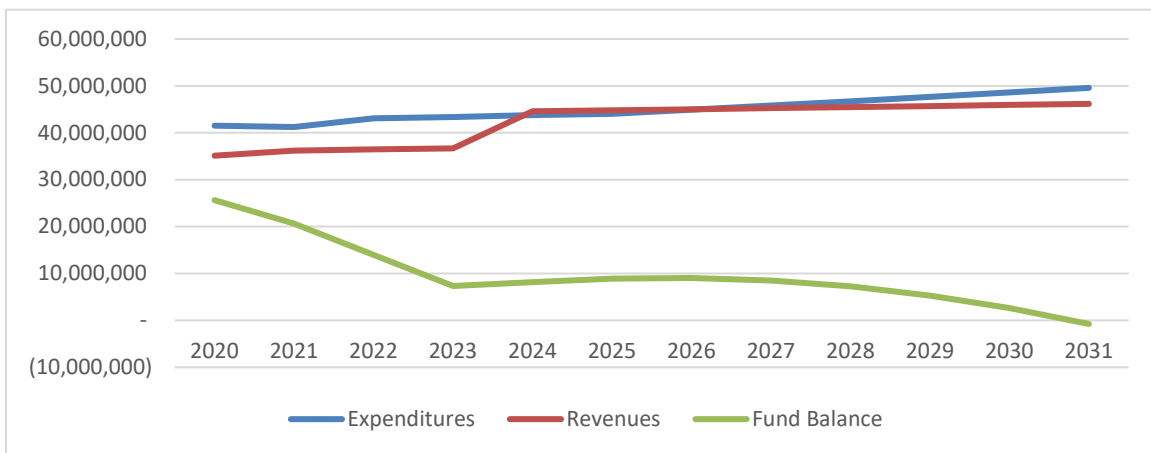
C. Possible Solutions and Impact

TCEQ recommends amending the statute to increase the percentage of the Municipal Solid Waste Disposal Fee (tipping fee) deposited to Account 0549 and to decrease the allocation to Account 5000. This recommendation does not result in a fee increase.

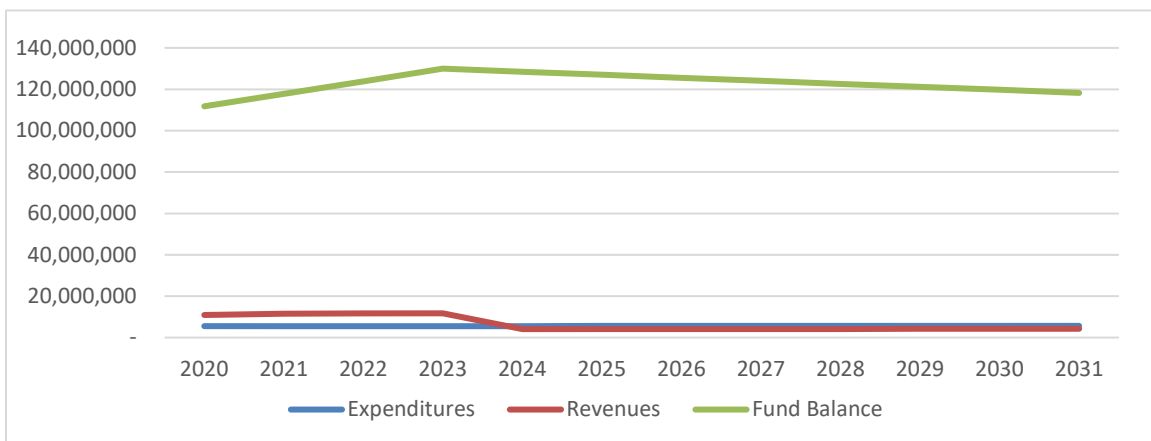
If the allocation is amended from 67% to 90% for Account 0549 and from 33% to 10% for Account 5000, the proposed change could result in \$30.2 million being deposited to Account 0549 based on FY 2021 estimated collected revenue, an increase of \$7.7 million. Rather than Account 0549 having a negative balance in FY 2024, the account would be expected to stabilize through 2030.

Account 5000 could receive \$3.3 million based on FY 2021 estimated collected revenue, should the percentage shift from 33% to 10%. The following graphs illustrate Accounts 0549 and 5000 fund balance projections.

Waste Management Account (0549) Fund Balance Projection



Solid Waste Disposal Account (5000) Fund Balance Projection



Issue 7: Funding Cleanup of Illegal and Unauthorized MSW Disposal Sites

A. Brief Description of Issue

TCEQ has the authority per Texas Health and Safety Code (THSC) Chapter 361 to remediate unauthorized MSW disposal sites, but no appropriations to fund the cleanups.

B. Discussion

TCEQ defines illegal dumping as the disposal, transportation for disposal, or allowance of disposal of solid waste at any place that is not an authorized solid waste facility. The most common types of illegal dumping involve items that are difficult to dispose of due to additional disposal fees or increased time and effort for disposal, such as tires, landscape waste, construction debris, appliances, furniture, household garbage, chemicals, batteries, and fluorescent lights. Illegal dump sites also include once-authorized facilities that were abandoned without proper closure, with unauthorized waste, or in volumes that exceeded the allowed storage requirements.

Illegal dumping impacts public health and safety, decreases property values, discourages economic development, increases municipal operating costs, increases property taxes and service fees, and results in lost revenues. Furthermore, local government and private property owners incur significant operation and maintenance costs associated with the need to continuously clean up, haul, and dispose of illegally dumped wastes.

Illegal dump sites are not only unsightly and costly, but they are a threat to human health and the environment, as these sites do not have any of the environmental safety protection that authorized facilities have. Environmental and health issues from illegal dumping include surface and groundwater quality impacts from contaminated water runoff; flooding when waste blocks water flow in creeks, ravines, and culverts; air pollution, especially if fires occur; and an increased presence of vectors like rodents and mosquitoes that can carry diseases.

Under THSC Chapter 361, TCEQ is responsible for controlling all aspects of the management of municipal solid waste. The agency implements this authority by permitting various types of solid waste disposal facilities, including landfills, transfer stations, recycling, and composting facilities. Additionally, the agency conducts complaint and compliance investigations at authorized and unauthorized facilities.

THSC Chapter 361 grants TCEQ the ability to clean up illegal dump sites through two statutes:

- THSC Section 361.0145 allows TCEQ to make an immediate response to remediate a fire or other emergency involving solid waste to protect public health or safety. Funding for these cleanups comes from Fund 5000 and the agency can seek cost recovery.
- THSC Section 361.014, specifically 361.014(a)(9), allows TCEQ to create and operate a state-led MSW remediation program with funding from Fund 549. The agency can remediate unauthorized tire sites, solid waste dumps, or recycling sites and the agency can properly close abandoned MSW sites for which responsible parties are not financially able to provide cleanup or closure.

THSC Chapter 365 contains criminal penalties and fines for littering and illegal dumping. Many local jurisdictions also have enacted laws to criminally penalize illegal dumping, however charging a person with an offense is difficult and time-consuming as the responsible party must either be caught illegally

dumping waste or there must be sufficient evidence to prove culpability. Fines levied do not cover the remediation cost and typically, as described above, the responsible party does not have the financial means to perform the cleanup.

In FY 2019 and FY 2020, TCEQ conducted 112 and 68 compliance investigations, respectively, at unauthorized MSW sites, or illegal dumps, all of which stemmed from complaints submitted by the public. Investigations at illegal dump sites typically lead to enforcement actions because the responsible party is managing waste without proper authorizations. The agency is authorized to enforce site remediation through administrative orders and to seek penalties to deter future noncompliance. Additionally, cases may be referred to the Office of the Attorney General for enforcement through the courts and civil penalties. However, illegal dump sites are notoriously difficult to achieve successful cleanup because the responsible parties typically do not have the financial means to perform the remediation. Several illegal dump site enforcement cases have languished with no successful removal of waste. Through the Regional Solid Waste Grants Program, TCEQ provides pass-through grants to the 24 councils of government to fund solid waste management activities, including cleanup of illegal dump sites, litter pickup events, and funding local enforcement officers and activities. In the FY 2018-2019 grant cycle, 25 local enforcement grants for \$489,860, identified 1,684 violators and removed 10,800 tons of waste. While these grants help local communities, illegal dumping is still prevalent and ongoing.

The Don't Mess with Texas Water Program is a partnership between TCEQ, the Texas Department of Transportation, and participating local communities to place signs on major highways that notify drivers of a phone number to call to report illegal dumping.

There has been no recent legislation focused on appropriating funding to the agency for MSW site remediation. Previous legislation did focus on strengthening TCEQ's permitting and enforcement requirements, particularly regarding the Scrap Tire Program. However, this legislation, which did not pass, did not include new MSW site remediation abilities or appropriations.

C. Possible Solutions and Impact

The cleanup of any illegal dump site benefits everyone by improving public health and reducing the environmental impacts. The agency anticipates no or minimal negative impacts to regulated entities, interest groups, or the public.

The program could be funded by the Solid Waste Disposal Fund 5000 by expanding allowances for Fund 5000 cleanups to include cleanups allowed by Fund 0549. THSC Section 361.0145 could be amended to grant TCEQ the ability to run a state-led MSW remediation program, using similar statutory language for cleanups in THSC Section 361.014, funding would come from Fund 5000 instead of Fund 0549.

Issue 8: Revenue Shortage in the Hazardous and Solid Waste Remediation Fees Account 0550

A. Brief Description of Issue

The Hazardous and Solid Waste Remediation Fees Account (Account 0550) fund balance is decreasing rapidly. As fund obligations exceed annual revenue, the fund is expected to be depleted in FY 2026.

B. Discussion

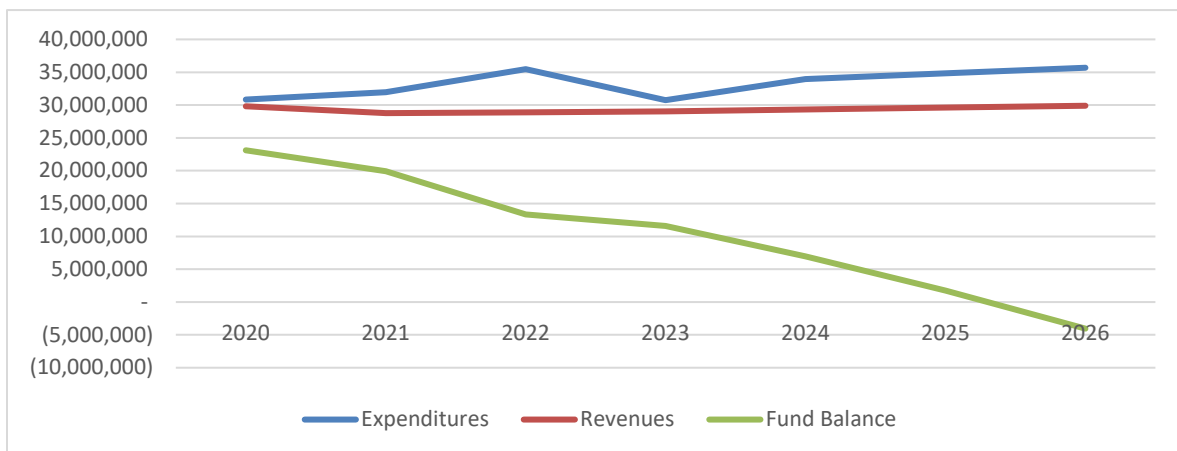
The largest revenue source in Account 0550 is the fee assessed on the sale of lead-acid batteries. In Texas, a \$2 fee is assessed on the sale of a lead acid battery with less than 12 volts in capacity and a \$3 fee is assessed for a lead acid battery with a 12 volt capacity or more. The fee is paid to the state by a wholesale or retail battery dealer after collection of surcharges from customers. The fee is authorized by the Texas Health and Safety Code (THSC) Section 361.138 and the fee amounts have not changed since established by House Bill 1986 (72R). The agency collected approximately \$23 million in FY 2020 from the sale of lead-acid batteries.

Account 0550 is mainly used to support the Superfund program, which addresses release or threatened release of hazardous substances at abandoned and inactive facilities. The account also supports the Innocent Owner/Operator Program, which provides a certificate to an innocent owner or operator if their property is contaminated because of a release or migration of contaminants from a source or sources not located on the property, and they did not cause or contribute to the source or sources of contamination.

The closing FY 2020 fund balance for Account 0550 was \$23.1 million. The fund balance is expected to decline by \$3 million or more each year. For example, projected expenses in FY 2021 are \$31.9 million while projected revenue collection is \$28.7 million. Expenditures exceed revenue by \$3 million in FY 2021.

The following graph illustrates Account 0550 fund balance projections.

Hazardous and Solid Waste Remediation Fee Account Fund Balance Projection

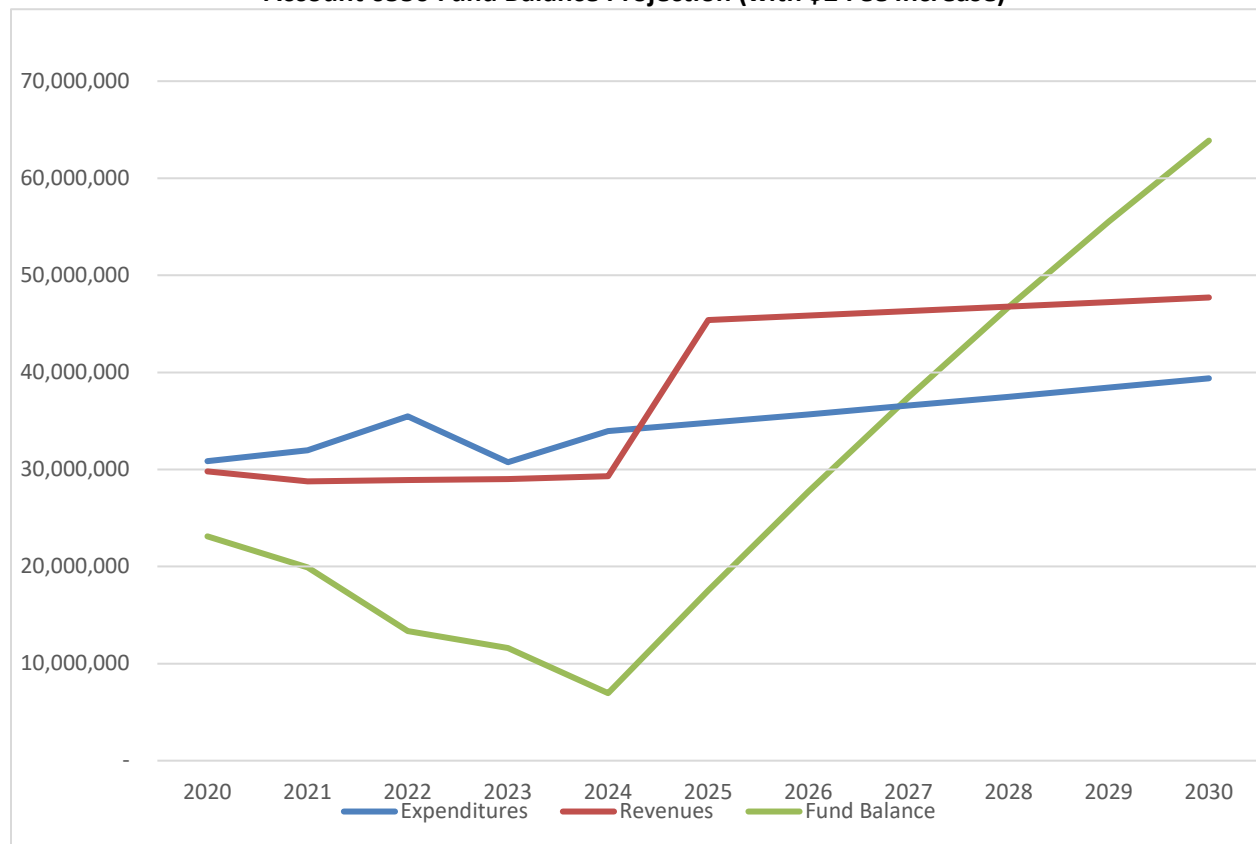


C. Possible Solutions and Impact

TCEQ recommends amending the statute to allow the agency to set the fee rate by rule. With an increased fee adopted in TCEQ rule, the revenue stream for the account can be stabilized allowing for greater flexibility in long-term planning for current and future obligations related to remediation.

If the battery fees are increased by \$2 so that each battery with a capacity of less than 12 volts is assessed a fee of \$4 and each battery with a capacity of 12 volts or higher is assessed a fee of \$5, the annual revenue for Account 0550 would increase by an estimated \$15.8 million per year. The following graph illustrates the impact of the \$2 increase.

Account 0550 Fund Balance Projection (with \$2 Fee Increase)



Issue 9: Public Notice for Permit Applications

A. Brief Description of Issue

Effective notice of pending environmental permit applications is crucial to robust public participation in TCEQ's permitting process. The percentage of people reading print newspapers is small and continues to decline. According to the Pew Research Center, more than 80% of U.S. adults get their news from electronic devices. If the only notice provided for the general public is by publication in a newspaper, then only the small percentage of individuals who receive and read the classified section of a paper will be aware that an application for an environmental permit is pending at TCEQ.

B. Discussion

To continue to be effective, public notice requirements need to keep pace with changes in how the intended audience obtains its information. Public notice by electronic publication reflects the public's widespread use of the internet, email, and other electronic means of communication. A common comment the agency receives regarding notices for permit applications is that the notice was deficient because it was only published in a newspaper, and that people only became aware of the application by mailed notice or word of mouth.

Federal rules require newspaper publication for permits issued under RCRA and UIC, however, they allow electronic publication of notice relating to NPDES and air quality permits. Texas statutes require newspaper publication. TCEQ also provides mailed notice of permit applications to specific individuals, including certain state, county, and city officials, and individuals who have requested to be placed on a mailing list. The reach of this notice is more limited than the broad dissemination possible with newspaper notice, however, as noted above, for newspaper notice to be effective, the public must receive and read the newspaper on the specific day that a notice was published. Required sign-posting at the proposed location of a facility or site also provides notice, but again, its reach is limited to only those members of the public who actually see the posted signs.

C. Possible Solutions and Impact

A possible solution to the issue of ensuring continued effectiveness of public notice of permit applications would be to expand TCEQ's statutory authority to include the option of electronic publication of notice. If given that authority, TCEQ could propose a rule change to require electronic publication of notice in lieu of newspaper notice for those applications for which newspaper publication is not a federal program requirement. Because TCEQ's rules are a required component of federal program delegation, EPA's approval of any rule changes would be required. Electronic publication of notice will reach a wider segment of the public, thus providing the potential for more public participation in the permitting process⁷. For some agency program areas, the use of an electronic notice option would result in greater efficiency of communication and streamline the processing of permits by eliminating publication delays due to newspaper publication schedules, publication errors, and the time required to confirm proof of each publication. Additionally, allowing for electronic publication of notice will increase the opportunity

⁷ <https://www.pewresearch.org/fact-tank/2021/01/12/more-than-eight-in-ten-americans-get-news-from-digital-devices/> (accessed August 2, 2021).

for the agency to receive valuable input by various public interest groups and an increased awareness of environmental permitting issues and participation in the permitting process.

Issue 10: Workforce Challenges

A Brief Identification of Issue:

TCEQ's workforce is challenged by difficulties with attracting, training, and retaining qualified employees, consistent turnover in key mission positions, and a high percentage of retirement-eligible staff.

B Discussion

Recruitment and retention challenges: State salary and benefit constraints limit TCEQ's ability to remain competitive with private sector employers and with other state and local governments. TCEQ's vacancies have remained between 6% and 6.5% below its FTE cap for the last four years. In FY 2020, 42.6% of TCEQ staff had fewer than five years of service. Persistent turnover in the two primary classifications of Natural Resources Specialist (NRS) and Engineering Specialist, which make up 31% and 11% of the workforce respectively, has resulted in 78.7% of staff salaries below midpoint. Overall, TCEQ average salaries have increased by only 3.9% since 2016⁸, and in these critical classifications, TCEQ's salaries lag behind its sister state agencies by as much as 34%, as illustrated in the following tables.

TCEQ Average Salaries Compared to Sister State Agencies

Classification Series	TCEQ	TPWD	GLO/ RRC	TxDOT	State
Natural Resources Specialist	\$51,048	\$60,319	\$60,702	\$61,964	\$58,062
Engineers	\$75,238	\$78,639	\$84,008	\$83,845	\$83,930
Engineering Specialist	\$51,395	\$56,706	\$62,637	\$60,592	\$56,847
Attorneys	\$79,461	\$75,027	\$88,991	\$102,173	\$86,761

TCEQ Turnover Rates Compared to Sister State Agencies

Classification Series	TCEQ	TPWD	GLO/RRC	TxDOT	State
Natural Resources Specialist	15.3%	6.6%	5.6%	10.3%	12.2%
Engineers	16.7%	0%	0%	8.7%	9.5%
Engineering Specialist	20.3%	19.4%	16.7%	12.6%	13.8%
Attorneys	16.2%	17.4%	16.3%	3.4%	14.3%

Note: TPWD-Texas Parks and Wildlife Department, GLO-General Land Office, RRC-Railroad Commission of Texas, TxDOT-Texas Department of Transportation, and State-state average.

TCEQ's retention of experienced staff in its mission critical classifications is challenged by significantly higher and more competitive salaries offered by other state agencies and local city and county governments, in addition to those offered in the private sector. TCEQ has taken several measures to address this including raising minimum salaries and supplementing salaries with retention and recruitment bonus programs and one-time merits for extraordinary performance in emergency events.

⁸ SAO's Workforce Summary Analysis, 582- Commission on Environmental Quality, which is published at <https://hr.sao.texas.gov/Publications/WFSummaries/WorkforceAnalysis/2020/582-2020.pdf>

However, actual salaries remain comparatively low while turnover continues to be untenably high. Based on this data, the 87th Legislature approved TCEQ's Legislative Appropriation Request (LAR) of \$5.8 million to support targeted pay increases for four classification series: NRS, Engineers, Engineering Specialists, and Attorneys.

Attrition Rates: Voluntary separations remain high at 50% of the separation resignations (excluding retirements) and consist primarily of staff with less than four years tenure (61%). Staff with 5 to 14 years of tenure make up another 28% of voluntary separations. This loss of organizational experience and knowledge poses a significant need for continued careful succession planning for key positions and leadership roles.⁹

Retirement eligibility: Within the next five years, over 34% of TCEQ's workforce will be eligible to retire, and in FY 2020, retirements made up 26% of voluntary separations. Newer entrants into the state workforce have a less competitive retirement plan than those now becoming eligible to retire.

C. Possible Solutions and Impact

As noted above, TCEQ has requested additional funding to improve salaries along with other internal measures, including recruitment and retention bonuses for key positions. TCEQ has also initiated a comprehensive salary study of all agency classifications to evaluate its competitiveness, identify additional classifications of concern, and recommend strategies and options to competitively recruit, retain, and develop highly competent staff. TCEQ will prioritize and implement its findings within its available budget. TCEQ anticipates that this may require another legislatively-supported appropriation to make these significant investments.

⁹ TCEQ's Strategic Plan; Workforce Plan, Schedule F, FY21-25, which is published at: https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/035-21.pdf

Issue 11: Shortage of Water and Wastewater Operators

A. Brief Description of Issue

TCEQ's Occupational Licensing and Registration Division (OLRD) has primary jurisdiction over ten occupational licensing programs, including Water and Wastewater operator licenses. Over the last ten years, as the population of Texas has grown, there has been a steady decline in the number of licensed water and wastewater operators per capita in Texas. If this trend continues, Texas will experience a significant shortage of licensed water and wastewater operators.

B. Discussion

As more people move to Texas, water and wastewater utilities must expand to support the population growth and greater numbers of licensed operators are necessary. As smaller facilities expand, they require greater numbers of licensed individuals, which require larger budgets to support the additional staff. Water and wastewater operator professions are not consistently discussed or included in job opportunity outreach. As a result, new graduates may not have a clear picture of what these jobs entail.

Municipalities that employ water and wastewater operators struggle to maintain staff at their treatment facilities. The issue is particularly noticeable in smaller towns with smaller treatment facilities and subsequently, smaller budgets. Many times, an entry level operator will start in a position at a small system, but then leave that position to work for a larger system with a larger budget or shift to working for an industry that can pay much higher salaries.

The agency licenses water and wastewater operators, approves licensing training providers, requires trained operators at water and wastewater facilities, and regulates operations at those facilities. No previous legislative action related to the issue has occurred.

C. Possible Solutions and Impact

The Occupational Licensing Program is focusing on several paths to address this issue. First, more exams are being translated from English to Spanish. Currently, only the entry level license exams are available in Spanish, and those tests are only provided by paper exam, not computer-based testing (CBT). By translating additional water and wastewater exams into Spanish, individuals with limited English proficiency will be able to maintain and improve their credentials. Also, by making Spanish exams available on CBT, applicants for these licenses will have a greater opportunity to take the exams in Spanish than they have had before.

One obstacle moving forward with Spanish translation of exams is the limited availability of qualified translators who also have specific industry knowledge. This knowledge is critical to ensure the terminology of the specific industry is translated correctly. An additional obstacle is the lack of designated funding to contract these translators. A second measure is to create a state-wide vocational program for high schools, with cooperation from the Texas Education Agency (TEA). There are several individual high schools in Texas supporting a water and wastewater operator training program in their schools, but the goal of this new program is to provide greater support to high schools that are interested in offering this opportunity for its senior students.

The Occupational Licensing program strives to increase the number of training programs at community colleges, particularly those that also have TCEQ-contracted computer-based testing centers. These colleges can provide programs to offer all core training courses, as well as facilitate the licensing exam upon completion of the course and application approval.

Both high schools and community colleges can work with approved training providers and local utilities to provide core classes and possible hands-on training. The high school and community college programs will educate and encourage students to pursue careers in the water and wastewater fields.

Enhancing training programs would increase visibility to students in high school and community colleges, hopefully sparking interest. The benefit would be increased numbers of qualified water and wastewater operators available to support water and wastewater needs for Texas in the future.

TCEQ is also exploring additional assistance to small water systems that have historically had difficulty attracting and retaining qualified operators. This could include implementing on-site or local training programs for operators, managers, board members, and council members and potentially instituting a training certification program for managers and boards. In addition, funding could be set aside to promote “peer-to-peer” operator assistance and training across the state between more experienced operators of larger systems and newer operators of smaller systems. This could help smaller systems develop local talent rather than try to compete with larger systems for qualified operators.

Another way TCEQ can support small systems would be to establish a statewide program to provide rate and financial accountability assistance. This would help small water systems set up a rate structure that would account for current and future costs such as: maintaining, rehabilitating, and repairing their systems; complying with future regulations; and planning for future rate increases, as necessary.

The fiscal impacts of the proposed change are difficult to quantify. An increase in operators would be a benefit to Texas communities and would support the additional customers to each system but would also require an increased budget for those systems. Estimating the statewide fiscal impact would require significant input from water and wastewater systems over time.

Issue 12: Facility Review – Park 35 Campus, Building F

A. Brief Description of Issue

TCEQ would like to reduce the annual \$3.6 million lease cost for the Colonnade (Building F) on the Park 35 headquarters campus by exiting the lease prior to the August 2027 termination date. A formal evaluation to determine if state costs can be reduced by vacating the leased facilities and further utilizing existing state-owned buildings requires one-time legislative funding, as well as assistance from Texas Facilities Commission (TFC).

B. Discussion

At headquarters located at 12100 Park 35 Circle in north Austin, TCEQ currently employs 1,900 individuals occupying six buildings. Five of the buildings are state-owned and the sixth building, Building F, is leased at an annual cost of \$3.6M per year. Ending TCEQ's lease will result in significant cost savings for the state.

Exiting the Building F lease is an ambitious undertaking requiring a close and agile partnership with TFC to plan, design, and execute strategies to relocate more than one-third of the employees in multiple divisions and programs to the existing five state-owned buildings. This effort will include a thorough evaluation of the agency's needs for physical space, including laboratories, equipment, facilities, parking, and public records; and ensure adequate meeting space and access to the Commissioners, executive management, and the Office of the Chief Clerk.

Prior to the COVID-19 pandemic, TCEQ anticipated transitioning to more remote working to support a scaled reduction in office space. While the pandemic initiated that transition much earlier than expected, the experience gave TCEQ an opportunity to evaluate best practices in remote working and more effective use of physical space. Since TCEQ staff remain highly productive working remotely, the redesign project will capitalize on experience gained. While the ultimate goal is to reduce state costs, expected additional benefits include employee engagement, staff retention, and exemplification of TCEQ's environmentally friendly mission. Moreover, redesigning use of Park35 facilities will result in more efficient delivery of public services, such as access to the agency's public records.

C. Possible Solutions and Impact

TCEQ has initiated discussions with TFC to develop an exit strategy from Building F prior to the 2027 lease end date. While TCEQ will be requesting funding during the 88th Legislative session for costs associated with reconfiguration of the existing state-owned buildings, TCEQ anticipates these costs will be offset by savings created from ending the lease early and discontinuing need for a long-term commercial lease at this location.

Issue 13: Facility Review – Houston Regional Office (R12)

A. Brief Identification of Issue

The Elias Ramirez State Office Building (ERB) which currently houses TCEQ's Houston Regional Office (R12), is not an adequate facility to support TCEQ's mission-critical compliance and disaster emergency response field activities.

B. Discussion

Houston is the fourth largest city in the U.S. with a population exceeding two million and is situated in Harris County with a total population of over four million. Overall, the greater Houston area is home to more than seven million people with a large, diverse, and complex universe of entities regulated by TCEQ.

The boundaries of TCEQ R12 include four deep water ports and two shallow ports. The Houston Ship Channel is a 52-mile waterway where more than 330 public and private terminals operate, which are owned by more than 150 companies. Many of those companies are subject to TCEQ regulations. The Port of Houston is the largest port in Texas, the largest port in the U.S in foreign and domestic waterborne tonnage, and is ranked third among U.S. ports in terms of total foreign cargo. The Houston Ship Channel is also reported to be the largest U.S. petrochemical complex allowing Houston to account for 42% of the nation's base petrochemical capacity.

Because of the large number of industrial facilities, as well as the proximity to the Texas Gulf of Mexico, TCEQ has been at the forefront of disaster and emergency response activities in this region, such as Hurricane Harvey and incidents at major facilities including the Intercontinental Terminals Company fire in Deer Park, Texas.

R12 operates from the ERB, a state-owned building located at 5425 Polk Street, Houston, Texas. TCEQ is the second largest tenant in the ERB, with approximately 200 employees. The ERB was completed in 1942 and the current condition of facilities are inadequate for TCEQ's operational needs. TCEQ has occupied the ERB since the mid-1990s with minimal improvements. Recurring facility issues include electrical problems, roof and window leaks resulting in water damage, mold remediation, elevators that often are inoperable but which are needed to move field equipment and sample containers, insufficient custodial services, and rodent intrusion. ERB's parking capacity is severely limited, providing a total of only 634 spaces to be utilized by both the public and the more than 900 staff employed by the 11 state agency tenants. Seventy-four of the total parking spaces are reserved for state agency vehicles, of which R12 has over 60.

The lack of 24-hour security and overall inadequate fencing, drainage, and lighting of the parking areas adjacent to the building prohibit TCEQ from stationing additional equipment at R12 since trespassing, thefts, and vandalism occurs routinely. Although TFC converted to a new security card access system for the building in FY 2021, 24-hour security is not provided for the ERB or parking areas. TCEQ has consistently raised security concerns with TFC and requested a security survey be conducted. In August 2019, TFC's Security and Safety Office conducted the survey and multiple security risks were identified, however, these risks have remained largely unaddressed. As a result, TCEQ initiated and funded the reinstallation of security card access gates, as well as replacement of inoperable security cameras both internally and externally to ERB.

Aside from the lack of adequate security and safety, the ERB is not conducive for allowing R12 to expand regulatory and incident response capabilities. For example, the fire and safety codes for ERB limit R12's capacity for maintaining the chemicals and gases used in equipment calibration. Additionally, the demands for physical space and limited electrical/network lines impede R12's process for conducting routine equipment preparation, calibration, and storage, as well as accommodating additional equipment and staff dedicated to disaster response activities. High value assets, such as mobile monitoring vans used in emergency response events, cannot currently be stationed and secured in the parking area at R12. Although TCEQ received \$890,000 in legislative funding for the FY 2022-2023 biennium to address antiquated and unsafe conditions at ERB, this interim measure does not fully address R12's existing or future business needs for this facility.

C. Potential Solutions and Impact

TCEQ recommends consideration be given for R12 to be housed in an accessible, secure location with appropriately configured space. While TCEQ recognizes the possibility of ongoing financial costs in relocating R12 from a state-owned building to a commercial lease, the financial cost must be evaluated equally with TCEQ's ability to effectively and efficiently conduct mission critical responsibilities to serve the public in this region of the state. If approved, TCEQ, in consultation with TFC, would acquire professional services to identify and analyze potential sites and would then make the best value decision that syncs with agency responsibilities. TCEQ anticipates making a legislative appropriation request to fund this recommendation.

Issue 14: Resource Needs for the Dam Safety Program

A. Brief Description of Issue

The number of dams the Dam Safety Program is required to inspect each year continues to increase. This yearly increase is largely from reclassifying dams due to increased development downstream, and to a lesser extent, new dams and existing but previously unknown dams.

The program was able to complete 91% of the inspections for the five-year cycle at the end of FY 2019 and 89% of the inspections at the end of FY 2020. However, without an increase in staffing resources, this percentage will continue to decrease each year as additional inspections are added to the inspection cycle.

B. Discussion

The current inventory of dams in Texas includes 7,314 dams, not including 116 federal dams.¹⁰ The current number of dams that fall under TCEQ's jurisdiction is 4,049. The remaining 3,265 dams are exempt dams,¹¹ which are not subject to routine dam safety inspections but must comply with operation and maintenance requirements. For the 4,909 dams that are regulated, 1,502 are high hazard dams,¹² 304 are significant hazard dams,¹³ and 2,243 are low hazard dams. For the 3,265 exempt dams, 242 are significant hazard dams and 3,023 are low hazard dams.

As the population of Texas increases, more people are moving into areas downstream of dams. Many of these dams were previously classified as low hazard since the downstream areas were sparsely populated or unpopulated. TCEQ is not required to inspect low hazard dams, except in certain situations. Additional development downstream increases the potential for loss of life if a dam were to fail, requiring many of these dams to be reclassified from low to significant or high hazard. These reclassified dams are added to TCEQ's inspection cycle each year. In comparison, at the end of FY 2014 the program had 1,568 high and significant hazard dams in the inspection cycle. However, at the end of FY 2020 the number of dams in the inspection cycle had increased to 1,806, which is an additional 238 dams in the inspection cycle as compared to the previous six-year period. With this increase in hazard classification continuing to occur and dams being added to TCEQ's five-year inspection cycle each year, the program's ability to complete all the required inspections within five years has been impacted as shown in the following graph.

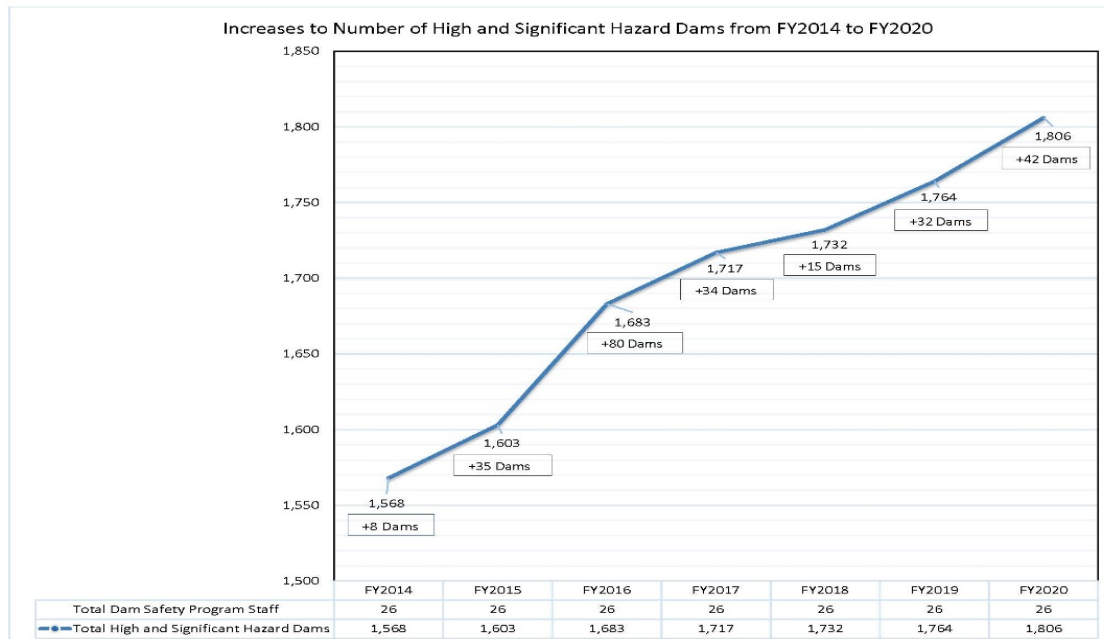
¹⁰ Federal Dams – Texas Dam Safety Rules do not apply to dams owned and maintained by federal agencies such as the Corps of Engineers, International Boundary and Water Commission, and the Bureau of Reclamation as per 30 TAC Section 299.1(c)(1).

¹¹ Exempt Dams - Dams on private property are exempt, if: they impound less than 500 acre feet of water; are significant or low hazard; are located in a county with a population less than 350,000; and are not within corporate limits of a municipality as per TWC Section 12.052(e-1)(1)(2)(3)(4). While an owner of an exempt dam is not required to meet dam safety requirements, and are not subject to routine dam safety inspections, they must comply with operation and maintenance requirements as per TWC Section 12.052(e-2).

¹² High Hazard Dams – In the event of dam failure, loss of life is expected, including seven or more lives, or three or more habitable structures in the breach inundation area downstream of the dam, as per 30 TAC Section 299.14(3).

¹³ Significant Hazard Dams - In the event of dam failure, loss of life is possible, one to six lives, or one to two habitable structures in the breach inundation area downstream of the dam, as per 30 TAC Section 299.14(2).

Number of High and Significant Hazard Dams from FY 2014 to FY 2020



In addition to the increasing number of dams in the inspection cycle, Texas, like other states, has difficulty attracting and retaining dam safety engineers. The state cannot compete with the salaries of private engineering companies. In many instances the program serves as a training opportunity for new engineers who need to gain experience. The program is most successful at hiring engineering graduates who then become engineers in training (EITs), working under the direction and mentorship of the program's licensed professional engineers. After working in the program for several years most of the EITs become professional engineers and then leave TCEQ to join private engineering companies. While the program benefits from having the EITs, the frequent turnover can result in a decrease in inspections due to time needed to fill vacant positions and train new staff. TCEQ began using recruitment bonuses and targeted salary increases for engineering levels in FY 2018; however, the program has continued to experience turnover. There are currently 26 full-time equivalent (FTEs) employees in the program, which include one manager, three team leaders (three teams), one systems analyst, and 21 field inspectors. The 26 program FTE employees, further broken down by professional title, include 15 professional engineers, eight graduate engineers, two non-engineers, and one systems analyst.

The work performed by the program is considered engineering work by the Texas Board of Professional Engineers, which requires a staff of engineers to review the data and information submitted by consulting engineers and to conduct engineering inspections in accordance with Title 30 Texas Administrative Code (30 TAC) Sections 299.4 and 299.42.

TCEQ has an interagency contract (intergovernmental) with the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) that provides for the NRCS to inspect a specified number of the high and significant hazard NRCS-assisted project dams. The NRCS submits the reports to the program, which develops letters to send with reports to the dam owners. Currently, the NRCS is contracted to perform 80 inspections per year.

The primary focus for the program is dam safety inspections on 1,806 high and significant hazard dams, 1,502 high and 304 significant state-regulated, every five years as required in 30 TAC Section 299.42(a)(2). In accordance with 30 TAC Section 299.42 (a)(2), high and significant hazard dams and large low hazard dams, of which there are only three in the inventory, are scheduled to be inspected every five years. While small and intermediate size, low hazard dams are only to be inspected at the request of an owner, as a result of a complaint, at the request of someone other than the owner, following an emergency such as a flooding event, or to determine the hazard classification.

The program also inspects poor condition high and significant hazard dams on a two-year frequency. Poor condition dams are those with major maintenance, structural, or hydraulic deficiencies which could threaten the integrity of the dam if the owner does not take immediate action. This shorter inspection cycle is needed to determine if previously identified problems with poor condition dams have been corrected or if the situation is progressing to the point of being an imminent and substantial endangerment to public safety. There are 300 poor condition regulated dams, of which 204 are high hazard dams, 40 are significant hazard dams, and 56 are low hazard dams. There are also 92 poor condition exempt dams with 63 being significant hazard dams and 29 being low hazard dams.

The program also has a Legislative Budget Board performance measure target of 800 assessments each year, which includes completed dam safety inspection reports and assessment reports.

The State Auditor's Office (SAO) noted in an FY 2020 audit that the program was not adequately following up on maintenance requirements at dams, trying to get more Emergency Action Plans (EAPs) submitted, or working with owners to perform EAP tabletop exercises. The agency responded to SAO that the program will require additional resources to perform these tasks.

In 2011, the legislature temporarily exempted certain dams from agency rules and regulations through HB 2694 (82R). The Act amended Texas Water Code (TWC) Section 12.052 to put in place a temporary dam exemption. This exemption went into effect September 1, 2011, exempting the owner(s) of a dam on private property from meeting the requirements related to dam safety if the dam:

- impounds less than 500 acre feet at maximum capacity;
- has a hazard classification of low or significant;
- is located in a county with a population of less than 215,000; and,
- is not located inside the corporate limits of a municipality.

The owner(s) of the exempt dams were still required to comply with operation and maintenance requirements established by commission rule. This exemption was set to expire on August 31, 2015. The Act also added a requirement to identify and focus on the most hazardous dams, and allowed the agency to enter into agreements with dam owners who are required to reevaluate the adequacy of an existing dam or spillway and authorize deferral of compliance with the criteria, as appropriate.

In 2013 the legislature made the dam exemptions permanent through HB 677 (83R). The Act also amended TWC Section 12.052 to change the dam exemption criteria related to population by increasing the county population requirement to less than 350,000, and repealed the dam exemption expiration date set in HB 2694 (82R), making the dam exemption permanent.

In 2019, HB 137 (86R) requires TCEQ to report changes of the hazard classification. The bill requires TCEQ to report to the county or city emergency management director or the executive director for the local

council of government any changes to the hazard classification of a dam in that county to high or significant hazard and the condition within 30 days of the change. TCEQ was also required to provide a biannual report to the same offices starting on March 1, 2020, with the condition for each high and significant hazard dam in that county.

C. Possible Solutions and Impact

While the program has increased the workload for existing staff, the focus remains on the quality and thoroughness of inspections to help ensure Texas dams remain safe. With the increasing number of dams being added to the five-year inspection cycle each year, the agency is recommending an increase to the current FTE levels.

The program would need a staff of at least 37 FTE employees to keep up with the five-year inspection cycle, the increased inspection frequency for poor condition dams, and efforts to incorporate the recommendations from the SAO. This is 11 more than the current program staff level. A program with 37 FTE employees would allow the agency to create a fourth team and add an additional team leader. If only a few additional FTE employees were allocated, along with adequate additional funding, it may be possible to contract the services, with program oversight.

The following are strategies to address the concerns:

1. For the Dam Safety Program to meet 100% of the five-year inspection frequency, it is recommended that the staff level be increased by 11 FTE employees.
2. Increase the salaries for all engineering levels to help attract qualified candidates and retain current program staff.
3. Continue to use recruitment and retention bonuses to help retain the current program staff.

Issue 15: Public Meetings on Permit Applications

A. Brief Description of Issue

During the COVID-19 public health emergency, the agency utilized virtual public meetings to keep the public informed of agency projects and pending permit applications, and to allow the agency to continue receiving input from the public. Public meetings are required by federal law¹⁴ and by state statute for certain permitting actions. Specifically, Texas Health and Safety Code (THSC) Sections 361.0791 and 382.056(k) and Texas Water Code (TWC) Section 5.554 provide that “during the public comment period, the executive director may hold one or more public meetings *in the county* in which the facility is located or proposed to be located.”¹⁵ TCEQ has asserted that the purpose for holding a public meeting in the county of the proposed facility is to allow the public to participate in the permitting process without having to leave the county. A virtual public meeting accomplishes this purpose as attendees do not have to travel. Accordingly, the agency has taken the position that virtual public meetings are in compliance with the statutes. Express language authorizing the agency to hold or require virtual public meetings on permit applications would serve to reinforce the agency’s position.

B. Discussion

TCEQ rules require that a public meeting be held in the following instances: the executive director determines that there is a substantial or significant degree of public interest in an application; a member of the legislature who represents the general area in which the facility is located or proposed to be located requests that a public meeting be held; an interested person requests a public meeting for major source air quality applications (i.e., Prevention of Significant Deterioration (PSD), Nonattainment, or Hazardous Air Pollutant (HAP) applications); or a public meeting is otherwise required by law.¹⁶

Further, a public meeting must be held on major source air quality applications, such as PSD, Nonattainment, and HAP applications, when an interested person requests a public meeting regardless of the amount of public interest because the federal rules require states to hold a public meeting¹⁷ on these types of applications if a request is received.¹⁸ In addition, public meetings are also mandatory for certain minor source applications. Specifically, applications to register under the Standard Permit for Concrete Batch Plants with Enhanced Controls are subject to a mandatory public hearing regardless of the amount

¹⁴ 40 Code of Federal Regulation (C.F.R.) § 124.12 specifically applies to National Pollutant Discharge Elimination System permits, Resource Conservation and Recovery Act permits, and Underground Injection Well permits (UIC); 40 C.F.R. § 51.102(a) contains the requirements that must be included in a State Implementation Plan which is a collection of regulations used by states to implement, maintain, and enforce the National Ambient Air Quality Standards and to fulfill other requirements of the Federal Clean Air Act.

¹⁵ THSC § 382.056(k) (emphasis added); TWC § 5.554 (emphasis added) (applies to public meetings for Texas Pollutant Discharge Elimination System permits, UIC permits, and waste permits issued under THSC Chapter 361); THSC § 361.0791 (emphasis added) (applies to public meetings for certain hazardous waste and municipal waste applications).

¹⁶ See 30 Texas Administrative Code (TAC) § 55.154(c).

¹⁷ Some statutory provisions use the term “public hearing” interchangeably with “public meeting.”

¹⁸ See 40 C.F.R. § 51.102(a); see also 30 TAC § 55.154(c)(3)-(4).

of public interest in the application.¹⁹The agency expends a significant amount of resources, including staff time and travel costs on in-person public meetings. In the typical case, at least three TCEQ staff members attend public meetings, including a member of the Office of the Chief Clerk (OCC) staff, technical staff, and legal staff. For public meetings with considerable public interest, there may be as many as nine TCEQ staff, including, several OCC staff members, additional program or legal staff as well as Regional Office staff. Staff from the Office of Public Interest Counsel may also attend meetings that are expected to be controversial.

Hosting an in-person meeting can significantly impact permitting time frames due to scheduling issues and the need to find a venue suitable for the expected capacity of the meeting. TCEQ has held public meetings in venues as varied as hotel conference rooms, school cafeterias or gymnasiums, court rooms, and privately owned spaces. The agency has received complaints from the public concerning the need to travel to in-person public meetings or the meeting venue's location in relation to the commenters or the facility.

For virtual meetings, TCEQ's OCC utilizes the GoToMeeting virtual platform, which is capable of multiple avenues of participation, including telephone participation. Specifically, the public may participate through the internet via a webcast or by telephone. In addition, the notice of the public meeting explains the multiple avenues of participation and provides the public with a telephone number to call for assistance accessing and participating in the meeting. TCEQ staff also begins virtual meetings with instructions that address the most frequently encountered technological issues, such as how to use the microphone on a computer. Digital recordings of the virtual public meetings are made available to the public in a timely manner.

TCEQ also utilizes the Microsoft Teams platform for other virtual meetings. This platform's functionality did not include telephone participation for several months when the agency first started using it, and separate call in lines were used in addition to the platform. However, Microsoft Teams now includes telephone participation, and the platform is being successfully used for Texas Groundwater Protection Committee and subcommittee public meetings, Watermaster Advisory Committee public meetings, and other similar non-permitting meetings across the agency. As with the GoToMeeting virtual platform, every effort is made to provide advanced notice or information on where and how to register and navigate the Microsoft Teams meeting, who to contact if difficulties are encountered, and where a recording of the meeting may be accessed afterward.

C. Possible Solutions and Impact

A possible solution that would strengthen the agency's efforts to reap the benefits of virtual public meetings is a statutory change to expressly authorize the use of virtual public meetings in lieu of in-person public meetings. Such a change would potentially conserve agency resources and provide the public with a convenient avenue to meaningfully participate in the permitting process and to receive information about pending permit applications and agency projects. For some agency program areas, the use of virtual public meetings would result in greater efficiency of communication with the public and result in shorter permitting time frames by eliminating delays due to scheduling conflicts for both attendees and the

¹⁹ See THSC § 382.05199(g) (Frequently, no members of the public attend the public hearing for a concrete batch plant with enhanced controls).

meeting venue. Virtual public meetings also provide a training opportunity for new staff and allow agency management to monitor public meetings without the need to be physically present. By continuing to utilize virtual public meetings, the agency will benefit by focusing its resources on projects with significant public interest. Often, individuals find it difficult to attend live public meetings due to family obligations, transportation challenges, or work conflicts. Virtual public meetings allow individuals who are unable to attend live public meetings an opportunity to provide meaningful input to TCEQ's permitting process and other agency projects.

Benefits from virtual public meetings to TCEQ include increased public attendance and decreased costs associated with staff travel expenses and travel time. Additionally, virtual public meetings would allow for valuable input by citizens and public interest groups. The public would be positively impacted by utilizing a new avenue of participation that does not require travel to a physical location. The virtual format provides the public with an opportunity to have meaningful participation in TCEQ's permitting process and agency projects without the necessity of attending in person.

Issue 16: Electronic Access to Permit Documents

A. Brief Description of Issue

Permit applications and draft permits for most environmental media are required by statute to be made available in a publicly accessible building, such as a library, so that members of the public may review and make copies. During the COVID-19 public health emergency, many of these buildings were closed to the public. In response, the agency allowed applicants to post copies of permit applications and draft permits virtually in lieu of making them available in a public place. Benefits including resource savings and convenience would continue if the agency was provided the flexibility to allow applicants to post applications and draft permits online in lieu of, or in addition to, placing the required documents in a public place.

B. Discussion

Current statutory provisions require that a copy of the application and certain related documents be made available at a public place in the county where the site or facility is located or proposed to be located. These statutory requirements and associated TCEQ rules include:

- Texas Health and Safety Code (THSC) Section 382.056(j) and Texas Water Code (TWC) Section 5.553(e): The applicant shall make a copy of the preliminary decision available for review and copying at a public place in the county in which the facility is located or proposed to be located.
- TWC Section 5.552(e), THSC Section 382.056(d), and 30 Texas Administrative Code (30 TAC) Section 39.405(g): The applicant shall make a copy of the application available for review and copying at a public place in the county in which the facility is located or proposed to be located.
- 30 TAC Section 122.320(b): The executive director shall direct the applicant to publish a notice of draft permit and preliminary decision, at the applicant's expense, in the public notice section of one issue of a newspaper of general circulation in the municipality in which the site or proposed site is located, or in the municipality nearest to the location of the site or proposed site. The executive director shall direct the applicant to make a copy of the application, draft permit, and statement of basis available for review and copying at a public place in the county in which the site is located or proposed to be located.

The purpose is so members of the public may have convenient access to review and copy the documents. A frequent comment received by the agency on applications is that the permit application is hard to access or not at the public location when the commenter attempted to review it. If the permit application is not at the public location, the most common remedy is to extend the public comment period, thus delaying the final action on the permit. People who lack the means to travel to the public location have difficulty fully participating in the permitting process.

During the COVID-19 public health emergency, many of these buildings were closed to the public. In response, the agency allowed applicants to post copies of permit applications and draft permits virtually instead of making the documents available at a publicly accessible building. Applicants would post the required documents on a public website, then provide that link to TCEQ, which would be included on the agency's public website and in the public meeting notice. With this process, the agency incurred little to no cost because the applicant was required to digitize the documents and post the materials. This virtual posting option occurred at the applicant's risk, as a court holds jurisdiction over the question of whether posting on a website is a sufficient alternative.

Unlike the application types mentioned above, the following federal and state rules require electronic posting of certain permit applications and related documents:

- 40 Code of Federal Regulations Section 257.107(a): Each owner or operator of a Coal Combustion Residual (CCR) unit subject to the requirements of this subpart must maintain a publicly accessible internet site (CCR website) containing the information specified in this section.
- 30 TAC Section 330.57(i)(1): Upon submittal of an application, the owner or operator shall provide a complete copy of any application that requires public notice, except for authorizations at Type IAE and Type IVAE landfill facilities, including all revisions and supplements to the application, on a publicly accessible internet website, and provide the commission with the Web address link for the application materials. This internet posting is for informational purposes only.
- 30 TAC Section 352.1321(c): The owner or operator shall post on the publicly accessible website certain documents including the application, upon submittal to or receipt from the executive director or the chief clerk for the active life of the coal combustion residuals unit through the completion of the post-closure care period.

To continue to be effective, methods for making permit applications publicly available should reflect developments in how the public accesses information. Access to permit applications utilizing electronic resources reflects widespread public access to the internet, email, and other electronic means of communication. Electronic access is a streamlined method to provide information to the public in a manner to which the public is now accustomed. Additionally, electronic access is not barred by hours of operation and members of the public can review the information at their convenience.

C. Possible Solutions and Impact

TCEQ recommends amending the statutes to allow flexibility to post applications and draft permits online instead of placing the required documents in a public building. Electronic access of permit applications will be more effective, timely, cost-effective, and reach more members of the public, thus providing for more meaningful public participation in the permitting process. It would also minimize the need to extend the public comment period due to delays in the application and draft permit not being timely provided at a public place and would allow permits to be issued more efficiently.

Issue 17: Challenges Along International Border

A. Brief Description of Issue

Protecting Texas' water supplies and air quality are core responsibilities for TCEQ. The challenges to protecting water supplies and air quality are compounded when these resources are shared across an international boundary. TCEQ has several issues in the border area related to water and air. TCEQ has concerns with water deliveries, international reservoir infrastructure and safety, and water and air quality.

B. Discussion

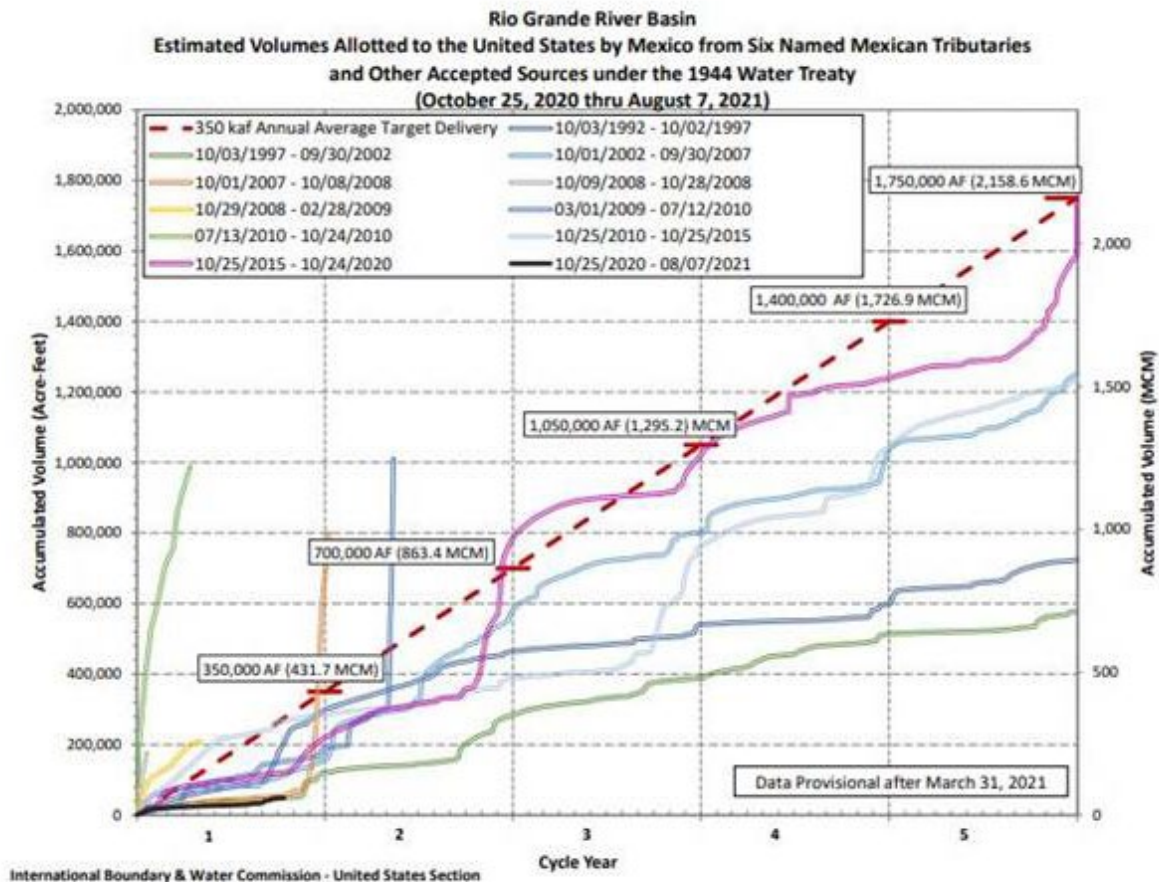
1944 Water Treaty

The waters of the international Rio Grande Basin are vital to ensuring Texas water right holders can irrigate crops, supply water to municipalities, and conduct industrial operations along the Rio Grande. [The International Boundary and Water Commission](#) (IBWC) oversees the *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Treaty Between the United States of America and Mexico, signed at Washington February 2, 1944* ([1944 Water Treaty](#)) binationally. The IBWC United States Section (USIBWC) participates in that utilization for the United States as well as helps settle differences that may arise. TCEQ is Texas' representative to the USIBWC on 1944 Water Treaty matters.

1944 Treaty Deliveries

Under the 1944 Treaty, Mexico has an obligation to deliver to the United States 1,750,000 acre-feet (AF) of water over a five-year cycle, at an average of 350,000 AF per year. During multiple five-year cycles, Mexico has not met its Treaty obligations. The following USIBWC graph shows the history of Treaty deliveries.

Estimated Volumes Allotted to the United States by Mexico under the 1944 Water Treaty



It is imperative that Mexico consistently meet its Treaty obligations each year, as well as every cycle, because Texas relies on this water source. Without the required Treaty waters, Texas must decrease allocations of water (made by TCEQ's Rio Grande Watermaster Program) from the international reservoirs (Amistad and Falcon) to Texas water right holders along the Rio Grande. Without the water allocations, Texas water users are forced to secure alternate sources of water, change crops, and reduce operations.

Amistad Dam

Under the 1944 Water Treaty, IBWC is responsible for the operation and maintenance of Amistad Dam, shared by the United States and Mexico. This IBWC responsibility includes flood control operations and dam safety. [Amistad Dam currently has a hazard potential classification of "High,"](#) meaning that in the event of dam failure, loss of life is expected. TCEQ has engaged with USIBWC on the dam safety issues at both the policy and emergency response levels and will continue to do so until the hazard is mitigated.

Water Quality and the Morillo Drain

Elevated salinity can result in the inability of Texas users to use the water, as elevated salinity may cause crop damage or impair municipal and industrial water treatment. Generally, salinity levels exceeding 1,000 mg/L are of concern to agricultural and other water users. Salinity in the lower Rio Grande frequently

exceeds 1,000 mg/L and flows from irrigation drains in Mexico are a documented source of elevated salinity levels in this area.

The Morillo Drain was constructed in 1969 to divert high saline runoff from agricultural fields in Mexico away from the Rio Grande. The Morillo Drain is located downstream of Falcon Reservoir and upstream of Anzalduas dam and diverts agricultural runoff through a 24-mile canal that parallels the Rio Grande for a short time then veers southeast and flows directly into the Gulf of Mexico. Minutes 223, 224, 282, and 303 to the 1944 Water Treaty address the construction, operation, and maintenance of Morillo Drain. Minute 223 specifies the capacity of the canal at three cubic meters per second (CMS). Currently, the operating capacity at the Morillo Drain is limited to approximately two CMS mainly due to canal conveyance constraints created by the spread of human settlements along the canal in the City of Reynosa, Tamaulipas, Mexico. Flows greater than two CMS normally spill into the Rio Grande. These types of spills generally occur after large or prolonged rainfall events or during irrigation season in Mexico (winter and spring). Additionally, power outages, debris in the pump or canal, and pump malfunction have all resulted in agricultural runoff spilling into the Rio Grande.

Mitigation of salinity on the Rio Grande below Falcon is important to all users. USIBWC should ensure the operation and maintenance of the canal is conducted as needed to ensure the pump station operates properly and the three CMS capacity in the canal is restored and maintained because, if operated at a lesser CMS capacity, the Morillo Drain is more likely to overflow during peak irrigation seasons in Mexico. This has been an ongoing issue for at least the last two decades and TCEQ has actively engaged USIBWC. This engagement has resulted in improved maintenance at the pumps; however, capacity remains below the three CMS specified by Minute 223.

Air Quality

El Paso County is impacted by emissions from Juarez and other areas in Mexico; primarily coarse particulate matter (PM10) and ozone. The City of El Paso is designated nonattainment for the PM10 National Ambient Air Quality Standard (NAAQS). Regarding ozone, El Paso County was designated as attainment for the 2015 ozone NAAQS by EPA in 2018. Multiple petitioners challenged the designation, and in July 2020 the U.S. Court of Appeals for the D.C. Circuit remanded the designation at EPA's request. On May 25, 2021, EPA notified the governor that it intends to designate El Paso County as a nonattainment area for ozone as part of the existing partial Doña Ana County, New Mexico (Sunland Park) nonattainment area. Because El Paso County would be combined with the Sunland Park nonattainment area, which was designated nonattainment in 2018, the deadlines for submitting the required State Implementation Plan revisions and attaining the standard have already passed (August 3, 2020 and August 3, 2021, respectively). As a combined nonattainment area, planning requirements would need to be coordinated with New Mexico.

C. Possible Solutions and Impact

Regarding water, TCEQ continues to engage with USIBWC on issues related to the 1944 Water Treaty including deliveries, salinity, and Amistad Dam.

Regarding air, TCEQ responded to EPA's letter on July 26, 2021. In the letter, TCEQ provided additional information and requested that EPA not modify El Paso County's attainment designation for the ozone standard. The letter also urged that, if EPA does designate the county as a nonattainment area, the area should not be tied to the Sunland Park nonattainment area in New Mexico. EPA is expected to finalize its designation for El Paso County in September 2021. If El Paso County is designated nonattainment, TCEQ would submit a Federal Clean Air Act Section 179B demonstration (i.e., a demonstration that the area

would attain the standard but for foreign emissions) to EPA, which would be reviewed along with New Mexico's demonstration. If the Section 179B demonstration is approved, planning requirements for the nonattainment area would be suspended.

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X. Other Contacts

A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

Exhibit 16: Contacts

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name / Contact Person	Address	Telephone	Email Address
8-Hour Ozone SIP Coalition / Elizabeth Hendler	10715 Fountainbleu Cir. Austin, TX 78750	512-257-7322	ehendler42@att.net
Accion de Gente Unida Para Agua Segura represented by Texas RioGrande Legal Aid -Laredo Office / Kristen Adams	1702 Convent Ave. Laredo, TX 78040	956-718-4600	kadams@trla.org
Advocates for Responsible Disposal in Texas / Edward Selig and Brian Christian	P.O. Box 26586 Austin, TX 78755	512-413-0902 512-937-2490	eselig@ardt.org bchristian@ardt.org
Air Alliance Houston / Bakeyah S. Nelson / Executive Director	2520 Caroline, Ste. 100 Houston, TX 77004	713-528-3277	bnelson@airalliancehouston.org
Alamo Area Council of Governments / Diane Rath / Executive Director	2700 N.E. Loop 410, Ste. 101 San Antonio, TX 78217	210-362-5200	drath@aacog.com
Alamo Area Metropolitan Planning Organization / Isidro Martinez / Director	825 S. Saint Mary's St. San Antonio, TX 78205	210-227-8651	imartinez@alamoareampo.org
American Bird Conservancy / Kacy Ray / Gulf Conservation Program Manager	4249 Loudoun Ave. P.O. Box 249 The Plains, VA 20198	540-253-5780	kray@abcbirds.org
American Petroleum Institute / Mike Sommers / President & CEO Sally Goodson / Senior Program Manager	200 Massachusetts Ave. N.W., Ste. 1100 Washington, DC 20001	202-682-8130	https://www.api.org/contact goodsons@api.org
Armand Bayou Nature Center / Tim Pylate / Executive Director	8500 Bay Area Blvd. Pasadena, TX 77507	281-474-2551	tim@abnc.org
Artist Boat / Karla Klay / Executive Director and Founder	13330 Settegast Rd. Galveston, TX 77554	409-632-0388	kklay@artistboat.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
Audubon Texas / Lisa Gonzalez / Vice President and Executive Director Pete Moore / Board of Directors Chair	7700 W. Hwy. 71, Ste. 330 Austin, TX 78735	512-488-1261	lisa.gonzalez@audubon.org audubontexas@audubon.org
Bayou Land Conservancy / Becky Martinez / Conservation Director	10330 Lake Rd., Bldg. J Houston, TX 77070	281-576-1634	bmartinez@bayouland.org
Bayou Preservation Association, Inc. / Alyssa Harmon / Interim Administrator	7305 Navigation Blvd., Ste. A Houston, TX 77011	713-529-6443	aharmon@bayoupreservation.org
Black Cat GIS and Biological LLC. / Amanda Hackney / Owner, GIS and Research Consultant	11601 Waterwood Ct Pearland, TX 77584	936-554-9033	a.hackney@blackcatgis.com
Buffalo Bayou Partnership / Trudi Smith / Director of Programming	1019 Commerce St., Ste. 200 Houston, TX 77002	713-752-0314	tsmith@buffalobayou.org
Capital Area Council of Governments / Andrew Hoekzema / Director of Regional Planning and Services	6800 Burlison Rd. Bldg. 310, Ste. 165 Austin, TX 78744	512-916-6043	ahoekzema@capcog.org
Carrizo Comecrudo Tribe of Texas / Juan Macias / Chairman Andy Torres / Vice Chairman	1250 Roemer Ln., Unit C Floresville TX, 78114	830-381-7992	juanmancias@carrizocomecrudonation.com atorres@carrizocomecrudonation.com
Center for Public Policy Dispute Resolution - The University of Texas School of Law / Vicki Read / Program Administrator	727 E. Dean Keeton St. Austin, TX 78705	512-471-3507	vread@law.utexas.edu
CenterPoint Energy / Jeff DallaRosa / Ecological Programs Manager	P.O. Box 3795 Houston, TX 77253	832-357-7077	jeffrey.dallarosa@centerpointenergy.com
Chambers-Liberty Counties Navigation District / Mary Beth Stengler / General Manager	13318 Bay Place Dr. Beach City, TX 77523 P.O. Box 518 Anahuac, TX 77541	281-383-3308 409-267-3541	marybeth@clcmd.org
Children's Environmental Literacy Foundation / Amanda Brown / Educator and Professional Development Facilitator - Houston	P.O. Box 70905 Houston, TX 77270	832-477-4583	amandabrown@celfeducation.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
Citizens' Environmental Coalition / Rachel Powers / Executive Director Katie Molina / General Manager	P.O. Box 702 Houston, TX 77001	832-982-2843 713-524-4232	rachel@cechouston.org katie@cechouston.org
City of Houston / Winfred Colbert / Senior Assistant City Attorney	900 Bagby St. Houston, TX 77002	832-393-6285	win.colbert@houstontx.gov
Clean Water Action / David Foster / Texas Director	600 W. 28th St., Ste. 202 Austin, TX 78705	512-474-2046	cwaaust@cleanwater.org dfoster@cleanwater.org
Coastal Bend Air Quality Partnership / Gretchen Arnold / Chair	121 Atlantic St. Corpus Christi, TX. 78404	N/A	gretchen.arnold0@gmail.com
Coastal Bend, Bays, & Estuaries Program / Ray Allen / Executive Director	615 N. Upper Broadway, Ste. 1200 Corpus Christi, TX 78401	361-336-0305	rallen@cbbep.org
Colonias Unidas	8019 Embassy St. Rio Grande City, TX 78582	956-487-0964	colonias_unidas@yahoo.com
Community in Power and Development Association, Inc. / Hilton Kelley / Founder and Director	600 Austin Ave. Port Arthur, TX 77640	409-498-1088	cidainc.hk@gmail.com
Dow Chemical / Maria Valdez / Regulatory Affairs	1200 Smith, Ste. 700 Houston, TX 77002	989-636-1000	mivaldez@dow.com
Downwinders at Risk / Jim Schermbeck / Director	1808 S. Good-Latimer #202 Dallas, TX 76226	469-608-1972	downwindersatrisk@gmail.com
Dry Cleaner Advisory Committee / Charles Riggs / Chair	P.O. Box 425859 Denton, TX 76204	940-898-2670	criggs@twu.edu
Ducks Unlimited / Todd Merendino / Manager, Conservation Programs	915 Front St. Richmond, TX 77469	832-595-0663	tmerendino@ducks.org
Earthjustice / Erin Gaines / Senior Attorney	50 California St., Ste.500 San Francisco, CA 94111	1-800-584-6460	egaines@earthjustice.org
EarthShare of Texas / Françoise Van Keuren /Executive Director	6500 Tracor Ln., Austin, TX 78725	512-472-5518	francoise@earthshare-texas.org
Earthworks / Sharon Wilson / Senior Field Advocate	10455 N. Central Exwy. #109-256 Dallas, Texas 75231	940-389-1622	swilson@earthworks.org
EcoRise / Gina Lamotte / President	1023 Springdale Rd. Austin, TX 78721	512-651-3563	gina@ecorise.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
El Paso Metropolitan Planning Organization / Eduardo Calvo / Executive Director	211 N. Florence St., Ste. 202 El Paso, TX 79901	915-212-0258	ecalvo@elpasompo.org executivedirector@elpasompo.org
Environment Texas Research and Policy Center / Luke Metzger	200 E. 30th St. Austin, TX 78705	512-479-0388	info@environmenttexas.org
Environmental Defense Fund / Elena Craft Ramon Alvarez	301 Congress Ave., Ste. 1300 Austin, TX 78701	512-478-5161	ecraft@edf.org ralvarez@edf.org
Environmental Integrity Project (EIP) / Colin Cox / Attorney Ilan Levin / Associate Director	1206 San Antonio St. Austin, TX 78701	202-296-8800 512-637-9477	colincox@environmentalintegrity.org ilevin@environmentalintegrity.org
Familias Unidas del Chamizal	2101 Cypress El Paso, TX 79901	915-222-1977	familiasunidasdelchamizal17@gmail.com hvillegas63@yahoo.com
Galveston Bay Council / Rusty Senac Sharron Stewart Albert Gonzales Cruz Hinojosa	17041 El Camino Real, Ste. 210 Houston, Texas 77058	281.218.6461	gbep@tceq.texas.gov
Galveston Bay Foundation / Bob Stokes / President	1725 TX-146 Kemah, TX 77565	281-332-3381 ext. 211 (office); 832-536-2253 (cell)	bstokes@galvbay.org
Galveston County Health District / Ronnie Schultz / Director of Environmental Health Services	9850- Emmett F. Lowry Expy. Texas City, TX 77591	409-938-2314	rschultz@gchd.org
Greater Houston Partnership / Bob Harvey / President and CEO	701 Avenida de las Americanas, Ste. 900 Houston, TX	713-844-3600	lacquisto@houston.org
Gulf Coast Authority / Elizabeth Fazio Hale / CEO and General Manager	910 Bay Area Blvd. Houston, TX 77058	281-488-4115	efazio@gcatx.org
Gulf Coast Ecosystem Restoration Council / Heather Young / Council Staff, Ecosystem Restoration Specialist	500 Poydras St., Ste. 1117 New Orleans, LA 70130	504-252-7716	heather.young@restorethegulf.gov

Group or Association Name / Contact Person	Address	Telephone	Email Address
Habitat for Humanity of San Antonio / Natalie Griffith / President and CEO	311 Probandt St. San Antonio, TX 78204	210-223-5203	info@habitatsa.org
Harris County Flood Control District / Alan Black / Interim Executive Director	9900 N.W. Fwy. Houston, TX 77092	346-286-4260	alan.black@hcfcd.org
Houston Advanced Research Center / John L. Hall / President and CEO	8801 Gosling Rd. The Woodlands, TX 77381	281-364-6042	jhall@harcresearch.org
Houston Audubon / Helen Drummond / Chief Executive Officer & Executive Director	440 Wilchester Blvd. Houston, TX 77079	713-932-1639 ext. 107	hdrummond@houstonaudubon.org
Houston-Galveston Area Council / Chuck Wemple / Executive Director	3555 Timmons Ln.#100 Houston, TX 77027	713-993-4514	charles.wemple@h-gac.com
Houston Parks Board/ Marissa Llosa / Conservation Manager	300 N. Post Oak Ln. Houston, TX 77024	713-942-8500	marissallosa@houstonparksboard.org
Houston Parks and Recreation Department / Kelli Ondracek / Natural Resources Manager	2999 S. Wayside Dr. Houston, TX 77023	832-395-7090	kelli.ondracek@houstontx.gov
Houston Wilderness / Deborah January-Bevers / President and CEO Mitchell Meads / Environmental Policy and Programs Fellow	1334 Brittmoore Rd, Ste. 2804 Houston, TX 77043	713-524-7330	deborah@houstonwilderness.org mitchell@houstonwilderness.org
Industry Council-on the Environment / Dorothy Gurka / Administrator	10011 W. Gulf Bank Road, Ste. B Houston, TX 77040	281-849-8293	dgurka@dgurka.org
International Environmental Alliance of the Bravo / Bill Addington	P.O. Box 218 Sierra Blanca, TX 79851	915-799-7780	N/A
Jeri's Seafood / Tracy Woody / Manager	136 County Dock Rd. Anahuac, TX 77514	409-355-2243	jerisseafood@live.com
Katy Prairie Conservancy / Mary Anne Piacentini / President and CEO	5615 Kirby Dr., Ste. 867 Houston, TX 77005	713-523-6135 ext. 4003	maryanne@katyprairie.org
Keep Texas Beautiful, Inc. / Suzanne Kho / Executive Director	8850 Business Park Dr., Ste. 200 Austin, TX 78759	512-961-5263	suzanne@ktb.org
Kuraray America, Inc. / Vance Darr / Manager of Environmental Corporate Manufacturing HSE	11500 Bay Area Blvd. Pasadena, TX 77507	281-474-1591	vance.darr@kuraray.com

Group or Association Name / Contact Person	Address	Telephone	Email Address
Laredo Environmental Summit / Christopher Kloss	N/A	956-712-7400	chris.kloss@txdot.gov
League of Women Voters / Nancy Parra / Program Vice President	1529 Maryland St. Houston, TX 77006	713-419-5150	nparra@parradesigngroup.com
League of Women Voters of Texas / Grace Chimene	1212 Guadalupe St. # 107 Austin, TX 78701	512-472-1100	lwvtexas@lwvtexas.org
Lone Star Legal Aid / Caroline Crow / Rodrigo Cantu	P.O. Box 398 Houston, TX 77001	713-652-0077	ccrow@lonestarlegal.org rcantu@lonestarlegal.org
Marina Bay Harbor/ Helen Paige / Manager	323 W. 6th St. Clear Lake Shores, TX 77565	281-535-2222	helen@vipmarinas.com
National Parks Conservation Association / Cary Dupuy / Texas Regional Director	1106 Clayton Ln., Ste. 515W Austin, TX 78723	512-866-3200	cdupuy@npca.org
National Wildlife Federation / Jennifer Walker / Deputy Director, Texas Coast and Water	505 E. Huntland Dr., Ste. 485 Austin, TX 78752	512-476-9805	walkerj@nwf.org
Native Prairies Association of Texas / Della Barbato / Director of Education	415 N. Guadalupe PMG 385 San Marcos, TX 78666	832-283-0383	della_barbato@texasprairie.org
The Nature Conservancy in Texas / Suzanne Scott / State Director	200 E. Grayson, Ste. 202 San Antonio, TX 78215	281-224-8774	texas@tnc.org
North Central Texas Council of Governments (NCTCOG)/ Edith Marvin / Director of Environment and Development Mike Eastland / Executive Director	616 Six Flags Dr. Arlington, TX 76011	817-695-9211 817-695-9101	emarvin@nctcog.org meastland@nctcog.org
Northeast Texas Municipal Water District / Walt Sears Jr. / Executive Director	4180 FM 250 Hughes Springs, TX 75656	903-639-7538	netmwd@aol.com
Nurdle Patrol / Jace Tunnel	750 Channel View Dr. Port Aransas, TX 78373	361-749-6711	jace@austin.utexas.edu
Port Aransas Conservancy / James King / President	P.O. Box 422 Port Aransas, TX 78373	361-596-3886	https://portaransasconservancy.com
Port Arthur Community Action Network / John Beard / President and Executive Director	601 W. 15th St. Port Arthur, TX 77640	409-626-1179	john.beard901456@outlook.com

Group or Association Name / Contact Person	Address	Telephone	Email Address
Portland Citizens United / Errol Summerlin / Co-Founder	1017 Diomede Dr. Portland, TX 78374	361-960-5313	https://portlandcitizensunited.com summerline@veriozen.net
Port Houston Authority / Gary McMahan / Director of Channel Development Operations	111 E. Loop N. Houston, TX 77029	713-670-2594	gcmahan@porthouston.com
Protect the Basin	Midland, TX	N/A	contact@ProtectTheBasin.com
Public Citizen - Texas Office / Adrian Shelley / Director	309 E. 11th St., Ste. 2 Austin, TX 78701	512-477-1155	ashelley@citizen.org texasfeedback@citizen.org
Rio Grande International Study Center / Tricia Cortez / Executive Director	1 W. End Washington St., Bldg. P-11 Laredo, TX 78040	956-718-1063	tricia@rgisc.org
San Antonio Chamber of Commerce / Richard Perez	602 E. Commerce St. San Antonio, TX 78205	210-229-2100	rperez@sachamber.org
San Antonio Hispanic Chamber of Commerce / Dr. Marina Gonzales	200 E. Grayson St., Ste. 203 San Antonio, TX 78215	210-225-0462	communications@sahcc.org
San Antonio Mobility Coalition, Inc. / Victor Boyer	13526 George Rd., Ste. 107 San Antonio, TX 78230	210-688-4407	vboyer@samcoinc.org
San Antonio Water Systems / Donovan Burton, VP-Water Resources and Governmental Relations	2800 U.S. Hwy 281 N. San Antonio, TX 78212	210-233-3632 (office); 512-912-9352 (cell)	donovan.burton@saws.org
Save Our Springs Alliance / Bill Bunch / Executive Director	4701 Westgate Blvd, Ste. D-401 Austin, TX 78745 P.O. Box 684881 Austin, TX 78768	512-477-2320	sosinfo@sosalliance.org
Save RGV / Bill Berg	613 W. Saint Charles St. Brownsville, TX 78520	956-550-9530	billberg42@gmail.com
Scenic Galveston / Lalise Mason / Habitat Restoration Chair	20 Colony Park Cir. Galveston, TX 77551	713-725-8101	lalise@supldes.com
Sierra Club – Lone Star Chapter / Cyrus Reed / Interim Director and Conservation Director	P.O. Box 4998 Austin, TX 78765	512-477-1729 512-888-9411	lonestar.chapter@sierraclub.org cyrus.reed@sierraclub.org
South East Texas Regional Planning Council / Bob Dickinson / Director of Transportation and Environmental Resources	2210 Eastex Fwy. Beaumont, TX 77703	409-899-8444 ext. 7520	bdickinson@setrpc.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
State of Texas Alliance for Recycling (STAR) / Brittany Rosenberg / Executive Director	P.O. Box 142274 Austin, TX 78714	512-828-6409	brittany.rosenberg@recyclingstar.org
Southwest Drycleaners Association / Chuck Hempstead / Executive Director	801 S. Hwy. 183 #1115 Leander, TX 78641	512-873-8195	chuck@precisionassn.com
Sustainable Energy and Economic Development Coalition / Karen Hadden / Executive Director	605 Carismatic Ln. Austin, TX 78748	512-797-8481	karen@seedcoalition.org
Texas Campaign for the Environment / Robin Schneider / Executive Director	3903 S. Congress Ave. P.O. Box 42278 Austin, TX 78704	512-326-5655	robin@publicresearchworks.org
Texas Chemical Council / Hector Rivero / President and CEO	1402 Nueces St. Austin, TX 78701	512-646-6401	rivero@texaschemistry.org
Texas Coastal Partners / Linda Shead / Independent Environmental Services Professional	P. O. Box 70181 Houston, TX 77270	713-703-1123	linda.shead@sheadconservation.com
Texas Economic Development Council / Carlton Schwab / President and CEO	1601 Rio Grande St., Ste. 455Austin, TX 78701	512-480-8432	carlton@texasedc.org
Texas Electric Transportation Resources Alliance/ Tom "Smitty" Smith / Executive Director	909 W. 23rd St. Austin, TX 78705	512-656-5651	citizen.smitty@gmail.com
Texas Environmental Justice Advocacy Services / Juan Parras / Director	900 N. Wayside Dr. Houston, TX 77011	832-581-2798	parras.juan@gmail.com
Texas Farm Bureau/ Si Cook / Executive Director and COO	7420 Fish Pond Rd. Waco, TX 76710	254-751-2234 254-751-2547	scook@tfb.org
Texas Food and Fuel Association / Scott Fisher / Sr. VP of Policy and Public Affairs	401 W. 15th St., Ste. 510 Austin, TX 78701	512-617-4308	sfisher@tffa.com
Texas Industry Project / Matthew Kuryla	910 Louisiana St. #3200 Houston, TX 77002	713-229-1114	matthew.kuryla@bakerbotts.com
Texas Living Waters Project / Myron Hess	505 E. Huntland Dr., Ste. 485 Austin, TX 78752	N/A	info@texaslivingwaters.org
Texas Municipal League / Bennett Sandlin / Executive Director	1821 Rutherford Ln., Ste. 400 Austin, TX 78754	512-231-7400	exec@tml.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
Texas Natural Gas Foundation / Heather Ball / Executive Director	700 E. 11th St. Austin, TX 78701	512-766-8964	heather@txng.org
Texas Natural Gas Vehicle Alliance / Susan Shifflett / President	12335 Kingsride Ln. #255 Houston, TX 77024	979-270-2045	susan@s3-services.com
Texas Oil and Gas Association / Todd Staples / President	304 W. 13th St. Austin TX 78701	512-478-6631	dts@txoga.org
Texas Propane Gas Association / Jackie Mason / Legislative and Regulatory	8408 N. I-35 Austin, TX 78753	800-325-7427	jmason@txpropane.com
Turtle Island Restoration Network / Joanie Steinhaus/Gulf Program Director	2228 Broadway Ave. J Galveston, TX 77550	409-795-8426	joanie@tirn.net
Valley Interfaith	1508 E. Business 83, Ste. C Weslaco, TX 78596	956-968-3900	valley.interfaith956@gmail.com

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name / Contact Person	Address	Telephone	Email Address
Advisory Council / Lydia Frenzel	11911 Freedom Dr., 10th Flr., Ste. 1000 Austin, TX	512-753-6466	lydiafrenzel@advisorycouncil.org
Air and Waste Management Association (AWMA) - Central Texas / Doug Wolf / Chair	2600 Via Fortuna, Ste. 450 Austin, TX 78746	412-232-3444	dwolf@awma.org
AWMA / Stephanie Glyptis / Executive Director	436 Seventh Ave. Ste., 2100 Pittsburgh, PA 15219	412-904-6006	sglyptis@awma.org
American Association of Landmen / Russel B. Cohen / Director of Government Affairs	800 Fournier St. Ft. Worth, TX 76102	817-484-3618	rcohen@landman.org
American Backflow Prevention Association / J. Frank Snyder / International President	6672 S. 1570 W. West Jordan, UT 84084	801-436-7238 830-399-3431	info@abpa.org Snyder75@karnesec.net
American Coatings Association - Texas Paint Council / Rhett Cash / Counsel	901 New York Ave. N.W., Ste. 300 W. Washington, DC 20001	202-462-6272 202-719-9680	rcash@paint.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
American Exploration and Production Council / Liz Bowman / Vice President, Communications	999 E. St. N.W., Ste. 200 Washington, DC 20004	202-407-3342	lbowman@axpc.org
American Petroleum Institute / Mike Sommers / President and CEO	200 Massachusetts Ave. N.W., Ste. 1100 Washington, DC 20001	202-682-8000	mediacenter@api.org
American Society of Civil Engineers- Texas Section / Sean Merrell / President	1524 S. IH 35, Ste. 180 Austin, TX 78704	972-464-4834	smerrell@texasce.org
American Subcontractors Association / Brian Carroll	602 W. 13th St. Austin, TX 78701	830-220-2474	brian@txconstructionlaw.com
American Water Works Association – Texas Section / Mike Howe / Executive Director and Secretary Treasurer	P.O. Box 80150 Austin, TX 78708	512-238-9292	txawwa@gmail.com mikehowe@tawwa.org
American Water Works Association / Jack Hoffbuhr / Executive Director	6666 W. Quincy Ave. Denver, CO 80235	303-794-7711	custsvc@awwa.org
Associated Builders and Contractors - Central Texas / Ryan Ritchie / Chairman	2600 Longhorn Blvd., Ste. 105 Austin, Texas 78758	512-719-5263	ryan@abccentraltexas.org
Associated General Contractors of Texas / Jennifer Woodard / Executive Vice President	P.O. Box 2185 Austin, TX 78768	512-478-4691	jwoodard@agctx.org
Association of Air Pollution Control Agencies / Jason Sloan / Executive Director	1776 Ave. of the States Lexington, KY 40511	859-244-8043	jsloan@csg.org
Association Automotive Service Providers / Tom Elder / President	1730 New Brighton Blvd. #170 Minneapolis, MN 55413	612-270-6696	info@serviceproviders.com
Association of Clean Water Administrators (ACWA) / Sean Rolland / Deputy Director	1634 I St., N.W. Ste. 750 Washington, DC 20006	202-465-7179	srolland@acwa-us.org
ACWA / Julia Anastasio, Esq. / Executive Director and General Counsel	1634 I St., N.W. Ste. 750 Washington, DC 20006	202-756-0600	janastasio@acwa-us.org
American Consulting Engineers Council of Texas / Mike Hancock / Deputy Executive Director	1001 Congress Ave., Ste. 200	512-474-1474	mike@acectx.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
Association of General Contractors - Central Texas Chapter / K. Paul Holt / President and CEO	4500 W. Waco Dr. Waco, TX 76710	254-772-5400	kpaul@centexagc.org
Association of National Estuary Programs / Lexie Bell / Executive Director and Chair	601 Embarcadero, Ste.11 Morro Bay, CA 93442	805-772-3834	lbell@mbnep.org
Association of State and Territorial Solid Waste Management Officials / Dania Rodriguez / Executive Director	1101 17th St. N.W., Ste. 707 Washington, D.C. 20036	202-640-1061	daniar@astswmo.org
Association of State Dam Safety Officials / Lori Spragens / Executive Director	239 S. Limestone St. Lexington, KY 40508	859-550-2788 etc. 106	info@damsafety.org lspragens@damsafety.org
Association of State Drinking Water Administrators / Alan Roberson / Executive Director	1300 Wilson Blvd. Ste. 875 Arlington, VA 22209	703-915-4385	aroberson@asdwa.org
Association of Water Board Directors – Texas Augustus Campbell / Executive Director	11700 Katy Fwy., Sue. 450 Houston, Texas 77079	281-350-7090	acampbell@awbd-tx.org
Austin National Association of the Remodeling Industry / Kayvon Leath	8410 Anderson Mill Rd. Austin, TX 78729	512-997-6274	kayvon@austinnari.org
Automotive Body Parts Association / Edward Salamy / Executive Director	400 Putnam Pike, Ste. J, #503 Smithfield, RI 02917	800-323-5832	http://www.autobpa.com/
Automotive Services Association / Robert Gruener / President	8209 Mid Cities Blvd. North Richland Hills, TX 76182	281-391-7617	asatexasinc@gmail.com
Bayou Preservation Association / Paul R. Nelson / Chair	7305 Navigation Blvd., Ste. A Houston, TX 77011	713-529-6443	info@bayoupreservation.org
Boating Trades Association of Texas / Michael Marks / Executive Director	823 Congress Ave. #230 Austin, TX 78701	512-479-0425	mmarks@eami.com
Building Owners and Managers Association – Austin / Marc Krohn / President	7501 N. Capital of Texas Hwy. Austin, TX 78731	512-340-1315	admin@BOMAAustin.org
Central States Air Resource Agencies / Michael Vince / Executive Director	707 N. Robinson Ave. Oklahoma City, OK 73102	405-813-4301	mvince@censara.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
Central Texas Professional Irrigation Association / Doug Christensen / President	P.O. Box 202707 Austin, TX 78759	512-434-0003 512-383-5273	info@ctpia.org
Coastal Conservation Association / Taylor Rieck / Assistant Director	6919 Portwest Dr., Ste. 100 Houston, TX 77024	713-626-4222	trieck@ccatexas.org
Dallas Irrigation Association / Geoff Hall / President	190 E. Stacy Rd., Ste. 306 #176 Allen, TX 75002	903-654-4288	http://dallasia.org/contact ghall@pkce.com
East Harris County Manufacturer's Association / Ana Partin / Environmental Manager	P. O. Box 1959 Pasadena, TX 77501	713-920-4342	ana.partin@ineos.com
Energy Workforce and Technology Council / Susan Dudley / Administrative Assistant	2500 CityWest Blvd. #1110 Houston, TX 77042	832-661-0422	sdudley@aesc.net
Environmental Council of the States / Don Welsh / Executive Director	1250 H St. N.W., Ste. 850 Washington, DC 20005	202-266-4920	dwelsh@ecos.org
Galveston Bay Foundation / Bob Stokes / President	1725 Hwy. 146 Kemah, TX 77565	832-536-2253	bstokes@galvbay.org
GPA Midstream - North Texas / Cindy Gamez / Secretary	6060 S. American Plaza St. E #700 Tulsa, OK 74135	972-255-7800	gastech@gastech.net
Greater Austin Merchants Cooperative Association / Mubarak Momin / President	8801 Research Blvd., Ste. 102 Austin, TX 78758	512-374-1413	Corporate@gamaus.com
Greater Houston Retailers Cooperative Association / Imran Ali/ President	12790 S. Kirkwood Rd. Stafford, TX 77477	281-295-5300	Info@ghraonline.com
Groundwater Protection Council / Michael Paque / Executive Director / Dan Yates / Assistant Executive Director	13308 N. MacArthur Blvd. Oklahoma City, OK 73142	405-516-4972	mpaque@gwpc.org dyates@gwpc.org
Gulf of Mexico Alliance / Laura Bowie / Executive Director	1151 Robinson St. Ocean Springs, MS 39564	228-215-3678	laura.bowie@gomxa.org
Gulf of Mexico Foundation / Quenton Dokken / Director	3833 S. Staples St. Ste. S-217 Corpus Christi, TX 78411	361-882-3939	qdokken@gulfmex.org info@gulfmex.org gulfbase@tamucc.edu
Harris County Pollution Control Services / Latrice Babin / Director	101 S. Richey St., Ste. H Pasadena, TX 77506	713-274-6433	latrice.babin@pcs.hctx.net

Group or Association Name / Contact Person	Address	Telephone	Email Address
Houston Gulf Coast Irrigation Association / Eric Maurer / President	P.O. Box 19591 Houston, TX 77224	713-993-0333	http://hgciatx.com/contact/
Independent Cattleman's Association of Texas / Bill Hyman / President	220 W. San Antonio St. Lockhart, TX 78644	512-620-0162	hyman@icatexas.com
Independent Petroleum Association of America / Jennifer Pett Marsteller / Senior Director of Public Affairs and Communication	1201 15th St. NW, Ste. 300 Washington, DC 20005	202-857-4722	jpett@ipaa.org
Institute of Scrap Recycling Industries (ISRI) – Gulf Coast Chapter / Nidhi Turakhia / Chapter President	1250 H St., N.W. Ste. 400 Washington, DC 20005	713-643-6966 ext. 1349	nturakhia@alliedalloys.com
Interstate Technology and Regulatory Council / Patricia Reyes / Director	1250 H. St. NW, Ste. 850 Washington, DC 20005	202-266-4933	preyes@ecos.org
Lone Star Irrigation Association / Ben Henry / President	P.O. Box 1839 Keller, TX 76244	N/A	N/A
National Association of Corrosion Engineers / Adam Christopher / Manager of Government Relations	15835 Park Ten Place Houston, Texas 77084	800-797-6223	adam.christopher@amppp.org
National Association of Steel Pipe Distributors / Susannah Porr / Executive Director	1501 E. Mockingbird Ln., Ste. 212 Victoria, TX 77904	361-574-7878	info@naspd.com
National Cleaners Association	2218 Broadway, Frnt 2 New York, NY 10024	212-967-3002	info@nca-i.com
National Institute for Storage Tank Management	P.O. Box 26008 Tampa, FL 33623	800-827-3515	mail@nistm.org
National Waste and Recycling Association / Darrell Smith / President and CEO	1550 Crystal Dr., Ste. 804 Arlington, VA 22202	800-424-2869	membership@wasterecycling.org dsmith@wasterecycling.org
NOAA Fisheries Habitat Conservation Division / Rusty Swafford / Gulf of Mexico Branch Supervisor	4700 Ave. U, Bldg. 307	409-766-3500	rusty.swafford@noaa.gov
North American Hazardous Materials Management Association – Lone Star Chapter / Jerry White / President	6616 Walnut St. Frisco, TX 75034	972-292-5913	jwhite2@friscotexas.gov

Group or Association Name / Contact Person	Address	Telephone	Email Address
North Texas Business Alliance Co-op / Britt Lyon / Chief Operating Officer	6142 Campbell Rd., Ste. 100 Dallas, TX 75248	972-242-0100	Info@thentba.com
NSF International / Sharon Steiner / Business Unit Manager, Wastewater Treatment Unit Program	789 N. Dixboro Rd. Ann Arbor, MI 48105	734-827-6846	steiner@nsf.org
Panhandle Producers and Royalty Owners / Judy Stark / President	3131 Bell St., Ste. 209 Amarillo, TX 79106	806-352-5637	judy@pproa.org
Permian Basin Petroleum Association – Austin Office / Ben Shepperd / President	1122 Colorado St., Ste. 2320 Austin, TX 78701	512-297-2693	ben@pbpa.info
Rio Grande Valley Sugar Growers, Inc. / Sam Brashear / President and CEO	P.O. Box 459 Santa Rosa, TX 78593	956-636-1411	sugar@rgvsugar.com
San Antonio Irrigation Association / Craig Spooner / President	San Antonio, TX	N/A	http://sanantonioia.org/contact-us/
San Antonio Manufacturers Association / Rey Chavez / President and CEO	9601 Broadway, Ste. C San Antonio, TX 78217	210-979-7530	rey@sama-tx.org
South Texas Merchants Association / Ahmed Badarpura / President	12054 Starcrest Dr. San Antonio, TX 78247	210-826-3786	abadarpura@mystma.com Info@mystma.com
Solid Waste Association of North America (SWANA) / David Biderman / Executive Director and CEO	1100 Wayne Ave., Ste. 650 Silver Spring, MD 20910	800-467-9262	dbiderman@swana.org
SWANA – Lone Star Chapter / Morris Williams Jr. / President	1527 W. State Hwy 114, Ste. 500-313 Grapevine, TX 76051	432-685-7911	mwilliams@midlandtexas.gov
Southern Gas Association / Suzanne Ogle / President and CEO	3030 LBJ Fwy., Ste. 1500 Dallas, TX 75234	972-620-8505	suzanne.ogle@southerngas.org
Southwest Car Wash Association / Jeff Blansit / President	4600 Spicewood Springs Rd., Ste. 103 Austin, TX 78759	214-912-1729	space@ecpi.com
Southwest Dry Cleaners Association / Chuck Hempstead / Executive Director	801 S. Hwy. 183 #1115 Leander, TX 78641	512-873-8195	staff@sda-dryclean.com
State Coalition for Remediation of Drycleaners / Steve Teel / Chair	P.O. Box 47775 Olympia, WA 98504	360-407-6247	steve.teel@ecy.wa.gov

Group or Association Name / Contact Person	Address	Telephone	Email Address
Texas Aggregate and Concrete Association / Josh Leftwich / President and CEO	P.O. Box 459 Round Rock, TX 78680	512-451-5100	txawwa@gmail.com joshl@tx-taca.org leftwichj@tx-taca.org https://www.tx-taca.org/contact-taca
Texas Agricultural Cooperative Council / Tommy Engle / Executive Vice President	1210 San Antonio St. #101 Austin, TX 78701	512-450-0555 ext. 13	tommy@texas.coop
Texas Agricultural Irrigation Association / Kern Stutler / Executive Secretary	P.O. Box 10613 Lubbock, TX 79408	806-786-5644	taia@taia.org
Texas Alliance of Groundwater Districts / Leah Martinsson / Executive Director	P.O. Box 90277 Austin, TX 78709	512-596-3101	leah@texasgroundwater.org
Texas and Southwestern Cattle Raisers Association / G. Hughes Abell / President	P.O. Box 101988 Fort Worth, TX 76185	800-242-7820	tskra@tskra.org
Texas Aquaculture Association / John Jones / President and Board of Directors	1619 Gooseneck Rd. Bryan, TX 77808	979-703-7988 979-703-7995	jones@lochowranch.com
Texas Alliance of Energy Producers / Jason Modglin / President	1000 W. Ave., Ste. B Austin, TX 78701	512-505-88988	jasonm@texasalliance.org
Texas Asphalt Pavement Association (TXAPA) / Harrold Mullen / Executive Vice President	219 Commercial Dr. Buda, TX 78610	512-312-2099	hmullen@texasasphalt.org
Texas Association of Clean Water Agencies / Ron Patel / President	1020 Sargent Rd. Dallas, TX 75203	214-670-7433	ron.patel@dallascityhall.com
Texas Association of Clean Water Agencies / Wes Kucera / National Board Liaison	P.O. Box 469002 Garland, TX 75046	972-205-3283	wkucera@garlandtx.gov
Texas Association of Dairymen / Darren Turley / Executive Director	P.O. Box 13182 Austin, TX 78711	817-410-4538	dturley@milk4texas.org dturley@dfamilk.com
Texas Association of Regional Councils / Ginny Lewis Ford / Executive Director	701 Brazos St., Ste. 780 Austin, TX 78701	512-478-4715	glewisford@txregionalcouncil.org
Texas Association of Storage Tank Professionals / Douglas L. Jones / President	8760-A Research Blvd., PMB 248 Austin, TX 78758	512-750-9461	director@tastp.com https://tastp.org/contact-us/

Group or Association Name / Contact Person	Address	Telephone	Email Address
Texas Automotive Recyclers Association / Hotrod Marshal Banks / President	4209 E. Hwy. 80 Midland, TX 79706	432-683-9200	hotrod@boxautosalvage.net
Texas Cattle Feeders Association / Ross Wilson / President and CEO	5501 I-40 W. Amarillo, TX 79106	806-358-3681	ross@tcfa.org
Texas Chemical Council (TCC) / Hector Rivero / President and CEO	1402 Nueces St. Austin, TX 78701	512-646-6401	rivero@texaschemistry.org
Texas Citrus Mutual / Dale Murden	901 Business Park Dr. #300 Mission, TX 78572	956-584-1881	dale@valleyag.org
Texas Construction Association / Raymond Risk / President and CEO	1011 San Jacinto Blvd. #330 Austin, TX 78701	512-473-3773	rrisk@texcon.org
Texas Cotton Ginners' Association / J. Kelley Green / Director of Technical Services	211 W. Bagdad Ave. Round Rock, TX 78664	512-476-8388	kelley@tcga.org
Texas Environmental Health Association / Jennifer Lee, CAE / Business Manager	P.O. Box 528 Georgetown, TX 78627	281-315-5242	tehabusinessmanager@gmail.com
Texas Food and Fuel Association / Scott B Fisher / Sr. VP of Policy and Public Affairs	401 W. 15th St., Ste. 510 Austin, TX 78701	512-617-4308	sfisher@tffa.com
Texas Ground Water Association / Stacey Steinbach / Executive Secretary and General Manager	3755 S. Capital of TX Hwy. Austin, TX 78704	512-472-7437	ssteinbach@twca.org
Texas Independent Ginner Association / Vann Stewart / Executive VP	P.O. Box 1182 Brownwood, TX 76804	325-641-1544	http://www.tigacotton.org/home.html
Texas Independent Producers and Royalty Owners Association / Ed Longanecker / President	919 Congress Ave., Ste. 1000 Austin, TX 78701	512-477-4452	elonganecker@tipro.org
Texas Industry Project / Jennifer Keane	98 San Jacinto Blvd., Ste. 1500 Austin, TX 78701	512-322-2594	Jennifer.keane@bakerbotts.com
Texas Irrigation Association / Tammy Swor / Executive Director	7201 Langmuir Dr. McKinney, TX 75071	469-714-8942	texasirrigationassociation@gmail.com
Texas Irrigation Council / Sonny Hinojosa / Vice-President	P.O. Box 6 San Juan, TX 78589	956-787-1422	hcid2@sbcglobal.net

Group or Association Name / Contact Person	Address	Telephone	Email Address
Texas Manufacturing Assistance Center / Roger Caldwell – Regional Director – Gulf Coast/East Coast	202 E. Border St., Ste. 323 Arlington, TX 76010	800-625-4876	N/A
Texas Mining and Reclamation Association / Ty Embrey	Lloyd Gosselink, P.C. 816 Congress Ave., Ste. 1900 Austin, TX 78701 2802 Flintrock Trace, Ste. 230 Austin, TX 78738	512-322-5829 512-371-4104	tembrey@lglawfirm.com ches.blevins@tmra.com
Texas Municipal League / Sandlin Bennett, Executive Director	1821 Rutherford Ln., Ste. 400 Austin, TX 78754	512-231-7400	exec@tml.org
Texas Nursery Landscape Association / Amy Graham / President and CEO	715 Discovery Blvd., Ste. 109 Cedar Park, TX 78613	512-579-3850	agraham@tnlaonline.org
Texas Oil and Gas Association (TxOGA) / Cory Pomeroy / VP and General Counsel Shana Joyce / Director of Government and Regulatory Affairs	304 W. 13th St. Austin, TX 78701	512-478-6631	cpomeroy@txoga.org sjoyce@txgoga.org
Texas On-Site Wastewater Association / Randy Chelette / Executive Director	P.O. Box 885 Bridge City, TX 77611	409-718-0645	randy@txowa.org
Texas Pipeline Association / Shay Bluntzer / Chairman Thure Cannon / President Celina Romero	604 W. 14th St. Austin, TX 78701	512-478-2871	info@texaspipelines.com
Texas Poultry Federation and Affiliates / Michael Ermon / President	595 Round Rock W. Dr., Ste. 305 Round Rock, TX 78681	512-248-0600	tpf@texaspoultry.org
Texas Public Works Association / Shawn Poe / President	411 W. Arapaho Rd., Ste. 204 Richardson, TX 75080	972-744-4280	askrichardsoncapitalprojects@cor.gov
Texas Rental Association / Brandon Marrs / Director-at-Large	7920 Anderson Sq. Austin, TX 78757	512-452-2610	https://tra.ararental.org/Home
Texas Rural Water Association / Lara Zent / Executive Director and General Counsel	1616 Rio Grande Austin, TX 78701	512-472-8591	lara.zent@trwa.org
Texas Rural Communities, Inc. / Sandra Tenorio	168 Cimarron Park Loop Buda, TX 78610	512-312-9029	sandra.t@texasrural.org

Group or Association Name / Contact Person	Address	Telephone	Email Address
Texas Society of Architects / Jennifer Briggs / Executive VP	500 Chicon St. Austin, TX 78702	512-478-7386	jennifer@texasarchitects.org
Solid Waste Association of North America Lone Star Chapter / Brenda Haney / Director – City of Lubbock	1314 Ave. K Lubbock, TX 79401	806-775-2335	http://www.txswana.org/
Texas Structural Steel Institute / Kevin Warapius / President	202 Banbury Victoria, TX 77904	254-666-5155	kwarapius@sturdisteel.net
Texas Water Conservation Association / Kathy Turner Jones / President	3755 S. Capital of TX Hwy., Ste. 105 Austin, TX 78704	512-472-7216	info@twca.org
Texas Water Quality Association / Daina Grace / Executive Director	5606 N. Navarro St., Ste. 200R Victoria, TX 77904	361-573-6707	twqadirector@twqa.org
Texas Water Utilities Association / Russell Hamilton / Executive Director	210 E. Hwy. 79, Ste. 101 Hutto, TX 78634	512-459-3124	r.hamilton@twua.org
U.S. Coast Guard Sector Houston-Galveston / Lt. Colonel Mathew Tilimon / Emergency Management Specialist	13411 Hillard St. Houston, TX 77034	281-464-4800	mathew.d.tilimon@uscg.mil
U.S. Department of Agriculture - Natural Resources Conservation Service / Scott Alford / Soil Conservationist	7705 Bay Rd. Baytown, TX 77520	713-582-6493	scott.alford@tx.usda.gov
U.S. Department of Agriculture – APHIS Veterinary Services / Dr. Michael Pruitt / Assistant District Director for Texas	903 San Jacinto Blvd., Ste. 220 Austin, TX 78701	512-383-2400	mike.r.pruitt@usda.gov
U.S. Department of Energy, Environmental Management – Los Alamos Field Office / Dave Nickless	1900 Diamond Dr., MS-M984 Los Alamos, NM 87544	505-257-7933	david.nickless@em.doe.gov
U.S. Department of Energy—Pantex Plant / Todd Ailes / Site Manager	P.O. Box 30020 Amarillo, TX 79120	806-477-3000	N/A
EPA / Michael S. Regan / Administrator	Ariel Rios Building 1200 Pennsylvania Ave., N.W. MC-1101A Washington, DC 20460	202-564-4700	regan.michael@epa.gov

Group or Association Name / Contact Person	Address	Telephone	Email Address
U.S. EPA, Region 6 / Charles Maguire / Water Division Director	1201 Elm St., Ste. 500 Dallas Texas 75270	214-665-8138	maguire.charles@epa.gov
U.S. EPA Region 6 / Lisa Rickards	1201 Elm St., Ste. 500 Dallas, TX 75270	214-665-6692	rickards.lisa@epa.gov
U.S. Fish and Wildlife Service / Scott Williams / Wildlife Biologist	17629 El Camino Real, Ste. 211 Houston, TX 77058	281-286-8282 ext. 26515	scott_williams@fws.gov
U.S. Geological Survey / Michael Lee / Supervisory Hydrologist	19241 David Memorial Dr. Shenandoah, TX 77385	936-271-5300	mtlee@usgs.gov
U.S. Geological Survey Oklahoma-Texas Water Science Center / Timothy Raines, P.E. / Center Director	501 W. Felix St., Bldg. 24 Fort Worth, TX 76115	682-316-5044	thraines@usgs.gov
U.S. International Boundary and Water Commission / Daniel Avila, P.E. / Acting Commissioner	4191 N. Mesa St. El Paso, TX 79902	1-800-262-8857	N/A
U.S. Nuclear Regulatory Commission / Jackie Cook / Regional State Agreements Officer	U.S. NRC Region IV 1600 E. Lamar Blvd. Arlington, TX 76011	817-200-1132	jackie.cook@nrc.gov
U.S. Department of Energy, Environmental Management – Los Alamos Field Office / Dave Nickless	1900 Diamond Dr., MS-M984 Los Alamos, NM 87544	505-257-7933	david.nickless@em.doe.gov
U.S. Department of Energy—Pantex Plant / Todd Ailes / Site Manager	P.O. Box 30020 Amarillo, TX 79120	806-477-3000	N/A
U.S. Environmental Protection Agency (EPA) / Michael S. Regan / Administrator	1200 Pennsylvania Ave., N.W., MC-1101A Washington, DC 20460	202-564-4700	regan.michael@epa.gov
U.S. EPA / Release Prevention Division, Office of Underground Storage Tanks (OUST) / Anthony Raia / Director	1200 Pennsylvania Ave., N.W., MC-5401T, Washington, DC 20460	202-566-1021	raia.anthony@epa.gov
U.S. EPA, Region 6 / Land, Chemicals and Redevelopment Division / Ronnie Crossland / Director	1201 Elm St., Ste. 500, Dallas, TX 75270	214-665-2721	crossland.ronnie@epa.gov
U.S. EPA, Region 6 / Superfund and Emergency Management Division (SED) / Wren Stenger / Director	1201 Elm St., Ste. 500 Dallas, TX 75270	214-665-6583	stenger.wren@epa.gov

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U.S. EPA, Region 6 / Water Division / Charles Maguire / Director	1201 Elm St., Ste. 500 Dallas Texas 75270	214-665-8138	maguire.charles@epa.gov
U.S. EPA, Region 6 / Lisa Rickards	1201 Elm St., Ste. 500 Dallas, TX 75270	214-665-6692	rickards.lisa@epa.gov
U.S. Nuclear Regulatory Commission / Jackie Cook / Regional State Agreements Officer	1600 E. Lamar Blvd. Arlington, TX 76011	817-200-1132	jackie.cook@nrc.gov
Water Environment Association of Texas / Jeff Caffey / President	1825 Fort View Rd., Ste. 108 Austin, TX 78704	817-806-1700	jcaffey@plummer.com
Water Environment Federation / Lynn Broaddus / President	601 Wythe St. Alexandria, VA 22314	800-666-0206	csc@wef.org
Water Quality Association / David Loveday / Global Government Affairs Director	2375 Cabot Dr. Lisle, IL 60532	630-929-2537	dloveday@wqa.org
West Texas Irrigation Association / Carlos Aranda / President	8001E N. Mesa, Ste. 252 El Paso, TX 79932	N/A	info@wtxia.com
Western Governors' Association / James Ogsbury / Executive Director	1600 Broadway, Ste. 1700 Denver, CO 80202	303-623-9378	N/A

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Contact Person	Address	Telephone	Email Address
Angelina and Neches River Authority / Kelley Holcomb / General Manager	2901 N. John Redditt Dr. Lufkin, TX 75904	936-632-7795	kholcomb@anra.org
Attorney General for Protection of the Environment / Chihuahua Delegado of PROFEPA / Juan Carlos Segura	Calle Francisco Márquez no. 905, Col. Papalote, C.P. 32599 Cd. Juárez, Chihuahua	656-6402965	jsegura@profepa.gob.mx
Brazos River Authority / David Collinsworth / General Manager and CEO	P.O. Box 7555 Waco, TX 76714	254-761-3100	davidc@brazos.org
Central Texas Council of Governments / Jim Reed / Executive Director	P.O. Box 729 Belton, TX 76513	254-770-2235	jim.reed@ctcog.org

Agency Name / Contact Person	Address	Telephone	Email Address
Coastal Bend Council of Governments / John Buckner / Executive Director	2910 Leopard St. Corpus Christi, TX 78408	361-883-5743	john@cbcog98.org
Edwards Aquifer Authority / Roland Ruiz / General Manager	900 E. Quincy St. San Antonio, TX 78215	210-222-2204	rruiz@edwardsaquifer.org
Electric Reliability Council of Texas / Brad Jones / Interim President and CEO	7620 Metro Center Dr. Austin, TX 78744	512-225-7242	bjones@ercot.com
Emergency Management Council, State / Chief – Texas Division of Emergency Management / W. Nim Kidd / Vice Chancellor for Disaster and Emergency Services The Texas A&M University System	1033 La Posada Dr., Ste 300 Austin, TX 78752	512-424-2436	nim.kidd@tdem.texas.gov
General Land Office / George P. Bush / Commissioner	1700 Congress Ave. Austin, TX 78701	512-463-5001	N/A
Governor's Office / Catarina Gonzales Terry Zrubek / Director of EDT Finance	P.O. Box 12428 Austin, TX 78711	512-463-1778 512-475-3590	catarina.gonzalez@gov.texas.gov terry.zrubek@gov.texas.gov
Guadalupe-Blanco River Authority / Kevin Patteson, J.D. / General Manager	933 E. Court St. Seguin, TX 78155	830-379-5822	kpatteson@gbra.org gm@gbra.org
Gulf Coast Waste Disposal Authority / Elizabeth Fazio Hale / CEO and General Manager	910 Bay Area Blvd. Houston, TX 77058	281-488-4115	info@gcatx.org
Lamar University / Thomas Ho / Texas Air Research Center Director	P.O. Box 10613 Beaumont, TX 77710	409-880-8790	thomas.ho@lamar.edu
Lavaca-Navidad River Authority / General Manager / Patrick Brzozowski	P.O. Box 429 Edna, TX 77957	361-782-5229	pbrzozowski@lnra.org
Lee College / James Dobberstine / FT Faculty - Biology	P.O. Box 818 Baytown, TX 77522	281-425-6354	jdobberstine@lee.edu
Lower Colorado River Authority / Jon Hoffman / Executive Vice President of Water	P.O. Box 220 Austin, TX 78767	512-578-3200	jon.hoffman@lcra.org
Lower Colorado River Authority / Phil Wilson / General Manager	P.O. Box 220 Austin, TX 78767	512-578-3200	wilson.phil@lcra.org
Lower Neches Valley Authority / Scott Hall, P.E. / General Manager	P.O. Box 5117 Beaumont, Texas 77726	409-892-4011	scott.hall@lnva.dst.tx.us scotth@lnva.net
NADBank / Lisa A. Roberts / General Counsel Salvador Lopez / Chief Environmental Officer	203 S. St. Mary's, Ste. 300 San Antonio, TX 78205	210-270-1434 210-231-8000	lroberts@nadb.org slopez@nadb.org

Agency Name / Contact Person	Address	Telephone	Email Address
Nueces River Authority / John Byrum / Executive Director	P.O. Box 349 Uvalde, TX 78802-0349 First State Bank Bldg. 539 Hwy. 83 S. Uvalde, TX 78801	830-278-6810 361-653-2110	jbyrum@nueces-ra.org
Office of the Attorney General / Michael Britton / Lead Application Developer Phillip Ledbetter / Assistant Attorney General	P.O. Box 12548 Austin, TX 78711	512-460-6896 512-463-2100	michael.britton@oag.texas.gov phillip.ledbetter@oag.texas.gov
Port Freeport / Phyllis Saathoff / Executive Director	1100 Cherry St. Freeport, TX 77541	979-233-2667	ceo@portfreeport.com
Public Utility Commission of Texas / Thomas Gleeson / Executive Director	1701 N. Congress Ave. P.O. Box 13326 Austin, TX 78711	512-936-7287	thomas.gleeson@puc.state.tx.us
Railroad Commission of Texas/ Wei Wang / Executive Director Audrey Kuklenz / Petroleum Engineer Daniel Betts / Oil and Gas Data James Bolton / Oil and Gas Director David Cooney / Regulation of Oil and Gas Facilities Leslie Bruce Etzel / Brownfields Program Coordinator Leslie Savage / Oil and Gas Division – Chief Geologist James Harcourt / TGPC Representative	P.O. Box 12967 Austin, TX 78711	512-463-7068 877-228-5740 512-463-5957 512-463-6804 512-463-6977 512-463-3384 512-463-7308 512-463-2980	wei.wang@rrc.texas.gov audrey.kuklenz@rrc.texas.gov daniel.betts@rrc.texas.gov james.bolton@rrc.texas.gov david.cooney@rrc.texas.gov leslie.bruce@rrc.texas.gov leslie.savage@rrc.texas.gov james.harcourt@rrc.texas.gov
Red River Authority of Texas / Randall Whiteman / General Manager	P.O. Box 240 Wichita Falls, TX 76307	940-723-8697	info@rra.texas.gov
Sabine River Authority / David Montagne / Executive VP and General Manager	Sabine River Authority P.O. Box 579 Orange, TX 77631	409-746-2192	dmontagne@sratx.org
San Antonio River Authority / Derek Boese / General Manager	100 E. Guenther St. San Antonio, TX 78204	210-302-3616	N/A
San Jacinto River Authority / Jace Houston / General Manager	P.O. Box 329 Conroe, TX 77305	936-588-3111	jhouston@sjra.net
Sulphur River Basin Authority / Chris Hartung / Executive Director	911 N. Bishop St., Ste. C104 Wake Village, TX 7550	903-223-7887	chris@chcpublicsectorsolutions.com

Agency Name / Contact Person	Address	Telephone	Email Address
Tarleton State University - Texas Institute for Applied Environmental Research / Dr. Ali Saleh / Interim Executive Director, Associate Director	201 N. St. Felix St., Stephenville, TX 76401	254-968-9799	saleh@tarleton.edu
Texas A&M AgriLife Extension Service / Jeff Hyde / Agency Director	600 John Kimbrough Blvd. #509 7101 TAMU College Station, TX 77845	979-314-8202	jeff.hyde@ag.tamu.edu
Texas A&M AgriLife Extension - Texas Community Watershed Partners / Charriss York / Extension Program Director	1335 Regents Park Dr. Ste. 260 Houston, TX 77058	281-694-5508	cyork@tamu.edu
Texas A&M AgriLife Research Extension – Texas Water Resources Institute / Dr. John Tracy / Director TGPC Representative	578 John Kimbrough Blvd. 2260 TAMU College Station, TX 77843	979-862-7221	john.tracy@ag.tamu.edu
Texas A&M University Engineering Experiment Station / Jeff Haberl / Associate Director and Associate Department Head	400 Harvey Mitchell Pkwy. S., Ste. 300 College Station, TX 77845	979-845-6507	jhaberl@tamu.edu
Texas A&M University Geochemical Environmental Research Group / Yina Liu / Analytical Chemistry Research and Development Team Lead	833 Graham Rd. College Station, TX 77845	979-862-8494	yinaliu@tamu.edu
Texas A&M University Corpus Christi / Xinping Hu / Harte Research Institute Chair for Ecosystem Science and Modeling	6300 Ocean Dr.#5869 Corpus Christi, TX 78412	361-825-3395	xinping.hu@tamucc.edu
Texas A&M University Galveston / Antonietta Quigg / Regents Professor-Department of Marine Biology, Senior Associate Vice President for Research and Graduate Studies	P.O. Box 1675 Galveston, TX, 77553	409-740-4990	quigga@tamug.edu
Texas A&M Transportation Institute / Andrew Birt / Associate Research Scientist	1111 RELLIS Pkwy. Bryan, TX 77807	979-317-2253 ext. 42253	a-birt@tti.tamu.edu
Texas Board of Professional Engineers / Lance Kinney / Executive Director	1917 S. I 35 Austin TX, 78741	512-440-7723 ext. 3080	lance.kinney@pels.texas.gov
Texas Board of Professional Engineers and Land Surveyors / Lance Kinney, Ph. D. P. E. / Executive Director	1917 IH 35 S. Austin, TX 78741	512-440-7723	lance.kinney@pels.texas.gov

Agency Name / Contact Person	Address	Telephone	Email Address
Texas Board of Professional Geoscientists/ Rene D. Truan / Executive Director	P.O. Box 13225 Austin, TX 78711	512-936-4401	rtruan@tbpge.texas.gov
Texas Department of Agriculture / Sid Miller / Commissioner David Brown / Office of Rural Affairs Kristin Lambrecht / Region 6 Field Representative David Villarreal / TGPC Representative	P. O. Box 12847 Austin, TX 78710	512-463-1408 713-677-9321 512-463-7481	commissioner@texasagriculture.gov kristin.lambrecht@TexasAgriculture.gov david.villareal@texasagriculture.gov
Texas Department of Licensing and Regulation / Hunter McKinley / Enforcement Prosecutor David Gunn / TGPC Representative	P.O. Box 12157 Austin, TX 78711	512-463-6599 512-334-5539	https://ga.tdlr.texas.gov:1443/form/csgeneralinquiry david.gunn@tdlr.texas.gov
Texas Department of Motor Vehicles/ David Pyndus / Legislative Analyst	4000 Jackson Ave. Austin, TX 78731	512-465-4049	david.pyndus@txdmv.gov
Texas Department of Public Safety / Pablo Luna / Director Cristina Ibarra / Auditor Colonel Steven C. McCraw / Director	P.O. Box 4087 Austin, TX 78773	512-424-7194 512-424-7943 512-424-7771	pablo.luna@dps.texas.gov cristina.ibarra@dps.texas.gov steven.mccraw@dps.texas.gov
Texas Department of State Health Services – Health Assessment and Toxicology Program / Eric Lawrence / TGPC Representative	P.O. Box 149347 Austin TX 78714	512-440-7723 ext. 3080	lance.kinney@pels.texas.gov
Texas Department of State Health Services – Inspection Unit – Environmental Monitoring Group / Art Tucker	P.O. Box 149347 Austin, TX 78714	512-834-6688	art.tucker@dshs.texas.gov
Texas Department of State Health Services – Consumer Protection – Business Filing and Verification / Charlotte Sullivan / Manager	P. O. Box 149347 Austin, Texas 78714	512-834-6730	charotte.sullivan@dshs.texas.gov
Texas Department of State Health Services – Consumer Protection / Lisa Bruedigan / Surveillance Director	P. O. Box 149347 Austin, Texas 78714	512-834-6629	lisa.bruedigan@dshs.texas.gov

Agency Name / Contact Person	Address	Telephone	Email Address
Texas Department of State Health Services – Seafood and Aquatic Life Group / Kirk Wiles / Seafood	Environmental and Consumer Safety Section Seafood and Aquatic Life Group MC 1987 Texas Department of State Health Services P. O. Box 149347 Austin, Texas 78714	512-834-6757	kirk.wiles@dshs.texas.gov
Texas Department of Transportation / James Stevenson / Director	125 E. 11th St. Austin, TX 78701	512-416-3034	james.stevenson@txdot.gov
Texas Department of Transportation / Janie Temple / Transportation Analysis Manager	125 E. 11th St. Austin, TX 78701	512-486-5107	janie.temple@txdot.gov
Texas Department of Transportation / Sue Theiss / Houston District Environmental Coordinator	P.O. Box 1386 Houston, TX 77251	713-802-5070	sue.theiss@txdot.gov
Texas Historical Commission / Mark Wolfe / Executive Director	P.O. Box 12276 Austin, TX 78711	512-936-4323	mark.wolfe@thc.texas.gov
Texas Low-Level Radioactive Waste Disposal Compact Commission / Stephen Raines / Executive Director	919 Congress Ave., Ste. 830 Austin, TX 78701	737-300-2154	stephen.raines@tllrwddcc.org
Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program / Laura Zebehazy / Program Leader	4200 Smith School Rd. Austin, TX 78744	512-389-4800	laura.zebehazy@tpwd.texas.gov
Texas Sea Grant College Program / Pamela Plotkin / Director	Texas Sea Grant College Program Texas A&M University 4115 TAMU College Station, TX 77843	979-845-3902	plotkin@tamu.edu
Texas State Board of Plumbing Examiners / Steve Davis / Director of Enforcement	Texas State Board of Plumbing Examiners P.O. Box 4200 Austin, TX 78765	512-936-5221	steve.davis@tsbpe.texas.gov
Texas State Soil and Water Conservation Board (TSSWCB)/ Rex Isom / Executive Director	1497 Country View Lane Temple, TX 76504	254-773-2250	risom@tsswcb.texas.gov
TSSWCB – Nonpoint Source Program / T.J. Helton / Program Lead. TGPC Representative	1497 Country View Ln. Temple TX 76504	254-773-2250 ext. 234	thelton@tsswcb.texas.gov
Texas Water Development Board / Jeff Walker / Executive Administrator Larry French / TGPC Representative	1700 N. Congress Ave. Austin, TX 78701	512-463-7847 512-936-0817	jeff.walker@twdb.texas.gov larry.french@twdb.texas.gov

Agency Name / Contact Person	Address	Telephone	Email Address
Trinity River Authority / Kevin Ward / General Manager	Trinity River Authority P.O. Box 60 Arlington, TX 76004	817-467-4343	wardk@trinityra.org
Trinity River Authority / Glenn Clingenpeel / Executive Manager, Technical Services and Basin	Trinity River Authority P.O. Box 60 Arlington, TX 76018	817-493-5117	clingenpeelg@trinityra.org
University of Houston / James Howard Flynn III / Research Associate Professor	University of Houston College of Natural Sciences and Mathematics Science and Research Bldg. 1 3507 Cullen Blvd., Rm 214 Houston, TX 77204	713-743-3262	jhflynn@uh.edu
University of Houston / Hanadi Rifai / Associate Dean Research and Facilities	University of Houston Cullen College of Engineering Department of Civil and Environmental Engineering N107 Engineering Bldg. 1 4726 Calhoun Road, Houston, TX 77204	713-743-4271	rifai@uh.edu
University of Houston Clear Lake – Environmental Institute of Houston/ George Guillen / Executive Director	North Office Annex 2700 Bay Area Blvd, Box 540 Houston, TX 77058	281-283-3950	guillen@uhcl.edu
University of Texas at Austin – Bureau of Economic Geology / Dr. Bridget Scanlon / Senior Research Scientist / TGPC Representative	Bureau of Economic Geology The University of Texas at Austin P.O. Box X Austin, TX 78713	512-471-8241	bridget.scanlon@beg.utexas.edu
University of Texas at Austin— Bureau of Economic Geology / Scott W. Tinker / Director	Bureau of Economic Geology University of Texas at Austin P.O. Box X Austin, TX 78713	512-471-0209	scott.tinker@beg.utexas.edu
University of Texas at Austin / Dave Allen / Professor	The University of Texas at Austin McKetta Department of Chemical Engineering 200 E. Dean Keeton St. Stop C0400 Austin, TX 78712	512-471-0049	allen@che.utexas.edu
University of Texas at El Paso / Rosa Fitzgerald / Professor	The University of Texas at El Paso College of Science Department of Physics 500 W. University Ave. El Paso, TX 79902	915-747-7530	rfitzgerald@utep.edu
Valley Proud Environmental Council / Dalilah Garcia / Executive Director	513 E. Jackson, Ste.304 Harlingen, TX 78550	956-412-8004	frontdesk@harlingen.com

XI. Additional Information

A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.

See Attachments: Exhibit 17

B. Does the agency's statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

The agency's statutes use "person-first respectful language." No language was identified that required amendment for this reason.

C. Please describe how your agency receives and investigates complaints about the agency and its operations.

Under TCEQ's Compact with Texans policy the agency maintains an ongoing Customer Satisfaction Survey program. The survey is available to anyone through the agency website and through survey links in email responses from group email boxes.

Surveys may be submitted through an [online survey tool](#) or through the printed form (TCEQ-10333). All survey comments (questions or complaints) are evaluated and those with contact information are assigned to program area for response. Assignments for responses are tracked. Complaints without contact information are forwarded to the appropriate division for evaluation.

Most surveys received reflect a positive customer satisfaction. Surveys with questions and comments are also forwarded to the appropriate programs for response and recognition.

Fill in the following chart detailing information on complaints received about your agency and its operations. Do not include complaints received about people or entities you regulate.

Exhibit 18: Complaints Against the Agency — Fiscal Years 2019 and 2020

	FY 2019	FY 2020
Number of complaints received	242	148
Number of complaints resolved	134	102
Number of complaints dropped / found to be without merit	108	46
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	1.9 Days	1.75 Days

D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

Exhibit 19: Purchases from HUBs

Fiscal Year 2018

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0.00	\$0.00	0.00%	N/A	11.2%
Building Construction	\$0.00	\$0.00	0.00%	N/A	21.1%
Special Trade	\$164,043	\$32,203	19.63%	N/A	32.9%
Professional Services	\$5,373,354	\$830,198	15.45%	N/A	23.7%
Other Services	\$44,507,089	\$19,669,436	44.19%	N/A	26.0%
Commodities	\$8,889,799	\$3,385,876	38.09%	N/A	21.1%
TOTAL	\$58,934,286	\$23,917,713	40.58%		

Fiscal Year 2019

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0.00	\$0.00	0.00%	N/A	11.2%
Building Construction	\$0.00	\$0.00	0.00%	N/A	21.1%
Special Trade	\$203,760	\$45,595	22.38%	N/A	32.9%

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Professional Services	\$5,070,419	\$419,117	8.27%	N/A	23.7%
Other Services	\$51,108,600	\$20,660,660	40.43%	N/A	26.0%
Commodities	\$6,166,748	\$2,964,358	48.07%	N/A	21.1%
TOTAL	\$62,549,527	\$24,089,730	38.51%		

Fiscal Year 2020

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0.00	\$0.00	0.00%	N/A	11.2%
Building Construction	\$0.00	\$0.00	0.00%	N/A	21.1%
Special Trade	\$415,167	\$86,676	20.88%	N/A	32.9%
Professional Services	\$5,114,121	\$469,818	9.19%	N/A	23.7%
Other Services	\$59,872,849	\$23,383,850	39.06%	N/A	26.0%
Commodities	\$8,092,948	\$3,144,908	38.86%	N/A	21.1%
TOTAL	\$73,495,085	\$27,085,252	36.85%		

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

TCEQ has a HUB policy, which includes the management of a HUB Program. TCEQ's HUB policy is centered on demonstrating a good faith effort in ensuring full and equal opportunities for all businesses in the agency's procurement and contracting of goods and services. TCEQ addresses overall performance, including shortfalls in goals, through multiple avenues. Among them, the HUB Program reports quarterly and year-to-date performance relative to HUB goals, directly to agency leadership. It educates TCEQ program areas on HUB requirements and their individual HUB performance. The HUB program reviews invoices and other performance indicators, and trains TCEQ staff, HUBs, and potential HUBs. HUB staff attend vendor forums statewide, host vendor participation opportunities on-site including at TCEQ's Environmental Trade Fair, engage with chambers of commerce and other organizations to build HUB capacity and further their participation in TCEQ opportunities, and encourage mentor-protégé relationships to empower HUB performance.

During FY 2020, TCEQ's HUB program was ranked third in HUB utilization amongst all state agencies spending more than \$10 million per year. In FY 2021 semi-annual reporting, TCEQ ranked fifth in HUB utilization amongst all state agencies spending more than \$5 million per year.

In FY 2021, TCEQ HUB program provided outreach and participated in 19 different economic opportunities forums throughout the year, including annual participation in Senator West’s Doing Business Texas Style Spot Bid Fair, Senator Miles’ Houston Minority Supplier Development Council Business Expo, Dallas-Fort Worth Minority Supplier Development Council Procurement Connection Seminar, and the Southwest Minority Supplier Development Council (SMSDC) Premier Expo.

The HUB program assisted the Texas Water Development Board (TWDB) by providing guidance on solicitations and contracts processes, HUB subcontracting plan (HSP), progress assessment report (PAR), HUB reporting, internal HUB forms, and statewide HUB rules.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

All contracts valued at \$90,000 or more are evaluated for HUB subcontracting opportunities. Step one requires program areas to submit assessments of the probability of potential subcontracting opportunities based on their prior experience with analogous contracts. HUB Coordinators, familiar with the scope of effort and experienced in program area procurement, review the program area’s subcontracting assessment. HUB Program sign-off is required for solicitation to proceed. As it proceeds, HUB Coordinators proactively advise HUBs of potential subcontracting opportunities. Throughout the life of the contract, HUB Program and contracting program areas share the responsibility of ensuring prime contractors comply with the plan’s requirements.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**

Claribel Diaz – HUB Coordinator (512-239-5369) – claribel.diaz@tceq.texas.gov

Wendy Cole – Assistant HUB Coordinator (512-239-6897) – wendy.cole@tceq.texas.gov

- 2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)**

TCEQ complies with Texas Government Code Section 2161.066; Texas Administrative Code Title 34, Part 1, Rule 20.297. TCEQ features its HUB program at the agency’s environmental trade fair. The HUB program has its own booth, staff provide program information to interested HUBs and encourage networking by directing HUBs to prime vendors. TCEQ invites HUBs on-site monthly to share information on their goods and services with TCEQ staff. These meetings continued virtually during the COVID-19 pandemic.

- 3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)**

The agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs, and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract. Currently, TCEQ has two mentor-protégé relationships in its program.

H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

Exhibit 20: Equal Employment Opportunity Statistics

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	332	8.13%	8.1%	12.35%	22.4%	44.48%	38.8%
2019	333	8.41%	8.1%	12.91%	22.4%	46.55%	38.8%
2020	354	8.47%	8.1%	14.41%	22.4%	49.44%	38.8%

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	1980	7.47%	10.9%	16.21%	20.3%	47.47%	54.5%
2019	1976	6.73%	10.9%	16.65%	20.3%	47.93%	54.5%
2020	1985	6.95%	10.9%	16.73%	20.3%	48.36%	54.5%

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	112	9.82%	14.4%	22.32%	29.2%	24.11%	55.2%
2019	124	10.48%	14.4%	24.19%	29.2%	30.65%	55.2%
2020	122	9.84%	14.4%	23.77%	29.2%	29.51%	55.2%

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	555	23.6%	14.3%	25.59%	36.4%	83.24%	71.6%
2019	539	25.05%	14.3%	24.3%	36.4%	82.56%	71.6%
2020	523	24.67%	14.3%	24.09%	36.4%	82.22%	71.6%

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	N/A	N/A	13.2%	N/A	52.4%	N/A	52.0%
2019	N/A	N/A	13.2%	N/A	52.4%	N/A	52.0%
2020	N/A	N/A	13.2%	N/A	52.4%	N/A	52.0%

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	N/A	N/A	10.2%	N/A	51.5%	N/A	12.0%
2019	N/A	N/A	10.2%	N/A	51.5%	N/A	12.0%

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	N/A	N/A	10.2%	N/A	51.5%	N/A	12.0%

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

TCEQ policies prohibits discrimination in all aspects of employment. In accordance with federal and state laws, as well as best management practices, TCEQ proactively trains both management and staff on policies and procedures to address concerns. Complaints of unlawful conduct are promptly investigated and addressed by agency management, and corrective action taken may include disciplinary action up to, and including, discharge from employment. Additional information can be found in TCEQ's OPP 12.07, *Equal Employment Opportunity Policy*, and OPP 12.15, *Anti-Discrimination and Harassment Policy*.

On a quarterly basis, TCEQ's Human Resources and Staff Services Division analyzes and reports the agency's workforce in comparison to the statewide available labor force. On a biennial basis, TCEQ's strategic planning process reevaluates the agency's workforce plans to ensure it is identifying, analyzing, and forecasting the number of employees and types of skill sets required to meet agency goals and strategic direction. TCEQ strives to recruit, hire, and retain a qualified and diverse workforce. TCEQ's recruitment efforts target qualified ethnic minority and female candidates, especially those with STEM (science, technology, engineering, and math) degrees. Moreover, the agency continues to emphasize and support workforce and succession planning. This process involves building a viable talent pool that contributes to the current and future success of the agency, including the need for experienced employees to mentor and impart knowledge to their potential successors.

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XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

TCEQ appreciates the opportunity to provide comments to the Sunset Commission to highlight areas of interest, agency initiatives, and the impact of the pandemic. Since TCEQ's last Sunset evaluation in 2009, the agency has implemented numerous improvements and undertaken a variety of initiatives designed to keep TCEQ on pace with rapidly changing technology, increase transparency of operations by development of pathways to share information and data with the public and other stakeholders, revamp processes to maximize resources, and strengthen the agency's ability to respond to emergency events. Some of these areas of interest, initiatives, and pandemic impacts are highlighted below.

Items of Interest

Aggregate Production Operations (APOs): A House Interim Committee on APOs submitted a report to the 87th Legislature, including recommendations on various APO-related issues such as water quality, air quality, nuisance issues (relating to dust, noise, and light), reclamation efforts, transportation safety and integrity, disruption of groundwater, and enforcement. TCEQ's rider requires aerial observations of APOs at least twice a year to ensure enforcement of statutes and rules. The rider was amended this past session, 87R, in Article IX, Section 17.39, and requires TCEQ to adopt and make accessible on the commission's website best management practices for APOs regarding nuisance issues relating to dust, noise, and light. TCEQ does not have statutory authority to regulate noise or light.

Response to Comments for Permit Applications: Since launching e-comments, an online method for submitting comments electronically using a link on the Chief Clerk's webpage, there has been a marked increase in the volume of comments received related to permit applications. Developing the response to comments document within the longstanding timeframe set forth in rule is challenging given the large number of comments TCEQ receives. In addition to increase in volume, the level of sophistication and comment detail, along with a higher degree of technical knowledge of the commenters, requires more TCEQ staff time to compile sufficiently detailed responses to address comments.

Turnover and challenges in Houston Region: The Houston Region (R12) is TCEQ's largest regional office, with 183 FTEs. Retention is a significant issue for both investigative and administrative positions. R12's overall turnover rate has averaged 26% over the last four years, significantly outpacing both TCEQ and statewide turnover rates. As previously stated in Sections II and IX, the agency overall faces a challenge in being competitive with salaries offered by both private sector and other public sector employers. As a result, staff turnover within many regional offices and at TCEQ's Austin headquarters remains a significant concern. The impact of frequent staff departures strains management and agency resources, which makes meeting mission-critical commitments more difficult. Agency investigators cover large geographical areas responding to a variety of work requirements, including citizen complaints, emergency/disaster response, and facility investigations. Frequent turnover results in fewer staff becoming tenured in their programs and available to conduct highly complex investigations.

Houston is a highly competitive job market for environmental compliance personnel, and Texas has the second highest employment level in occupations performing similar work in the U.S., with an annual mean wage for similar occupations of \$84,090. The City of Houston and Harris County have directly recruited TCEQ staff for similar environmental compliance positions by offering higher starting salaries with additional compensation for degrees and skill sets.

Information Technologies (IT) - Advances and Need for Further Improvement: TCEQ continues to upgrade critical legacy systems to reduce risks associated with maintaining aging technology, to improve application usability, and to reduce the cost of maintenance. The modern Java framework selected for system upgrades provides improved usability, strengthens information security, and supports a web-based approach that significantly facilitates remote access to agency applications and continuity of operations.

TCEQ has implemented a technology security program with a team focused on improved oversight, efficient and effective processes, enterprise education, and reporting. Full participation in statewide security efforts and the completed transition to the State of Texas Consolidated Data Centers have led to significant advances in TCEQ's cybersecurity.

TCEQ utilizes an enterprise electronic records system to publish agency records on its external website. Digitizing historic hardcopy and microfilm continues to be a priority. Increasing automated availability to agency data will allow for needed data transparency while reducing the amount of staff resources needed to fulfill information requests.

However, IT operations are challenged by funding limitations, continuously emerging and evolving IT needs, and inability to provide compensation competitive with other public and private sector salaries. The agency prioritizes internal application development, implements EPA developed applications whenever possible, leverages data center services, utilizes the Department of Information Resources' Open Data Portal, and participates widely in recruiting events to attract qualified staff. Despite capitalizing on these opportunities, many IT needs of the agency continue to be deferred or go unmet.

Agency Initiatives

Public Participation: Using technology, TCEQ continues to expand its ability to provide information and data to the public. The agency has developed several pathways, including use of external web-based portals for the public to access information stored in its databases. TCEQ continues to innovate regarding management and use of data with the goal of providing information in a timely, understandable, and accessible manner. The following are several ways the agency has expanded public interaction.

- The public can access reports of emissions events submitted by the regulated community, which may include start and end times of each event, the pollutants and quantity emitted, the cause of the emissions, and actions taken to minimize events.
- The public can search the status of complaints, as well as any associated investigations, by date range, program, or geographic location.
- The agency is modernizing its data display and simplifying navigation to make it easier for the public to find and interpret ambient air data collected by the stationary air monitoring network displayed on TCEQ's Texas Air Monitoring Information System (TAMIS) database, or via the Geographical Texas Air Quality Monitoring (GeoTAM) viewer application, which is an interactive map displaying air monitoring stations.
- The agency creates websites for significant emergency response events which include important safety information, contacts, and the latest activities, such as handheld monitoring and public water supply status. The pages also include information on rule suspensions and enforcement discretion, which arise when the governor issues a disaster declaration.

- In collaboration with Texas Department of Information Resources, TCEQ is developing data sets for public access using the Texas Open Data Portal to provide the public with a self-service option for obtaining public information.
- TCEQ's website allows for queries of enforcement actions and compliance history classifications, as well as permits and authorizations for the majority of TCEQ programs.

Streamlining the Air Permit Application Process: In 2018, TCEQ began a comprehensive effort to evaluate the air permitting process and reduce the backlog of New Source Review (NSR) permit applications. This evaluation resulted in creation of new permitting tools and revisions to existing practices and policies. These changes have significantly reduced processing times for air permits.

One of the most significant changes was creation of a new NSR application (PI-1) workbook and the Electronic Modeling Evaluation Workbook (EMEW). These workbooks are interactive, electronic workbooks which guide an applicant through the process of providing information necessary for review of permit applications and presenting information in a concise and consistent format. TCEQ requires applicants to submit both the new PI-1 application and any applicable modeling information (EMEW or prevention of significant deterioration modeling protocols) at the time of submittal. Incomplete applications (including any required modeling) may not be accepted.

Initial modeling review related to NSR case-by-case permits with refined modeling was updated by creating timeline tracking, identifying recurring issues, and updating the EMEW to address identified issues.

Other improvements included elimination of duplicative or unnecessary steps in the review process; immediate application assignment to permit reviewers and modelers for concurrent review; and earlier identification of deficiencies and issuance of notice of deficiencies.

These permit reforms have had a significant impact on production and on reducing the backlog. TCEQ has reduced its NSR backlog by 96% while still maintaining current technical requirements. The percentage of permits exceeding the target also decreased, from 34% to 9%. TCEQ's efforts in permit reform indicates this permit process is more productive and efficient overall. The prior process took an average of 219 days for major permits (non-expedited) and 115 days for minor permits (non-expedited) to get to draft permit stage. Under the new permitting process, an application takes an average of 88 days for major permits and 81 days for minor permits to get to draft permit stage.

Revision of TCEQ's Penalty Policy: The Penalty Policy (Policy) details how TCEQ evaluates violations for the purpose of calculating administrative penalties. The Policy was revised to provide consistency with recent statutory changes and to consider recent incidents having caused substantial public and environmental impacts. The revisions are consistent with TCEQ's existing authority to deter future noncompliance and emphasize proper facility maintenance by using additional tools within the Policy to impact the assessment of administrative penalties for documented violations. A few of the more significant revisions for calculating penalties include:

- Increased penalty assessment for violations with an actual environmental impact;
- Increased penalty assessment for violations meeting "major" threshold;
- Added more flexibility for calculating the number of violation events; and
- Removed the 20% expedited settlement deferral for matters that meet the mandatory civil referral criteria as set out in Texas Water Code.

The revised Policy became effective on January 28, 2021.

Lean Management System: TCEQ is committed to implementing systematic and sustained improvements, with a focus on empowering programs to improve process efficiencies. TCEQ has adopted the U.S. Environmental Protection Agency's (EPA) Lean Management System (ELMS) which involves dissecting inefficient functions using data, visual management, and other tools, with the end goal of creating greater efficiency by eliminating steps that are not adding value. Some successfully completed or ongoing TCEQ Lean projects include:

- Lean process strategies were implemented by the Stationary Air Monitoring Network program to reduce validation process times for continuous air monitoring data. As a result, validation lead time dropped from an average of 92 days in 2019 to 78.5 days in 2020.
- The Field Operations program launched an effort to put in place electronic investigation reports which will include an automated coding system. This Lean project's objective is to improve retention of agency records, accurate recording of agency coding, and to reduce paper.
- The Wastewater Permitting program successfully worked with EPA at a joint Lean workshop to resolve a substantial number of EPA objections on Texas Pollutant Discharge Elimination System draft permits. Following these efforts, a significant reduction in the number of subsequent EPA objections has occurred.
- The Emissions Banking and Trading (EBT) program conducted a Lean project involving the Mass Emissions Cap and Trade (MECT) program's Audit Level Annual Compliance Reports. The project, which began in February 2020, is in its second year. The EBT program has substantially decreased its review time thereby increasing the number of reports able to be reviewed within a certain timeframe. In 2020, only 29% of report reviews were completed within three months of submission, compared to 2021 when 89% of reviews were completed within the same three-month timeframe.
- The Industrial and Hazardous Waste Permits and Municipal Solid Waste Permits programs successfully implemented Lean projects involving application process reviews for hazardous waste and municipal solid waste permit renewals, administrative reviews, and hazardous waste combustion reviews. Results of these projects included up to a 50% reduction in review times as well as better team engagement in the process.

Border Affairs: TCEQ envisions a border region where environmental protection and economic development go hand in hand, and where communities and industry support one another and thrive on both sides of the border. TCEQ aims to develop long-term institutions and policy mechanisms to support air and water quality monitoring, shared access to quality-assured environmental data, binational watershed protection planning, and sustainable materials management through successful partnerships with local stakeholders and its counterparts in Mexico. TCEQ leads and participates in the U.S.-Mexico Border 2025 program, which is a five-year (2021-2025) binational effort designed to address the most significant environmental and public health risks for the well-being of border communities. Its implementation is accomplished within the framework of the respective laws and regulations of the U.S. and Mexico.

TCEQ also manages and is a member of the Joint Air Quality Advisory Committee (JAC) in the Ciudad Juárez-El Paso-Doña Ana County, New Mexico air shed. The JAC, created under Annex V to the U.S.-Mexico La Paz Agreement for the protection of the border environment, develops and implements recommendations to address growing binational air quality problems. On February 11, 2021, with support from the JAC, the Binational Fund Resolution was signed, and the Fund Committee and Administrative

Unit were created. The Resolution will provide a sustainable financing mechanism to strengthen the air quality monitoring capabilities in Ciudad Juárez, Chihuahua, for the improvement of air quality in the binational air basin.

Regional Monitoring Programs: Optical gas imaging cameras (OGICs) have proven highly effective as a screening tool in the detection of volatile organic compounds, particulate matter, and/or thermal differences in ground-based multi-media applications. This technology allows TCEQ staff to visualize emissions that are not detectable to the naked eye, which allows TCEQ to direct resources to investigate or evaluate for compliance with regulations. Identifying these emissions allows TCEQ to notify facility personnel of potential unauthorized emissions so any issues can be quickly addressed. OGICs are used around oil- and natural gas-related sites, chemical and petrochemical plants, landfills, bulk liquid storage tank terminals, in addition to railcar and marine loading and unloading activities. TCEQ continues to explore additional uses of the OGICs at facilities, such as truck loading and unloading activities and other particulate matter sources, like metal recycling. OGICs have also been used effectively during flyovers of areas with potential unauthorized emissions. Since FY 2005, the agency has conducted approximately 16 flyover activities covering 52 counties, with some counties being flown over multiple times.

TCEQ developed internal OGIC Certification and Recertification programs that allow TCEQ investigators to obtain a three-year certification. Rising manufacturer training costs and internal technical expertise were factors in the development of these programs. As of July 2021, the agency has saved approximately \$420,000 in OGIC training costs and has 95 certified OGIC operators. TCEQ certification and recertification courses emphasize OGIC techniques for observing flares and landfills. More specialized OGIC trainings are being developed for technical landfill and flare applications, which encourage multi-media use of the cameras. The instructors for these courses have advanced thermography certifications from an external training vendor and include three Level III thermographers, two Level II thermographers, and two Level I thermographers.

In addition to the OGICs, TCEQ has invested in other handheld monitoring equipment, such as toxic vapor analyzers and photoionization detectors that investigative staff use to screen for possible environmental impacts. These instruments provide instantaneous readings for various compounds that may include the lower explosive limit, volatile organic compounds (VOCs), hydrogen sulfide, carbon monoxide, sulfur dioxide, benzene, 1,3 butadiene, hydrogen cyanide, and oxygen. As monitoring and testing technology continues to advance, TCEQ has implemented and strengthened processes in which innovative technologies are continually examined and existing equipment is reassessed to ensure TCEQ is able to take advantage of technology which better suits the agency's needs and most effectively utilizes resources.

TCEQ partners with public, private, and academic institutions to deploy specialized monitoring during field studies to research ground-level ozone and fine particle formation. These air quality field studies have helped identify the important role of highly reactive volatile organic compounds in ozone formation, leading to the Houston area attaining the 1997 eight-hour ozone standard. Through funding appropriated during the 86R Legislative Session, TCEQ expanded its mobile monitoring fleet and implemented technology upgrades to allow for in-transit monitoring of a broad list of target pollutants. Three monitoring vans housed in Austin are available for deployment anywhere in the state, while additional rapid assessment survey vehicles are being built for permanent assignment to TCEQ's heavily industrialized coastal regions. The three Austin-based vans include an ultraviolet spectrometer used to identify potential emission sources of benzene, toluene, 1,3-butadiene, styrene, and sulfur dioxide, along with nine other compounds that can be qualitatively measured; selected ion flow tube mass spectrometer

(SIFT-MS) to monitor ambient VOC concentrations; a nephelometer that monitors and provides an estimate of PM_{2.5} (particulate matter smaller than 2.5 microns) concentration; a gas concentration analyzer for precise measurement of hydrogen sulfide; and meteorological equipment.

These upgrades vastly improve the agency's ability to conduct air monitoring in support of investigations related to local air quality concerns and during agency responses to emergencies, incidents, and natural disasters. TCEQ's enhanced mobile monitoring assets have been successfully deployed to provide air monitoring surveys in response to air quality concerns in the Permian Basin, the Corpus Christi Tule Lake Channel Fire, Hurricane Laura, Hurricane Delta, Winter Storm Uri, and regional investigations of fugitive emissions.

On-Demand Response/Significant Events: TCEQ has experienced a considerable increase in its "on-demand" workload due to recent extreme weather events and significant environmental disasters. On-demand response tasks are handled not only by staff in the field, but also by technical experts, legal staff, homeland security personnel, and program subject matter experts in the Austin Central Office. During these events, the agency expends tremendous resources outside its normal business hours to respond quickly and effectively to protect public health and the state's natural resources.

Texas has experienced a multitude of extreme weather events over the last decade. The state suffered one of the most persistent and devastating droughts on record from 2009 until 2015. While the state eventually recovered, certain areas of the state continue to be at risk for drought conditions. Often, droughts are followed by flood events triggered by hurricanes or tropical storms, which Texas has also experienced in recent years. The most significant of which was Hurricane Harvey in 2017, followed closely by Laura and Delta in 2020. In February 2021, an unprecedented extreme weather event impacted the entire state when Winter Storm Uri caused unexpected widespread effects.

In addition to the devastation left behind, each extreme weather event strains water and wastewater infrastructure and causes disruptions in industrial processes. TCEQ staff are trained and prepared to respond rapidly to a multitude of resulting environmental issues, including, but not limited to, conducting public water supply and wastewater treatment plant assessments and providing assistance to system owners and local governments; coordinating debris management and authorizing hazardous material spill response and drum collection; and conducting air quality monitoring, toxicological assessments, and dam safety evaluations.

Regulated entities in Texas also occasionally experience significant environmental accidents, such as the Intercontinental Terminal Company (ITC) fire in 2019. These incidents are not limited to industrial facilities, as several public water supplies have also recently experienced conditions of concern triggering issuance of do not use notices or boil water notices to their customers until water supplies could be verified safe to drink. One such incident involved the City of Lake Jackson when, in 2020, a naturally occurring amoeba (*Naegleria fowleri*) was identified in the public water system.

The increased occurrence of both natural and man-made environmental disasters significantly impacts TCEQ's resources. These on-demand events are typically time intensive to resolve, requiring a multitude of agency resources to not only address immediate public safety issues but also to provide appropriate public information. As a result, the agency has focused a great deal of resources over the last decade improving response capabilities and providing the state with excellent emergency response resources.

Pandemic Response and Successes

Beginning March 17, 2020, in response to the COVID-19 Pandemic, all TCEQ employees who could work from home were authorized to begin teleworking. Office access was limited to a small skeleton crew staff to facilitate essential agency functions. TCEQ transitioned to almost 100% telework without significant disruption and seized opportunities to develop and secure previously unrecognized efficiencies born of necessity.

Throughout the pandemic, TCEQ staff maintained essential core functions while implementing several successful process improvements utilizing web-based tools. With respect to workforce, TCEQ tailored services to support virtual agency operations, including a wellness outreach to employees and publicization of employee assistance program services. Online resources and guidance documents helped staff and management facilitate implementation of the newly adopted COVID-19 Telework Policy. Hiring processes shifted to virtual interview methods and more than 300 new employees were onboarded since onset of the pandemic. Agency trainings shifted to well-received virtual platforms.

Many TCEQ programs transitioned from paper-based documents to electronic, often gaining efficiencies with reduced processing times and increased production. This included developing and implementing electronic applications, correspondence, records, and e-signatures. Effective virtual collaboration among staff was enhanced through communications in Microsoft Teams and sharing documents remotely via network drives, SharePoint, and OneDrive.

In response to this virtual work environment, TCEQ significantly increased its computing capabilities, distributing more than 800 laptops, using computer software to operate agency phone lines, and increasing capacity for remote network access from 30-40 employees pre-pandemic to almost 2,800 within one week.

In-person and paper-based interactions between TCEQ and its customers also evolved to allow continuity of operations. Novel approaches yielded solutions such as posting required documents online rather than in public places inaccessible during the pandemic; holding virtual public hearings and meetings; hosting virtual conferences; approving live-online license trainings in place of in-person classes; and allowing new online testing options.

Overall, TCEQ quickly adapted to deliver important government services to all Texans, and many of these efforts are reflected on the agency's [COVID-19 website](#). Agency staff and programs shone brightly during the pandemic, their strong character and resilience helped drive the transition to a complete virtual work environment while maintaining the excellent level of service and expertise expected of TCEQ.