Texas Commission on Environmental Quality – Sunset Implementation

Sunset Item Short Description (SB 1397/ Final Sunset Report)	Description of Items from Sunset Report and Sunset Bill	Bill Specified Due Date / Management Action Specified Due Date	Status
36 Hour Extensions for Consolidated Notice (SB 1397 Section 4/ Sunset Rec 1.1)	36 Hour Extensions for Consolidated Notice (Includes *Concrete Batch Plant Standard Permit*) - The public comment period and the period for requesting a contested case hearing shall be held open for at least 36 hours after the end of a public meeting, if one is held, for all air permit applications for which consolidated notice was issued under the subchapter (Texas Health and Safety Code, Chapter 382 Subchapter C).	None	Complete Amendments to 30 Texas Administrative Code Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment, were adopted by the commission on July 23, 2025, to extend the public comment period as required. Docket No, 2023-1506-RUL
Certain Aggregate Production Operations (Best Management Practices) (SB 1397 Section 18, 19/ Added by Leg)	Certain Aggregate Production Operations (*Best Management Practices*) - Changed heading to Texas Water Code Chapter 28A, by removing "Registration and Inspection Of" before "Certain Aggregate Production Operations". Commission shall develop and make accessible on the commission's Internet website recommended best management practices for aggregate production operations that operate under the jurisdiction of the commission. The best management practices must include operational issues related to: dust control, water use, and water storage. Commission may coordinate with other agencies when developing the best management practices under this section. Also, the best management practices developed under this section are not subject to enforcement by the commission.	None	Complete After multiagency and stakeholder coordination, final BMPs were posted on TCEQ's website and published in the TexReg on May 8, 2026.
Electronic Publication of Notice (SB 1397 Section 12/ Sunset Rec New)	Electronic Publication of Notice - "Permit" in the new subchapter means a permit, approval, registration, or other form of authorization required by law for a person to engage in an action; the new subchapter applies to programs arising under the air, waste, or water programs within the commission's jurisdiction; commission must publish the notice of a permit application on the commission's website and may provide additional electronic notice, including by e-mail. This notice is in addition to any other notice requirements. The commission shall consider and accommodate residents of an affected area who may need assistance accessing electronically published notice, especially when there is heightened public interest or in response to public comment.	None	Complete TCEQ Public Notices are available electronically. In June 2025, TCEQ developed an email subscription service for the public to opt in to receive notices via email.

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Enforcement Diversion Program for Small Businesses and Local Governments (SB 1397 Section 15/ Sunset Rec New)	Enforcement Diversion Program for Small Businesses and Local Governments - Provides a definition for "small business" and that the commission must establish the program which must include (1) resources developed for the small business compliance assistance program, (2) compliance assistance training, and (3) on-site technical assistance and training performed by commission staff. Further provides that before the commission initiates an enforcement action for a violation committed by a small business or local government, the commission may enroll them into the program; the commission may not enroll a small business or local governments into the program if an enforcement action is required by federal law; and the commission may not initiate an enforcement action against a small business or local government for a violation that prompted enrollment in the program after the entity has successfully completed the program. Finally, an entity is not eligible for enrollment in the program if they committed a violation that: resulted in an imminent threat to public health, or was a major violation, as classified under Texas Water Code, Section 5.754; and an entity is also not eligible if the entity was enrolled in the program in the two years preceding the date of the violation.	None	Complete TCEQ developed an Enforcement Diversion Program (EDP) in its Office of Compliance and Enforcement, Small Business and Local Government Assistance Section. The EDP gives eligible small businesses and local governments an opportunity to receive training, resources, and technical assistance so they can resolve qualifying violations prior to the agency proceeding with enforcement action.

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Standard Permit for Certain Temporary Concrete Plants for Public Works (SB 1397 Section 1, 2, 3/ Sunset Rec New)	Standard Permit for Certain Temporary Concrete Plants for Public Works - Commission may develop by rule the criteria to establish a de minimis level of air contaminants for facilities, below which certain permits are not required. The changes revise and reformat Texas Health & Safety Code Section 382.05101 and provide that a standard permit under new Section 382.051985, Standard Permit for Certain Temporary Concrete Plants for Public Works, is one of the permit types not required for facilities or groups of facilities falling below de minimis levels set forth in commission rules. Provides one mechanism by which the commission may authorize changes in a federal source to proceed prior to the owner or operator obtaining a federal operating permit or revisions to a federal operating permit. Creates a new standard permit specifically for supporting public works projects. Commission shall issue a standard permit for temporary plants that meets the requirements of Section 382.05195 for a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project. Plants operating under the permit may not support a project that is not related to the public works project, must be located in or contiguous to the right-of-way of the public works project, and may occupy a designated site for not more than 180 consecutive days or to supply material for a single project, but not other unrelated projects.	None	Complete Effective June 18, 2025, TCEQ issued a new non-rule Air Quality Standard Permit for Temporary Public Works Projects.

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Compliance History Rating Formula Considerations (Management Action/ Sunset Rec 2.1)	Compliance History Rating Formula Considerations - Directs TCEQ to review and update the agency's compliance history rating formula to ensure it accurately reflects a regulated entity's record of violations, including considerations of site complexity and cumulative violations or multiple violations of the same type. TCEQ should specifically consider major, moderate, and repeat occurrences of the same minor violations when calculating compliance history ratings. Finally, TCEQ should regularly update an entity's compliance history rating throughout the year as the agency receives additional information that could alter the rating. When updating the agency's compliance history rating formula, TCEQ should determine whether its current formula adequately allows for comparing the compliance performance of facilities of similar complexity. If TCEQ determines that the current formula does not meaningfully assess compliance performance among complex facilities, the agency should develop a separate compliance history rating formula for facilities that are sufficiently complex to warrant application of a separate formula. Also, directs TCEQ to re-evaluate its compliance history rating formula to ensure a facility's compliance rating does not improve if the facility reports an unauthorized air pollution emission and seeks an affirmative defense.	None	Complete Amendments to 30 Texas Administrative Code Chapter 60 were adopted by the commission on January 14, 2026. Docket No. 2025-0520-RUL The amendments provide consideration of moderate and minor violations, in addition to the previously considered major violations, when determining a regulated entity's repeat violator status. This rulemaking also updated the compliance history rating formula to ensure the rating adequately allows for comparing the compliance performance of facilities of similar complexity and allows for updating an entity's compliance history rating on a more frequent basis.
Repeat Violators (SB 1397 Section 13/ Sunset Rec 2.2)	Repeat Violators (Adding Minor and Moderate Violations to Classification) - Commission must establish criteria for classifying a repeat violator, including setting the number of major, moderate, and minor violations needed to be classified as a repeat violator.	None	

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Website Usability (Management Action/ Sunset Rec 1.5)	Website Usability - Directs TCEQ to review and update its website to improve accessibility and functionality.	None	Complete TCEQ updated its website, focusing on the following enhancements: • Creation of a permit search portal that is searchable by location • Standardization of environmental datasets to be more useable and available via Texas Open Data Portal, when possible • An update of the website structure to support better navigation Sunset implementation of this item is complete; however, activity will remain ongoing as the agency continues to improve website accessibility and functionality.
Community Outreach (SB 1397 Section 10/ Added by Leg)	Community Outreach - Commission will provide outreach and education to the public on participating in air, water, and waste permitting processes.	None	Complete TCEQ and You video series available here. TCEQ Public participation webpages were revised to include • general information on public meetings, • guidance on determining affected person, and • responses to common comments for issues outside TCEQ's authority including the agency or organization with relevant jurisdiction. Additionally, handouts covering general and programmatic information are provided at public meetings. Sunset implementation of this item is complete; however, activity will remain ongoing as the agency continues to identify outreach opportunities.

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Temporary and Indefinite Permit Annual Reporting (SB 1397 Section 12, 23/ Sunset Rec 2.3)	Temporary and Indefinite Permit Annual Reporting - Person who holds a temporary permit or permit with an indefinite term shall report to the commission once a year about whether the activity subject to the permit is ongoing. Requirement does not apply to a person who holds a temporary permit or permit with an indefinite term that has a regular reporting requirement. Permit holders subject to Texas Water Code Section 5.587, as added by this Act, shall first report to the commission the status of the permitted activity not later than December 31, 2024.	Permit Holders Report by 12/31/2024	Complete Impacted permittees can now report their operational status thru the State of Texas Environmental Electronic Reporting System. Information is available here for Certain Air Permits. Training webinars were held in 2024 for impacted waste facilities. Information is available here for Scrap Tire Generators and Land Reclamation Projects Using Tires. Information is available here for certain Municipal Solid Waste facilities.

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Electronic Posting of Permit Applications (SB 1397 Section 11/ Sunset Rec 1.5)	Electronic Posting of Permit Applications - Commission must post on its website a permit application and associated materials at the time that an application becomes administratively complete, including any maps that are part of applications for permit applications under Texas Water Code Chapter 11 Subchapter D. If a permit application is revised or amended after the permit application has become administratively complete, the commission must also post on its website the revised or amended permit application. Commission may exempt any associated materials from being posted on its website if the commission determines that posting the materials on the website would be unduly burdensome or the materials are too large to be posted. Notwithstanding any other law, the commission must also require an applicant for permit applications that require published notice to include in the notice the address of the website where the public can access information about the permit. Commission is required to consider and accommodate residents of an affected area who may need assistance accessing the application materials because of a lack of access to Internet services, especially for applications with a heightened public interest or in response to public comment.	None	Complete TCEQ posts all pending applications for the following permits and licenses: new source review air, including standard concrete batch plant and Title V operating; wastewater; industrial, hazardous, and municipal solid waste; underground injection control; radioactive material; and water rights. Adopted rule amendment to 30 Texas Administrative Code Section 281.5 became effective November 15, 2024, requiring submittal of electronic copies of permit applications. Pending permit applications for New Source Review Air Permits, including Concrete Batch Plant Standard Permits, and Title V Operating Permits are posted here. Pending permit applications for Underground Injection Control are posted here. Pending permit applications for Industrial, Hazardous, and Municipal Solid Waste are posted here. Pending permit applications for Wastewater are posted via the TCEQ's Permit Search Portal. Additional information is available here.
Guidance on Affected Person Determinations (Management Action/ Sunset Rec 1.3)	Guidance on Affected Person Determinations - Direct TCEQ to develop a guidance document that explains what information the commission needs to evaluate whether a person is potentially affected by a permit application and states that each request is reviewed on a case-by-case basis, considering all the factors in its rule, including — but not limited to — distance.	None	Complete TCEQ Publication GI-649 is available.

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Response to Public Comments Outside TCEQ's Authority (Management Action/ Sunset Rec New)	Response to Public Comments Outside TCEQ's Authority - Direct TCEQ, upon receiving public comments that are not under the jurisdiction of the agency, to answer the comment with information on the agency or organization with the relevant jurisdiction.	None	Complete TCEQ Publication GI-650 is available.
Information Provided by Public Notices (SB 1397 Section 8, 9/ Sunset Rec New)	Summary of and Information Provided by Public Notices (*Additional Information in Permit Application Notices*) - Provides new heading for Texas Water Code Section 5.129. Commission by rule shall provide for each public notice issued or published by the commission to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the location of each proposed or existing site subject to the proposed permit.	None	Complete All required elements are included in public notices issued or published by the commission.
Verification of Notice by Newspaper (SB 1397 Section 12/ Added by Leg)	Verification of Notice by Newspaper - Applicants required to publish notice in a newspaper shall provide the commission a copy of the published notice and an affidavit from the publisher certifying that the notice was published, and that the publication meets all applicable requirements, including newspaper circulation.	None	Complete All required elements are included on the affidavits.
Security at Public Meetings or Public Hearings (SB 1397 Section 12/ Added by Leg)	Security at Public Meetings or Public Hearings - Commission may request an applicant for a permit that is the subject of a public meeting or hearing to provide uniformed security sufficient to provide for the safety of all attendees and orderly conduct at the meeting or hearing.	None	Complete TCEQ is requesting the applicant provide security at public meetings or public hearings.
Notice to State Senator and State Representative (SB 1397 Section 12/ Added by Leg)	Notice to State Senator and State Representative - Applies to permit applications for which public notice is required; the commission shall send notice of receipt of the application for a permit to each state senator and state representative who represent the area in which the facility or activity to which the application relates is or will be located.	None	Complete Members are receiving notice of permit applications for their represented area.

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Notice Applicable to Creation of a District by the Commission (SB 1397 Section 20/ Sunset Rec New)	Notice Applicable to Creation of a District by the Commission - Commission must provide the notice to each state representative and state senator who represents an area inside the proposed district's boundaries.	None	Complete Members are receiving notice of application for creation of a district for their represented area.
Reclassify Recordkeeping Violations (Management Action/ Sunset Rec 2.4)	Reclassify Recordkeeping Violations - Directs TCEQ to reclassify recordkeeping violations based on the potential risk and severity of the violation.	None	Complete Enforcement Initiation Criteria Revision (EIC) No. 18 was effective September 4, 2024, incorporating required revisions. Superseded by EIC Rev No. 19, September 4, 2026, incorporating updates from 89th Legislative Session.
Affirmative Defense Guidance and Centralized Committee (Management Action/ Sunset Rec 2.5)	Affirmative Defense Guidance and Centralized Committee - Directs TCEQ to develop and implement clear guidance to evaluate affirmative defense requests for air emissions and to establish a centralized committee of agency staff authorized to review and approve all applications for an affirmative defense.	None	Complete The TCEQ formed the centralized Emissions Event Review Section (EER) on September 1, 2022. Affirmative defense guidance is available on the TCEQ public website.
Approach to Nuisance Complaints (Management Action/ Sunset Rec 2.6)	Approach to Nuisance Complaints - Directs TCEQ to modify its approach to nuisance complaints to make better use of the agency's investigative resources.	None	Complete TCEQ Complaint Investigator Manual (GI-602) was updated. TCEQ public website was updated to be more user friendly and provide clearer information to the public. Including a new complaint intake form in both English and Spanish.

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Increase Maximum Administrative Penalty (SB 1397 Section 14, 24/ Sunset Rec New)	Increase Maximum Administrative Penalty - Criteria for assessing up to $40,000 per violation per day is stated in new (c)(1), (2) and (3) of the Texas Water Code Section 7.052, as follows: (1) the violation involves: (A) an actual release of pollutants to the air, water, or land that exceeds levels protective of human health or environmental receptors; or (B) an actual unauthorized diversion, taking, or storage of state water, or an unauthorized change in the flood elevation of a stream that deprives others of water, severely affects aquatic life, or results in a safety hazard, property damage, or economic loss. (2) the person previously committed a violation of the same nature that resulted in the assessment of an administrative penalty; and (3) the commission determines that the person could have reasonably anticipated and avoided the violation. Change applies only to a violation that occurs on or after September 1, 2023. A violation that occurs before that date is governed by the law in effect on the date the violation occurred.	None	Complete Violations occurring on or after September 1, 2023, are subject to the increase in administrative penalties if the criteria are met.
Exigent Circumstances (SB 1397 Section 13/ Sunset Rec New)	Exigent Circumstances – Executive director may review, suspend, or reclassify a person's compliance history in accordance with commission rules if the executive director determines that exigent circumstances exist.	None	Complete The statute codified 30 Texas Administrative Code, Section 60.4 - Site Classification Changes Due to Exigent Circumstances.
Complaint Form in Spanish (Management Action/ Sunset Rec New)	Complaint Form in Spanish - Directs TCEQ to consider developing Spanish language versions of its online form through which individuals may submit a complaint.	None	Complete The Make a Complaint form is available in Spanish.

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Toxicity Factors (Management Action/ Sunset Rec 1.2)	Toxicity Factors - Directs TCEQ's commission to vote in a public meeting on the acceptable level of health-based risk used in the development of toxicity factors for permitting and other regulatory actions.	None	Complete The final proposal and response to comments was adopted by the TCEQ commissioners during the September 25, 2024, Commissioner's Agenda Meeting. Docket No. 2024-1073-MIS For more information about this item, review the Toxicology's webpage – TCEQ Air Target Risk Level Policy.
Water Availability Models Report on Website (Management Action/ Sunset Rec 3.3)	Water Availability Models Report on Website - Directs TCEQ to publish a report on its website on the status of its water availability models (WAMs) as they are updated, including the development and structure of WAMs; information on ongoing WAM updates; prioritization for other WAM dataset updates; and estimated cost for the prioritized updates.	None	Complete The Water Availability Model Status is posted on TCEQ's website.
Periodic Review of Environmental Flow Standards; Statewide Work Plan (SB 1397 Section 16, 17, 21, 25/ Sunset Rec 3.1)	Periodic Review of Environmental Flow Standards; Statewide Work Plan – TCEQ must develop and submit a biennial report to the Environmental Flows Advisory Group (Advisory Group) that includes input from the Texas Water Development Board and Texas Parks and Wildlife Department by January 1, 2024. The Advisory Group must periodically review the environmental flow standards and develop and submit a statewide work plan to TCEQ by January 1, 2025. Requirements for the Advisory Group review of environmental flow standards are specified. The abolishment clauses for the Advisory Group, Science Advisory Committee, Basin and Bay Area Stakeholder Committees, and Basin and Bay Expert Science Teams were removed.	First Biennial Report on eFlow Standards - 1/1/2024 Statewide Work Plan - 1/1/2025	Complete. The first Biennial Report was sent to the eFlows Advisory Group as required. The report is posted on the TCEQ's website.

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Rule Review Process (Management Action/ Sunset Rec 1.4)	Rule Review Process - Directs TCEQ to adopt a policy guiding its rule review process to ensure that identified deficiencies in the rules are addressed.	Policy due to Sunset Advisory Commission by April 12, 2023.	Complete The Rule Review Policy is posted on TCEQ's website.
Involvement of Advisory Committees (Management Action/ Sunset Rec 1.6)	Involvement of Advisory Committees - Directs TCEQ to evaluate its current use of advisory committees to provide more public involvement in rulemaking and other decision-making processes, and continue advisory committees by rule, as appropriate.	None	Complete TCEQ amended 30 TAC Chapter 5 Advisory Committees and Groups at TCEQ's Commission Meeting Agenda (Item 28), on June 14, 2023, to renew advisory committees through a rulemaking process. The evaluation on the use of advisory committees has been conducted to determine if opportunities exist for additional measures to enhance public involvement. Several committees will implement changes to notify the public of these opportunities.
Report to Legislature on Informal Resolution Agreement (Management Action/ Sunset Rec New)	Report to Legislature on Informal Resolution Agreement - Directs TCEQ to prepare and deliver a report by September 1, 2023, to the Legislature on its efforts to enhance public participation and language access as part of its November 3, 2020, Informal Resolution Agreement with the EPA.	Submit Legislative Report by 9/1/2023	Complete The report is available in English and in Spanish.
WSD Website Access (Management Action/ Sunset Rec 1.5)	From the Website Usability item - When updating its website, TCEQ should make easily accessible to the public, and provide to regional water planning groups, the webpage link to the database of groundwater conservation districts, municipal utility districts, special utility districts, river authorities, water systems, water control and improvement districts, etc. with contact information and separated by county.	None	Complete The data is available at Texas Water Districts | Open Data Portal.

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OPIC Umbrella Contracts (Management Action/ Sunset Rec 4.1)	OPIC Umbrella Contracts - Directs OPIC to consider developing and using umbrella contracts to procure expert assistance.	None	Complete
OPIC Rulemaking Recommendations (Management Action/ Sunset Rec 4.2)	OPIC Rulemaking Recommendations - Directs TCEQ commissioners to take formal action on OPIC's rulemaking recommendations.	None	Complete

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Training Program for Commissioners (SB 1397 Section 6, 22/ Sunset Rec 5.2)	Training Program for Commissioners - Commissioners to be trained on the law governing commission operations (as opposed to the legislation that created the commission); on the functions, rules, and budget of the commission (repealed current Sections requiring training on rules with an emphasis on disciplinary and investigatory authority, and requiring training on current budget); on the scope and limitations on the rulemaking authority of the commission (deletes language regarding the role and functions of the commission); and the results of the most recent formal audit (replacing significant internal and external audits). Changes the references to open meetings, public information, and administrative procedure training and adds disclosing conflicts-of-interest to the training. Requires information be provided on other laws applicable to members of a state policy-making body in performing their duties. Executive director shall create a training manual that includes the required information and distribute the training manual annually to commissioners who will sign and submit a statement acknowledging that they received and reviewed the training manual. Section 5.0535, Texas Water Code, as amended, applies to a member of TCEQ appointed before, on, or after the effective date of the Act. A member of TCEQ who, before the effective date of the Act, completed the training program required by Section 5.0535, Texas Water Code, as that law existed before the effective date of the Act, is only required to complete additional training on the subjects added by the Act to the training program required by Texas Water Code, Section 5.0535. A member described by Subsection (b) may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2023, until the member completes the additional training.	Complete Training by 12/1/2023	Complete

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Commissioner and Staff Responsibility Policy (SB 1397 Section 7/ Sunset Rec 5.3)	Commissioner and Staff Responsibility Policy - Commission shall develop and implement policies that clearly separate the policy-making responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.	None	Complete Resolution passed at the April 12, 2024, commission agenda meeting. (Docket No. 2024-0440-RES)