

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

February 3, 2026

The Honorable Ken Paxton
Office of the Attorney General
Open Records Division
Price Daniel Sr. Building, 6th Floor
209 W. 14th Street
Austin, Texas 78701

Attention: Tamara Smith, Division Chief, Open Records Division

Re: Request for Attorney General Decision
Public Information Act Request Regarding Complaints and Investigations of Harris
County Water Control and Improvement No. 92
TCEQ PIR No. 26-111595

Dear Attorney General Paxton:

The Texas Commission on Environmental Quality (TCEQ) received a Public Information Act (PIA) request for information regarding complaints and investigations of Harris County Water Control and Improvement District No. 92 (Attachment A). This PIA request (PIR) was made by Texas Scorecard on January 19, 2026, and was received by TCEQ on January 20, 2026, as TCEQ was closed on January 19, 2026, in observance of Martin Luther King, Jr. Day, a day which constitutes a nonbusiness day under Tex. Gov't Code § 552.0031(a)(2). Therefore, the tenth business day after receipt of the request is February 3, 2026.

TCEQ has withheld responsive information it believes to be excepted from disclosure under the PIA. Pursuant to Tex. Gov't Code § 552.301(d)(1), TCEQ notified the requestor on this day by copy of this letter that TCEQ has withheld the information and requested an attorney general decision regarding its confidentiality (*see* courtesy copies listed in closing).

In accordance with Tex. Gov't Code § 552.301, TCEQ requests a formal opinion on this matter and claims the following specific exceptions to disclosure:¹

- Tex. Gov't Code § 552.101 (Informer's Privilege)
- Tex. Gov't Code § 552.101 (Tex. Gov't Code Chap. 418, Homeland Security Act)
- Tex. Gov't Code § 552.103 (Litigation)
- Tex. Gov't Code § 552.104 (Information Related to Competition or Bidding)
- Tex. Gov't Code § 552.107 (Attorney-Client Privilege)
- Tex. Gov't Code § 552.108 (Law Enforcement)
- Tex. Gov't Code §§ 552.110, 1101 (Commercial, Financial, or Proprietary Information)
- Tex. Gov't Code § 552.111 (Agency Memoranda)
- Tex. Gov't Code § 552.11765 (Occupational Licensing Information)
- Tex. Gov't Code § 552.122 (Test Items)

¹ Pursuant to House Bill 4219, enacted by the 89th Texas Legislature, TCEQ asserts that the listed exceptions to disclosure apply, as these are exceptions that generally relate to TCEQ's stated mission of clean air, clean water, and the safe management of waste. TCEQ additionally asserts that any of the exceptions to disclosure specifically listed in Tex. Gov't Code §§ 552.101-552.164 may apply to the requested information and reserves the right to raise any of these specific exceptions when the agency submits written comments and a representative sample of the information in question.

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Tex. Gov't Code § 552.129 (Emission Inspection Information)
Tex. Gov't Code § 552.139 (Computer Network Security)
Tex. Gov't Code § 552.1391 (Critical Infrastructure Cybersecurity)
Tex. Gov't Code § 552.164 (Fraud Detection and Deterrence Measures)

The fifteenth business day from the date of receipt of the request is February 10, 2026. In accordance with Tex. Gov't Code § 552.301(e), TCEQ will submit to the Office of the Attorney General by February 10, 2026, a packet of information containing the following: (1) written comments stating the reasons why the exceptions stated in this letter apply; (2) a copy of the written request for information; and (3) copies or representative samples of the information at issue, labeled to indicate which exceptions apply.

I appreciate your response to this request. If you have any questions about this matter, please contact Emily Guest, Staff Attorney, Litigation Division, Office of Legal Services at emily.guest@tceq.texas.gov.

Sincerely,



Elizabeth Cater, Public Information Counsel
General Law Division, Office of Legal Services
Texas Commission on Environmental Quality
Elizabeth.Cater@tceq.texas.gov

Enclosures

cc: Texas Scorecard, inquiries@texasscorecard.com, *via e-mail* (without attachments)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this referral was sent, via the Office of the Attorney General's Public Information Act Electronic Filing System, on February 3, 2026, to:

The Honorable Ken Paxton
Office of the Attorney General
Open Records Division
Price Daniel, Sr. Building, 6th Floor
209 West 14th Street
Austin, Texas 78701

Attention: Tamara Smith, Division Chief, Open Records Division

Sydney Thornborrow

Sydney Thornborrow, Legal Assistant
General Law Division