

**WHITE
MARQUEZ**

MARKED WORK SESSION AGENDA

Friday, February 13, 2004

Texas Commission on Environmental Quality

9:30 a.m.

Room 201S, Building E

12100 Park 35 Circle

1. **Discussion of the Monthly Enforcement Reports for December 2003.** Anne Dobbs, Enforcement Division presented this issue. The next report on overdue penalty payments will be presented on the April Commissioner's Work Session agenda.

Action: No Action Taken.

2. **Discussion of issues relating to agency compliance and enforcement policies and practices.** Glenn Shankle, Deputy Executive Director, provided an update on the progress of the agency's compliance and enforcement policies and practices review. The Compliance History, Penalty and Corrective Action, and Enforcement Process committees have been established and members selected. Four public meetings have been scheduled around the state in March 2004. The Commission expressed interest in how enforcement priorities are focused on activities which have the greatest potential for risk or impact to the environment and asked that the committees report on that issue at a future work session.

Action: No Action Taken.

3. **Docket No. 2003-0745-RUL. Consideration of the adoption of the rules review and readoption of 30 TAC Chapter 295, Water Rights, Procedural.** This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the September 26, 2003 issue of the Texas Register (28 TexReg 8387). (Clifton Wise) (Rule Project No. 2003-049-295-WT)

Action: Adopt the rule review and approve readoption of the chapter. KW/RM; All agree.

4. **Docket No. 2003-1374-RUL. Consideration of the adoption of the rules review and readoption of 30 TAC Chapter 14, Grants.** This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was

published in the December 5, 2003 issue of the Texas Register (28 TexReg 10978). (Debi Dyer) (Rule Log No. 2003-058-014-AD)

Action: Adopt the rule review and approve readoption of the chapter. KW/RM; All agree.

5. **Discussion of options for regional environmental monitoring and response systems.** The Commissioners discussed a vision for the initiative concerning the way that the agency converts information to knowledge and making a fundamental change in the agency's decision-making processes to best protect human health and the environment. John Steib, Deputy Director for the Office of Compliance and Enforcement, addressed the Commission on progress made in evaluating options for monitoring and response systems, which includes the purchase and installation of monitoring equipment for the Leon and Bosque watersheds. A more detailed approach will be presented at the next regular Commissioner's Work Session.

Doug Deason of Exxon-Mobil Corporation addressed the Commission on this item, noting that the similarities between the Commission's efforts in regard to this issue were closely aligned with Exxon-Mobil's corporate environmental policy and goals.

Action: No Action Taken.

6. **Discussion of activities associated with the State Implementation Plan and issues related to recommendations regarding PM 2.5 and 8-hour ozone designations and boundaries.** Randy Wood, Deputy Director for the Office of Environmental Policy, Analysis, and Assessment, related that the actions of the Commission had been forwarded to the Texas Governor's Office and EPA Region 6, but no response had yet been received.

Action: No Action Taken.

7. **Discussion of state and federal legislative issues potentially affecting the TCEQ. The Commission may consider legislative proposals and federal rulemakings, as well as other state actions and state's participation in federal legislative and regulatory activities. The Commission may also meet in closed meeting to receive legal advice regarding these matters, or any of the above matters, as authorized by Section 551.071 of the Open Meetings Act, Chapter 551 of the Government Code. Any commission action, decision, or vote on these matters will be made in open meeting in accordance with Section 551.102 of the Open Meetings Act, Chapter 551 of the Government Code.** Steve Minick, Director of the Intergovernmental Relations Division, updated the Commission on this issue. He reminded the Commission that Committee Hearings of the Water Policy committee and Environmental Flows committee will be occurring during the coming week in San Antonio. The 2/13/04 edition of "Brief Highlights of Key Federal Legislative and Regulatory Initiatives of Interest" was presented for Commission review. The draft federal issues management policy is being reviewed by the Commissioner's executive assistants and is expected to be finalized soon. Chairman White asked what language was being considered for the Cornyn Early Action Compact amendment and

whether there are other legislative initiatives where TCEQ is actively participating.

Action: No Action Taken.

8. **PUBLIC COMMENT SESSION: The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the *ex parte* prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.** No one requested to address the Commission for this item.

Action: No Action Taken.

9. **Planning for the next Commissioners' Work Session.** The next work session is tentatively scheduled for March 12, 2004. In addition to the standing issues, agency compliance and enforcement procedures and environmental monitoring and response systems will be discussed.

10. Closed Session: No closed session convened