

**WHITE
MARQUEZ
SOWARD**

MARKED WORK SESSION AGENDA

Monday, May 17, 2004

Texas Commission on Environmental Quality

1:30 p.m.

Room 201S, Building E
12100 Park 35 Circle

1. **Discussion of the Monthly Enforcement Report for March 2004.** Anne Dobbs, Office of Compliance and Enforcement, presented this issue.

Action: No action taken.

2. **Consideration of issues related to the agency's FY 2005 Recommended Operating Budget.** Linda Flores, Chief Financial Officer, and Becky O'Brien, Budget and Planning presented this issue from the distributed materials.

Action: Approve FY 05 Recommended Budget. RM/LS; all agree.

3. **Discussion of issues relating to agency compliance and enforcement policies and practices.** Glenn Shankle, Acting Executive Director, and Matt Baker, Chairman of Compliance History Committee, presented this issue. Matt provided the Commissioners with an update of Compliance History Committee activities.

Action: No action taken.

4. **Consideration of and update on the implementation status of the Texas Emissions Reduction Plan (TERP), the use of future TERP funding, and other issues regarding the TERP incentive programs.** Randy Wood, Deputy Director, Office of Environmental Planning Analysis and Assessment, Steve Dayton, TERP, and Lynne Haase, Air Quality Planning Grants Section, presented this issue. Staff presented options to the Commission on different TERP fund allocation strategies as noted in the backup materials. The Commissioners directed staff to further develop options based on Option 2d. Additionally, staff asked should the Commission place a limit on the maximum cost effectiveness of projects considered in FY 2005 in terms of cost per ton. The Commissioners indicated that some limit may be necessary and directed staff to continue to look at those options. No final direction was given to staff. The following individuals registered to speak to this issue:
Scheleen Walker, representing Travis County Early Action Compact Task Force
Bill Gill, representing Capital Area Planning Council
Gregg Cooke, representing North Texas Counties
Monica Beard, representing Mobile Emissions Reduction Coalition
Tod Wickersham, representing Mobile Emissions Reduction Coalition and Good Company Assoc.

Action: No action taken.

5. **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.** This issue was not discussed.
6. **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, Division Director, Intergovernmental Relations, presented this issue.

Action: No action taken.

7. **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. John Larkin, representing Larkin Environmental described his concerns that inspections of storm water inspections were being conducted on storm water compliant facilities and not on non-compliant facilities. In addition, he requested the salvage yard initiative began four years ago needs to be completed.

Action: No action taken.

8. **Planning for the next Commissioners' Work Session.** The next work session is Monday, June 28, at 1:30 pm. Issues identified for presentation are currently limited to the standing issues.
9. **Closed Session:** The Commissioners met in closed session.
 - a. **The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**

Action: No action taken.

- b. **The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matter considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**

Action: No action taken.

- c. The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as commissioners of the TCEQ pursuant to section 551.074 of the open meetings act, codified as chapter 551 of the government code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**

Action : No action taken.