

**WHITE  
MARQUEZ  
SOWARD**

**MARKED WORK SESSION AGENDA**

Friday, September 17, 2004

Texas Commission on Environmental Quality

9:30 a.m.

Room 201S, Building E  
12100 Park 35 Circle

- 1. Discussion of issues relating to agency compliance and enforcement policies and practices.** Glenn Shankle, Executive Director provided an update on the progress of the Enforcement Process Review. He proposed 3 options for presenting recommendations from the Committee Chairs to the Commission as follows:

Option 1: discuss issues based upon possible statutory changes, rules, then guidance.

Option 2: same as option 1, but delay discussions on compliance history.

Option 3: discuss issues based on subject matter under each of the three committee headings: Penalty and Corrective Action, Enforcement Process, and Compliance History.

The Commission favored the presentation of issues described in Option 2, leaving discussion of Compliance History until the last of the several work sessions planned from October through December.

**Action: No action taken.**

**2. 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 presented by Erik Gribbin, Air Quality Planning Division, David Schanbacher, Chief Engineer, and Pete Breitenbach, Technical Analysis Division. Staff provided a general update on SIP activities contained in the backup materials. Staff believes they are on schedule to propose the SIP to the Commission for non-attainment areas Houston/Galveston/Brazoria, Beaumont/Port Arthur, and Dallas/Fort Worth, as well as near non-attainment areas Austin/San Antonio and Northeast Texas. The Dallas modeling is still under review. Commissioner Marquez recommended that the materials be presented at the DFW Summit to get stakeholder input. Commissioner Soward directed staff to provide him with their response to the 3 points raised in the recent letter sent by Dr. Ramon Alvarez, from Environmental Defense. In the letter, Dr. Alvarez says there is no discussion of the 8 hour attainment plan, the 5 percent plan relies primarily on existing measures, and modeling performance issues. The following individual registered to speak on the SIP:

Cheryl Farmer representing Good Company Associates.

**Action: No action taken.**

- 3. 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. This issue was not discussed.**

**Action: No action taken.**

- 4. 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 speakers registered for public comment.**

**Action: No action taken.**

- 5. Planning for the next Commissioners' Work Session.** The next work session is Friday, October 15, at 9:30 am. Issues identified for presentation are currently limited to the standing issues.
- 6. Closed Session:** No closed session was convened.

**Discussion of issues relating to agency compliance and enforcement policies and practices.**

Please note there are no backup materials for this issue.

**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.**



Revised Version

## **Activities Related to the Five Percent Increment of Progress SIP for the Dallas/Fort Worth Area**

### *Increment of Progress Update*

Staff have assembled draft estimates of the 2002 and 2007 emissions inventories for the Dallas/Fort Worth area. The current estimate for the NO<sub>x</sub> and VOC inventories 618 and 460 tons per day respectively. Depending on how the required 5% is allocated, the agency will need to identify approximately 30 tons per day of NO<sub>x</sub> /VOC reductions. Staff have identified approximately 26.8 tons per day NO<sub>x</sub> and 2.5 tons per day VOC reductions that will be creditable toward this SIP. The already creditable measures are:

- Reductions from Alcoa Rockdale (within the 200 km radius allowed by U.S. EPA) (3.9 tpd NO<sub>x</sub>);
- Texas Emissions Reduction Plan (22.2 tpd NO<sub>x</sub>);
- Energy Efficiency (0.7 tpd NO<sub>x</sub>);
- Portable fuel containers (i.e. Gas Cans in the nine county area) (2.0 tpd VOC); and
- Portable fuel containers (i.e. Gas Cans within the 100 km radius allowed by the U.S. EPA) (0.5 tpd VOC).

For the remaining balance of required reductions, staff has identified the following control strategies that the Commission could consider:

- Expansion of the utility boiler rule to five new counties (1.88 tpd NO<sub>x</sub>);
- Expansion of the lean/rich burn engine rule to the five new counties (1.43 tpd NO<sub>x</sub>);
- Expansion of the industrial boiler rule to the five new counties (0.03 tpd NO<sub>x</sub>);
- Restriction of switcher locomotive idling (predominantly in the older four counties) (1.37 tpd up to 3.32 tpd NO<sub>x</sub>);
- Expansion of the surface coatings rule to the five new counties (0.3 tpd VOC);
- Lowering of the Stage I Vapor Recovery Exemption to 10,000 gallons per month in the five new counties (same as in the four older counties) (1.3 tpd VOC); and

A table summarizing the above information and presenting two possible scenarios for allocating NO<sub>x</sub> and VOC reductions may be found in Table 1. It may be possible to identify and adopt other control strategies for the Dallas/Fort Worth area within the time frame allowed by the U.S. EPA (emissions reductions must be effective by June 15, 2007).

### *Photochemical Modeling Update*

A preliminary assessment of photochemical modeling for the August, 1999, episode indicates there may be some performance issues. Staff continue to evaluate the data files to determine if the ozone being created in the model is comparable to the ozone monitored at ground level. The transport of ozone and background levels are also being evaluated. Early results indicate that the model under predicts ozone on most days.

Revised Version

Some sensitivity runs were completed and the results of those runs indicate NO<sub>x</sub> controls are more effective in controlling ozone. Again, the quality assurance work has not been completed, so this could change.

The North Texas Clean Air Steering Committee is being briefed on September 17, 2004. A copy of that presentation will be provided to you.

**Table 1. Potential Control Measures for Achieving  
DFW 5% Increment of Progress**

Source of reductions	TPD NO <sub>x</sub>	TPD VOC
<b>Eligible existing measures</b>		
Alcoa (within 200 km radius)	3.9	
TERP	22.2	
Energy efficiency	0.7	
Portable fuel containers (9-county area)		2.0
Portable fuel containers (within 100 km radius)		0.5
<b>Subtotal</b>	<b>26.8</b>	<b>2.5</b>
<b>Potential control measures requiring rulemaking</b>		
Expand utility boiler rule to 5 counties	1.88	
Expand lean/rich-burn engine rule to 5 counties	1.43	
Expand industrial boiler rule to 5 counties	0.03	
Restrict idling of switcher locomotives (mostly in 4 core counties)	1.37	
Expand surface coating to 5 counties		0.3
Lower Stage I exemption throughput to 10,000 gal/mo. in 5 counties (same as in 4 core counties)		1.3
<b>Subtotal</b>	<b>4.71</b>	<b>1.6</b>
<b>TOTAL</b>	<b>31.5</b>	<b>4.1</b>
<b>Scenario 1: Maximize NO<sub>x</sub> allocation</b>	<b>NO<sub>x</sub></b>	<b>VOC</b>
2002 CERR inventory (tpd)	603.5 + 14.9 Alcoa 618.4	460.0
5% allocation of NO <sub>x</sub> /VOC	5%	0.0%
<b>NO<sub>x</sub>/VOC tpd required</b>	<b>30.92</b>	<b>0.0</b>
<b>NO<sub>x</sub>/VOC reductions identified</b>	<b>31.5</b>	<b>4.1</b>
<b>Surplus/(shortfall)</b>	<b>0.58</b>	<b>4.1</b>

Sept. 13, 2004



**Table 2. A Summary of Public Participation Through Recent SIP Related Hearings & Comments**

<b>Topic</b>	<b>Location</b>	<b>Date</b>	<b>Time</b>	<b># Hearing Comments</b>	<b># Written Comments</b>	<b>Notes</b>
EAC SIP and Rules	Austin	August 23	2 pm	3	23	
	Longview	August 24	10 am	4		
	San Antonio	August 26	10 am	1		
			7 pm	9		Commissioner Millikin, Mayor Cork (New Braunfels) - both supportive, Mayor Rupert (Cibolo) - focus on transport
HGB SIP and Rules	Houston	August 2	1:30 pm	7	Houston 246	Mayor White- focus on enforcement
			5:30 pm	1		
	Beaumont	August 3	10:30 am	2	Beaumont 7	
	Austin	August 5	9:30 am	0		

## **A General Update on the Status of SIP Proposals for All Nonattainment and EAC Areas**

### *Nonattainment Areas*

#### *Houston/Galveston/Brazoria Nonattainment Area*

- In June, 2004, the commission proposed a 1-hour attainment demonstration for the HGB Area, which revises the existing HRVOC rules and general fugitive rules, establishes a HRVOC Cap and Trade Program, includes a statewide Portable Fuel Container Rule, removes Chambers, Liberty, and Waller Counties from the I/M Program and repeals the Heavy-Duty Idling and Lawn and Garden Restrictions;
- The TCEQ accepted public comment on the proposal and is evaluating those comments and developing the final versions of the rules and SIP;
- The I/M removal is scheduled for the Sept 15 agenda; the repealed rules and the Portable Fuel Containers rule is scheduled for Oct. 27; the general fugitive and HRVOC related rules and the SIP are scheduled for Dec. 1; and
- There have been 5 1-hour ozone exceedance thus far this year, with the highest being 192 ppb. The 8-hour DV for 2001-2003 is 102 and the 8-hour DV for 2002-2004, thus far is 99.

#### *Dallas/Fort Worth Nonattainment Area*

- TCEQ is preparing a plan that achieves 5% reductions from 2002 levels and establishes a motor vehicle emissions budget for the region's transportation planning activities.
- The 5% SIP, which may be viewed as a "down payment" plan for the full attainment demonstration, will probably require new NOx and/or VOC rules in the DFW area.
- TCEQ is also planning for the full 8-hour attainment demonstration for DFW, which is due to EPA by 6/15/07. The area has been classified as a moderate nonattainment area with a 2010 attainment date.
- This month EPA is expected to issue Phase II of its 8-hour Implementation Rule, which will provide guidance to states in developing 8-hour attainment demonstrations.

#### *Beaumont/Port Arthur Nonattainment Area*

- BPA has modeled attainment of the 8-hour standard by the required attainment year of 2007. The area has been classified as a marginal nonattainment area.
- The BPA attainment demonstration and Rate-of-Progress SIPs are being prepared for consideration of adoption on October 27.

- TCEQ is holding a public hearing on seven Agreed Orders in the BPA area which makes certain local voluntary reductions enforceable, and plans to present these for consideration of adoption on December 15.

#### *El Paso Non Attainment Area*

- Area is classified nonattainment for PM 10, 1-hour ozone, and carbon monoxide;
- Area is classified attainment for 8-hour ozone and PM 2.5;
- Monitoring data shows the area is in compliance with National Ambient Air Quality Standards and meets other EPA requirements for redesignation;
- August 16 work session approved staff to look into proposing redesignation for carbon monoxide and 1-hour ozone;
- Staff is exploring possibility of moving vehicle inspection and maintenance program from an active control measure for carbon monoxide and ozone to contingency status; age and serviceability of testing equipment is one ;
- Plan is to use emission inventory growth to show the area will maintain standards instead of using photo chemical modeling; EPA verbally concurs with this approach;
- Staff will present redesignation request for commissioners' consideration in early 2005.

#### *Early Action Compact Areas*

##### *Austin Early Action Compact Area*

- Austin submitted its local plans under its EAC agreements by the March 31 deadline. TCEQ has developed SIP revisions from these plans which were approved by the commission for proposal July 14. Comments were taken from July 30-August 30. The staff is now developing responses to these comments and revising the SIP narrative as necessary.
- 3 rule packages were also proposed with EAC SIP:
- Chapter 115 rules for reducing VOC emissions degreasing emissions and through the use of Stage I vapor recovery systems on underground storage tanks in the Austin and San Antonio areas, and limiting seasonal use of cutback asphalt in the Austin area;
- Vehicle inspection and maintenance program in Travis and Williamson counties utilizing two-speed idle and onboard diagnostic technologies;
- An Opt-in idling limitation program which will allow local authorities to enforce idling limitations within their jurisdictions through an agreement with TCEQ.
- 2 measures requested by the Austin area but not included in the SIP due to legal and implementation issues are being further explored by the local Austin area and TCEQ staff for alternative methods of reducing the target emissions: commute emission reductions and point-source growth.
- The final SIP revisions and rules will go to the commission for consideration of adoption in November, and then be submitted to EPA by the December 31 deadline, meeting TCEQ's commitments under the EAC agreements.

- To date, it appears that once this summer's ozone monitoring is validated Austin will be monitoring non-attainment for the 2002-2004 three year average. Austin's average is currently 85 ppb.

#### *San Antonio Early Action Compact Area*

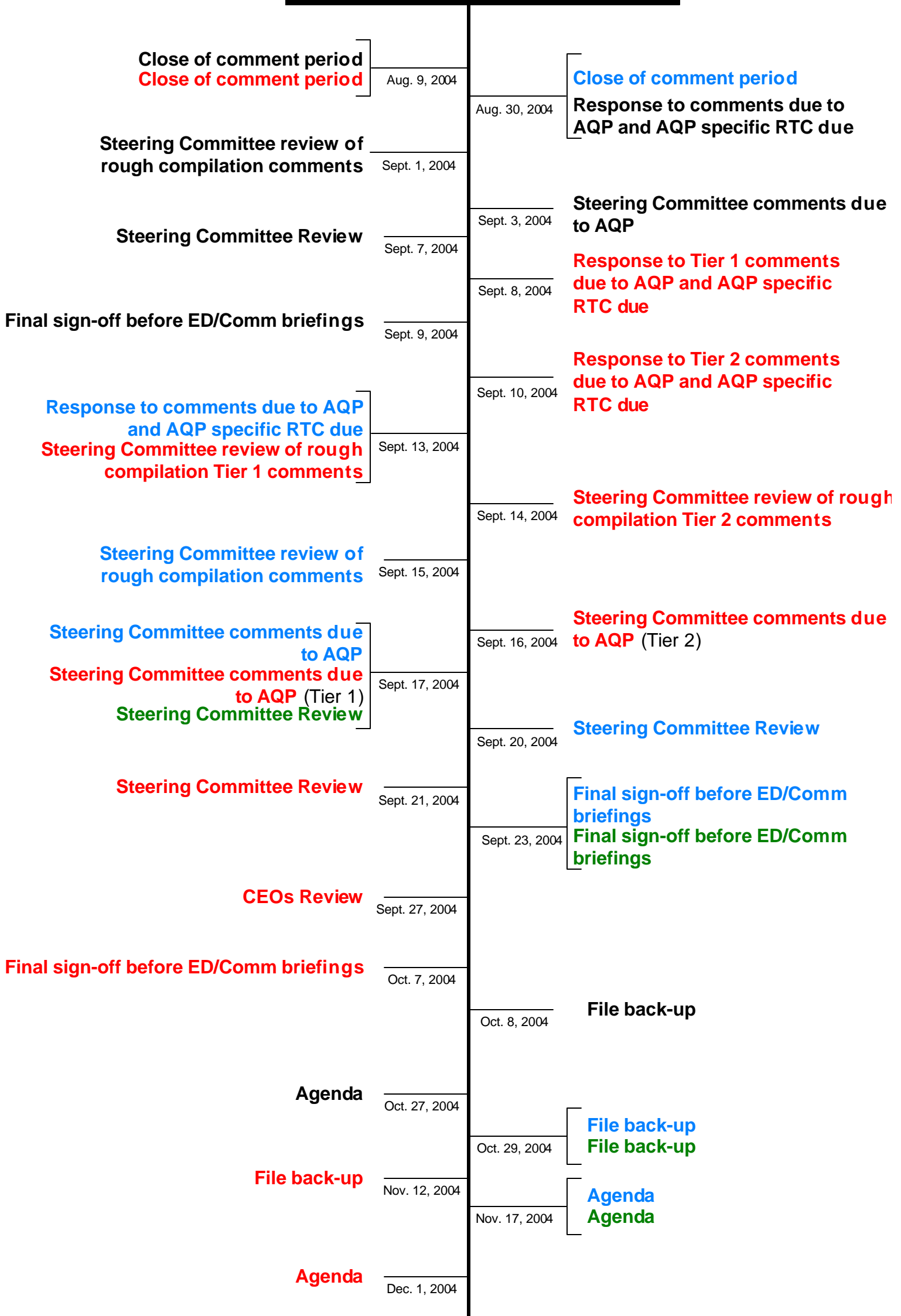
- San Antonio submitted its local plans under its EAC agreements by the March 31 deadline. TCEQ has developed SIP revisions from these plans which were approved by the commission for proposal July 14. Comments were taken from July 30-August 30. The staff is now developing responses to these comments and revising the SIP narrative as necessary.
- 3 rule packages were also proposed with EAC SIP:
  - Chapter 115 rules for reducing VOC emissions degreasing emissions and through the use of Stage I vapor recovery systems on underground storage tanks in the Austin and San Antonio areas, and limiting seasonal use of cutback asphalt in the Austin area;
  - An Opt-in idling limitation program which will allow local authorities to enforce idling limitations within their jurisdictions through an agreement with TCEQ.
- The final SIP revisions and rules will go to the commission for consideration of adoption in November, and then be submitted to EPA by the December 31 deadline, meeting TCEQ's commitments under the EAC agreements.
- To date, it appears that once this summer's ozone monitoring is validated both San Antonio will be monitoring non-attainment for the 2002-2004 three year average. San Antonio's average is 90 ppb.

#### *North East Texas Early Action Compact Area*

- Early Action Compact milestones have been met to date; monitored data shows the area in attainment of the 8-hour ozone standard; modeled data shows the area in attainment in 2007 and maintaining the standard through 2012;
- SIP Revision submitted for proposal on July 14 with primary control measure from industry being enhanced Leak Detection and Repair which is enforceable from TCEQ permits;
- Comment period ended August 30, most comments supportive with some minor clarification requested;
- Staff anticipates that the Commission will consider this SIP revision for adoption in November, 2004, in order to meet a required submission of the SIP to EPA by December 31, 2004.

# DRAFT SIP Schedules

9/2/04



Adopt: BPA SIP and ROP, HGB ROP, Portable Fuel Containers, Repeal of Lawn/Garden and Idling Restrictions  
 Adopt: EACs and Rules  
 Propose: DFW 5% SIP and Possible Rules  
 Adopt: HGB Attainment Demonstration, HRVOC Rules, General Fugitive, and HECT

**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.**

**Federal Notices and Regulatory Initiatives**  
**Sept. 7, 2004**

**Air Programs**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production	October 4, 2004	September 3, 2004 Proposed Rules	Staff preparing briefing documents for ED/Commission review
Draft Nitrogen Oxides Exemption Guidance for Proposed Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard	October 1, 2004	September 1, 2004 Proposed Rules	Staff preparing briefing documents for ED/Commission review.
National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production	October 1, 2004 or if a hearing is requested by September 13, 2004 comments due by October 18, 2004.	September 1, 2004 Proposed Rules	Staff preparing briefing documents for ED/Commission review.
Notice of Draft of Particulate Matter Criteria Document Chapter for Public Review and Comment.	September 30, 2004	August 23, 2004 Notices	ED/Commissioners agree with staff recommendation for no comment.
National Emission Standards for Coke Oven Batteries	October 8, 2004	August 9, 2004 Proposed Rules	Staff prepared briefing document for ED/Commission review.
Request for Nominations for Clean Air Excellence Awards.	Postmarked by September 17, 2004	July 14, 2004 Notices	ED/Commission agreed with staff recommendation to use existing process for nominations.  Staff prepared briefing documents for ED/Commission review.

**Federal Notices and Regulatory Initiatives**  
**Sept. 7, 2004**

<p>Control of Emissions of Air Pollution From New Locomotive Engines and New Marine Compression-Ignition Engines Less than 30 Liters per Cylinder; Proposed Rule</p>	<p>Comments are due August 30, 2004. NPR for this rule by mid-2005 and a Final Rule by mid-2006.</p>	<p>June 29, 2004 Proposed Rules</p>	<p>Letter sent 8/31/04.</p> <p>Comment letter undergoing executive review.</p> <p>ED/Commissioners agree with staff recommendation to comment.</p> <p>Staff prepared briefing documents for ED/Commission review</p>
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**Federal Notices and Regulatory Initiatives**  
Sept. 7, 2004

**Water Programs**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
Notice of Availability of 2004 Effluent Guidelines Program Plan	None stated.	September 2, 2004 Notices	Staff preparing briefing documents for ED/Commission review.

**Federal Notices and Regulatory Initiatives**  
**Sept. 7, 2004**

**Other Programs**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
Standards and Practices for All Appropriate Inquiries and Notice of Public Meeting To Discuss Standards and Practices for All Appropriate Inquiries; Proposed Rules	October 25, 2004	August 26, 2004 Proposed Rules	Staff prepared briefing documents for ED/Commission review.

**Final Rule Adoption Notices and Reports**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>
National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production; Direct Final Rule and Proposed Rule	November 2, 2004 unless EPA receives adverse written comment by October 4, 2004, or if a public hearing is requested by September 13, 2004	September 3, 2004 Rules and Regulations
National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production	Effective November 1, 2004 without further notice, unless EPA receives adverse written comment by October 1, 2004 or if a public hearing is requested by September 13, 2004.	September 1, 2004 Rules and Regulations

**Federal Notices and Regulatory Initiatives**  
**Sept. 7, 2004**

**Final Rule Adoption Notices and Reports**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>
National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products; Effluent Limitations Guidelines and Standards for the Timber Products Point Source Category; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List; Final Rule	The final NESHAP and the amendments to the effluent guidelines are effective September 28, 2004.	July 30, 2004 Rules and Regulations
Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Sources and Modifications Including Incorporation of Marine Vessel Emissions in Applicability Determinations	September 20, 2004	July 22, 2004 Rules and Regulations
National Pollutant Discharge Elimination System--Final Regulations To Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities; Final Rule	September 7, 2004	July 9, 2004 Rules and Regulations
National Primary Drinking Water Regulations: Analytical Method for Uranium	August 31, 2004. Direct and Final rule unless adverse comments received.	June 2, 2004 Rules and Regulations
Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage	Delayed from October 1, 2004 until January 2, 2005.	February 10, 2004 Rules and Regulations

**Federal Notices and Regulatory Initiatives**  
Sept. 7, 2004

**Final Rule Adoption Notices and Reports**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments; Correction	Effective October 1, 2004 Final Rule Correction	February 10, 2004 Rules and Regulations

**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.**

Please note there are no backup materials for this issue.

**Planning for the next Commissioners' Work Session.**

**NATIONAL COMMENTS LOG**

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	8/13/2004	Nomination of Mr. Tony Bennett for Consideration to Serve a Three-year Term as a Member on the National Drinking Water Advisory Council	<p>Texas should nominate a candidate for membership on this Council to represent the state regulatory program and ensure that Texas interests are represented.</p> <p>It is imperative that the state regulatory programs have a clear voice in the issues addressed by the Council A thorough and comprehensive review of Council actions and recommendations is necessary to ensure that the need for safe drinking water supplies is balanced against the ability of the regulated community to comply and the ability of regulatory agencies to provide assistance and oversight.</p> <p>Tony Bennett, R.S. is being nominated by TCEQ for one of the open positions on the Council.</p>	Water Supply	Buck Henderson
EPA	8/16/2004	Proposed Rule on Control of Emissions of Air Pollution From New Motor Vehicles: In-Use Testing for Heavy-Duty Diesel Engines and Vehicles	<p>Provide strong support for the in-use not to exceed (NTE) testing proposal for heavy-duty diesel vehicles.</p> <p>Provide support and encouragement for EPA's continued efforts to draft similar in-use testing requirements using portable emissions measurement systems (PEMS) for the non-road sector.</p>	Policy and Regulations	Kim Herndon
EPA	8/31/2004	Proposed Rules for Control of Emissions of Air Pollution From New Locomotive Engines and New Marine Compression-Ignition Engines Less than 30 Liters per Cylinder	<p>TCEQ strongly supports the locomotive and marine controls that EPA is proposing. EPA has pointed out in this notice that marine and locomotive engines have many similarities to large mobile generator engines which are already subject to a 0.5 g/bhp-hr NOx standard in 2011, and recommendations to control these engines are the next logical step in EPA's 3-prong diesel strategy: (1) highways; (2) nonroad diesel engines; and (3) marine and locomotive engines.</p> <p>It will be difficult for Texas to attain the 8-hour ozone standard, in some parts of the state, unless cleaner engines are federally mandated and implementation of those standards begins before the EPA mandated attainment dates.</p> <p>The commission recommends mandatory use of idle shutdown technology for both new and in-use locomotives, as well as mandatory idle emission reduction technology for in-use and new marine equipment in 2011.</p> <p>Mandatory introduction of cleaner engines and technologies may have the additional benefit for Texas of freeing up TERP dollars for supporting other new technology opportunities.</p>	Policy and Regulations	Kim Herndon

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
TXDOT	8/20/2004	Federal Highway Administration and Texas Department of Transportation on I-69/Trans-Texas Corridor Study	<p>TCEQ proposes to concur by signature of its TAC and Steering Committee representatives with the Memorandum of Decision, with the following conditions:</p> <p>We propose to add an additional objective to Goal F (in all three of the discussion documents) to emphasize compliance with applicable state and federal requirements as criteria.</p> <p>TCEQ would like to emphasize that the GIS Screening Tool (GISST) and the Texas Ecological Assessment Protocol (TEAP) cited under Goal F, Tier 1 Draft Environmental Impact Statement (DEIS) Draft Evaluation Criteria, are both works in progress, and that the latest versions should always be used for Tier 1 and Tier 2 decision making.</p>	Policy and Regulations	Susi Ferguson



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**Last Update:** September 8, 2004

**Scheduled on:** October

<u>Short Title of Issue</u>	<u>Lead Office &amp; Staff</u>	<u>Date Issue Referred</u>
No new issues		

**Scheduled on:** Standing Item

<u>Short Title of Issue</u>	<u>Lead Office &amp; Staff</u>	<u>Date Issue Referred</u>
State and Federal legislation potentially affecting the TCEQ and other issues related to actions taken by the Texas Legislature	IGR/Steve Minick	1/1/2004
Enforcement Report	OCE/Anne Dobbs	1/1/2004
SIP Activities	OEPA/Herb Williams	1/1/2004
Planning for next work session	Commissioners' Executive Assistants	1/1/2004
Public Comment Session	Public Participation	10/24/03
Compliance and Enforcement Policy and Practices Review	DED/OCE	12/5/2003
TMDLs		1/1/2002

**Scheduled on:** November

<u>Short Title of Issue</u>	<u>Lead Office &amp; Staff</u>	<u>Date Issue Referred</u>
EMRS	OCE/Steib	8/16/04

**Scheduled on:** To be determined

<u>Short Title of Issue</u>	<u>Lead Office &amp; Staff</u>	<u>Date Issue Referred</u>
Permit back log and time lines	OPRR	12/1/03

***Tentative Dates for August 2004 - August 2005***  
**Commissioners' Work Sessions**  
***Last Update: 9/8/04***

DATE OF WORK SESSION	TIME OF WORK SESSION	FILE AGENDA WITH CHIEF CLERK'S OFFICE by 4:00 pm	EXECUTIVE SUMMARY DEADLINE by noon unless otherwise stated (effective 9/7/04)
August 16	1:30 pm - 4:00 pm	August 6	August 6
September 17	9:30 am - 12:00 n	September 9	September 9
October 15	9:30 am - 12:00 n	October 7	October 7
December 15	9:30 am - 12:00 n	December 9	December 9
January 14	9:30 am - 12:00 n	January 5	January 5
February 11	9:30 am - 12:00 n	February 2	February 2
March 11	9:30 am - 12:00 n	March 2	March 2
April 15	9:30 am - 12:00 n	April 6	April 6
May 13	9:30 am - 12:00 n	May 4	May 4
June 17	9:30 am - 12:00 n	June 8	June 8
July 15	9:30 am - 12:00 n	July 6	July 6
August 19	9:30 am - 12:00 n	August 10	August 10

***NOTE: These dates are subject to change. Some backup deadline dates were moved up a day or two due to holidays.***

## **Closed Session:**

- a. Docket No. 1998-1154-EXE. 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.**
- b. Docket No. 1999-0024-EXE. 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.**
- c. Docket No. 1999-0025-EXE. 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.**