

Chairman Kathleen White
Commissioner Larry Soward
Commissioner H.S. Buddy Garcia

NEW BUSINESS AGENDA

Friday, April 27, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.,
12100 Park 35 Circle
Room 201S, Building E

Item 1. Discussion of the Monthly Enforcement Report.

Item presented by Mary Wallin, Program Specialist with the Enforcement Division, and John Racanelli, Manager of the Revenue Section in the Financial Administration Division.

No action taken.

Item 2. Consideration of Supplemental Environmental Project (SEP) policies, including consideration of the pre-approved SEP list.

Item presented by Caroline Sweeney, Senior Attorney, Litigation Division.

Approve the updated list of pre-approved Supplemental Environmental Projects (SEP) and allow the list to be amended with the following footnote: "The TCEQ Executive Director may revise this list from time to time to add similar projects, make minor modifications, or delete projects for which the recipient of SEP funds has withdrawn from the program."

KW/LS; all agree.

Commentor:

Donna Chatham representing the Association of Rural Communities in Texas.

Item 3. Discussion of policies regarding administrative settlement agreements for Voluntary Cleanup Program sites involving multiple Potentially Responsible Parties.

Item presented by Caroline Sweeney, Senior Attorney, Litigation Division.

The Commissioners discussed whether the TCEQ should participate in cost recovery efforts, including administrative settlements, for sites that are being addressed in the Voluntary Cleanup Program (VCP). The Executive Director (ED) recommends agency participation in settlement

agreements for VCP sites only on request of the VCP participant when the agency has incurred oversight costs and the party requesting settlement is not legally obligated to pay these costs. The Commissioners support the ED's recommendation with the addition of language that permits, on a case-by-case basis, ED discretion to allow the TCEQ to participate in VCP agreements that do not meet the criteria.

No action taken.

Commentor:
Robin Morse.

Item 4. Discussion of the progress of the Field Citation Pilot Program initiated in the implementation of the agency Enforcement Review, including consideration of any revisions to the program.

Item presented by John Steib, Jr., Deputy Director, Office of Compliance and Enforcement; John Sadlier, Director, Enforcement Division; and Jayme Sadlier, Field Operations Division.

Approve: 1) making the field citation program a permanent TCEQ program, 2) removing the bifurcation element from the field citation process, and 3) the addition of eight violations to the list of field citation-eligible violations.

KW/LS; all agree.

Item 5. 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 states' participation in federal legislative and regulatory activities.

Item presented by Leonard Olson, Director of the Intergovernmental Relations Division.

No action taken.

Item 6. 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.

There were no registrants for this item.

Item 7. Closed Session.

a. Docket No. 2006-0001-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.

The Commissioners did not meet in closed session.

b. Docket No. 2006-0002-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 matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commissioners did not meet in closed session.

c. Docket No. 2006-0003-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.

The Commissioners did not meet in closed session.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ COMMISSIONERS' WORK SESSION AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

REGISTRATION FOR AGENDA STARTS AT 9:00 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: <http://www.texasadmin.com/cgi-bin/tnrcc.cgi>