
Appendix A

LEGISLATION AND REGULATIONS

FEDERAL LEGISLATION AND REGULATIONS

Endangered Species Act. U.S. Code. vol. 16, sec. 1531 et seq. (1974).

Emergency Wetlands Resources Act. U.S. Code. vol. 16, sec. 3901 (1986).

Federal Water Pollution Control Act. U.S. Code. vol. 33, secs. 106, 205, 319, 402, 405, 1251-1376 (1972).

Fish and Wildlife Coordination Act. U.S. Code. vol. 16, secs. 661-667 (1974).

Food and Security Act. U.S. Code. vol. 7, secs. 1221, 1231, 1251, 1255, 1281, 4202 (1985).

Hazardous and Solid Waste Amendments of 1984. Pub. L. 98-616.

Migratory Bird Hunting and Conservation Stamp Act. Pub. L. 99-645 (1986).

National Environmental Policy Act. U.S. Code. vol. 42, secs. 4321-4361 (1969).

Regulatory Programs of the Corps of Engineers: Final Rule (33 CFR Parts 320-330), Federal Register, November 13, 1986.

Resource Conservation and Recovery Act. U.S. Code. vol. 42, secs. 6901-6987 (1976).

Rivers and Harbors Act. section 10, Pub. L. 87-830 (1899).

Toxic Substances Control Act. U.S. Code. vol. 15, secs. 2601 et seq. (1976).

Water Quality Act. Pub. L. 100-104, sec. 319 (1987).

STATE LEGISLATION AND REGULATIONS

Health and Safety Code. State of Texas.

Natural Resources Code. State of Texas.

Statewide Rules 8 and 77. Railroad Commission of Texas.

Water Code. State of Texas.

Appendix B

LIST OF AGENCIES CONTACTED

<u>Federal</u>	<u>Acronym</u>
U.S. Army Corps of Engineers, Galveston District <ul style="list-style-type: none">• Regulatory Branch	CORPS
U.S. Environmental Protection Agency, Region 6 (Dallas) <ul style="list-style-type: none">• Environmental Services Division• Hazardous Waste Management Division• Water Management Division	EPA
U.S. Fish & Wildlife Service (Clear Lake) <ul style="list-style-type: none">• Ecological Services Division	FWS
 <u>State</u>	
Texas Department of Health (Austin and Houston) <ul style="list-style-type: none">• Bureau of Solid Waste Management• Division of Shellfish Sanitation Control• Permits and Registration Branch• Surveillance and Enforcement Division	TDH
Texas General Land Office (Austin and La Porte) <ul style="list-style-type: none">• Coastal Division• Recreational Cabins Program	GLO
Texas Parks and Wildlife Department (Seabrook) <ul style="list-style-type: none">• Resource Protection Division	TPWD
Texas Water Commission (Austin and Houston) <ul style="list-style-type: none">• Field Operations Division• Water Quality Division<ul style="list-style-type: none">- Wastewater Enforcement Section- Wastewater Permits Section- Water Quality Standards and Evaluation Section	TWC
 <u>Local</u>	
Harris County Pollution Control Department (Pasadena)	HCPC

Appendix C

SURVEY FORM EXAMPLE

The information about agency regulatory programs used in the development of this report was gathered primarily through interviews with selected agency staff. An example of the forms used to guide the interviews is shown on the following pages.

The questions shown on this example are, for the most part, generic and were used with all the agencies interviewed. Specific questions on individual program areas were added for each agency and/or area of management concern.

INTERVIEW FORM

Regulatory Effectiveness Studies

Agency _____

Interviewee _____

Title _____

Interviewer _____

Date _____

Legal Authority

1. Confirm: what are the major laws under which [agency]'s [water quality] programs operate -- [Clean Water Act, Texas Water Code]?
- 2a. Do these laws give [agency] all the legal authority it needs to be an effective regulator?
- 2b. Are there any additional types of legislation that would help [agency] to be more effective?
- 3a. Are there areas of environmental regulation that currently are not under [agency] but which it would prefer to have responsibility for?
- 3b. Why?

Policy/Standards

1. Confirm: The [Commission] is the policy-making body for your agency?
- 2a. Does the [Commission] actually come up with a written environmental policy to guide the entire agency, or does the staff already have a good idea of what the agency should be doing based on the various laws and past experience?
- 2b. If a private citizen were to walk into your office today, are there any agency plans, policy statements, or other documents that could be handed to him where he could actually read [agency]'s official policies?
- 2c. Are these policy documents reviewed and updated periodically?
- 2d. Is this a formal process, with public hearings, etc.?
- 3a. Are most of [agency]'s policies already obvious just by looking at what it is mandated to do under various state and federal laws?
- 3b. Does the [Commission] ever go beyond these laws and come up with policies of its own just for Texas?

- 4a. Do the lessons that the [agency] staff learn in the field somehow feed back into the policy-setting process in [Austin]?
- 4b. How?
5. Are there policies that [agency] would like to adopt but doesn't because it would not have the resources to implement them?

Strategy/Programs/Implementation

Permitting

1. What are the objectives of [agency]'s permitting process?
 - 2a. What aspects of the proposed activity are reviewed?
 - 2b. How is the review done?
 - 2c. What is the role of the field staff -- are there set procedures for them to follow and specific information that they are expected to gather for each review?
3. Do the [Commissioners] and [agency] staff have adequate information available to them to do effective reviews?
 - 4a. Does the quantity of permit applications which [agency] must review diminish the quality of those reviews?
 - 4b. In what way?
 - 4c. If you had more time for your reviews, what types of things would you look at that don't receive enough attention now?
- 5a. Does [agency] evaluate its permitting process from time to time?
- 5b. Can you give any examples of changes made to the review process to improve it?
- 6a. Will the designation of an area as a Texas Coastal Preserve be a key factor in future reviews of permits applications within that area?
- 6b. Has this been discussed within [agency]?

Monitoring and Enforcement

- 1a. Does [agency] have any difficulty enforcing the conditions of its permits?
- 1b. In what ways?
 - 2a. What types of enforcement and monitoring methods are currently used by [agency]?
 - 2b. Are these effective?
 - 2c. Are surprise inspections ever used?
- 3a. Are there any problems or gaps in enforcement that sometimes occur?
- 3b. Are there adequate resources for effective enforcement?
4. Which agencies have the greatest responsibility for detecting permit violations and other [water quality] violations in the field?
 - 5a. Is it fairly obvious when an individual or a city is violating [water quality] regulations, or do enforcement staff have to make certain judgements?
 - 5b. What happens after a violation is detected?

- 6a. What are the existing types of penalties for permit and [water quality] violations?
- 6b. Is there some method for matching the size of a fine or penalty to the magnitude of the violation, such as a schedule of fines?
- 6c. Is court action common (injunctions, fines) -- usually a last resort?
- 7a. Are administrative fines effective in bringing compliance?
- 7b. Is litigation effective in those worst cases?

Coordination

- 1. Are [agency]'s monitoring and enforcement efforts coordinated with those of other federal, state and local agencies?
- 2. How effective has such coordination usually been?
- 3. What factors work against better inter-agency coordination?
 - lack of communication
 - distance
 - insufficient time
 - never emphasized by superiors
 - different agency goals/orientations
 - others:

General

- 1a. Would local government land-use regulations (such as zoning, subdivision regulations, and erosion control rules) be helpful in [water quality] regulation?
- 1b. In what ways?
- 2a. Are there any existing regulations that are ineffective because of a lack of support or understanding of them among industry and the public?
- 2b. How might that situation be improved?

Evaluation/Measurement of Progress

- 1. Does [agency] have an established procedure for evaluating the effectiveness of its regulatory programs?
- 2a. In general, would you say that [agency] has adequate resources to carry out its regulatory duties?
- 2b. Where are the problem areas, what types of frustrations do the staff experience?
- 3. What additional resources would help [agency] to be more effective?
 - more staff
 - more equipment
 - larger budget for travel
 - more resources to devote to recruitment and retention of high-quality staff
 - others:
- 4. Which of the following are problem areas for [agency] in terms of the adequacy of its staff?
 - educational background
 - practical experience

- ___ training (on the job?)
- ___ continuing education
- ___ salary & benefits (challenge of competing with the private sector?)
- ___ working conditions
- ___ turnover/retention (loss of talent and experience to the private sector?)
- ___ others:

5. Does your agency have incentive programs or merit rewards for staff members who are particularly effective in carrying out the agency's work?
- 6a. How successful is [agency] in attempting to keep up with new developments, research and innovations in the regulatory field?
- 6b. If this is a problem, does it reduce the effectiveness of your agency?
- 7a. What are the most significant environmental problems under [agency]'s jurisdiction which it cannot address adequately at present?
- 7b. Why?
- 8a. In your opinion, what regulatory program of [agency] has been particularly effective in achieving its intended purpose?
- 8b. Is there some way that such progress can be measured? (or do you just have to rely on general observations, such as the return of fish to a stream?)
- 8c. Are there any [agency] programs that have been particularly ineffective?
- 8d. Why?
- 8e. Could any of these be eliminated without causing much harm?
- 9a. If [agency] were promised a substantial budget increase, how could this new funding be best used to improve the agency's regulatory work?
- 9b. If your agency were to suffer a substantial budget reduction, what regulatory programs would it be most important to protect from cuts?

General Observations

1. Does the existing set of laws, regulations and agencies which manage the Coastal Preserves need to change much at all, or does it just need to be implemented more effectively?
2. Are there any specific changes you would suggest to make the overall management of the Coastal Preserves more effective?

LAST: Are there any other issues that we are overlooking? Additional comments?

Appendix D AGENCY DIRECTORY

Federal Agencies

Federal Emergency Management Agency
Insurance and Mitigation Division
Region VI
800 N. Loop 288
Denton, TX 76201
817/898-9134

U.S. Environmental Protection Agency
Water Quality Branch
1445 Ross Avenue
Dallas, TX 75202
214/655-7145

National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, TX 77550
409/766-3699

U.S. Fish and Wildlife Service
Division of Ecological Service
17629 El Camino Real, Suite 211
Houston, TX 77058
713/750-1700

U.S. Army Corps of Engineers
Regulatory Branch
Galveston District
PO Box 1229
Galveston, TX 77553-1229
409/766-3930

U.S. Geological Survey
2320 LaBranch, Room 1112
Houston, TX 77004
713/750-1662

Soil Conservation Service
U.S. Department of Agriculture
16151 Cairnway, Suite 209
Houston, TX 77084
713/855-8716

State Agencies

Railroad Commission of Texas
Oil and Gas Division
1701 N. Congress
PO Drawer 12967
Austin, TX 78711-2967
512/463-6887

Texas Department of Agriculture
Agricultural Resources Protection
Stephen F. Austin Building, 9th Floor
PO Box 12847
Austin, TX 78711-2847
512/463-7476

Texas Air Control Board
6330 Highway 290 East
Austin, TX 78723
512/451-5711

Texas Department of Health
Shellfish Sanitation Control Division
1100 West 49th Street
Austin, TX 78756
512/458-7510

**Texas Department of Health
Solid Waste Management Division**
1100 West 49th Street
Austin, TX 78756
512/458-7271

**Texas Department of Health
Water Hygiene Division**
1100 West 49th Street
Austin, TX 78756
512/458-7533

**Texas Department of Highways and Public
Transportation**
PO Box 1386
Houston, TX 77251
713/869-4571

**Texas Department of Public Safety
Division of Emergency Management**
PO Box 4087
512/465-2138

Texas General Land Office
Stephen F. Austin Building, 8th Floor
Austin, TX 78711
512/463-5055

**Texas Parks & Wildlife Department
Environmental Assessment Branch**
Resource Protection Division
4200 Smith School Road
Austin, TX 78744
512/389-4639

**Texas State Soil & Water Conservation
Board**
PO Box 658
Temple, TX 76503-0658
817/773-2250

**Texas Water Commission
Water Quality Standards and Evaluation
Section**
Water Quality Division
PO Box 13087, Capitol Station
Austin, TX 78711-3087
512/463-8412

Texas Water Development Board
PO Box 13231, Capitol Station
Austin, TX 78711-3231
512/463-7981

Local Agencies

Armand Bayou Nature Center
8600 Bay Area Boulevard
PO Box 58828
Houston, TX 77258
713/474-2551

Bayfield Public Utility District
430 El Toro
Webster, TX 77598

**City of Deer Park
Department of Public Works**
PO Box 700
Deer Park, TX 77536
713/479-2394

**City of Houston
Environmental Pollution Control**
7411 Park Place Boulevard
Houston, TX 77087
713/640-4266

**City of Houston
Public Works Department**
PO Box 1562
Houston, TX 77251
713/247-2507

**City of Pasadena
Department of Public Works**
PO Box 672
Pasadena, TX 77501
713/477-1511

City of Taylor Lake Village
1202 Kirby Road
Seabrook, TX 77586
713/474-2843

Clear Lake Water Authority
900 Bay Area Boulevard
Houston, TX 77058
713/488-1164

Galveston Bay Foundation
3027 Marina Bay Drive #110
League City, TX 77573
713/524-0240

Gulf Coast Waste Disposal Authority
Special Projects and Technical Services
910 Bay Area Boulevard
Houston, TX 77058
713/488-4115

Gulfway Utility District
1301 Leeland Street
Houston, TX 77002

Harris County Flood Control District
9900 Northwest Freeway, Suite 200
Houston, TX 77092
713/684-4000

Harris County Engineer
Harris County Administration Building
1001 Preston Avenue
Houston, TX 77002
713/221-5370

Harris County Health Department
Environmental Health Division
PO Box 25349
Houston, TX 77265
713/620-6860

Harris County Municipal Utility
District #67
2703 Tangley
Houston, TX 77005

Harris County Pollution Control
PO Box 6031
Pasadena, TX 77056
713/920-2831

Harris-Galveston Coastal Subsidence
District
1660 West Bay Area Boulevard
Friendswood, TX 77546
713/486-1105