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## Appendix C SURVEY FORM EXAMPLE

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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?