

3.B. Rider Revisions and Additions Request

Agency Code: 582	Agency Name: Texas Commission on Environmental Quality	Prepared By: B. O'Brien/L. Flores	Date:	Request Level: Base																																																															
Current Rider Number	Page Number in 2006-07 GAA	Proposed Rider Language																																																																	
1	VI-12-13	<p>Performance Measure Targets. The following is a listing of the key performance target levels for the Commission on Environmental Quality. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Commission on Environmental Quality. In order to achieve the objectives and service standards established by this Act, the Commission on Environmental Quality shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 10%; text-align: center;">2008</th> <th style="width: 10%; text-align: center;">2008</th> </tr> </thead> <tbody> <tr> <td colspan="3">A. Goal: ASSESSMENT, PLANNING AND PERMITTING</td> </tr> <tr> <td colspan="3">Outcome (Results/Impact):</td> </tr> <tr> <td>Annual Percent of Stationary and Mobile Source Pollution Reductions in Nonattainment Areas</td> <td style="text-align: center;">6%</td> <td style="text-align: center;">6%</td> </tr> <tr> <td>Nitrogen Oxides (NOx) Emissions Reduced through the Texas Emissions Reduction Plan (TERP)</td> <td style="text-align: center;">70%</td> <td style="text-align: center;">83.3%</td> </tr> <tr> <td>Annual Percent Reduction in Pollution from Permitted Wastewater Facilities Discharging to the Waters of the State</td> <td style="text-align: center;">.8%</td> <td style="text-align: center;">.8%</td> </tr> <tr> <td>Percent of Texas Surface Water Meeting or Exceeding Water Quality Standards</td> <td style="text-align: center;">67%</td> <td style="text-align: center;">67%</td> </tr> <tr> <td>Annual Percent Reduction in Disposal of Municipal Solid Waste Per Capita</td> <td style="text-align: center;">(0.02%)</td> <td style="text-align: center;">(0.02%)</td> </tr> <tr> <td>Annual Percent Decrease in the Toxic Releases in Texas</td> <td style="text-align: center;">2%</td> <td style="text-align: center;">2%</td> </tr> <tr> <td>Percent of Scheduled Licensing Activities Complete</td> <td style="text-align: center;">100%</td> <td style="text-align: center;">100%</td> </tr> <tr> <td colspan="3">A.1.1. 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Goal: ASSESSMENT, PLANNING AND PERMITTING			Outcome (Results/Impact):			Annual Percent of Stationary and Mobile Source Pollution Reductions in Nonattainment Areas	6%	6%	Nitrogen Oxides (NOx) Emissions Reduced through the Texas Emissions Reduction Plan (TERP)	70%	83.3%	Annual Percent Reduction in Pollution from Permitted Wastewater Facilities Discharging to the Waters of the State	.8%	.8%	Percent of Texas Surface Water Meeting or Exceeding Water Quality Standards	67%	67%	Annual Percent Reduction in Disposal of Municipal Solid Waste Per Capita	(0.02%)	(0.02%)	Annual Percent Decrease in the Toxic Releases in Texas	2%	2%	Percent of Scheduled Licensing Activities Complete	100%	100%	A.1.1. Strategy: AIR QUALITY ASSESSMENT AND PLANNING			Output (Volume):			Number of Point Source Air Quality Assessments	2,000	2,000	Number of Area Source Air Quality Assessments	2,500	2,500	Number of Mobile Source Air Quality Assessments	1,250	1,250	Number of Tons of Nitrous Oxides Reduced Per Year through Texas Emissions Reduction Plan Expenditures	26,264	26,264	Number of New Technology Grant Proposals Reviewed	45	45	Efficiencies:			Average Cost of Low Income Repair Assistance Program (LIRAP) Vehicle Emissions Repairs/Retrofits	525	525	Average Cost Per Ton of Nitrous Oxides Reduced through Texas Emissions Reduction Plan Expenditures	5,000	5,000	Average Number of Days to Review a Grant Proposal	1	1
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3.B. Rider Revisions and Additions Request (continued)

	2008	2009
A.1.2. Strategy: WATER ASSESSMENT AND PLANNING		
Output (Volume):		
Number of Surface Water Assessments	67	119
Number of Groundwater Assessments	60	60
A.1.3. Strategy: WASTE ASSESSMENT AND PLANNING		
Output (Volume):		
Number of Municipal Solid Waste Facility Capacity Assessments	250	250
Efficiencies:		
Average Cost per Municipal Solid Waste Facility Capacity Assessment	35	35
A.2.1. Strategy: AIR QUALITY PERMITTING		
Output (Volume):		
Number of State and Federal New Source Review Air Quality Permit Applications Reviewed	5,800	6,000
Number of Federal Air Quality Operating Permits Reviewed	1,100	1,100
A.2.2. Strategy: WATER RESOURCE PERMITTING		
Output (Volume):		
Number of Applications to Address Water Quality Impacts Reviewed	17,408	17,408
Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed A582-Conf-6 VI-13 May 23, 2005	90	90
A.2.3. Strategy: WASTE MANAGEMENT AND PERMITTING		
Output (Volume):		
Number of Nonhazardous Waste Permit Applications Reviewed	236	236
Number of Hazardous Waste Permit Applications Reviewed	160	160
A.2.4. Strategy: OCCUPATIONAL LICENSING		
Output (Volume):		
Number of Examinations Administered	10,500	10,500

3.B. Rider Revisions and Additions Request (continued)

	2008	2009
B. Goal: DRINKING WATER AND WATER UTILITIES		
Outcome (Results/Impact):		
Percent of Texas Population Served by Public Water Systems Which Meet Drinking Water Standards	94%	90%
B.1.1. Strategy: SAFE DRINKING WATER		
Output (Volume):		
Number of Public Drinking Water Systems Which Meet Primary Drinking Water Standards	6,200	6,200
Number of Drinking Water Samples Collected	36,051	36,051
B.1.2. Strategy: WATER UTILITIES OVERSIGHT		
Output (Volume):		
Number of Utility Rate Reviews Performed	100	100
C. Goal: ENFORCEMENT AND COMPLIANCE SUPPORT		
Outcome (Results/Impact):		
Percent of Inspected or Investigated Air Sites in Compliance	98%	98%
Percent of Inspected or Investigated Water Sites and Facilities in Compliance	97%	97%
Percent of Inspected or Investigated Waste Sites in Compliance	97%	97%
Percent of Identified Noncompliant Sites and Facilities for Which Appropriate Action Is Taken	85%	85%
C.1.1. Strategy: FIELD INSPECTIONS & COMPLAINTS		
Output (Volume):		
Number of Inspections and Investigations of Air Sites	13,000	13,000
Number of Inspections and Investigations of Water Rights Sites	34,000	34,000
Number of Inspections and Investigations of Water Sites and Facilities	8,500	8,500
Number of Inspections and Investigations of Livestock and Poultry Operation Sites	700	700
Number of Inspections and Investigations of Waste Sites	7,358	7,358
C.1.2. Strategy: ENFORCEMENT & COMPLIANCE SUPPORT		
Output (Volume):		
Number of Environmental Laboratories Accredited	300	300
Number of Small Businesses and Local Governments Assisted	54,000	54,000

3.B. Rider Revisions and Additions Request (continued)

	2008	2009
D. Goal: POLLUTION CLEANUP		
Outcome (Results/Impact):		
Percent of Leaking Petroleum Storage Tank Sites Cleaned up	89%	91%
Percent of Superfund Sites Cleaned up	57%	56%
Percent of Voluntary and Brownfield Cleanup Properties Made Available for Commercial, Industrial and Community Redevelopment, or Other Economic Reuse	65%	65.1%
D.1.1. Strategy: STORAGE TANK ADMIN & CLEANUP		
Output (Volume):		
Number of Petroleum Storage Tank Reimbursement Applications Processed	3,500	0
D.1.2. Strategy: HAZARDOUS MATERIALS CLEANUP		
Output (Volume):		
Number of Voluntary and Brownfield Cleanups Completed	80	80
Number of Superfund Sites in Texas Undergoing Evaluation and Cleanup	67	73
Number of Superfund Cleanups Completed	4	4
Number of Dry Cleaner Remediation Program Applications Received	30	30

3.B. Rider Revisions and Additions Request (continued)

		2006	2007
	A. Goal: ASSESSMENT, PLANNING AND PERMITTING		
	Outcome (Results/Impact):		
	Annual Percent of Stationary and Mobile Source Pollution Reductions in Nonattainment Areas	6%	6%
	Nitrogen Oxides (NOx) Emissions Reduced through the Texas Emissions Reduction Plan (TERP)	42%	63%
	Annual Percent Reduction in Pollution from Permitted Wastewater Facilities Discharging to the Waters of the State	.8%	.8%
	Percent of Texas Surface Water Meeting or Exceeding Water Quality Standards	84%	84%
	Annual Percent Reduction in Disposal of Municipal Solid Waste Per Capita	1.5%	1.5%
	Annual Percent Decrease in the Toxic Releases in Texas	2%	2%
	Percent of New Technology Research and Development (NTRD) Technologies Verified by the EPA	10%	10%
	Percent of Scheduled Licensing Activities Complete	82%	86%
	A.1.1. Strategy: AIR QUALITY ASSESSMENT AND PLANNING		
	Output (Volume):		
	Number of Point Source Air Quality Assessments	2,000	2,000
	Number of Area Source Air Quality Assessments	2,500	2,500
	Number of Mobile Source Air Quality Assessments	1,250	1,250
	Number of Tons of Nitrous Oxides Reduced Per Year through Texas Emissions Reduction Plan Expenditures	26,164	26,576
	Number of New Technology Grant Proposals Reviewed	80	80
	Efficiencies:		
	Average Cost of Low Income Repair Assistance Program (LIRAP) Vehicle Emissions Repairs/Retrofits	480	480
	Average Cost Per Ton of Nitrous Oxides Reduced through Texas Emissions Reduction Plan Expenditures	5,000	5,000
	Average Number of Days to Review a Grant Proposal	14	14
	A.1.2. Strategy: WATER ASSESSMENT AND PLANNING		
	Output (Volume):		
	Number of Surface Water Assessments	45	43
	Number of Groundwater Assessments	50	50

3.B. Rider Revisions and Additions Request (continued)

	2006	2007
A.1.3. Strategy: WASTE ASSESSMENT AND PLANNING		
Output (Volume):		
Number of Municipal Solid Waste Facility Capacity Assessments	250	255
Efficiencies:		
Average Cost per Municipal Solid Waste Facility Capacity Assessment	35	35
A.2.1. Strategy: AIR QUALITY PERMITTING		
Output (Volume):		
Number of State and Federal New Source Review Air Quality Permit Applications Reviewed	5,600	5,600
Number of Federal Air Quality Operating Permits Reviewed	800	800
A.2.2. Strategy: WATER RESOURCE PERMITTING		
Output (Volume):		
Number of Applications to Address Water Quality Impacts Reviewed	15,458	15,458
Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed A582 Conf 6 VI 13 May 23, 2005	85	1,385
A.2.3. Strategy: WASTE MANAGEMENT AND PERMITTING		
Output (Volume):		
Number of Nonhazardous Waste Permit Applications Reviewed	236	236
Number of Hazardous Waste Permit Applications Reviewed 160 160		
A.2.4. Strategy: OCCUPATIONAL LICENSING		
Output (Volume):		
Number of Examinations Administered	10,500	10,500
B. Goal: DRINKING WATER AND WATER UTILITIES		
Outcome (Results/Impact):		
Percent of Texas Population Served by Public Water Systems Which Meet Drinking Water Standards	93%	94%
B.1.1. Strategy: SAFE DRINKING WATER		
Output (Volume):		
Number of Public Drinking Water Systems Which Meet Primary Drinking Water Standards	6,200	6,000
Number of Drinking Water Samples Collected	36,000	36,000
B.1.2. Strategy: WATER UTILITIES OVERSIGHT		
Output (Volume):		
Number of Utility Rate Reviews Performed	100	100

3.B. Rider Revisions and Additions Request (continued)

	2006	2007
C. Goal: ENFORCEMENT AND COMPLIANCE SUPPORT		
Outcome (Results/Impact):		
Percent of Inspected or Investigated Air Sites in Compliance	98%	98%
Percent of Inspected or Investigated Water Sites and Facilities in Compliance	97%	97%
Percent of Inspected or Investigated Waste Sites in Compliance	97%	97%
Percent of Identified Noncompliant Sites and Facilities for Which Appropriate Action Is Taken	85%	85%
C.1.1. Strategy: FIELD INSPECTIONS & COMPLAINTS		
Output (Volume):		
Number of Inspections and Investigations of Air Sites	16,000	16,000
Number of Inspections and Investigations of Water Rights Sites	34,000	34,000
Number of Inspections and Investigations of Water Sites and Facilities	8,500	8,500
Number of Inspections and Investigations of Livestock and Poultry Operation Sites	700	700
Number of Inspections and Investigations of Waste Sites	7,358	7,358
C.1.2. Strategy: ENFORCEMENT & COMPLIANCE SUPPORT		
Output (Volume):		
Number of Small Businesses and Local Governments Assisted	54,000	54,000
Number of Drinking Water Labs Certified	117	117
D. Goal: POLLUTION CLEANUP		
Outcome (Results/Impact):		
Percent of Leaking Petroleum Storage Tank Sites Cleaned up	85%	86%
Percent of Superfund Sites Cleaned up	58%	59%
Percent of Voluntary and Brownfield Cleanup Properties Made Available for Commercial, Industrial and Community Redevelopment, or Other Economic Reuse	56%	57%
D.1.1. Strategy: STORAGE TANK ADMIN & CLEANUP		
Output (Volume):		
Number of Petroleum Storage Tank Reimbursement Applications Processed	6,000	0
D.1.2. Strategy: HAZARDOUS MATERIALS CLEANUP		
Output (Volume):		
Number of Voluntary and Brownfield Cleanups Completed	70	70
Number of Superfund Evaluations under Way	25	27
Number of Superfund Cleanups under Way	28	28
Number of Superfund Cleanups Completed	5	5
Number of Dry Cleaner Remediation Program Applications Received	25	20

3.B. Rider Revisions and Additions Request (continued)

2	VI-13-14	<p>Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purpose. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payment to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, § 1232.103.</p>																																																																											
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	<u>2008</u>	<u>2009</u>
<u>Method of Financing (Capital Budget):</u>		
<u>General Revenue Fund - Dedicated</u>		
Clean Air Account No. 151	\$3,596,631	\$2,753,926
Water Resource Management Account No. 153	1,605,060	1,070,238
TCEQ Occupational Licensing Account No. 468	131,160	46,160
Waste Management Account No. 549	1,623,448	1,422,206
Hazardous and Solid Waste Remediation Fee Account No. 550	432,196	138,601
Operating Permit Fees Account No. 5094	127,500	0
Subtotal, General Revenue Fund - Dedicated	\$7,725,995	\$5,431,131
Federal Funds	210,000	
<u>Total, Method of Financing</u>	<u>\$7,725,995</u>	<u>\$5,431,131</u>
	<u>2006</u>	<u>2007</u>
<u>a. Acquisition of Information Resource Technologies</u>		
(1) Air Quality Integration and Reporting (AQIR)	\$167,000	\$267,000
(2) Consolidated Compliance and Enforcement Database Interface Online (CCEDS Interface Online)	50,000	0
(3) Core Data Migration	100,000	0
(4) Electronic Data Management System (EDMS)	375,000	0
(5) Environmental Monitoring and Response Systems (EMRS)	482,000	208,000
(6) Hand Held Devices (HHD) 325,000-325,000		
(7) Online Permitting System	150,000	0
(8) Policy Review Tracking System (PRTS)	83,500	0
(9) Resource Planning Tool (RPT) 30,000-0		
(10) State Implementation Plan Emissions Data Management System (SIP EDMS)	600,000	600,000
(11) State of Texas Air Reporting System (STARS)	150,000	0
(12) Surface Water Quality Monitoring Information System (SWQMIS)	1,000,000	0
(13) Water Supply Spatial System (WSSS)	130,983	0
(14) Life Cycle Replacement	1,336,037	1,218,452
(15) New Capacity	744,000	745,631
(16) Personal Computer and Printer Replacement	852,110	1,086,650
(17) Software	\$ 1,150,506	\$ 99,369
<u>Total, Acquisition of Information Resource Technologies</u>	<u>\$ 7,726,136</u>	<u>\$ 4,550,102</u>

3.B. Rider Revisions and Additions Request (continued)

		<p>b. Transportation Items</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black;">(1) Replacement Boats</td> <td style="text-align: right; border-bottom: 1px solid black;">117,000</td> <td style="text-align: right; border-bottom: 1px solid black;">35,500</td> </tr> <tr> <td style="border-bottom: 1px solid black;">(2) Replacement Vehicles for Agency Fleet</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 1,440,000</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 87,000</td> </tr> <tr> <td style="border-bottom: 3px double black;">Total, Transportation Items</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 1,557,000</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 122,500</td> </tr> </table> <p>c. Acquisition of Capital Equipment and Items</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black;">(1) Air Monitoring Equipment</td> <td style="text-align: right; border-bottom: 1px solid black;">1,407,010</td> <td style="text-align: right; border-bottom: 1px solid black;">1,406,260</td> </tr> <tr> <td style="border-bottom: 1px solid black;">(2) Water Monitoring and Analysis Equipment</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 750,000</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 750,000</td> </tr> <tr> <td style="border-bottom: 3px double black;">Total, Acquisition of Capital Equipment and Items</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 2,157,010</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 2,156,260</td> </tr> </table> <p>Total, Capital Budget</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 3px double black;"></td> <td style="text-align: right; border-bottom: 3px double black;">\$ 11,440,146</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 6,828,862</td> </tr> </table> <p>Method of Financing (Capital Budget):</p> <p><u>General Revenue Fund – Dedicated</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black;">Used Oil Recycling Account No. 146</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 26,569</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 26,569</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Clean Air Account No. 151</td> <td style="text-align: right; border-bottom: 1px solid black;">4,731,599</td> <td style="text-align: right; border-bottom: 1px solid black;">3,304,337</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Water Resource Management Account No. 153</td> <td style="text-align: right; border-bottom: 1px solid black;">2,157,137</td> <td style="text-align: right; border-bottom: 1px solid black;">1,014,117</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Watermaster Administration No. 158</td> <td style="text-align: right; border-bottom: 1px solid black;">26,000</td> <td style="text-align: right; border-bottom: 1px solid black;">56,000</td> </tr> <tr> <td style="border-bottom: 1px solid black;">TCEQ Occupational Licensing Account No. 468</td> <td style="text-align: right; border-bottom: 1px solid black;">96,160</td> <td style="text-align: right; border-bottom: 1px solid black;">46,160</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Waste Management Account No. 549</td> <td style="text-align: right; border-bottom: 1px solid black;">2,680,385</td> <td style="text-align: right; border-bottom: 1px solid black;">2,223,710</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Hazardous and Solid Waste Remediation Fee Account No. 550</td> <td style="text-align: right; border-bottom: 1px solid black;">522,296</td> <td style="text-align: right; border-bottom: 1px solid black;">132,969</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Operating Permit Fees Account No. 5094</td> <td style="text-align: right; border-bottom: 1px solid black;">200,000</td> <td style="text-align: right; border-bottom: 1px solid black;">25,000</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Subtotal, General Revenue Fund – Dedicated</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 10,440,146</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 6,828,862</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Federal Funds</td> <td style="text-align: right; border-bottom: 1px solid black;">1,000,000</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td style="border-bottom: 3px double black;">Total, Method of Financing</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 11,440,146</td> <td style="text-align: right; border-bottom: 3px double black;">\$ 6,828,862</td> </tr> </table>	(1) Replacement Boats	117,000	35,500	(2) Replacement Vehicles for Agency Fleet	\$ 1,440,000	\$ 87,000	Total, Transportation Items	\$ 1,557,000	\$ 122,500	(1) Air Monitoring Equipment	1,407,010	1,406,260	(2) Water Monitoring and Analysis Equipment	\$ 750,000	\$ 750,000	Total, Acquisition of Capital Equipment and Items	\$ 2,157,010	\$ 2,156,260		\$ 11,440,146	\$ 6,828,862	Used Oil Recycling Account No. 146	\$ 26,569	\$ 26,569	Clean Air Account No. 151	4,731,599	3,304,337	Water Resource Management Account No. 153	2,157,137	1,014,117	Watermaster Administration No. 158	26,000	56,000	TCEQ Occupational Licensing Account No. 468	96,160	46,160	Waste Management Account No. 549	2,680,385	2,223,710	Hazardous and Solid Waste Remediation Fee Account No. 550	522,296	132,969	Operating Permit Fees Account No. 5094	200,000	25,000	Subtotal, General Revenue Fund – Dedicated	\$ 10,440,146	\$ 6,828,862	Federal Funds	1,000,000	0	Total, Method of Financing	\$ 11,440,146	\$ 6,828,862
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3	VI-15	<p>Contingency Cash Flow. If the Legislative Budget Board and Governor determine after review of relevant information that cash flow difficulties will occur as a result of the appropriations made above, the board and Governor may authorize the Texas Commission on Environmental Quality (TCEQ) to temporarily expend general revenue funds for the purpose of meeting the temporary cash flow needs of the TCEQ, limited to the amounts appropriated above. The transfer of funds shall be repaid to the General Revenue Fund by the end of the fiscal year in which the funds were transferred under procedures and standards established by the Comptroller of Public Accounts.</p>																																																						
4	VI-15	<p>Authorization: Aircraft Chartering. Notwithstanding any other provision of this Act, the Texas Commission on Environmental Quality is authorized to spend appropriated funds for the chartering of aircraft for the purposes of monitoring environmental quality, and the enforcement of environmental and water rights laws of the State.</p>																																																						

**3.B. Rider Revisions and Additions Request
(continued)**

5	VI-15	<p>Local Air Pollution Grants Allocation. Out of the amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, an amount not less than \$2,800,000 in each year of the biennium shall be utilized to fund grants or cooperative agreements with eligible local air pollution programs under Health and Safety Code, § 382.0622. It is provided, however, that the combined federal and state share of the funding for any such local air pollution programs shall not exceed 67 percent of the total allocation to the programs, with the local share being based on the local dollars allocated pursuant to maintenance-of-effort requirements for federal air pollution grants.</p> <p><u>If a local program does not enter into a cooperative agreement, TCEQ may contract with a third party to fulfill federal and state air pollution requirements (e.g. SIP obligations) within the local program's jurisdictional boundaries.</u></p> <p><u>For the purposes of implementing activities supported in Strategy A.1.1, Air Quality Assessment and Planning, under the Health and Safety Code, §382.0622 for the aforementioned activities, the TCEQ is exempt from provisions of Article IX relating to the inclusion of temporary or contract workers in the calculation of the number of Full-Time Equivalent (FTE) positions by a state agency.</u></p>
6	VI-15	<p>Fee Revenue: Pollution Control Equipment Exemptions. Pursuant to Tax Code, § 11.31, included in amounts appropriated above out of the General Revenue Fund in Strategy C.1.3, Pollution Prevention, Recycling, and Innovative Programs, is \$133,600 each fiscal year from fee revenue collected beginning with the effective date of this Act for the purpose of determining whether pollution control equipment is exempt from taxation.</p> <p>In addition to amounts appropriated above, any amounts collected by the Texas Commission on Environmental Quality pursuant to Tax Code, § 11.31 on or after September 1, 2005 2007, in excess of \$133,600 in each fiscal year of the biennium are hereby appropriated to the agency.</p>
7	VI-15	<p>Authorization: Operating Fund. The Texas Commission on Environmental Quality (TCEQ) is hereby authorized to make transfers from any appropriation made to TCEQ into a single account in the General Revenue Fund known as the "Texas Commission on Environmental Quality Operating Fund" for the purpose of making expenditures for which appropriations were made in this Act. After the expenditures have been made from the fund and as soon as the proper strategies have been identified, TCEQ shall process adjustments to the Comptroller in summary accounts to facilitate accurate cost allocations; provided, however, that each special account and fund shall be used for the purposes as now described by law and nothing shall be done to jeopardize or divert the special accounts and funds or any portion thereof including federal aid.</p>

3.B. Rider Revisions and Additions Request (continued)

8	VI-15	<p>Appropriation: Air Quality Planning. Included in amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$5,075,000 for the biennium for air quality planning activities to reduce ozone and other federally designated criteria pollutants as approved by the TCEQ in areas including Austin, Corpus Christi, Longview-Tyler-Marshall, San Antonio, and Victoria. These activities may include identifying, inventorying, and monitoring of current pollution levels; modeling future pollution levels; and the identification, quantification, and implementation of potential pollution reduction through voluntary appropriate controls. The areas receiving funds shall coordinate with the Texas Commission on Environmental Quality (TCEQ) to ensure that these activities are consistent with agency monitoring, inventory and modeling approaches and infrastructure.</p> <p>Any unexpended balances from this appropriation as of August 31, 2006 2008, are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2006 2008.</p>
9	VI-15	<p>Appropriations Limited to Revenue Collections: Occupational Licensing. It is the intent of the Legislature that fees, fines and other miscellaneous revenues deposited to the Occupational Licensing Account No. 468 as authorized and generated by the agency cover, at a minimum, the cost of the appropriations made above for strategy item A.2.4, Occupational Licensing, as well as the "Other direct and indirect costs" associated with this strategy, appropriated elsewhere in this Act. "Other direct and indirect costs" for strategy A.2.4, Occupational Licensing, are estimated to be \$304,250 for fiscal year 2006 and \$307,456 for fiscal year 2007. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.</p>
10	VI-16	<p>Contract with the State Office of Administrative Hearings. Included in the amounts appropriated above is \$938,860 in fiscal year 2006 2008 and \$938,860 in fiscal year 2007 2009 to cover the cost of contracting with the State Office of Administrative Hearings for funding the Natural Resources Division for the purpose of conducting administrative hearings and for related expenses. The Texas Commission on Environmental Quality (TCEQ) and the State Office of Administrative Hearings may not enter into a contract for an amount less than the amounts specified herein. If the State Office of Administrative Hearings determines, at the end of each fiscal year, that the amount paid under the contract exceeds the necessary funding, it shall refund the difference to TCEQ. If the State Office of Administrative Hearings determines that the amounts are insufficient to fund the Natural Resources Division, the State Office of Administrative Hearings may enter into negotiations with TCEQ in order to renegotiate the interagency contract to provide additional funds for administrative hearings. The State Office of Administrative Hearings is not appropriated any state funds from such renegotiated contracts until it gives written notice to the Legislative Budget Board and the Governor, together with written permission of the agency.</p>

3.B. Rider Revisions and Additions Request (continued)

11	VI-16	<p>Petroleum Storage Tank Administration. Out of funds appropriated above in Strategy D.1.1, Storage Tank Administration and Cleanup, not more than \$7,385,406 in fiscal year 2006 and not more than \$2,954,000 in fiscal year 2007 in gross receipts not more than \$7.7M in each fiscal year may be transferred from to the Petroleum Storage Tank Remediation (PSTR) Account No. 655 may be transferred to the Waste Management Account No. 549 for necessary expenses associated with the PSTR Account No. 655 and the groundwater protection cleanup program, in accordance with Water Code, § 26.3573 (d)-(e). Furthermore, the Texas Commission on Environmental Quality (TCEQ) shall not transfer funds, from the PSTR Account No. 655 from Strategy D.1.1, Storage Tank Administration and Cleanup, to any other strategy.</p> <p>For the purposes of implementing activities supported in Strategy D.1.1, Storage Tank Administration and Cleanup, the TCEQ is exempt from provisions of Article IX relating to the inclusion of temporary or contract workers in the calculation of the number of Full-Time Equivalent (FTE) positions by a state agency.</p>
12	VI-16	<p>Certification of Section 404 Permits. Except for the review of a federal permit or license by the state that is required in order to maintain delegation of a federal program or to comply with a requirement of federal law, none of the funds appropriated above may be expended by the commission for the purpose of certification of a federal permit issued by the US Army Corps of Engineers under § 404 of the Federal Clean Water Act.</p>
13	VI-16	<p>Texas Parks and Wildlife Environmental Special Investigations Unit. Included in amounts appropriated above in Strategy C.1.2, Enforcement and Compliance Support, is \$250,000 out of Waste Management Account No. 549 for each fiscal year of the biennium for the purpose of supporting the Texas Parks and Wildlife Department's Environmental Special Investigations Unit to enforce state and federal laws on illegal dumping. This appropriation is contingent on a memorandum of understanding and an interagency transfer of the funds between the Texas Parks and Wildlife Department and the Texas Commission on Environmental Quality to jointly administer the program. Any unexpended balance of this appropriation from fiscal year 2006 2008 is appropriated for the same purpose for fiscal year 2007 2009.</p>
14	VI-16	<p>Federal Funds and Capital Budget Expenditures. To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Texas Commission on Environmental Quality (TCEQ) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget", when federal funds are received in excess of amounts identified in the agency's Capital Budget Rider and such funds are federally designated solely for the purchase of specific capital items. In addition, TCEQ also is hereby exempted from the Capital Budget Rider provisions within Article IX of this Act when funds are received in the form of gifts to the agency in excess of amounts identified in the agency's Capital Budget Rider and such funds are designated solely for the purchase of specific capital items. The TCEQ shall notify the Legislative Budget Board and the Governor upon receipt of such federal funds or gift proceeds, of the amount received and items to be purchased.</p>

**3.B. Rider Revisions and Additions Request
(continued)**

15	VI-17	<p>Appropriation: Refinement and Enhancement of Modeling to Demonstrate Attainment with the Clean Air Act. Included in amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$1,500,000 in fiscal year 2006 <u>2008</u> for research to obtain the data and information to refine and enhance any model used to demonstrate attainment with the National Ambient Air Quality Standard (NAAQS) for ozone and other pollutants under the Federal Clean Air Act. These funds may also be used to collect data and for modeling to demonstrate attainment with the National Ambient Air Quality Standard for Ozone and other pollutants. The Commission on Environmental Quality may contract as necessary to carry out these activities.</p> <p>Any unexpended balances remaining in this appropriation on August 31, 2006 <u>2008</u> are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2006 <u>2008</u>.</p>
16	VI-17	<p>Waste Tires. Out of amounts appropriated above, the Texas Commission on Environmental Quality (TCEQ) shall enforce statutory requirements relating to waste, scrap, or used tires. It is the intent of the Legislature that all reasonable steps be taken to minimize the illegal storage, transport, or disposal of waste or scrap tires. The TCEQ shall audit or otherwise monitor businesses that sell, transport, or store such tires and identify illegal or improper activities as well as study methods for achieving a greater level of compliance for tire disposal within the State of Texas. The TCEQ also shall seek opportunities for coordination with other agencies, such as the Comptroller of Public Accounts, through interagency agreements or contracts. Cooperating agencies shall use routine contracts with taxpayers during audits or other activity to obtain copies of tire manifests or other information relating to tire transport or storage in accordance with Health and Safety Code, § 361.112. Such agreements shall provide that the cooperating agency transmit such records to the commission for review and analysis and should be designed to have minimal costs for the cooperating agency. The TCEQ shall submit a report not later than December 1, 2006 <u>2008</u>, to the Legislative Budget Board and the Governor detailing their efforts and findings in accordance with this provision.</p>

**3.B. Rider Revisions and Additions Request
(continued)**

17	VI-17	<p>Reallocation of Revenue and Balances for Certain Accounts. Pursuant to Water Code, §5.707, and notwithstanding provisions relating to Appropriation Transfers within the General Appropriations Act, the Texas Commission on Environmental Quality is hereby authorized to reallocate not more than 7 percent of the All Funds amount identified in the Method of Finance above from the following accounts (consisting of revenues and balances) to be used for purposes identified in the above strategies.</p> <p>Used Oil Recycling Account No. 146 Clean Air Account No. 151 Water Resource Management Account No. 153 Watermasters Administration Account No. 158 Occupational Licensing Account No. 468 Waste Management Account No. 549 Hazardous and Solid Waste Remediation Fee Account No. 550 Solid Waste Disposal Account No. 5000 Operating Permit Fee Account No. 5094 <u>Dry Cleaning Facility Release-Dedicated Account No. 5093</u></p> <p>The Commission shall notify the Governor and the Legislative Budget Board of any decision to reallocate funds between accounts prior to any such reallocations.</p>
18	VI-17	<p>Appropriation: Low-income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). Included in the amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$4,000,000 <u>\$5,500,000</u> in each fiscal year of the 2006-07 <u>2008-09</u> biennium in estimated fee revenues from vehicle inspection and maintenance fees generated pursuant to Health and Safety Code, § 382.202, to fund the Low-income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). Of the amounts, not more than \$149,285 <u>\$161,418</u> in each fiscal year shall be used by the Texas Commission on Environmental Quality (TCEQ) for costs associated with administering the LIRAP as authorized in Health and Safety Code, § 382.202, and all remaining funds shall be used as LIRAP grants to local governments.</p> <p>In addition to the amounts appropriated above, there is hereby appropriated to the TCEQ for the biennium beginning on September 1, 2005 <u>2007</u> any additional revenues from vehicle inspection and maintenance fees generated from additional counties participating in the LIRAP beginning on or after September 1, 2005 <u>2007</u>. Such funds shall be used to provide grants to local governments and to cover administrative costs of the TCEQ in administering the LIRAP.</p>

3.B. Rider Revisions and Additions Request (continued)

19	VI-18	<p>Statewide Implementation Plan Credit. The Texas Commission on Environmental Quality (TCEQ) shall evaluate all <u>Congested Mitigation Air Quality (CMAQ)</u> expenditures by the Texas Department of Transportation that result in quantifiable improvements to air quality in areas considered to be non-attainment for federal air quality standards to determine whether such expenditures could result in nitrous <u>nitrogen oxide (NOx) and volatile organic compound (VOC)</u> emissions reductions that could <u>may</u> be used as credit in the Statewide Implementation Plan (SIP) submitted to the Environmental Protection Agency (EPA).</p> <p>At least annually, the TCEQ shall notify the Texas Emissions Reductions Plan (TERP) Advisory Board of its findings regarding potential additional SIP credit. In addition, the TCEQ shall <u>may</u> include such items in any amendments to the SIP submitted to the EPA.</p>
20	VI-18	<p>Appropriations Limited to Revenue Collections: Automobile Emission Inspections. Included in amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$2,062,582 in fiscal year 2006 <u>2008</u> and \$2,082,459 in fiscal year 2007 <u>2009</u> for the operation of the vehicle emissions inspection and maintenance program pursuant to § 382.037 <u>202</u>, Health and Safety Code. These funds are for the purpose of developing, administering, evaluating, and maintaining the vehicle emissions inspection and maintenance program, including federally required reporting measures to demonstrate compliance with applicable federal and state laws.</p> <p>In addition, if additional counties enter the vehicle emissions inspection and maintenance program during fiscal years 2006-07 <u>2008-09</u>, 20 percent of revenues generated from the vehicle emissions and inspections fee in the additional counties in each fiscal year are hereby appropriated to the agency for the same purposes.</p> <p>It is the intent of the Legislature that 20 percent of the fees authorized and generated by the operation of the vehicle emissions inspection and maintenance program cover, at a minimum, the costs of the appropriations made above, as well as the "Other direct and indirect costs" associated with the program, appropriated elsewhere in this Act. "Other direct and indirect costs" for the vehicle emissions inspection and maintenance program are estimated to be \$154,068 for fiscal year 2006 <u>2008</u> and \$158,683 for fiscal year 2007 <u>2009</u>. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.</p>
21	VI-18	<p>Appropriation: Operating Permit Fees. In calculating the amount of the fee to be collected under Health and Safety Code, § 382.0621, the commission shall include upset and maintenance emissions in the total emissions for each source.</p> <p>Included in the amounts appropriated above out of the Clean Air Act No. 151 is \$520,000 in each fiscal year of the biennium in fee revenues from upset and maintenance emissions. These funds shall be used for enforcement and monitoring activities in Strategy A.2.1, Air Quality Permitting.</p>
22	VI-18	<p>Bosque River Water Quality Monitoring. Out of funds appropriated above in Strategy A.1.2, Water Assessment and Planning, the Texas Commission on Environmental Quality shall conduct water quality monitoring of the Bosque River.</p>

3.B. Rider Revisions and Additions Request (continued)

23	VI-18	<p>Appropriation: Administration Costs for the Texas River Compact Commission. Out of the amounts appropriated above, the Texas Commission on Environmental Quality (TCEQ) shall allocate at least \$37,500 <u>\$43,750 for fiscal year 2008 and \$49,750 for fiscal year 2009</u> each fiscal year for to provide administrative services, support, and operating costs. <u>In addition, \$10,700 each year, out of the amounts appropriated above, will be used from TCEQ's appropriation in support and administrative services for the Texas River Compact Commissions.</u></p>
24	VI-18	<p>Nuisance Surveys for the Economically Distressed Areas Program. Out of amounts appropriated above out of the General Revenue Fund in Strategy A.1.2, Water Assessment and Planning, the Texas Commission on Environmental Quality shall reimburse the Texas Department of State Health Services for costs incurred by the Department in conducting nuisance surveys for applicants for financial assistance through the Economically Distressed Areas program administered by the Water Development Board. The Commission shall reimburse such costs through Interagency Contracts with the Texas Department of State Health Services in an amount not to exceed a total of \$250,000 for the biennium beginning on September 1, 2005-2007.</p>
25	VI-19	<p>Contingency Appropriation and Unexpended Balance Authority within the Biennium: Low-Level Radioactive Waste Disposal. Included in amounts appropriated above in strategy A.3.1, Low-Level Radioactive Waste Management is <u>\$1,036,319 in each fiscal year</u> \$990,428 in fiscal year 2006 and \$990,425 in fiscal year 2007 out of the Low Level Waste Account No. 88 for costs incurred in the review and evaluation of applications received for a license to operate a low-level radioactive waste disposal site.</p> <p>In addition to amounts appropriated above and contingent upon the Texas Commission on Environmental Quality (TCEQ) assessing additional fees to recover costs in reviewing and evaluating low-level radioactive waste disposal applications pursuant to Health and Safety Code, Chapter 401, there is hereby appropriated to the TCEQ fee revenues deposited to the credit of the Low-Level Waste Management Account No. 88 in excess of the Comptroller's Biennial Revenue Estimate for 2006-07 <u>2008-09</u> and not to exceed \$250,000 in fiscal year 2006 <u>2008</u> and not to exceed \$500,000 in fiscal year 2007 <u>2009</u> for the same purposes.</p> <p>Any unexpended balances remaining in these appropriations on August 31, 2006 <u>2008</u>, are hereby appropriated to the Commission for the same purposes for the fiscal year beginning in September 1, 2006 <u>2008</u>.</p>
26	VI-19	<p>Appropriation: Perpetual Care Account. In the event of an incident involving the release of radioactive material at a disposal, processing, or storage facility licensed by the Texas Commission on Environmental Quality (TCEQ), the TCEQ is hereby appropriated any revenues from the TCEQ licensee, including the proceeds of securities <u>and interest earned</u>, deposited to the credit of the Perpetual Care Account pursuant to Health and Safety Code, § 401.305 (b) and § 401.301 (d) during the biennium beginning September 1, 2005 <u>2007</u> (estimated to be \$0). The funds shall be used in Strategy A.3.1, Low-Level Radioactive Waste Management, to mitigate radioactive pollution resulting from activities of a TCEQ licensee as provided in Health and Safety Code, § 401.305 (c)-(d), and pursuant to a memorandum of understanding with the Department of State Health Services relating to the regulations for the control of radiation.</p>

3.B. Rider Revisions and Additions Request (continued)

27	VI-19	<p>Environmental Health Institute. Out of amounts appropriated above, the Texas Commission on Environmental Quality (TCEQ) shall use up to \$500,000 out of the Hazardous and Solid Waste Remediation Fee Account No. 550 during the biennium beginning on September 1, 2005 <u>2007</u> for the support of the Texas Environmental Health Institute (TEHI) established in conjunction with the Texas Department of State Health Services in Health and Safety Code, Chapter 427.</p> <p>Any penalty amounts generated during the biennium beginning on September 1, 2005 <u>2007</u> from the TCEQ's administrative or civil enforcement actions that are invested in a Supplemental Environmental Project conducted by the TEHI or by any other organization in association with the TEHI, shall be considered an expenditure of the TCEQ for the purpose of supporting the TEHI.</p>
28	VI-19	<p>Unexpended Balance Authority within the Biennium. Any unexpended balances on August 31, 2006 <u>2008</u> in the appropriations made above to the Commission on Environmental Quality are hereby appropriated for the same purposes for the fiscal year beginning on September 1, 2006 <u>2008</u>.</p>
29	VI-19	<p>On-Site Wastewater Treatment Research Council Fee. Included in amounts appropriated above in Strategy A.1.2, Water Assessment and Planning, is an amount not to exceed \$330,000 in each fiscal year of the biennium from fees collected and deposited to the General Revenue Fund pursuant to Health and Safety Code, Chapter 367, for costs relating to the On- Site Wastewater Treatment Research Council.</p> <p><u>In addition, the On-Site Wastewater Treatment Research Council is hereby appropriated from fees collected and deposited to the General Revenue Fund pursuant to Health and Safety Code, Chapter 367, (estimated at \$150,000 in each year of the biennium) for costs relating to the On-Site Wastewater Treatment Research Council.</u></p>
30	VI-19-20	<p>Texas Emissions Reduction Plan (TERP): Grants and Administration. Included in amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is <u>\$128,520,573 in each fiscal year</u> \$128,520,574 in fiscal year 2006 and \$128,520,572 in fiscal year 2007 out of the Texas Emissions Reduction Plan Account No. 5071 for the Texas Emissions Reduction Program. Of these amounts, not more than \$116,323,671 in fiscal year 2006 and \$116,323,670 in fiscal year 2007 shall be used as incentive payments for the Diesel Emissions Reduction Programs established in Health and Safety Code, Chapter 386, Subchapter C; not more than \$683,950 in fiscal year 2006 and \$683,948 in fiscal year 2007 <u>\$683,949 in each fiscal year shall be used to administer the Diesel Emissions Reduction Program; not more than \$11,262,953 in fiscal year 2006 and \$11,262,954 shall be used for grant funding for the New Technology Research Development Program established in Health and Safety Code, Chapter 387; and not more than \$250,000 each fiscal year shall be used to administer the New Technology Research Development Program.</u></p> <p>Any unexpended balances in the appropriations made to the Commission on Environmental Quality out of the Texas Emissions Reduction Plan Account No. 5071 on August 31, 2006 <u>2008</u> are hereby appropriated for the same purposes for the fiscal year beginning on September 1, 2006 <u>2008</u>.</p> <p><u>For the purpose of implementing activities supported in strategy A.1.1 Air Quality Assessment and Planning, under the Health and Safety Code, Chapter 386, the TCEQ is exempt from the provisions of Article IX relating to the inclusion of temporary or contract workers in the calculation of the number of full-time equivalent (FTE) positions by a state agency.</u></p>

**3.B. Rider Revisions and Additions Request
(continued)**

31	VI-20	<p>Reimbursement of Advisory Committees. Pursuant to Government Code, §2001.004 2110.004, reimbursement of expenses for advisory committee members out of funds appropriated above is limited to the following advisory committees:</p> <p>Irrigators Advisory Council Small Business Compliance Advisory Panel Municipal Solid Waste Management and Resource Recovery Advisory Council Pollution Prevention Advisory Committee Dry Cleaners Advisory Committee</p>
32	VI-20	<p>Appropriation: Contracting for Debt Collection. In addition to amounts appropriated above, there is hereby appropriated to the Texas Commission on Environmental Quality (TCEQ) for the biennium beginning on September 1, 2005 2007, all proceeds from overdue and delinquent penalties and fees collected by a contractor working on behalf of the TCEQ to collect such funds. This appropriation shall be limited to the amount necessary to pay the contractor collecting such fees for its services and shall not exceed 18 percent of fine and fee proceeds collected by the contractor (estimated to be \$293,388 for the 2006-07 2008-09 biennium). All other amounts collected shall be deposited to the General Revenue Fund or to a General Revenue-Dedicated Account, based on the applicable statutory provisions.</p>
33	VI-20	<p>Authorization: Water and Air Program Fee Rates. To provide for the recovery of costs of processing certain water and air applications, the following fee rates are established pursuant to Government Code, Chapter 315 316, Subchapter E, to be effective during the biennium beginning on September 1, 2005 2007.</p> <p>The maximum rate for the fees authorized in Water Code, §§5.701 (b-c), shall be \$2,000.</p> <p>The maximum rate for fees authorized in Health and Safety Code, §382.062, shall be \$80,000.</p>

**3.B. Rider Revisions and Additions Request
(continued)**

34	VI-20	<p>Contingency Appropriation: Concho River Watermaster. In addition to the amounts appropriated above out of the Watermaster Administration Account No. 158 in Strategy A.2.2, Water Resource Permitting, and contingent upon the creation of a water master office for the Concho River watershed and upon the Texas Commission on Environmental Quality (TCEQ) assessing new fees on water rights holders in the Concho River watershed, there is hereby appropriated to the TCEQ \$139,768 in fiscal year 2006 and \$110,548 in fiscal year 2007 in fee revenues deposited to the credit of the Watermaster Administration Account No. 158. These funds shall be used to administer the Concho River watermaster's office.</p> <p>This appropriation is contingent upon the TCEQ assessing fees sufficient to generate, during the 2006-07 biennium, revenue to cover, at a minimum, appropriations for the Concho River watermaster's office as well as "Other direct and indirect costs" for the program appropriated elsewhere in this Act. "Other direct and indirect costs" associated with the Concho River Watermaster are estimated to be \$12,243 in fiscal year 2006 and \$13,042 in fiscal year 2007. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.</p> <p>Also contingent upon the creation of a watermaster office for the Concho River watershed and upon the TCEQ assessing new fees on water rights holders in the Concho River watershed, the "Number of Full-Time Equivalents (FTE)" figure indicated above is hereby increased by 2 in each fiscal year of the 2006-07 biennium, and the TCEQ's Capital Budget authority is hereby increased for the following item and in the following amount:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="border-top: 1px solid black; width: 30%;"></td> <td style="border-top: 1px solid black; text-align: center; width: 10%;"><u>2006</u></td> <td style="border-top: 1px solid black; text-align: center; width: 10%;"><u>2007</u></td> </tr> </table> <p>b. Transportation Items</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="border-top: 1px solid black; width: 30%;">(1) Replacement Vehicles for Agency</td> <td style="border-top: 1px solid black; width: 10%;"></td> <td style="border-top: 1px solid black; width: 10%;"></td> </tr> <tr> <td style="border-top: 1px solid black;">Fleet</td> <td style="border-top: 1px solid black;"></td> <td style="border-top: 1px solid black;"></td> </tr> <tr> <td style="border-top: 1px solid black;"></td> <td style="border-top: 1px solid black; text-align: center;"><u>\$25,000</u></td> <td style="border-top: 1px solid black; text-align: center;"><u>\$0</u></td> </tr> </table>		<u>2006</u>	<u>2007</u>	(1) Replacement Vehicles for Agency			Fleet				<u>\$25,000</u>	<u>\$0</u>
	<u>2006</u>	<u>2007</u>												
(1) Replacement Vehicles for Agency														
Fleet														
	<u>\$25,000</u>	<u>\$0</u>												
35	VI-21	<p>Appropriation: North Bosque and Leon Watersheds Compost Project. Included in amounts appropriated above in Strategy A.1.2, Water Assessment and Planning, is \$98,853 in General Revenue in fiscal year 2006 <u>2008</u> to be used as matching funds to obtain Federal Funds to be used in the development and implementation of a manure compost project in the North Bosque and Leon River watersheds.</p> <p>Any unexpended balances remaining in this appropriation on August 31, 2006 <u>2008</u> are hereby appropriated for the fiscal year beginning on September 1, 2006 <u>2008</u> for the same purpose.</p>												

**3.B. Rider Revisions and Additions Request
(continued)**

36	VI-21	<p>Appropriation: Unexpended Balances for Waste Tire Disposal Grants. Included in amounts appropriated above in Strategy C.1.3, Pollution Prevention and Recycling, is \$2,400,000 in unexpended balances as of August 31, 2005, from funds appropriated out of the Solid Waste Disposal Account No. 5000 for grants for the disposal of waste tires and scrap tires. The Commission on Environmental Quality is authorized to expend these funds only for their original purpose.</p> <p>Any unexpended balances remaining in this appropriation on August 31, 2006 are hereby appropriated for the fiscal year beginning on September 1, 2006.</p>
37	VI-21	<p>Contingency Appropriation: Revenue from increased Fee Rates at Watermaster Offices. In addition to amounts appropriated above in Strategy A.2.2, Water Resource Permitting, there is hereby appropriated to the Texas Commission on Environmental Quality (TCEQ) fee revenues collected and deposited to the credit of the Watermaster Administration Account No. 158 in an amount not to exceed \$110,000 in fiscal year 2006 and not to exceed \$130,000 in fiscal year 2007 from additional fees generated pursuant to Water Code, § 11.329 due to the implementation of increased fee rates at the watermaster offices and in excess of the Comptroller's Biennial Revenue Estimate. These funds shall be used for operating costs of the watermaster offices.</p> <p>This appropriation is contingent upon the TCEQ and the watermaster offices assessing fees sufficient to generate, during the 2006-07 biennium, revenue to cover the appropriations out of the Watermaster Administration Account No. 158. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts shall reduce the appropriation authority provided above to be within the amount of revenue expected to be available. The TCEQ and the watermaster offices, upon completion of necessary actions to assess or increase additional fees, shall furnish copies of minutes and other information supporting the estimated revenues to be generated for the 2006-07 <u>2008-09</u> biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues in excess of those estimated in the Biennial Revenue Estimate for 2006-07 <u>2008-09</u>, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purpose.</p>
38	VI-21	<p>Memorandum of Understanding. It is the intent of the Legislature that the Texas Commission on Environmental Quality (TCEQ) and each of the five River Compact Commissions enter into a memorandum of understanding (MOU) that specifies the manner in which the TCEQ shall manage and support the operations of each River Compact Commission, including the transfer of compact commission Full-Time Equivalents (FTEs) and appropriations to the TCEQ. However, in no event shall this MOU interfere with the activities of each interstate river compact or individual compact commissioner in appropriating water supply between compact states or resolving water related problems between compact states.</p>