

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Commissioners
Location/Division	Commissioners' Offices
Contact Name	Robert J. Huston, Chairman
Number of Budgeted FTEs as of June 1, 1999	9
Number of Actual FTEs as of June 1, 1998	8

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Three full-time commissioners are appointed by the governor to establish overall agency direction and policy, and to make final determinations on contested permitting and enforcement matters. They are appointed for six-year terms with the advice and consent of the Texas Senate. A commissioner may not serve more than two six-year terms, and the terms are staggered so that a different member's term expires every two years. The governor also names the chairman of the commission. Each commissioner is assisted by an Executive Assistant who advises on policy matters and represents the commissioner as appropriate. Please see Chapter 3, Policymaking Structure for additional information.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

Please see Chapter 2, History and Major Events and Chapter 3, Policy Making Structure for additional information.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The functions of the commissioners are ongoing.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

Please see Chapter 2, History and Major Events and Chapter 3, Policy Making Structure for additional information.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

Please see Chapter 3, Policy Making Structure for additional information.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Please see Chapter 3, Policy Making Structure for additional information.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Not applicable

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see Chapter 3, Policy Making Structure for additional information.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC	
Program Information Fiscal Year 1999	
Name of Program	Alternative Dispute Resolution
Location/Division	Commissioners' Offices
Contact Name	Carl Forrester, Division Director
Number of Budgeted FTEs, as of June 1, 1999	4
Number of Actual FTEs as of June 1, 1999	4

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The primary function of TNRCC's Alternative Dispute Resolution Office (ADRO) is to provide dispute resolution service as a less expensive alternative to litigating the case in a contested hearing. In addition to mediating contested cases, ADRO has also conducted mediation in the following non-contested case areas: access to Superfund cleanup sites, TNRCC enforcement cases, and employee grievances.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

There are no statutes which specifically mandate or require TNRCC's ADR program, but there are a number of laws which encourage, or influence TNRCC's ADR program. Creation and implementation of the ADR program was done under Section 5.102, and Section 26.011, Texas Water Code, which give the Commission the power to perform any acts that are needed to carry out its responsibilities. The Texas ADR Act of 1987 (Chapter 154, Civil Practices & Remedies Code) provides much of the direction for the agency's ADR program and the Government ADR Act (currently codified as Chapter 2009, Government Code) specifically authorizes Texas agencies to use ADR whenever possible.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

TNRCC began studying the use of ADR to resolve Commission contested cases in 1989. Actual use of ADR was begun informally in 1990. In 1991, the Commissioners created the ADR program, adopted the ADR rules, and placed the program in the Office of Hearing Examiners. In 1995, when TNRCC's hearing function was transferred to SOAH, the Commissioners retained the ADR program, placing it in the Office of General Counsel. In 1996, the Alternative Dispute Resolution Office was created as part of the Commissioners Office.

So long as there are disputes, there will be a need to resolve those disputes quickly, economically, and efficiently. ADR is a valuable, inexpensive alternative to litigating disputes in administrative hearings and in law suits.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

Anyone who is a party to a TNRCC permit dispute may request ADRO mediation service. Because mediation is voluntary, no mediation efforts are conducted unless ADR is unanimously approved by the parties, including the Executive Director.

F. Describe how the program is administered. Include flowcharts, time lines, or other illustrations as necessary. List any field or regional services.

The office is staffed by two licensed attorneys and one administrative position. The director of the office is a licensed attorney appointed by the commission. The office is administered entirely from the Austin central office with no field office staff.

When the Chief Clerk issues written notice that the application and hearing request(s) are scheduled for Commission agenda, a copy of the notice is sent to ADRO, and an ADRO mediator is immediately assigned to the case. If mediation is conducted and a settlement is reached prior to the matter being considered on agenda, the matter is removed from agenda and referred to the E.D. for administrative processing as an uncontested permit.

ADRO's involvement in non-contested hearings disputes is usually initiated at the request of the E.D. Time limits in these cases are usually determined by the circumstances unique to that case. If in enforcement, or if mediating a lawsuit in which TNRCC is involved, the enforcement process or the court, respectively, will dictate the time limits allowed for ADR.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

There are no MOUs to which the ADR Office is a party or which directly impact ADRO. However, an annual interagency service contract exists between TNRCC and the State Office of Administrative Hearings (SOAH) which provides that SOAH will conduct TNRCC's contested hearings, and, when asked, TNRCC mediations as well.

The ADR program does not work with local units of government routinely. ADRO's contact with local government is when the local government is involved as a party in a TNRCC dispute, such as a contested case hearing or an enforcement action.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current funding is sufficient to meet the program mission at present case levels. A significant increase in cases above current levels would mean we would not be able to work all the cases resulting in more cases proceeding to hearing. Requests for mediation in specific cases would have to be turned down. A significant increase in the caseload would cause a need for additional mediators to handle the increased cases, if all cases were to be handled. Also, the travel budget and the budget for support equipment, such as computers, phones, and office space would have to be increased as well.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Internally, there is no similarity between TNRCC's ADR program and any other TNRCC office or program. Externally, SOAH conducts mediation, upon request, for TNRCC.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Internally, there is no conflict or duplication between the ADR program and any other TNRCC office or program. Externally, only cases not being mediated by the TNRCC's ADR program are referred to SOAH for mediation, so there is no duplication or conflict with SOAH.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Historically, the annual settlement rate for TNRCC cases in which formal mediation proceedings were conducted has been over 70%. With each case settled, the agency (and the parties involved) realize considerable savings over litigating the case. The ADR program has been generally well received by the public and by the regulated community.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

The ADR program is not a regulatory program. Therefore, this item is not applicable.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

The ADR program is not a regulatory program. Therefore, this item is not applicable.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Chief Clerk
Location/Division	Commissioners' Offices
Contact Name	LaDonna Castañuela, Chief Clerk
Number of Budgeted FTEs as of June 1, 1999	20
Number of Actual FTEs as of June 1, 1999	15

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Chief Clerk is responsible for issuing required public notices for most waste and water permits, licenses, and registrations. The Chief Clerk also prepares the written commission agendas, manages the meetings to ensure compliance with Texas Open Meetings Act, manages and coordinates the Executive Director's agenda, tracks motions for rehearing and motions for reconsideration, hearing requests, and public comments and maintains the official records of commission proceedings. The Chief Clerk can also certify copies of official commission records.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

Section 5.109 of the Texas Water Code requires the Commission to appoint a Chief Clerk who will assist the Commission in carrying out its duties under the law and to issue notice of public hearings held under the authority of the Commission.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

This program will continue to be required for coordination of public information with respect to permitting matters.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Chief Clerk serves the Commission, the agency staff, the public, and the regulated community. There are no qualifications or eligibility requirements to receive these services.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Chief Clerk's Office is managed by a director. The office is administered entirely from the Austin central office with no field office staff.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not Applicable.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The Office of the Chief Clerk is adequately staffed to fulfill its current duties. However, to fulfill future goals and objectives of the Commission, the office may require more resources to:

- 1) accomplish implementation of HB 801, passed by the 76th Legislature, which modifies public notice and hearing requirements for agency permitting actions, and
- 2) issue all required notices for air authorizations from the New Source Review and the Operating Permits Divisions, as mandated by the Commission through recommendations in the Business Process Review.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

At this time, the New Source Review and Operating Permits Divisions in the Office of Air Quality issue their own notices and, for uncontested items, transmit their own final documents. As mentioned above, it is a mandate of the Commission to move these functions to the Office of the Chief Clerk.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

There is no duplication or conflict regarding issuance of the notices for the air programs. Bringing the Air notice process through the Office of the Chief Clerk (like other notices) will serve to avoid confusion from the general public.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Not applicable.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC	
Program Information Fiscal Year 1999	
Name of Program	Internal Audit
Location/Division	Commissioners' Offices
Contact Name	Caroline Beyer, Internal Auditor
Number of Budgeted FTEs as of June 1, 1999	5
Number of Actual FTEs as of June 1, 1999	5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Internal Audit helps the Commissioners and management meet agency goals and objectives by providing independent and objective insights, analyses, and recommendations.

Activities include:

- **Reviewing operations** or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned.
- Reviewing and **appraising the economy and efficiency** with which resources are employed.
- Reviewing the **reliability and integrity of financial and operating information** and the means used to identify, measure, classify, and report such information.
- Reviewing the systems established to **ensure compliance** with those policies, plans, procedures, laws, and regulations which could have a significant impact on operations and whether the agency is in compliance.
- Reviewing the means of **safeguarding assets** and, as appropriate, verifying the existence of assets.
- **Investigating allegations of fraud, waste and abuse.**
- **Monitoring and assessing management's actions** taken in response to internal and State Auditor Office audit recommendations.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Texas Internal Auditing Act (Govt. Code, Sec. 2102.004) requires large state agencies like the TNRCC to “conduct a program of internal auditing.” The TNRCC Internal Audit Division satisfies this requirement.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Internal Audit is an ongoing function. See Section C. above for statutory basis.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

See B. above. Audits are chosen based upon a comprehensive risk assessment. Limited audit resources are directed in accordance with that assessment.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Office of Internal Audit has a director who is responsible for managing the division. Including the director, there are four professional staff and one support FTE. Self-directed audit teams are formed for each project. No regional locations exist as the majority of the auditable units are located at the central office.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not Applicable

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The Biennial Audit Plan is based on the number of audit resources available.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Internal: The Compliance, Evaluation and Audit (CEA) group located within Financial Administration also conducts audits. However, their focus is on groups external to the TNRCC (e.g. contractors, Councils of Government.) The Office of Internal Audit coordinates with the CEA auditors, as needed.

External: The State Auditor's Office performs similar services on a statewide basis. TNRCC Internal Audit routinely coordinates with the SAO. Examples: (1) Comprehensive coverage of IT issues by IA convinced the SAO to drop a planned IT audit in Spring 1998. Coordination prevented duplication of effort. (2) Internal Audit and the SAO conducted a joint review of compliance and enforcement. Instead of each group conducting separate audits in this area, resources were pooled to jointly review high risk areas. This collaboration saved the state dollars in terms of administrative costs to conduct an audit (minimum savings estimated at \$56,000) and TNRCC employee time required to work with the auditors. Efficiencies were also likely gained due to the elimination of redundant coverage of audit issues.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

See above J.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Additional information is available upon request.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not Applicable

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Not Applicable

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	General Counsel
Location/Division	Commissioners' Offices
Contact Name	Duncan Norton, General Counsel
Number of Budgeted FTEs as of June 1, 1999	7
Number of Actual FTEs as of June 1, 1998	7

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The General Counsel is the chief legal advisor and the chief ethics officer for the agency. The Office of the General Counsel (OGC) provides legal assistance and advice to the Commissioners concerning their review of permits, registrations and other authorizations, proposed enforcement actions, rule making actions, and other general matters that come before the commission for consideration. The OGC also oversees the scheduling and management of the Commissioners' meetings.

In addition, the General Counsel manages the administrative affairs of the OGC, and the five other offices in the Commissioners' cluster: Alternative Dispute Resolution (ADR), Public Assistance (OPA), Public Interest Counsel (OPIC), Chief Clerk (CCO), and Internal Audit (IA). This management includes personnel and administrative oversight.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The OGC has been statutorily created since at least 1985 by the Texas Water Code, Section 5.110, which provides that the General Counsel shall serve at the will of the commission, must be an attorney licensed to practice law in this state, and shall perform the duties and may exercise the powers specifically authorized by this code or delegated to the General Counsel by the commission.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

From 1985 to 1989 the position of General Counsel was combined with the Chief Hearings Examiner position. In 1989, those positions were separated, and in 1995 the hearings examiner functions were transferred to the State Office of Administrative Hearings. The General Counsel position remained at the Commission.

By resolution on March 25, 1996, the commission formally expanded the General Counsel's authority to perform the following tasks: manage the commission's public meetings, including the number and types of matters to be considered, whether argument or comment will be held and time limits, rescheduling of matters and related deadlines, and referral of matters to the Alternative Dispute Resolution Office; dispose of motions for reconsideration or motions for rehearing; represent the commission, including discussions with the Office of the Attorney General (OAG), or discussions with other state or federal officials; referral of matters in litigation to the OAG or other appropriate officials; make decisions for the commission in litigation matters involving commission permits and orders, or in which the commission is named a party; retain outside counsel to represent the commission in litigation; and manage administrative matters in the Commissioners' cluster, including ADR, OPA, OPIC, IA, and OCC.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The OGC primarily provides legal advice to the three Commissioners. The General Counsel is also the chief ethics advisor for the agency pursuant to the Commission's ethics policy.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The 7 FTEs in the office report directly to the General Counsel. This number includes the General Counsel, 4 assistant general counsels, and 2 administrative technicians.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable to the General Counsel, not a regulatory program. The General Counsel is not a party to any MOUs, interagency agreements, or interagency contracts.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current resources are adequate for the current demands on the OGC. Legislation enacted in the 76th Legislature, particularly HB 801, will place additional demands on OGC resources.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The General Counsel is the only provider of privileged legal advice for the Commissioners concerning administrative, permitting, and enforcement matters that come before them, in addition to advice on ex parte communications and open meetings.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Not applicable.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC	
Program Information Fiscal Year 1999	
Name of Program	Office of Public Interest Counsel
Location/Division	Commissioners' Offices
Contact Name	Blas J. Coy, Jr., Public Interest Counsel
Number of Budgeted FTEs, June 1, 1999	10
Number of Actual FTEs as of June 1, 1999	9.5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Pursuant to Texas Water Code § 5.273, the Office of Public Interest Counsel is a party to all proceedings before the commission in order to promote the public's interest in environmental quality and consumer protection. Accordingly, the office participates in contested case hearings before the State Office of Administrative Hearings and provides comments and recommendations to the commissioners on permitting matters, enforcement matters, rulemaking and public policy issues. The office ensures that citizen concerns within the commission's jurisdiction are addressed in the decision-making process. The office also serves as a resource of information for the public concerning how the public may participate in agency proceedings.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Office of Public Interest Counsel (formerly the Public Interest Advocate) has been authorized by statute since 1977. Pursuant to Texas Water Code § 5.271, the Office of Public Interest Counsel was created to ensure that the commission promotes the public's interest and is responsive to environmental and citizens' concerns including environmental quality and consumer protection. Texas Water Code § 5.274 provides that the office shall be adequately staffed to carry out its functions.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The services and functions of the office have not changed since the time it was created by statute. The office's mission will not be accomplished in a finite period of time, but is continuously accomplished on an ongoing basis.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The office is available to provide services to all citizens of Texas. Pursuant to Texas Water Code Chapter 5, Subchapter G, the office is a party to all agency proceedings and is charged with representing the public interest in general, rather than any specific individual interest. While the office does not provide legal representation to individual citizens in particular matters, the office's attorneys answer numerous inquiries from the public concerning hearing and other agency procedures. The office's attorneys frequently provide such procedural information to citizens affected by a particular application, as well as unrepresented small business applicants and persons subject to agency enforcement actions. There are no restrictive eligibility requirements for receiving services from the office.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The office is staffed by 7 licensed attorneys, one law clerk and two administrative positions. The division is headed by the Public Interest Counsel, an attorney appointed by the commission. The office is administered entirely from the Austin central office with no field office staff.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The Office of Public Interest Counsel prioritizes cases and projects so that limited resources are focused on those matters which are of the greatest public interest, either because of a high degree of citizen interest or because of important issues relating to public notice and public participation, human health, the environment, or consumer protection.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

No offices external to the agency provide identical or similar services or functions. The Office of Public Interest Counsel coordinates frequently with the Office of Public Assistance(OPA) and the Alternative Dispute Resolution Office (ADRO). These three offices communicate frequently with the public with respect to permit applications pending at the agency; however, each office serves a different function with respect to providing information to the public.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency s customers.

In its capacity as an independent party to all agency proceedings charged with promoting the public interest, the Office of Public Interest Counsel is unique and its functions do not duplicate or conflict with the duties of other offices. With respect to communicating with the public, the Office of Public Assistance (OPA) has been designated as the agency's front-line contact to receive general inquiries. However, when the callers are seeking information about legal procedures, OPA refers such inquiries to the office of Public Interest Counsel. Similarly, the Office of Alternative Dispute Resolution will direct persons to contact the Office of Public Interest Counsel when such persons need help in understanding the contested case hearing process established under the agency's regulations and the Administrative Procedures Act.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

The Office of Public Interest Counsel is not considered a regulatory program.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency s practices.

The Office of Public Interest Counsel is not considered a regulatory program.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Office of Public Assistance
Location/Division	Commissioners' Offices
Contact Name	Jodena Henneke, Division Director
Number of Budgeted FTEs, as of June 1, 1999	11
Number of Actual FTEs as of June 1, 1999	11

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Commission created the Office of Public Assistance (OPA) to provide greater opportunity for the public to participate in the business of the agency and to provide a central point of access to the agency regarding questions about permits and the permitting process. The TNRCC Environmental Equity program is also located in OPA.

OPA acknowledges all letters and responds to questions received from citizens in response to permit application public notices. OPA also coordinates responses to all letters sent to the commissioners and all letters from elected officials addressed to the executive director.

All TNRCC permit-related public meetings are organized and conducted by OPA. The OPA was also given the responsibility of organizing and conducting certain statutory public meetings associated with municipal solid waste permits. In addition to permit related meetings, OPA has organized and conducted other public meetings for the Commission as required. For example, the Strategic Planning meetings conducted around the state by the TNRCC last year were organized by OPA.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

There are no direct statutory requirements for this activity. The commissioners announced the creation of the OPA on October 1, 1996 to affirm its commitment to providing greater opportunity for the public to participate in the business of the agency.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The Office of Public Assistance is set up under the direct authority of the Commissioners to operate independently of the Executive Director's staff who process permit applications. The Environmental Equity Program was transferred from the Border Affairs Division in the Executive Director's Office on October 1, 1996.

As long as the agency issues permits and requires public notice of those permit applications, there will be a need for the agency to respond to citizen requests for information, to conduct meetings and provide assistance to the public.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

Every citizen of the State of Texas who is impacted by, or interested in the pollution permitting programs of the TNRCC is served by this program. During the period September 1, 1997 through August 31, 1998, the OPA processed approximately 44,000 telephone calls, including those during the two week period of the 1998 "Mexican Smoke Event."

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

OPA staff consists of 2 administrative positions and 9 professional positions which report to the director of the Office of Public Assistance.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

HB 801 adopted by the 76th Legislature modified public notice and hearing requirements for agency permitting actions and thus may require additional personnel to conduct an expected increase in public meetings. Otherwise, funding is adequate.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Agency memoranda establish OPA as the contact for the general public and as the only organizational unit authorized to conduct permit related public meetings.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

OPA is the central point of contact for members of the general public interested in the permitting activities of the TNRCC. The OPA toll-free "800" line is the only phone number provided on most permit public notices published.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Not Applicable.