VI.   *Guide to Agency Programs*–*Continued*

A.	Please complete the following chart.

<table>
<tr><td colspan="2" align="center">TNRCC
Program Information   Fiscal Year 1999</td></tr>
<tr><td>Name of Program</td><td>Air Quality Planning & Assessment Division</td></tr>
<tr><td>Location/Division</td><td>Office of Environmental Policy, Analysis, and Assessment</td></tr>
<tr><td>Contact Name</td><td>Jim Thomas, Division Director</td></tr>
<tr><td>Number of Budgeted FTEs, as of June 1, 1999</td><td>133</td></tr>
<tr><td>Number of Actual FTEs as of June 1, 1999</td><td>128.5</td></tr>
</table>

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

The Air Quality Planning & Assessment (AQP&A) Division develops and updates the emissions inventory for all stationary, mobile and area sources of air contaminants, and evaluates the impacts of transportation projects on air quality. The division also provides computer modeling in support of pollution control strategies, and designs and implements mobile source pollution reduction programs.

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

Various sections of the Federal Clean Air Act (FCAA) require that states undertake periodic air emission inventories and analysis of mobile source emissions for purposes of preparing plans to attain or maintain National Ambient Air Quality Standards (NAAQS).

State Implementation Plan (SIP) Activities:
- Emissions Inventory Collection and Development: Federal Clean Air Act (FCAA) §182
- Implementation of Air Emissions and Inspection Fees: FCAA §502 and Health and Safety (HSC) Code §382.0621 (as required by 42 USC 7511a(a)(1), 7502(c)(3)
- Air Dispersion Modeling: FCAA Amendments of 1990, Title 1, Part D, Subpart 2, §182
- Ambient Data Analysis for PSD and Nonattainment Areas: 40 CFR Part 58; also FCAA Amendments of 1990 Title 1, Part A, §107
- Transportation and General Conformity: 40 CFR Parts 51 and 93
- Inspection/Maintenance Program: FCAA Amendments of 1990, 40 CFR Part 51 Subpart S §51.350; also H
- Texas Clean Fleet Program: FCAA §§182 & 241; also HSC §382.138, 141
- Mobile Emissions Reduction Credits Program: HSC §382.142-143; also 30 TAC §114.201-202

> **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?**

Historically, changes to the Federal Clean Air Act have driven most shifts in workload, planning horizons, and requirements.

Federally mandated activities such as attainment demonstrations of the national ambient air quality standards have deadlines well into the next century. According to current projections, all areas within the state are required to attain federal air quality standards by the 2010-2012 timeframe at the latest. However, plans will have to be designed to maintain the clean air status for 20 years beyond the attainment date. Assuming current requirements and deadlines, the mission of the program could change and diminish significantly in the years beyond 2010. Recent changes in clean air laws have included an emphasis on fine particulate matter, regional haze pollution and hazardous air pollutants, thus increasing and shifting the planning focus.

> **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 Air Quality Planning and Assessment Division serves stakeholders and policy makers, both internally and externally, by providing technical support which includes emissions inventory data collection, emissions estimation and quality assurance, computer modeling, and data analysis that is crucial in making sound science-based decisions on air quality strategy development and implementation.

The division's program functions as an implementor of mobile source programs which include the Texas Clean Fleet (TCF) program. The TCF program is designed to reduce emissions generated from fleet vehicle activity in the State's serious and above ozone nonattainment areas (Dallas-Fort Worth, Houston-Galveston, and El Paso). There are currently 291 affected fleets participating in the program, including local government fleets with more than 15 vehicles in their total fleet, private fleets with more than 25 fleet vehicles in their total fleet, and mass transit fleets.

The Inspection and Maintenance (I/M) Program, the Texas Motorist's Choice vehicle emissions inspection program, serves the residents of Harris, Dallas, Tarrant, and El Paso Counties. The program covers approximately four million, 2-24 years old gasoline-powered vehicles registered in these counties.

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

Timelines associated with work in the AQP&A division are driven by deadlines established by the Environmental Protection Agency (EPA) under the Federal Clean Air Act. The division works in conjunction with the Strategic Environmental Analysis and Assessment Division to establish internal timelines to meet federal requirements.

> **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.**

Metropolitan Planning Organizations

Transportation planning staff work closely on transportation planning/air quality issues with Metropolitan Planning Organizations (MPOs) in nonattainment and near nonattainment areas. Staff works with MPO technical committees on transportation conformity issues and with MPO technical staff on transportation control measure analysis procedures. Transportation staff works routinely with the Houston-Galveston Area Council, North Central Texas Council of Governments, South East Texas Regional Planning Commission, El Paso MPO, Alamo Council of Governments, Austin Air Force, and North East Texas Council of Governments. The agency also meets quarterly with MPOs, TxDOT, Federal Highway Administration, and EPA through the Technical Working Group. The Technical Working Group is part of the agency consultative procedures' requirements.

Technical Oversight Committees and Local Councils of Government

The North Texas Clean Air Coalition, Houston-Galveston Area Council, and the Southeast Texas Regional Planning Commission sponsor Technical Oversight Committees (TOC). These committees provide assistance and feedback during the lengthy photochemical grid modeling process. The TOC's have supplied supplemental meteorological and emissions inventory data that would not be available to staff. These provide a forum for discussing modeling issues such as episode selection, industry growth rates, and the results of modeling.

To support the aims of the Clean Cities Program, the Agency has signed MOUs (along with other state and local agencies) with the cities of Austin, Dallas/Fort Worth, Houston, Corpus Christi, and El Paso, and with Baylor University for the first nationally designated Clean Airport at Texas State Technical College. The Clean Cities Program is a United States Department of Energy sponsored voluntary public/private initiative to expand the awareness and use of alternative fuels to improve air quality, increase energy security and promote economic opportunities.

The near nonattainment areas (geographic areas that have a potential for not meeting the federal ozone standard in the future) have received funding for the past two bienniums to perform air quality planning and assessments. The funding has been used to develop emissions inventory and for targeted outreach efforts to businesses to encourage voluntary reductions of emissions.

> **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).**

Air Quality Planning and Assessment's funding sources are through the air grant which is state appropriated fee funds. Federal grant funds are 60% with a 40% state match. Additionally, Rider 17 appropriation added $1,105,000 for near-nonattainment and to use in air quality planning activities.

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

Current and future funding resources are adequate to achieve program mission, goals, objectives, and performance targets provided EPA requirements do not change. There is some uncertainty regarding future needs relative to changes in National Ambient Air Quality Standards and the associated planning, assessment, and analysis that would require.

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

Local governments and organizations provide technical support to SIP activities. These activities are provided via state contracts or pass through monies.

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.**

All technical activities to support the SIP are closely coordinated through Council of Governments and Technical Advisory Groups, composed of policy makers, stakeholders and interested entities in the nonattainment and near nonattainment areas. Frequent meetings and workshops are conducted to determine roles and responsibilities with the understanding that the state agency has overall responsibility for the validity and approval of the actual plans submitted to the EPA.

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:**

• **why the regulation is needed:**

Texas Clean Fleet (TCF) Program
The Federal Clean Air Act Amendments of 1990 required states to implement a clean-fuel vehicle program. States were required to implement the Federal Clean Fuel Fleet (FCFF) program, or to develop and implement a substitute program that would achieve long-term reductions in ozone-producing and toxic air emissions equal to those achieved under the FCFF program. The TCF program is a regulatory program developed as a substitute to the FCFF Program.

Vehicle Inspection and Maintenance Program
The Federal Clean Air Act Amendments of 1990 (FCAAA) required states to implement an I/M program in areas designated as nonattainment (Houston/Galveston, Dallas/Fort Worth, and El Paso nonattainment areas). Under the FCAAA, states were required to implement a vehicle emissions testing program that would help achieve long-term reductions in ozone-producing and toxic air emissions. Senate Bill 1856 (SB 1856) of the 75th Legislature directed the TNRCC, along with the Department of Public Safety (DPS), to design and implement the current vehicle emissions testing program, known as the Texas Motorist's Choice Program (TMCP).

- **the scope of, and procedures for, inspections or audits of regulated entities:**
  For information regarding this and the following three questions, please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for program specific information.

- **follow-up activities conducted when non-compliance is identified:**
  See above.

- **sanctions available to the agency to ensure compliance:**
  See above.

- **procedures for handling consumer/public complaints against regulated entities:**
  See above.

Texas Clean Fleet (TCF) Program
Affected fleets are required to maintain records regarding Low Emission Vehicle (LEV) purchases and to report this information biennially to the TNRCC. Fleets that are identified as noncompliant with the purchasing and reporting requirements are sent letters requesting clarification of the fleet's current status. Continual noncompliance may result in enforcement action as described in the Office of Compliance and Enforcement programs section of Chapter VI. No enforcement action has been initiated in this program to date. No consumer/public complaints have been received to date pertaining to this program.

Vehicle Inspection and Maintenance Program
The Texas Department of Public Safety is the responsible authority for implementation, including the compliance and enforcement aspects of this 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.**

Not applicable.

VI. *Guide to Agency Programs*–Continued

<table>
<tr><td colspan="2">A.   Please complete the following chart.</td></tr>
<tr><td colspan="2" align="center">TNRCC
Program Information   Fiscal Year 1999</td></tr>
<tr><td>Name of Program</td><td>Division of Border Affairs</td></tr>
<tr><td>Location/Division</td><td>Office of Environmental Policy, Analysis, & Assessment</td></tr>
<tr><td>Contact Name</td><td>Diana Borja, Division Director</td></tr>
<tr><td>Number of Budgeted FTEs as of June 1, 1999</td><td>5</td></tr>
<tr><td>Number of Actual FTEs as of June 1, 1999</td><td>4</td></tr>
</table>

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

The Division of Border Affairs is responsible for working with the border community to resolve environmental problems particular to the border region. The division serves as the agency's liaison with border residents and U.S. and Mexican federal, state, and local governments. Border Affairs coordinates binational US-Mexico programs such as the North American Free Trade Agreement.

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

The Division of Border Affairs was established in October 1993 as the Office of Border Affairs and Environmental Equity, in the Office of the Executive Director to coordinate the many issues related to the border region of Texas with Mexico and to work with the new NAFTA entities, including the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBank). In 1995 the Environmental Equity Section was moved to the Office of Public Assistance. In 1999 the Division was moved from the Executive Director's Office to the Office of Environmental Policy, Analysis and Assessment, to take advantage of the multi-media and planning aspects of Border Affairs. There are no statutory requirements for this program.

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?

In 1997 the Division assumed the role of coordinating the Border Air Grant, an annual EPA border grant to the TNRCC for air quality work in the Texas border region with Mexico.

The role of the Division has changed with changing work plans of the agency and other entities, such as the NAFTA environmental agencies. For example, review of environmental infrastructure projects for certification by the BECC board.

As long as there are environmental issues, both binational and Texas-only, there will be a need for a Division of Border Affairs.

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 program serves U.S. and Mexican federal, state and local agencies, as well as the public and non-governmental organizations.

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

The Division has one director and three staff, with one vacancy currently. There are no field 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.**

The Division of Border Affairs works with many stakeholders, including local units of government, but does not have any formal relationships with COGs or districts.

The Division has worked to develop State to State Strategic Environmental Plans with the four neighboring Mexican states, at the request of the governor's office. Plans with three states have been signed and are currently being implemented.

The Division has an interagency contract with the University of Texas for contract staff to work on binational State to State plans and environmental programs with Mexico.

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.

At the present time, funding is adequate. Travel dollars remain a critical component needed to allow the Division of Border Affairs to complete its tasks.

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

There are no other agency programs that provide identical or similar services or functions, although there are agency programs that provide a specific service to Mexican entities, such as a program in the Small Business and Environmental Assistance, with one FTE, devoted exclusively to pollution prevention programs in Mexico, as well as the Waste Planning program. The Governor's Office and Secretary of State maintain links with Mexican state and federal governments, as do the General Land Office and Parks and Wildlife Department. None of these programs have a specific environmental focus, however.

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.

Border Affairs coordinates with the pollution prevention program but performs completely different functions and does not duplicate efforts. The programs work together to ensure that customers do not receive competing phone calls. The program also coordinates with Small Business and Environmental Assistance and Waste Planning. The program also coordinates with Mexican state and federal environmental agencies and the U.S. Environmental Protection Agency through the Border XXI National Coordinators Group and individual working groups that coordinate a variety of environmental projects, and through a series of agreements with Mexican states bordering Texas. Border Affairs also maintains links with the Governor's Office and Secretary of State's Office, as well as regional councils of government and local health and environmental departments in border communities.

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

The Division of Border Affairs ensures that proper protocol with Mexico is maintained and coordinates closely with the Office of the Governor.

The Division also reviews all agency materials translated into Spanish to ensure correctness and consistency.

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:

Border Affairs is not 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.**

Border Affairs is not a regulatory program.

VI.   *Guide to Agency Programs*–Continued

A.	Please complete the following chart.

TNRCC
Program Information   Fiscal Year 1999

Name of Program	Policy, Planning, and Regulation Support Division
Location/Division	Office of Environmental Policy, Analysis, & Assessment
Contact Name	Bennie Engelke, Division Director
Number of Budgeted FTEs June 1, 1999	15
Number of Actual FTEs as of June 1, 1999	14

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

Administrative Support

The Administrative Support Division is centralized in the Office of Environmental Policy, Analysis and Assessment (OEPAA). The key services and functions performed by the Administrative Support section are:

- Administrative processing of rules for publication per Texas Register requirements,
- Word processing of all documents for the OEPAA (internal and external correspondence, rule proposals, adoptions, incorporations, agenda item requests and executive summaries, etc.),
- Legislative tracking,
- Coordination and distribution of material for Commissioner's Work Sessions,
- Maintenance of the budget for the Office,
- Management of travel, purchase vouchers, personnel actions, inventory, time keeping,
- Maintenance of the OEPAA web page, and processing all documents for the TRACS system,
- Coordination of the monthly Regulatory Forums which provide a public forum to discuss proposed rulemaking, agency initiatives, and federal activities that affect Texas environmental regulations, and,
- Updates and Maintains the Rules in Progress Tracking Log, Title 30 Texas Administrative Code, Memoranda of Understanding, State Implementation Plan Revisions and State Plans,

Texas Register Team

The Texas Register Team is primarily responsible for submitting agency rulemaking documents to the *Texas Register*, Secretary of State's Office. The key services and functions are: to process rules for publication per *Texas Register* requirements, oversee the rulemaking public hearing process, submit

open meeting notices to the *Texas Register*, and submit to the *Texas Register* such documents as requests for proposal, consultant proposal requests, agency agreed and default orders, and other documents as needed or required by statute. The Team ensures that statutory requirements which provide for public participation and comment through the rulemaking process, are met.

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

The Policy, Planning and Regulation Support section was created to provide the administrative and rule publication function of OEPAA and supports statutorily required functions such as rule development.

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 program provides ongoing support for rule development and has not changed significantly over the life of the program.

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

This program serves all of the citizens of the State of Texas by assisting in the processing of the rule makings. This program also serves OEPAA by providing all other administrative needs.

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

The program has a manager that reports directly to the Office Deputy Director.

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.**

Councils of Government are included in many of the rulemaking public hearing notifications, and are routinely included in the agency's correspondence.

> **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 sufficient.

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

Similar administrative support functions exist throughout the agency. However, there are no others that are specific to OEPAA.

> **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.

The Texas Register Team includes members that are knowledgeable of the requirements of Texas Government Code, Texas Health and Safety Code, and 40 Code of Federal Regulations, so that the rulemaking and public notification requirements of these state and federal statutes will be met. The team members provide guidance regarding the requirements stated in the *Texas Register Form and Style Manual* and regarding the *Texas Register's* rules, which are located in 30 Texas Administrative Code Chapter 91.

> **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:

This is not 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.

This is not a regulatory program.

A. **Please complete the following chart.**	
TNRCC **Program Information** **Fiscal Year 1999**	
Name of Program	Policy and Regulations Division
Location/Division	Office of Environmental Policy, Analysis, & Assessment
Contact Name	Herb Williams, Division Director
Number of Budgeted FTEs as of June 1, 1999	29
Number of Actual FTEs as of August 31, 1999	29

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

The Policy and Regulations Division has two main functions, policy development and regulatory development.

Regulatory Development

Regulatory Development performs the following key functions:

Development of Agency Rules
Activities for this function include development of rules and inter-agency memoranda of understanding (MOUs). This involves developing the specific contents of rules, formatting of the rules for publication in the *Texas Register*, conducting presentations at Commission agenda meetings for formal approvals to publish proposed rules and for formal adoptions, and responding to comments on proposed rules and MOUs. This program also leads the Rules and Policy Review Committee which reviews and approves all rulemaking concepts before they are placed on the agency's Rules Tracking Log and before the rulemaking process begins.

Quadrennial Rules Review
Pursuant to Legislative directive in the 1997 Legislative Appropriations Act, the TNRCC must review all of its rules every four years to see if they are still needed. This requirement was also codified into the Government Code by the 76th Legislature under Senate Bill 178.

Policy Development

The Policy Development program provides the following functions:

Legislative Tracking and Implementation
The agency uses formal project management principles to implement Legislative changes that affect TNRCC rules, guidelines, and operations to insure that Legislative directives are implemented by statutory deadlines and/or prior to next legislative session, if possible.

National Comments Log and Executive Review Process
This function provides for the coordination of executive review of all agency documents that present official statements of agency position regarding national policies and activities.

Commission Work Sessions
The Commissioners' Work Sessions are informal open meetings between a quorum of the commissioners and agency executive management and staff to discuss specific policy issues, potential rules, national issues, and other issues of interest to the agency and to provide guidance to staff regarding policy direction and priorities. These sessions are coordinated and documented by the Policy Development program.

Program Delegation
Policy Development staff develop major program authorization packages such as the EPA Resource Conservation and Recovery Act (RCRA) and Underground Injection Control (UIC) authorization packages; they developed the federal air program delegation packages related to the 40 CFR 63 maximum available control technology program, the 40 CFR 61 hazardous air pollutant standards program, the 40 CFR 60 New Source Performance Standards program, 40 CFR 51 state implementation plans for nonattainment areas, and 40 CFR 60 state plans to implement performance standards for existing designated sources.

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

Regulatory Development

The TNRCC was formed on September 1, 1993, and the rule development programs for the predecessor agencies which existed before that time were continued in the new agency.

State Statutes -   Texas Water Code Chapters §5.103 and §5.105 and Texas Health and Safety Code §§ 361.017, 361.024, and 382.017.

Texas Water Code §5.103 and §5.105 provide the commissioners with the authority to adopt any rules necessary to carry out its powers and duties under the provisions of the Texas Water Code or other laws of this state.

Texas Health and Safety Code, Solid Waste Disposal Act, §361.017 and §361.024, authorize the Commissioners to regulate industrial solid waste and municipal hazardous waste and to adopt rules consistent with the general intent and purposes of the Solid Waste Disposal Act, and the Clean Air Act, §382.017, authorizes the Commissioners to adopt rules.

Legislative Tracking and Implementation was first established after the 74th Legislature to ensure that all statutory obligations affecting the agency were satisfied in a timely manner.

Policy Development

Commissioners' Work Sessions were established to provide the commissioners an opportunity to meet together to discuss critical policy issues with staff in a less formal setting than afforded in agenda meetings which are primarily scheduled for official commission actions. Sessions are subject to the Open Meetings Act.

The National Comments Log and Executive Review Process were created in order to ensure that a unified, consistent approach was adopted in setting agency policy and position in regard to federal issues. The authority behind the program is contained in TNRCC Operating Policies and Procedures 4.6, and was adopted November 17, 1997.

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 rulemaking process and related services and functions have basically remained the same as originally intended and practiced. The separate rulemaking functions of each of the predecessor agencies have been centralized in the Office of Environmental Policy, Analysis and Assessment. The rulemaking function of the agency will always be necessary to respond to changing needs and requirements.

Legislative Implementation, Commissioners' Work Sessions, and the National Comments Log and Executive Review Process are ongoing activities that are expected to continue at the commissioners' discretion.

The requirements of Quadrennial Rules Review were codified into the Government Code in 1999 by Senate Bill 178, 76th Legislature, and an additional two years were provided to complete the initial reviews. The statute requires ongoing review of all rules every four years.

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

Rule and Policy Development serve the regulated community and the general public. Commissioners' Work Sessions serve the public by providing a forum for the public to observe and monitor policy and program issues brought before the Commission. At the Work Sessions, testimony is not typically allowed except by invitation of the Commissioners. The Work Sessions are primarily for coordination of internal management and the public is provided other avenues for participating in policy development and agency programs.

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

The Rule Development program is administered by the commission under the procedures of the Texas Administrative Procedures Act. Please see Attachment A - Rules Timeline. The Rules and Policy Review Committee (RPRC) reviews concept papers and then meet regularly to discuss them and make recommendations. The executive director reviews and approves or revises the recommendations. Decisions made by the RPRC are recorded on Action Forms which provide instructions to rulemaking teams and data that is entered into the agency's Rules in Progress tracking log.

The Quadrennial Rules Review program is administered by the Regulation Development Section. The plan filed with the Secretary of State and a flowchart are attached.

The Legislative Tracking and Implementation is initiated after pertinent legislation is identified. Internal teams are established to develop and implement project plans with specific tasks, timelines, and deliverables (including rules, guidelines, operational changes, etc.) Implementation plans are approved by agency management, and OEPAA prepares periodic progress reports. A completion report is required along with all project deliverables to document full implementation by established deadlines.

Public notice of Commissioners' Work Sessions occur in accordance with APA in the *Texas Register* one week prior to each Session. Summaries of each Session are posted on the TNRCC web-site for public review and access. Agency staff will make a brief presentation and participate in an in-depth discussion of an issue. Materials may be provided to facilitate the discussion. Once an issue is discussed, the commissioners may take a number of actions, such as providing direction or instructions to staff or requesting additional information. The Chief Clerk tapes all Commissioners' Work Sessions. Copies of these tapes may be obtained by contacting Doug Kitts of the Chief Clerk's Office (512) 239-3317. OEPAA prepares informal CWS highlights which are typically limited to internal distribution only and are not considered to be officially sanctioned minutes of the meetings.

Executive Review is required for any TNRCC program area that prepares comments regarding a proposed rule or other action by a federal agency or other organization. The program must refer the comments to OEPAA to coordinate the review by Executive Management. OPEAA makes entry into the National Comments Log and routes proposed comments through appropriate management for review. Revisions are coordinated with program area personnel prior to submission of comments.

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.**

Local units of government participate in the rulemaking process through the opportunity provided to comment on rule proposal packages through the Administrative Procedures Act. Councils of Governments and other units of local government are also typically involved in the development of rules and policies through direct coordination and public meetings regarding issues that impact their areas.

> **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).**

Not Applicable

> **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.**

Not Applicable

> **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.**

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 Policy and Regulatory Development programs are not considered regulatory programs.

> **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 Policy and Regulatory Development programs are not considered regulatory programs.

Figure 22

RULES TIMELINE
(Version 4/28/99)

- THESE DATES ARE A GUIDE AND CAN BE ADJUSTED AS NECESSARY -
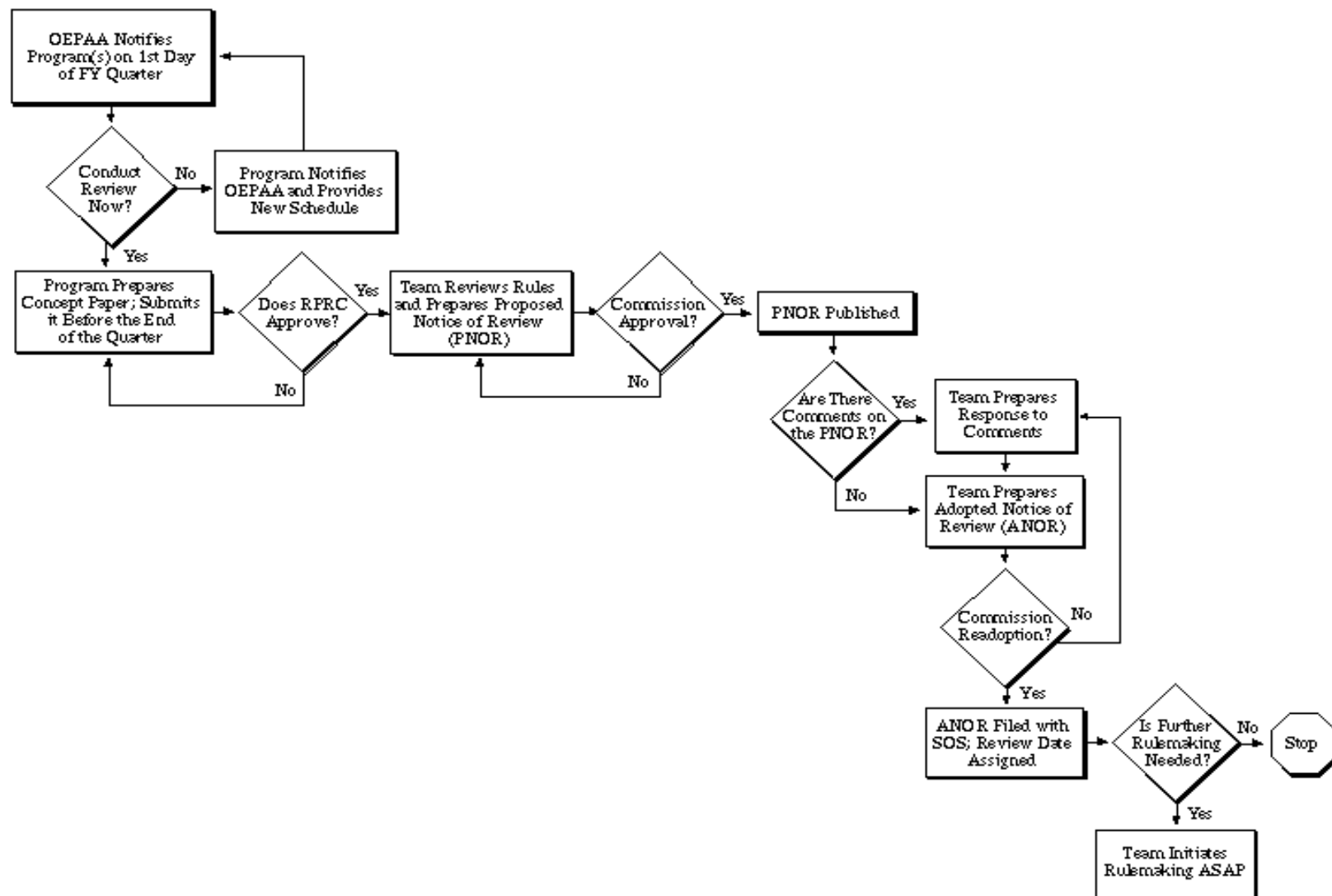TEXAS REGISTER REQUIRES ADOPTION TO BE FILED WITHIN 6 MONTHS OF PUBLISHING PROPOSAL

ACTION	WORKING DAYS	TARGET DATE(S)
Concept Paper Presentation at RPRC (Paper due 1 week before)		
Develop Rule Proposal and Fiscal Note		
Processing by OEPAA Texas Register Staff	5-10*	to
Processing by OEPAA Administrative Staff	5-10*	to
Sign-off by Financial Assurance (if applicable)	3*	to
Program Area Review and Signatures	5*	to
Sign-off by Legal Services	3*	to
Signed Package Due to OEPAA Deputy (on Mondays)	5	to
Package to Chief Clerk's Office (on Fridays)**	13	to
Approval by Commission (Wednesday Agendas - 2 per month)	0	
Hearing Notice to Newspapers (If required)	1-2 days after agenda	
Hearing Notice Published in Newspapers	5	
Proposal Filed with Texas Register (Monday after Agenda)	3	
Proposal Published in Texas Register (Fridays) (30-Day Comment Period Begins) [Adoption must be filed within 6 months]	9	
Public Hearing (If required, 30 calendar days after publication in newspapers)	0	
Close of 30-Day Comment Period	22	
Analysis of Testimony	10*	to
Processing by OEPAA Texas Register Staff	5-10*	to
Processing by OEPAA Administrative Staff	5-10*	to
Program Area Review and Signatures	5*	to
Sign-off by Legal Services	3*	to
Signed Package Due to OEPAA Deputy (on Mondays)	5	to
Package to Chief Clerk's Office (on Fridays)**	13	to
Adoption by Commission (Wednesday Agendas - 2 per month)	0	
Adoption Filed with Texas Register (Monday after Agenda)	3	
Effective Date (20 Calendar Days after Filing)	14	

* Depend on size and type of rule package
** 19-day backup (calendar days)

LARGE BOXED AREAS ARE FIXED TIME PERIODS

Figure 23
Quadrennial Rules Review Process

OEPAA Notifies Program(s) on 1st Day of FY Quarter

Conduct Review Now? — No → Program Notifies OEPAA and Provides New Schedule

Yes

Program Prepares Concept Paper; Submits it Before the End of the Quarter

Does RPRC Approve? — Yes → Team Reviews Rules and Prepares Proposed Notice of Review (PNOR)

No

Commission Approval? — Yes → PNOR Published

No

Are There Comments on the PNOR? — Yes → Team Prepares Response to Comments

No

Team Prepares Adopted Notice of Review (ANOR)

Commission Readoption? — No

Yes

ANOR Filed with SOS; Review Date Assigned

Is Further Rulemaking Needed? — No → Stop

Yes

Team Initiates Rulemaking ASAP

VI. *Guide to Agency Programs*–Continued

A.	Please complete the following chart.
TNRCC **Program Information — Fiscal Year 1999**	
Name of Program	Strategic Environmental Analysis & Assessment Division
Location/Division	Office of Environmental Policy, Analysis, & Assessment
Contact Name	Julia Rathgeber, Division Director
Number of Budgeted FTEs as of June 1, 1999	48
Number of Actual FTEs as of June 1, 1999	46

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

The Strategic Environmental Analysis and Assessment Division houses five programs that primarily deal with the environmental assessment and planning for air, water and waste management. Key functions of these programs are as follows:

Strategic Environmental Analysis (SEA) Group

The Strategic Environmental Analysis group provides comprehensive, multi-media environmental assessment informa commission and agency to further inform the development of both long-term and short-term planning functions. Majo activities include the analysis of environmental indicators, regional planning areas, performance metrics, trends, and c

Waste Planning Program

The Waste Planning program comprises Industrial and Hazardous Waste (IHW) planning and Municipal Solid Waste (MSW) planning. Together they provide an analysis of solid waste generation and management activity in Texas and administer solid waste management programs for local governments. The IHW planning program documents their analysis in four publications concerning waste needs assessments, trends analysis and the solid waste strategic plan.

The MSW planning program coordinates with local governments and councils of government (COGs) to plan and administer solid waste management activities, including the distribution of state grants ($11 million per year), manages the mandated inventory of closed municipal solid waste landfills and administers the Border Solid Waste Planning Program, to assist local border communities in addressing their solid waste issues.

State Implementation Program (SIP)

A state implementation plan (SIP) is a plan required and approved by EPA which details how a state will comply with the federally mandated national ambient air quality standards (NAAQS). In areas which do not meet the NAAQS, a plan is negotiated to take steps to bring the area into attainment within a certain timeframe. This program coordinates the plan with local officials and air quality programs and develops rules to implement the state plan.

Total Maximum Daily Load (TMDL) Program

A TMDL is the maximum amount of pollution a water body can receive and still meet water quality standards. The Clean Water Act requires that Total Maximum Daily Loads (TMDLs) be established for water bodies in the state which do not meet or which are not expected to meet the water quality standards set for them.

The TMDL program is responsible for developing plans to preserve or restore water quality in specified water bodies. Activities required to perform this function include coordinating the preparation of a prioritized list of impaired water bodies in the state (the state 303(d) List) and the development of Total Maximum Daily Loads (TMDLs) for each of these water bodies.

Toxic Release Inventory (TRI) Program

The Toxics Release Inventory (TRI) was established under the federal right-to-know law of 1986 and is a reporting requirement for 27 industries that manufacture, process, or use toxic chemicals. Companies must report on their releases, discharges, waste generation, and disposal of roughly 650 chemicals on the TRI list. TRI data has had many uses nationally, including: 1) as an indicator of pollution prevention progress; 2) as a tool for ranking states or facilities in terms of toxic releases; and 3) as a mechanism by citizens to learn more about toxics in their communities.

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

Waste Planning

Waste planning was created in 1989 for the purpose of assessing waste needs in Texas, to administer a statutorily-created solid waste planning grant program, and to provide technical assistance to regional and local government solid waste management programs. Statutory Requirements are as follows:

> **Hazardous Waste Needs Assessment**: §361.0232, TX Health & Safety Code
> **Industrial Non-Hazardous Waste Needs Assessment:** §361.0233, TX Health Safety & Code;
> **Comprehensive Solid Waste Strategic Plan**: §361.020, TX Health & Safety Code.
> **Regional Solid Waste Grants Program:** §361.014, TX Health & Safety Code
> • **Regional and Local Solid Waste Planning:** §363.062, TX Health & Safety Code
> • **Closed MSW Landfill Inventory Program:** §363.064(a)(10) and (b)-(e), TX Health & Safety Code

- **Annual Reporting Program for Permitted MSW Facilities:** 30 TAC §330.603 of the MSW Regulations
- **State Solid Waste Strategic Plan:** §361.020, TX Health & Safety Code

State Implementation Program (SIP)

The program was created to meet federal mandates for attainment and maintenance of the National Ambient Air Quality Standards as a part of the Federal Clean Air Act of 1968 and subsequent amendments. Requirements for this program come from the Federal Clean Air Act Amendments of 1990, Title 1, Part D, Subpart 2 §182.

Strategic Environmental Analysis (SEA) Group

The Strategic Environmental Analysis Group was created in October,1998 through recommendations of the Business Study. The purpose was to create a multimedia group to aid the agency in making strategic planning decisions. No st requirements exist for the creation of this group.

Total Maximum Daily Load (TMDL) Program

The Texas TMDL program is mandated as part of the 1972 Clean Water Act. The purpose of the federal requirement is to restore surface water quality in waters in the state that do not meet their beneficial uses as established by Texas surface water quality standards. Federal regulations are outlined in Section 303(d) of the Clean Water Act and 40 CFR 130.7 and 40 CFR 122.4.

Toxic Release Inventory (TRI) Program

The TRI program was created in 1986 by the Emergency Planning and Community Right-to-Know Act (EPCRA) as Title III of the Superfund Amendment and Reauthorization Act (SARA). Section 313 of Title III requires certain companies that manufacture, process, or use toxic chemicals above certain thresholds to report annually. The Texas Toxic Chemical Release Reporting Act, Texas Health and Safety Code, Chapter 370 was passed in 1989.

> **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?

Waste Planning Program

In 1995, the legislature directed that half of the solid waste disposal fee revenues be allocated to the state's planning regions, through contracts with the 24 COGs, for regional planning and funding to further support implementation of local projects consistent with regional plans. Waste planning will continue to be needed as long as waste continues to be generated.

State Implementation Program (SIP)

Services and functions for the State Implementation Program function have not changed from their original intent. There likely will not be a time when these services will not be needed. Even if all areas in Texas

reach attainment with the NAAQS, federal requirements mandate continued maintenance plans to ensure air quality does not deteriorate.

Strategic Environmental Analysis (SEA) Group

The SEA Group has an ongoing mission to analyze trends and assist with planning for future needs and activities of the agency.

Total Maximum Daily Load (TMDL) Program

The services and functions of the TMDL program have changed dramatically over the last two years. The complexity of water quality assessment and analysis has increased significantly now that the cumulative impacts of nonpoint source pollution and point source pollution must be determined. In addition more public participation is now sought.

The TMDL program is a core water quality program. Program objectives will be achieved in stages over the next 15-20 years. The program is expected to continue for the next 20 years.

Toxic Release Inventory (TRI) Program

The functions of this program have not changed from the original intent. The program will continue to be needed as long as federal and state law require it.

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

Waste Planning Program

The IHW planning program serves the regulated community, interested stakeholders and the public. In addition, it assists the agency in prioritizing permit applications for commercial hazardous waste management facilities.

MSW planning serves:

- 24 Regional Councils of Governments,
- All local governments in the state dealing with MSW management issues (254 counties and numerous cities and districts),
- Private MSW service providers,
- Solid waste management consultants,
- General public and various interest groups and organizations involved in solid waste management issues.

No specific eligibility requirements exist.

State Implementation Program (SIP)

This program serves the majority of the population of Texas, especially those areas of Texas such as Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso that are in violation of the NAAQS, Tyler/Longview/Marshall, Austin/San Marcos, San Antonio, Corpus Christi, and Victoria are considered near non-attainment areas and the agency's SIP development team is working closely with these areas to avoid exceedances of national standards. No specific eligibility requirements exist.

Strategic Environmental Analysis (SEA) Group

The SEA Group serves the commission and its executive management team as well as other factions of the agency and the public in general. No specific eligibility requirements exist.

Total Maximum Daily Load (TMDL) Program

The TMDL program serves all persons and entities that have a stake in water quality conditions in the state.

Toxic Release Inventory (TRI) Program

This program serves the general public, industry, environmental, and governmental organizations. In 1998, over 1200 facilities in Texas reported to the program. This number is expected to increase by 500 due to the addition of the seven new industry groups. There are no restrictions on who can receive services.

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

Waste Planning Program

For MSW Planning, program administration is as follows:

> **Regional Solid Waste Grants Program:** Grants are awarded to the 24 COGs on a biennial (two-year) basis, beginning September 1 of each biennium. A state funding plan is developed and approved by the commissioners, which serves as the basis for the regional funding plans and grant contracts with the COGs. Once the grant contracts are executed, the planning program monitors grant program and fiscal activities, provides oversight and approvals for COG local project grant awards, and otherwise administers the grant contracts.
> **Regional and Local Solid Waste Planning:** The grant contracts require each COG to update their regional plans during each two-year grant cycle. The Waste Planning staff develop the guidelines for those updates, review the drafts, and approve the final updates.
> **Closed MSW Landfill Inventory Program:** To date, the primary work on this program has been through a contract with Southwest Texas State University (SWTSU). SWTSU has worked jointly with the COGs to review available records at the state and local level, as well as survey local officials, to identify the location of closed MSW landfills. The available information has been entered into a database formatted for access by a geographic information system.

Annual Reporting Program for Permitted MSW Facilities: Annual reporting forms are distributed to the permitted MSW facilities after the end of the state fiscal year. The reports are received starting in January of the next calendar year, and continue to be received through the Spring. Staff conducts a quality control assessment of the reports and prepares statewide summary reports on the data, providing trend analysis and other information which supports the state solid waste strategic plan.

State Solid Waste Strategic Plan: The planning process takes over a year to complete, including analyses of data from the annual reports, regional plans, and other sources. Staff work with the COGs, MSW Advisory Council, TNRCC program areas, and other entities to develop lists of problems and needs and options for dealing with the issues. A public review and comment process is conducted which includes public hearings in various regions of the state. Based on public comment, a final draft is prepared and published in the Texas Register. The plan must then go before the Commission for adoption.

Border Solid Waste Planning Program: Guidance manuals are being developed to assist local leaders with a variety of MSW planning and implementation activities. These and other program planning and development tools will be used by planning staff and other agency programs to assist local communities in addressing their solid waste management needs.

State Implementation Program (SIP)

The program is administered through the central office of TNRCC. Monitoring is used to gauge an area's compliance with the NAAQS. After a number of violations are measured or the level of the exceedence is high enough, the federal government designates an area as nonattainment. Nonattainment areas require plans (SIPs) to detail how the state will achieve compliance with the NAAQS. Generally, the SIP has 4 major elements: modeling, emissions inventory, control measures, and regulations. The SIP team coordinates this effort with various internal agency groups, as well as executive management, the local governments, and the EPA. The SIP team takes the lead on analyzing the needed control measures and regulation development to implement those measures.

Strategic Environmental Analysis (SEA) Group

The SEA Group is an organizational unit within OEPAA. When the group was initially formed by the commission, staff was selected to represent a cross-section of media expertise, significant agency experience, and demonstrated skills and abilities to conduct assessments and strategic environmental planning. The SEA Group works with the office planning liaisons appointed by the agency's deputy directors.

Total Maximum Daily Load (TMDL) Program

The statewide TMDL Program is administered by the TMDL team from TNRCC headquarters.

- The 303(d) list is prepared by the Water Quality Division and the TMDL team with extensive stakeholder involvement,
- TMDLs can be developed by the TMDL team, by external contractors funded by TNRCC, or by third party organizations using private funds. If the state fails to develop TMDLs, EPA is required to promulgate TMDLs. Regional staff are involved in certain instances to support special water quality assessment projects necessary to support TMDL development.

Toxic Release Inventory (TRI) Program

Two FTEs are allocated to administer the program.

> **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.**

Waste Planning Program

The MSW planning program works with the COGs on the grants program and the planning activities. The program administers grant contracts with the COGs, which direct the activities conducted by the COGs for planning and local project development. The program also deals with counties, cities and districts through the COGs as part of the grant program, and aids in the development and implementation of local solid waste management plans.

State Implementation Program (SIP)

The Program works very closely with all the major Metropolitan Planning Organizations (MPO's) and COGs and includes several contracts, Memoranda of Understanding (MOUs), and contacts for emissions inventory and photochemical modeling. In addition, the agency has several interagency agreements with the Texas Department of Transportation and the Department of Public Safety.

Total Maximum Daily Load (TMDL) Program

The TMDL Program depends greatly on the participation of local, regional, state, federal governments. Their participation in the 303(d) listing process and the development of TMDLs for their respective watersheds is necessary to promote and implement local solutions to reduce water pollution. There are also a wide array of nongovernmental organizations the TNRCC collaborates with to implement the TMDL program.

The TNRCC is currently working with the Texas Parks & Wildlife Department, Texas Department of Public Health, Texas Department of Agriculture, and Texas A&M University to establish Memoranda of Agreement (MOAs) which summarize our commitment to coordinate to develop TMDLs. MOAs have already been signed with the Texas Soil and Water Conservation Board and the Texas Water Development Board.

> **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).**

Not Applicable

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

Waste Planning Program   Hazardous Waste Disposal Trends Analysis

Current staffing resources allow for review and evaluation of hazardous waste disposal data biennially, but are not sufficient for annual review.

State Implementation Program (SIP)

Increasing federal requirements will likely require additional resources.

Strategic Environmental Analysis (SEA) Group

Funding is sufficient.

Total Maximum Daily Load (TMDL) Program

Additional state funds have been appropriated to support the TMDL program and additional federal grant funds have been allocated by EPA to the agency. While these funds appear sufficient to support the development of TMDLs, stakeholders may over time expect a greater level of scientific and economic analysis for pollutant reduction strategies which current funding levels may not be able to accommodate. Two needs of the program which are not adequately funded for the future are the statewide water quality monitoring network to collect water quality samples, and funding at the local and regional level to pay for the implementation costs associated with reducing water pollution in those water bodies that are too polluted to maintain their beneficial uses.

Toxic Release Inventory (TRI) Program

Current funding supports 2 FTEs, with a temporary (to process forms) for 3 months. As EPA continues to expand the program, additional funding may be needed.

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

Waste Planning Program

The EPA currently publishes a National Biennial Resource Conservation and Recovery Act (RCRA) Hazardous Waste Report that provides information on the quantity of hazardous waste generated in all states, including Texas. Although this information is also provided in the Trends Analysis report, the Trends Analysis report provides a more detailed analysis of waste management activities, including an analysis of the primary industries generating hazardous waste, changes in waste management activity from the previous biennial year and an explanation of those changes, and an analysis of import and export activity. EPA's biennial report does not include an analysis of the hazardous waste generation data for individual states, but rather provides total quantity information only.

The Waste Evaluation Section of the TNRCC's Registration & Evaluation Division administers the industrial and hazardous waste reporting program, which provides much of the data and information used for the needs assessments. Much of the work on the assessment program is to verify the reported data, including working with reporting entities to correct data errors and problems.

The TNRCC's Office of Small Business and Environmental Assistance recently was assigned staff from the previous Office of Pollution Prevention and Recycling. The recycling staff in this office have conducted surveys and other assessments to determine the recycling activities in the state and the recycling rate. The development of a recycling rate, in particular, is one of the components that go into the state MSW planning process. To date, coordination the waste planning program has worked well with the recycling program to share information. However, the planning program has not been directly involved in the efforts to obtain recycling information and to develop a recycling rate estimate.

The Small Business and Environmental Assistance Office also administers the local government assistance program, which includes assisting local governments with recycling programs and with addressing their solid waste management outreach needs. These activities support both the waste planning programs and the border solid waste planning program.

The Border Affairs Division of OEPAA conducts a variety of programs dealing with the TNRCC's activities along the Border with Mexico. The Border Solid Waste Planning program has worked closely with the TNRCC's border program to assist with their efforts. This relationship has worked well.

State Implementation Program (SIP)

There are no other internal programs which provide similar functions. Local and regional governments assist in the development of certain SIP plans.

Strategic Environmental Analysis (SEA) Group

Activities and functions of the SEA Group are in conjunction with activities of the Strategic Planning and Appropriations program, housed within the Office of Administrative Services and reporting directly to the Chief Financial Officer. Strategic Planning and Appropriations is responsible for submitting the agency's strategic plan and monitoring and reporting quarterly to the Legislative Budget Board on our performance measures. Its emphasis is on ensuring the agency's fiscal responsibility and accountability.

The Strategic Environmental Analysis Group was created to help foster a focus on environmental goals and outcomes in our strategic plan and works with the Chief Financial Officer to enhance the current strategic planning process.

Total Maximum Daily Load (TMDL) Program

There are no programs internal or external to the agency which performs the same function as the TMDL program.

The TMDL program and numerous other agency program areas perform functions integral to the state's overall water quality management program. The Texas Clean Rivers Program, Surface Water Quality Monitoring, and Source Water Protection and Assessment are involved with collecting water quality and

watershed data which may be useful in the development of TMDLs. The Permits Division, On-Site Sewage Facilities, Pollution Prevention, Nonpoint Source grant programs are involved with implementing water quality management actions which support the attainment of TMDLs in impaired water bodies. Regular coordination between these programs is conducted to ensure the most efficient use of agency resources.

State, regional, and local programs external to the agency perform functions which complement the TMDL program. Data collected by the Texas Department of Health and the Parks and Wildlife Department are utilized to assess water quality conditions and to evaluate the effectiveness of management programs. Water quality management programs of the Texas State Soil and Water Conservation Board, Texas Department of Agriculture, and the Railroad Commission of Texas support the attainment of TMDLs. Coordination meetings are held periodically to enhance the efficiencies of these program activities.

Toxic Release Inventory (TRI) Program

The EPA and environmental agencies of other states, who serve customers within their respective states.

> **Similarities** - Both the EPA and the TNRCC TRI program provide technical assistance to reporters and provide TRI data to the public through the media as well as individual requests. The TNRCC has more expertise with Texas industry, and therefore can provide greater state-relevant technical assistance.
>
> **Differences** - The Texas state program develops Texas trends and performs in-depth analyses on the Texas data, while EPA's focus is at the national level. In fulfilling data requests, the state program develops customized reports while EPA runs standard reports. The state program provides training and technical assistance specific to Texas industry

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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.**

Waste Planning Program

Data provided by TNRCC to EPA to prepare the National Biennial RCRA Hazardous Waste Report is the same data source used to prepare the Trends Analysis Report. Since the focus of the reports are different (as described above), this is the only coordination effort required.

The program coordinates with the waste evaluation staff on data needs and issues.

Municipal Solid Waste Planning Program

The recycling staff are included in the process for developing the state solid waste plan.

As noted above, the border solid waste planning program has worked closely with the Border Affairs staff on a variety of levels. Now that both functions are within the same office, that coordination will be even more closely maintained.

Strategic Environmental Analysis (SEA) Group

The manager of Strategic Planning & Appropriations serves as an Office Planning Liaison to the SEA Group. The liaison position helps ensure the necessary coordination.

Total Maximum Daily Load (TMDL) Program

Duplication and conflict with other programs is avoided by utilizing existing functions and public forums to meet the objectives of multiple programs. For example:

- The TMDL program utilizes the Surface Water Protection Committee and the Clean Rivers Program basin steering committees as the forums to obtain public participation when preparing the 303(d) list and initiating TMDLs,
- Monitoring plans to support TMDLs are coordinated with the Water Quality Division programs and the Clean Rivers Program,
- Regular meetings with representatives of ten state agencies are conducted to improve coordination on TMDL projects,
- Coordination with entities external to the agency is aided by program guidance,
- MOAs have been developed with other key state agencies to clarify opportunities for improved coordination.

Toxic Release Inventory (TRI) Program

The EPA enters the TRI information into a national database. Intensive quality assurance/quality control (QA/QC) is performed on the data. To avoid duplication, the TRI program does not do any data entry from the forms received. Rather the data is downloaded from EPA after it is checked for quality control. The TRI program assists EPA in the quality assurance checks for Texas reporters.