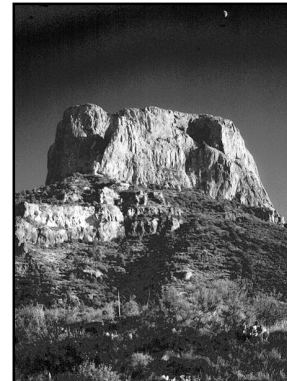




TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Protecting Our Resources



**A Report to the
Texas Sunset Advisory Commission**

**SFR-67
August 1999**

Protecting Our Resources

A Report to the Texas Sunset Advisory Commission

Prepared by

Texas Natural Resource Conservation Commission

SFR-67
August 1999



Robert J. Huston, *Chairman*
R. B. Ralph Marquez, *Commissioner*
John M. Baker, *Commissioner*

Jeffrey A. Saitas, *Executive Director*

Authorization for use or reproduction of any original material contained in this publication that is, not obtained from other sources is freely granted. The commission would appreciate acknowledgment.

Copies of this publication are available for public use through the Texas State Library, other state depository libraries, and the TNRCC Library, in compliance with state depository law. For more information on TNRCC publications call 512/239-0028 or visit our Web site at:

<http://www.tnrcc.state.tx.us/publications>

Published and distributed
by the
Texas Natural Resource Conservation Commission
PO Box 13087
Austin TX 78711-3087

The TNRCC is an equal opportunity/affirmative action employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation or veteran status. In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the TNRCC at (512)239-0028, Fax 239-4488, or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-3087.

TABLE OF CONTENTS

	Page
Chapter I. Key Functions, Powers, and Duties	1
Chapter II. History and Major Events	23
Chapter III. Policymaking Structure	35
Chapter IV. Funding	49
Chapter V. Organization	69
Chapter VI. Guide to Agency Programs	75
Commissioners' Office	79
Alternative Dispute Resolution	83
Chief Clerk	87
Internal Audit	91
General Counsel	95
Public Interest Counsel	99
Public Assistance	103
Executive Director's Office	107
Agency Communications	111
Chief Engineer	115
Intergovernmental Relations	119
Small Business and Environmental Assistance	123
Office of Permitting (OP)	127
New Source Review Permits	127
Operating Permits	133
Waste Management Permits	137
Waste Registration and Evaluation	147
Remediation	155
Water Quality	171
Water Quantity	183
Water Utilities	193
Office of Compliance and Enforcement (OCE)	211
Office of Legal Services (OLS)	239
General Law	239
Environmental Law	243
Litigation	247

Table of Contents--continued

	Page
Office of Environmental Policy, Analysis, and Assessment (OEPAA)	251
Air Quality Planning and Assessment	251
Border Affairs	257
Policy, Planning and Regulation Support	261
Policy and Regulations	265
Strategic Environmental Analysis and Assessment	273
Office of Administrative Services (OAS)	285
Budget and Planning	285
Chief Financial Officer	289
Financial Administration	293
Human Resources and Staff Development	297
Information Resources	301
Support Services	305
Chapter VII. Agency Performance Evaluation	309
Chapter VIII. Legislative Session Chart	349
Chapter IX. Policy Issues	373
Chapter X. Additional Information Concerning the TNRCC	383
Attachments	397

Tables

Table 1. Major Federal Laws	5
Table 2. Outstanding Court Cases	8
Table 3. Statutory Citations	14
Table 4. Attorney General Opinions	19
Table 5. Agency Contacts	21
Table 6. Past Court Cases	27
Table 7. Policymaking Body	35
Table 8. Subcommittees and Advisory Committees	38
Table 9. Sources of Revenue	50
Table 10. Federal Funds--Fiscal Year 1998	50
Table 11. Federal Funds--Fiscal Year 1999 (as of February 28, 1999)	53
Table 12. Expenditures by Strategy--Fiscal Year 1998	55
Table 13. Expenditures by Strategy--Fiscal Year 1999 (as of February 28, 1999)	56

Table of Contents--continued

	Page
Table 14. Expenditures and FTEs by Strategy--Fiscal Year 1998	57
Table 15. Fee Revenue and Statutory Fee Levels-- Fiscal Years 1998 & Fiscal Year 1999 (thru February 28, 1999)	60
Table 16. Purchases from HUBs	65
Table 17. Purchases from HUBs	66
Table 18. FTEs by Location--Fiscal Year 1998	69
Table 19. FTEs by Location--Fiscal Year 1999	70
Table 20. Equal Employment Opportunity Statistics	71
Table 21. Complaints Against the Agency (Small Business Assistance Program)	321
Table 22. Complaints Against the Agency-- (Field Operations Customer Service Survey)	321
Table 23. Complaints Against the Agency-- (Agency-wide Customer Service Survey)	322
Table 24. TNRCC Contacts	323

Figures

Figure 1. Evolution of the Texas Natural Resource Conservation Commission	26
Figure 2. Texas Natural Resource Conservation Commission Organization	77
Figure 3. Corrective Action Remediation Process	164
Figure 4. Petroleum Storage Tank (PST) Remediation Process	165
Figure 5. Natural Resource Trustee Program (NRTP) Process	166
Figure 6. Superfund Cleanup Process	167
Figure 7. Voluntary Cleanup Program Work Flow Process	168
Figure 8. Innocent Owner/Operator Program Work Flow Process	169
Figure 9. Brownfields Site Assessment (BSA) Work Flow Process	170
Figure 10. Proposed Five-Path Permitting Process	201
Figure 11. Detail of TNRCC Permitting Path 1	202
Figure 12. Detail of TNRCC Permitting Path 2	203
Figure 13. Detail of TNRCC Permitting Path 3	204
Figure 14. Voluntary Preapplication Planning	205
Figure 15. Administrative Review Subprocess	206
Figure 16. Technical Review Subprocess	207
Figure 17. Combined Administrative/Technical Review Subprocess	208
Figure 18. External Review Subprocess	209
Figure 19. Recommendation Review Subprocess	210
Figure 20. Enforcement Process	235
Figure 21. Major Events and Timelines in the Enforcement Process	236
Figure 22. Rules Timeline	270
Figure 23. Quadrennial Rules Review Process	271