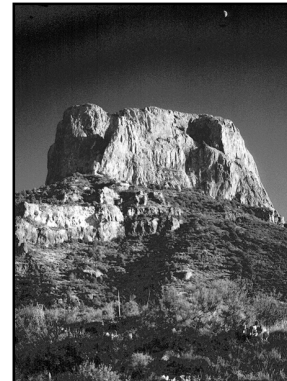




TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Protecting Our Resources



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

August 1999

Protecting Our Resources

A Report to the Texas Sunset Advisory Commission

Prepared by

Texas Natural Resource Conservation Commission

August 1999



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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

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Self-Evaluation Report

Chapter I. Key Functions, Powers, and Duties

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The Texas Natural Resource Conservation Commission (TNRCC) was established on September 1, 1993 by the consolidation of the Texas Air Control Board and Texas Water Commission, pursuant to Senate Bill 2 enacted by the 72nd Texas Legislature, First Called Session, in 1991. The legislation created a comprehensive natural resource protection agency with authority to make rules and execute most major state and federal environmental and water rights laws. One year prior to consolidation, several key environmental programs were merged with the Texas Water Commission from the Texas Department of Health (water hygiene, municipal solid waste and disposal of low-level radioactive waste): the Texas Water Well Drillers Board, and Board of Irrigators (concerned with the certification of drillers and landscape irrigators).

Mission Statement

According to its Mission Statement, the commission:

“Strives to protect our state’s precious human and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and safe management of waste with an emphasis on pollution prevention. We are committed to providing efficient, prompt and courteous service to the people of Texas, ever mindful that our decisions must be based on common sense, good science, and fiscal responsibility.”

Authority

Many of the TNRCC’s air, water, and waste regulatory and compliance activities are administered pursuant to state and federal law. The TNRCC’s water rights activities are established under state law. Citations for programs or portions of programs are given in Section G of this section, Chapter VI, “Guide to Agency Programs” of this report and in the appendices accompanying this report.

Powers and Duties

The TNRCC has broad responsibilities for the protection of the state’s natural resources. The agency’s statutorily authorized duties include the following:

- ! Issuance of permits and other authorizations for the control of air pollution, management of hazardous and non-hazardous waste generation, and for the safe operation of water and wastewater utilities.
- ! Inspection of facilities for compliance with environmental laws and regulations, and enforcement to correct noncompliance.

- ! Response to complaints and environmental concerns.
- ! Remediation of hazardous and non-hazardous waste contamination, and of leaking underground storage tanks.
- ! Granting and reviewing surface water rights.
- ! Determination of the ability of water and wastewater utility projects to provide adequate and affordable services to customers and set retail water and sewer rates.
- ! Assurance of adequate waste disposal capacity in Texas.
- ! Occupational certification of certain environmental professionals.
- ! Cooperation with federal, state and local agencies in implementing and enforcing state and federal environmental laws.
- ! Provision of training and technical assistance to the regulated community to promote high rates of compliance and voluntary efforts to reduce, reuse and recycle waste.

Non-statutory Duties

The TNRCC also fulfills a number of duties that are not specifically called for in statutes, but which are necessary to further the agency's performance of its statutory duties. These include planning, monitoring, assessment and certain administrative functions. The TNRCC also provides extensive technical assistance to local governments and compliance assistance to regulated facilities.

Functions

The TNRCC is a complex institution, and performs a large number of functions on a continuing basis in pursuit of its duties under state and federal law. The following represent the agency's chief functions, as outlined by the Information Strategic Plan project discussed in more detail in "Chapter X. Additional Information Concerning the TNRCC", and in the appendices to this report.

Program Operations Functions

- Compliance Inspections and Monitoring – The monitoring of the compliance of regulated entities through such activities as the review of reports and the conduct of site visits and inspections.
- Release Identification and Reporting – The identification and reporting of activities, processes, emissions, and environmental impacts associated with the regulated community.
- Violation and Enforcement Management – The identification, verification and tracking of violations of regulations, and initiating enforcement actions in response to violations.
- Corrective Action/Remediation Oversight and Reimbursement Administration – Overseeing cleanups made by responsible parties, local authorities and contractors, and ensuring that grants and funds authorized for cleanup reimbursements are disbursed appropriately.

- Emergency Response – Responding to environmental emergencies to coordinate evacuation, public health protection and spill cleanup.
- Permitting and Licensing Management – The issuance, administration, renewal and modification of permits, water rights, licenses, or certifications for entities and/or individuals whose activities have some potential or actual environmental impact that must be formally authorized by the agency.
- Public Assistance Management – Responding to requests for information by external parties and conducting outreach with regard to agency obligations. Responding to complaints lodged by affected or interested parties including addressing the cause of the complaint and notifying the complainant of action taken.
- Air Emissions Trading Administration – Tracking and verifying the trading of emissions credits to ensure that trading is done in compliance with the program charter.
- Evaluation of Public Health Effects – Assessing the impact on public health of toxic substance releases, transfers and disposal.
- Ambient Monitoring and Sampling; Laboratory Analysis – Monitoring the current condition of a geographic area or natural resource through sampling or surveys.
- Technical Data Gathering, Management and Analysis – Providing for scientific support for the design and implementation of specific strategies to address environmental improvements.
- Technical Assistance and Pollution Prevention – Agency activities or oversight of activities focused on helping a regulated facility achieve compliance and voluntary pollution reduction.
- Legal Support – Analyzing and interpreting statutes and regulations and representing the TNRCC in formal and informal settings.
- Bankruptcy Administration – Pursuing debtors who have filed for bankruptcy protection in U.S. bankruptcy courts in order to recover claims owed to the TNRCC.

Program Administration Functions

- Strategic Planning – Developing agency goals and objectives, and planning the allocation of staff and financial resources.
- Development of Regulations, Policies and Procedures – Creating rules and policies to guide agency activities.
- Program Management – Planning, reporting and tracking program activities.
- Budget Development – Preparation, modification and reporting of the agency budget.

- Grants and Contracts Administration – Administration of grants and contracts awarded to the agency or awarded by the agency to other entities.

Agency Administration Functions

- Fund Administration and Accounting/Disbursements/Payroll – Management of funds which are limited to specific uses and processing payroll.
- Revenue Estimating – Forecasting and monitoring agency revenues and funding.
- Purchasing and Asset Management – Administration of the purchase, use, location and status of all agency assets.
- Personnel Management Recruitment and Training – Providing and supporting a skilled work force for the agency.
- Information Resource Management – Defining, designing and maintaining agency information systems (automated or manual).
- Records Management – Managing physical document files; examples include maps, microfiche, manual files, etc.

B. Does the agency’s enabling law correctly reflect the agency’s mission, key functions, powers, and duties?

The enabling statute found in Chapter 5 of Texas Water Code largely supports the agency’s mission, key functions, powers and duties. In “Chapter IX. Policy Issues” of this report, however, the agency has identified additional options for further streamlining and consolidation of agency operations.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

The functions performed by the TNRCC are designed to protect the state’s air, water and land resources; and public health.

The TNRCC has been authorized the responsibility for executing most major federal environmental programs in Texas, as indicated in Table 1, below. A state is eligible for federal program authorization if it successfully enacts and executes environmental laws and regulations that are at least as strict as their federal counterparts, ensuring the protection of the state’s natural resources.

Table 1 MAJOR FEDERAL LAWS FOR WHICH ALL OR PARTIAL RESPONSIBILITY IS AUTHORIZED TO TNRCC
Federal Resource Conservation & Recovery Act (the major federal solid waste law)
Federal Clean Air Act
Federal Clean Water Act
Federal Safe Drinking Water Act
Federal Insecticide, Fungicide & Rodenticide Act (as it pertains to water quality)
Atomic Energy Act of 1954 (the major federal law concerning low level radioactive waste disposal)
Comprehensive Environmental Response, Compensation & Liability Act (the major Superfund law)

In 1997, the TNRCC and the U.S. Environmental Protection Agency (EPA) adopted a Performance Partnership Agreement. Texas was one of the first state environmental agencies in the nation to enter into such an agreement with EPA, which provides opportunities to adjust planning and funding priorities between major delegated federal programs according to the unique needs of the state.

D. In general, how do other states carry out similar functions?

In general, most other states maintain environmental agencies with similar powers and responsibilities. Organizations vary from state to state, although the creation of the TNRCC followed a national trend toward the consolidation of state environmental agencies during the 1980s and 1990s. The environmental agencies of some states are charged solely with environmental regulation, as opposed to Texas, where the TNRCC also has some natural resource management, utility regulation, public education and other functions. In other states, portions of the environmental responsibilities are delegated to regional or local governments.

Some agencies in other states have additional responsibilities that in Texas are administered by agencies such as the Texas Parks and Wildlife Department, Texas Water Development Board, General Land Office of Texas, Texas Department of Agriculture, Texas Department of Health and local land use planning agencies.

E. Describe any major agency functions that are outsourced.

Nearly half of the TNRCC's FY1998 operating budget of approximately \$197 million was allocated to pass-through funds to grantees and public and private contractors who support many of the agency's key functions through outsourcing. Under TNRCC supervision, contractors are responsible for carrying out activities including remediation, monitoring and data assessment. Grantees, such as regional and local units

of government, receive funds for municipal solid waste management programs and projects, and for specific training and technical assistance projects. The following is a list of specific agency functions that are supported through outsourcing:

Regulatory

- Air quality planning activities in near nonattainment areas
- Air inspection and complaint response in certain local government jurisdictions

Remediation (when responsible party is unknown or unable to perform these activities)

- Superfund contaminated site remediation
- Leaking petroleum storage tank remediation

Other Regulatory

- Leaking petroleum storage tank emergency response (for hazardous materials spills)
- Petroleum storage tank and leaking petroleum storage tank site evaluations and activities (project management oversight)
- Public water system sampling
- Small business compliance audits

Non-Regulatory

- Review of TNRCC business process and organization (strategic assessment and management review of environmental and regulatory functions and processes carried out by the agency)
- Texas / Mexico border outreach (translation services for workshops, seminars, etc. in the border region)
- Analytical lab services (water sampling services for the Clean Rivers program)
- Some pollution prevention training activities (contractors coordinate promotional activities for the Smart Water program)
- Weather modification activities (grant administration for rain enhancement programs)
- Development of reservoir/river basin models (contractor performs assessments of the models for the Clean Rivers program)
- Some source water protection activities (contractor collects water samples at public water systems)
- Public water system technical assistance (contractor provides technical assistance to public water systems, on topics ranging from drought-related problems to the evaluation of financial, managerial and technical capabilities of a system)
- Development of public service announcements

Administrative

- Security guard services
- Grounds maintenance
- Janitorial services
- Some data entry services
- Moving services
- Modular furniture setup
- Agency mailouts / envelope stuffing
- Maintenance / repair of computer software
- Maintenance / repair of computer equipment

- Technical writing services
- Technical training
- Computer software training
- Writing skills workshop / training

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

Table 2
Outstanding Court Cases

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>ACCORD Agriculture, Inc. v. TNRCC, (No. 03-98-00340-CV)Third Court of Appeals: ACCORD challenged TNRCC's approval of several "permits-by-rule" to confined animal feeding operations (CAFOs) facilities under Subchapter K of Chapter 321 on the basis that the TNRCC: did not have authority to adopt the rules under Section 26.040 of the Water Code (See Historical Note under "1997 Legislation" for text of Section 26.040, titled 'Control of Certain Waste Discharges by Rule'); and did not comply with the rule when it approved the "permits-by-rule". The district court invalidated Subchapter K for failure to state a reasoned justification. The court did not rule on whether the TNRCC had the authority to adopt Subchapter K under Section 26.040 of the Texas Water Code or whether the TNRCC followed the rules when approving the "permits-by-rule." The TNRCC has since amended Subchapter K to regulate CAFOs.</p>	<p>On June 17, 1999 the Third Court of Appeals issued its opinion affirming in part, and reversing and remanding in part the district court judgment.</p>	<p>The court affirmed the trial court judgment that the CAFO rules do not substantially comply with the rulemaking requirements of the APA and that the CAFO rules are involved. It is anticipated that this decision will be appealed. The TNRCC recently adopted amendments to its rules regulating CAFOs, which should strongly minimize the impact of the ultimate decision in this case.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>American Trucking Associations v. EPA, Cause No. 97-1440, D.C. Circuit: A recent decision by the federal D.C. Court of Appeals remanding the 1997 revised PM and Ozone National Ambient Air Quality (NAAQS) standards to EPA for further consideration, and vacating one of the standards (PM₁₀) and requested additional briefing on possible vacating of the PM_{2.5} standard. The court subsequently ruled that the PM_{2.5} standard, like the 8-hour ozone standard, should remain in place, but not be enforced.</p>	<p>EPA has moved for rehearing and has appealed the decision. There is a strong possibility that this suit will end up being reheard by the entire DC Circuit panel (12 judges) and the US Supreme Court. Three DC Circuit judges retained jurisdiction over the case, and are expected to issue further clarifications and/or refinements of the decision.</p>	<p>The impacts of this decision on TNRCC operations are very speculative at this point. It is clear that some regulation will continue regarding all of the pollutants at issue (particulate matter and ozone) - the question will be at what levels and averaging times. The other significant outstanding issues include whether EPA can require designations of areas as in "nonattainment" of the standards and how much discretion EPA can have in rulemaking, in addition to and whether EPA can sanction states for failure to submit information.</p>
<p>Sierra Club, et al. v. EPA, (No. 99-60011) 5th Circuit Court of Appeals: Appellants filed an appeal of EPA's approval of the TPDES program. Texas has filed a motion to intervene in the case.</p>	<p>The appeal was stayed during the pendency of the legislative session.</p>	<p>The potential impact is EPA program approval withdrawal.</p>
<p>Harmon Industries, Inc. v. Carol Browner - 19 F. Supp. 2d 988 (W.D. Mo. 1998): This is a case out of a Missouri federal district court, which stated that EPA did not have authority to "overfile", that is bring a separate, additional action against Harmon, where the state had already brought an enforcement action against Harmon for the same violations.</p>	<p>The Court ruled that, because of the statute (RCRA) and the Memorandum of Agreement between EPA and Missouri, EPA's only recourse was to withdraw Missouri's authorization. This case has been appealed by EPA, and various entities, including the State of Texas, have filed amicus briefs in support of the Court's ruling.</p>	<p>The ruling, if affirmed, would significantly affect EPA's enforcement options, provided that the relevant statute and Memorandum of Agreement/Memorandum of Understanding was consistent with the situation which arose in Harmon. This would eliminate duplication of enforcement where the State of Texas had already pursued an enforcement action.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Texans United For a Safe Economy Education Fund, et al. v. TNRCC; Cause No. 98-11008, 126th Judicial District Travis County: This is a case of first impression arising out of an enforcement case in which the TNRCC obtained an Agreed Order assessing administrative penalties of \$1,055,425 in August 1998 against Crown Central Petroleum Corporation. The citizens group Texans United sued the TNRCC essentially appealing the Agreed Order claiming that its members are aggrieved by the agency's alleged failure to assess a penalty with an appropriate economic benefit component against Crown. Texans United was not a party to the Agreed Order and the agency does not recognize the group as a "person aggrieved."</p>	<p>The TNRCC has filed its response, and the parties are awaiting the assignment of a judge.</p>	<p>Any type of judicial recognition that Texans United is a "person aggrieved" by the Agreed Order would entitle Texans United and potentially other citizens and environmental groups entitlement to appeal enforcement orders of the Commission.</p>
<p>IT-Davy vs. Texas Natural Resource Conservation Commission, Cause No. 98-07589, 200th Judicial District Court, Travis County: IT-Davy has claimed approximately \$7.5 million in costs due to change orders under a remediation contract at the Sikes Federal Superfund Site in Harris County.</p>	<p>As IT-Davy did not have legislative permission to sue the TNRCC, the Attorney General's Office (AG), on behalf of the TNRCC, filed a Plea to the Jurisdiction. The judge ruled against the TNRCC on this jurisdictional claim and the AG has now appealed the matter to the Third Court of Appeals in Austin.</p>	<p>If IT-Davy wins, the case would provide additional case law on the subject of a state agency's sovereign immunity on a contract suit.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Joe Grissom v. TNRCC, Ca. No. 98-06046, 98th District Court, Travis Co.; 03-99-00117-CV: This is an appeal of the denial of hearing requests and issuance of an air permit to United Copper Industries in Denton. Permit number 37222, TNRCC Docket number 98-0295-AIR.</p>	<p>Judgment rendered by Travis County District Court remanded the decision of the commissioners to the agency. The effect of the judgment was stayed when the TNRCC and the applicant appealed to the Austin Court of Appeals. Briefs were filed June 4, 1999.</p>	<p>Impact on future operations should be minimal regardless of outcome. HB 801, which was passed by the 76th Legislature, repealed the standards most at issue in the case (“reasonableness” of a hearing request and “competent evidence”).</p>
<p>Mary Louise Ladd Holton v. Texas Natural Resource Conservation Commission, No. 97-06408 (261st Dist. Ct., Travis County, Tex.) (Holton): <i>Holton</i> reversed the TNRCC’s decision to deny a contested case hearing based on the lack of competent evidence and its reasonableness of the hearing request.</p>	<p>The District Judge has issued a brief opinion letter but has not yet signed a Final Judgment, focused on a single sub-element which inquires whether the hearing request is based solely on a concern outside of the jurisdiction of the commission.</p>	<p>The potential impact on TNRCC key functions is limited due to the enactment of HB 801 which significantly changes the environmental permitting process.</p>
<p>Tejas Testing Technologies I and II v. TNRCC, Civil No. AU:96-CA-70-JRN, U.S. Distr. Crt-Western District; 03-97-00497-C, Third Court of Appeals: This was a significant case where the TNRCC was sued based on the cancellation of the automotive inspection and maintenance (I&M) program. The Tejas companies were the TNRCC contractors for running this program.</p>	<p>Settlements have been reached with all parties except for the operating contractors (“OCs”), whose judgment TNRCC appealed successfully to the state Court of Appeals. They have asked the Texas Supreme Court to review (no answer yet on whether that appeal will be granted). There is a parallel federal action that is set for trial October 12. Payments on all settlements are current.</p>	<p>None to future operations, only potential monetary damages on outstanding OCs’ claim.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>City of Austin vs. Horse Thief Hollow Ranch, Ltd. et al.; Cause No. 98-00248: Judge Paul Davis, Judge, 200th District Court, Travis County, Texas granted City of Austin’s Motion for Summary Judgment and found that Texas Water Code §26.179, which authorizes the creation of water quality protection zones are unconstitutional as a matter of law.</p>	<p>The case is on appeal with the Texas Supreme Court, and was argued on December 9, 1998.</p>	<p>The TNRCC’s responsibilities under Texas Water Code §26.179 and 30 TAC Chapter 216 would cease. These include review and approval of water quality plans for water quality protection zones, collection monitoring results from the Zones, and enforcing water quality protection measures.</p>
<p>Martha Cotera v. State of Texas; Civil No. A-98-CV-346 JN, United States District Court for the Western District of Texas Austin Division: Cotera sought an injunction against the State for violating the Federal Voting Rights Act in enacting Texas Water Code § 26.179 authorizing the creation of water quality protection zones.</p>	<p>The Circuit Judge denied the Plaintiff’s request for a preliminary injunction, and stayed the proceedings pending the disposition of the appeal in the City of Austin, Texas v. Horse Thief Hollow Ranches, LTD. et al. Case No. 98-0685.</p>	<p>Although the TNRCC was not directly named in <i>Cotera</i>, the TNRCC has responsibility under Texas Water Code § 26.179 to approve water quality plans for water quality protection zones, which would allow the zones to be created or add land to the zones. The outcome of the <i>Horse Thief Hollow Ranch</i> appeal will determine whether the <i>Cotera</i> case will continue. One potential outcome is that the TNRCC could be enjoined from administering or implementing Texas Water Code § 26.179 until the preclearance is obtained under the Federal Voting Rights Act § 5.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>State of Michigan v. Environmental Protection Agency; No. 98-1497: State of Michigan sought a motion for a partial stay of the submission of revised State Implementation Plans until April 27, 2000.</p>	<p>The court stayed the application of EPA rules requiring states to adopt rules to reduce NO_x attainment areas in order to assist nonattainment areas in achieving the ozone NAAQS.</p> <p>The substance of the case has not yet been decided by the court.</p>	<p>Impact on the TNRCC may be minimal as Texas is not at this time an OTAG state. The could, however, impact Texas if the EPA reopens OTAG modeling in order to expand the region to Texas.</p>
<p>United States Bureau of Reclamation v. Elephant Butte Irrigation District CV 97-0803, MV/RLP U.S. District Court, District of New Mexico: The Bureau has sued the New Mexico District, the El Paso County Water Improvement Dist. No. 1, and the City of El Paso, claiming that the water in Elephant Butte Reservoir belongs to the Bureau. The State of Texas has moved to intervene.</p>	<p>Intervention has not been ruled on. The parties have been in mediation for over a year. Recently, a draft settlement operating agreement between Texas and New Mexico has been sent to the mediator.</p>	<p>If there is an agreement or a ruling concerning the Bureau's ownership of the water rights in Elephant Butte, this would impact the Texas adjudication in the Upper Rio Grande which is pending at the State Office of Administrative Hearings. If it limits the State of Texas' ownership or right to regulate water in the Bureau's reservoirs, this case could also have more far reaching results.</p>

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency.

Table 3
Statutory Citations

Statutory Citation	Chapter Title	Brief Description
Texas Water Code Chapter 5	Texas Natural Resource Conservation Commission	This chapter defines the organizational structure of the commission, its duties, responsibilities, authority and functions. The chapter also establishes the office of the executive director to manage the administrative affairs of the commission.
Texas Water Code Chapter 7	Enforcement	This chapter sets forth the duties and obligations of the commission and the executive director to institute legal proceedings to compel compliance with the relevant provisions of the Water Code and the Health and Safety Code, and rules, orders, permits, or other decisions of the commission. The chapter authorizes the imposition of administrative, civil and criminal penalties.
Texas Water Code Chapter 11	Water Rights	The State of Texas holds title to surface water in trust for the public welfare. This chapter ensures the public welfare is protected by establishing a permitting system for the use of surface water administered by the commission and by the previous adjudication of claims by state courts under the Water Rights Adjudication Act (Subchapter G).

Statutory Citation	Chapter Title	Brief Description
Texas Water Code Chapter 12	Provisions Generally Applicable to Water Rights, Dam Safety and Water Districts	This chapter directs the manner in which dams and water rights and uses applications will be processed, and defines the agency's general supervision over dams and water districts and authorities.
Texas Water Code Chapter 13	Water Rates and Services	This chapter establishes a comprehensive system of regulating water and sewer utilities to assure rates, operations and services that are just and reasonable to consumers and utilities are provided.
Texas Water Code Chapter 16.236	Construction of Levees	Requires the commission to review levee projects and adopt rules.
Texas Water Code Chapter 26	Water Quality Control	This chapter requires that the commission ensure that the quality of water in the state is maintained consistent with the public health and enjoyment, the protection of terrestrial and aquatic life, the operation of existing industries, and the economic development of the state and authorizes the commission to establish a permitting system to support this protection.
Texas Water Code Chapter 27	Injection Wells	This chapter is designed to maintain the quality of fresh water in the state and establishes a permitting system for injection well activity, unless the activity is subject to the jurisdiction of the Railroad Commission.

Statutory Citation	Chapter Title	Brief Description
Texas Water Code Chapter 34	Landscape Irrigators	Requires the commission to license landscape irrigators and adopt rules for landscape irrigators licensure program.
Texas Water Code Chapter 35	Groundwater Studies	Requires the commission to evaluate and designate priority groundwater management areas.
Texas Water Code Chapter 36	Groundwater Conservation Districts	This chapter authorizes the creation of groundwater conservation districts to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater and to control subsidence, consistent with the objectives of Section 59, Article XVI, Texas Constitution. The chapter recognizes groundwater conservation districts as the state's preferred method of groundwater management.
Texas Water Code Chapter 49	Provisions Applicable To All Districts	This chapter describes the rights, duties, and obligations of districts created by authority of either Section 52, Article III or Section 59, Article XVI of the Texas Constitution (unless exempted by other law). Generally, the provisions define the agency's role in approving district bonds, appointing directors, approving certain fees, dissolving districts and other district actions.

Statutory Citation	Chapter Title	Brief Description
Health and Safety Code Chapter 341, Subchapter C	Sanitary Standards of Drinking Water; Protection of Public Water Supplies and Bodies of Water	This chapter is established to preserve the public health, safety, and welfare by requiring the commission to ensure that public drinking water supply systems supply safe drinking water in adequate quantities, are financially stable and are technically sound. The chapter prescribes a review and approval process to be applied prior to the construction and operation of a new public water system and establishes administrative, civil and criminal penalties for noncompliance.
Health and Safety Code Chapter 361	Solid Waste Disposal Act	This chapter is established to safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste. A permitting system governing the storage, processing and disposal of hazardous waste is defined. The chapter authorizes the commission to control all aspects of the management of municipal solid waste and establishes a permitting system to administer this responsibility. The chapter includes provisions authorizing the investigation and remediation of sites contaminated by hazardous substances.

Statutory Citation	Chapter Title	Brief Description
Health and Safety Code Chapter 382	Texas Clean Air Act	This chapter is established to safeguard the state's air resources from pollution consistent with the protection of public health, general welfare, and physical property including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility. The chapter establishes a comprehensive permitting system applicable to a variety of facilities emitting pollutants from operations and an alternative fuels program applicable to certain vehicles.
Health and Safety Code Chapter 401	Radioactive Materials and Other Sources of Radiation	This chapter authorizes a program that will ensure the effective regulation of sources of radiation for protection of the occupational and public health and safety and the environment, and promote the orderly regulation (as between the state, among states, and between the federal government and the state) of sources of radiation to minimize regulatory duplication. The chapter establishes a licensing and registration system applicable to persons who manufacture, produce, transport, process or dispose of a source of radiation not exempted by law.
Health and Safety Code Chapter 402	Low-Level Radioactive Waste Disposal Authority	This chapter establishes the Texas Low-Level Radioactive Waste Disposal Authority with responsibility for assuring necessary disposal capability for specific categories of low-level radioactive waste.

Table 4
Attorney General Opinions

Attorney General Opinion No.	Impact of Agency
Opinion No. JC-0020	Re: Whether Texas Natural Resource Conservation Commission has authority under chapter 366 of the Texas Health and Safety Code to require certification of “site evaluators” (RQ-1090) (3/10/99)
Opinion No. JC-0017	Re: Whether section 361.0235 of the Health and Safety Code, banning the importation into Texas of hazardous waste generated in a foreign country, is constitutional (RQ-1165) (3/99)
Opinion No. DM-474	Re: Whether Water Code section 5.123, as enacted by Act of May 24, 1997, 75 th Leg., R.S., ch. 1203, § 1, violates the suspension of laws and separation of powers provisions of the Texas Constitution (RQ-975) (4/14/98)
Open Records Decision No. 652	Re: Whether Health and Safety Code section 382.041 supplants common law trade secret protection for certain information filed with the commission and related questions. (ORQ-2) (3/18/97)
Opinion No. DM-414	Re: Whether the state constitutionally may implement, as part of its vehicle emissions inspection and maintenance program, a federal requirement that state temporarily may suspend station or inspector licenses immediately upon finding a violation of the program or equipment failure (RQ-894) (9/23/96)
Opinion No. DM-343	Re: Authority of the Texas Natural Resources Conservation Commission to require a municipality to obtain permission to regulate on-site sewage facilities (RQ-588) (4/28/95)
Letter Opinion No. 90-20	Re: Whether a commissioners court may authorize the creation of a single- county underground water district under section 52.022 of the Water Code (4/26/90)
Opinion No. JM-1024	Re: Whether a commissioners court may authorize the creation of a single- county underground water district under section 52.022 of the Water Code (RQ-1606) (2/28/89) (Texas Water Commission is the only governmental body having jurisdiction of these districts.)
Attorney General’s Statement	Determination of Municipal Solid Waste Landfill (MSWLF) Permit Program Adequacy (Signed by Dan Morales, Attorney General, 7/29/93)
Attorney General’s Statement	Final Authorization for Used Oil (Signed by Dan Morales, Attorney General, 10/16/96)
Attorney General’s Statement	Final Authorization for RCRA Cluster I (Signed by Dan Morales, Attorney General, undated)
Attorney General’s Statement	Final Authorization for RCRA Cluster II and RCRA Cluster III (Signed by Dan Morales, Attorney General, 8/9/96)
Attorney General’s Statement	Final Authorization for RCRA Cluster IV (Signed by Dan Morales, Attorney General, 3/11/97)

Attorney General Opinion No.	Impact of Agency
Attorney General's Statement	Final Authorization for RCRA Cluster V (Signed by John Cornyn, Attorney General, 1/5/99)
Attorney General's Statement	Final Authorization for RCRA Cluster VI (Pending)
Attorney General's Statement	HSWA Cluster I (Signed by Jim Mattox, Attorney General, 12/4/89)
Revised Attorney General's Statement	HSWA Cluster I & Non-HSWA Cluster III (Signed by Jim Mattox, Attorney General, 4/11/90)
Attorney General's Statement	HSWA Cluster II (Signed by Dan Morales, Attorney General, 1/7/94)
Attorney General's Statement	Non-HSWA Cluster IV (No signature page)
Revised Attorney General's Statement	Non-HSWA Cluster IV (Signed by Jim Mattox, Attorney General - undated)
Attorney General's Statement	Non-HSWA Cluster V (Signed by Dan Morales, Attorney General, 3/8/93)
Attorney General's Statement	Non-HSWA Cluster VI (Unsigned; undated)
Statement of Legal Authority	Texas National Pollutant Discharge Elimination System Program (NPDES) (Signed by Dan Morales, 12/24/97)
Attorney General's Statement	Legal Authority for Federal Clean Air Act Title V Operating Permit Program (Signed by Dan Morales, Attorney General, 1993)
Revised Legal Opinion	Office of the Attorney General (Signed by Dan Morales, Attorney General, submitted to EPA on May 6, 1996)
Supplement to 1993 and 1996 Attorney General's Statements	Legal Authority for Texas' Federal Clean Air Act Title V Operating Permit Program (Signed by Dan Morales, Attorney General, 8/3/98)
Attorney General's Statement	Legal Authority for hazardous air pollutants for source categories for area sources (Pending)
Attorney General's Statement	Class I, III, IV and V Injection Wells (Signed by Mark White, Attorney General, 7/11/81)
Attorney General's Statement	Class I, III, IV and V Injection Wells (Unsigned; undated)
Attorney General's Statement	Class I, III, IV and V Injection Wells (Signed by Dan Morales, Attorney General, 1/23/97)
Attorney General's Statement	Class I, III, IV, and V Underground Injection Wells (Signed by Dan Morales, Attorney General, 6/30/98)
Attorney General's Certification	Underground Storage Tank Program - Program Authorization (Signed by Dan Morales, Attorney General, 1/11/94)

H. Please fill in the following chart

(Texas Natural Resource Conservation Commission) Table 5: Agency Contacts			
	Name	Address	Telephone Number Fax Number E-mail Address
Agency Head	Jeffrey A. Saitas, P.E., Executive Director	Texas Natural Resource Conservation Commission MC 109 P.O. Box 13087 Austin, TX 78711-3087	(512) 239-3900 FAX (512) 239-3939 jsaitas@tnrcc.state.tx.us
Agency s Sunset Liaison	Terri D. Seales Executive Assistant	Texas Natural Resource Conservation Commission MC 109 P.O. Box 13087 Austin TX 78711-3087	(512) 239-3900 FAX (512) 239-3939 tseales@tnrcc.state.tx.us

Chapter II. History and Major Events

The history of natural resource protection by the State of Texas is one of gradual evolution from protecting the right of access to natural resources (principally surface water) to a broader role in protecting public health and conserving natural resources for future generations of Texans. Natural resource programs were established in Texas at the turn of the Twentieth Century, motivated initially by concerns over the management of water resources and water rights. In parallel with developments in the rest of the nation, and at the federal level, state natural resource efforts broadened at mid-century to include the protection of air and water resources, and later to the regulation of hazardous and non-hazardous waste generation.

During the 1990s, the Texas Legislature moved to make natural resource protection more efficient by consolidating programs with the intention of creating more streamlined customer service and more synergy between programs. This trend culminated in the creation of the TNRCC in the Fall of 1993 as a comprehensive environmental protection agency.

The most recent trend is toward a more functional approach, in which programs dealing with air, water, land and waste are becoming more closely integrated at both a strategic and an operational level. Another recent trend has been to move beyond the use of permitting and enforcement to encourage additional voluntary steps to reduce waste and releases to the environment. This activity is being accomplished through training and technical assistance and through voluntary reduction and conservation programs such as the highly successful Clean Industries 2000 Program and Water Smart.

Provide a timeline discussion of the agency's history, briefly describing the key events in the development of the agency, including:

TEXAS TIMELINE

- 1913 The Legislature creates the State Board of Water Engineers to establish procedures for defining and administering the rights of surface water users.
- 1953 The Legislature creates the Texas Water Pollution Advisory Council, the first state body charged with dealing with pollution related issues.
- 1956 Texas' first air quality initiative is established in 1956, when the State Department of Health, Division of Occupational Health and Radiation Control, begins air sampling in the state.
- 1957 The Legislature creates the Texas Water Development Board to forecast state water supply needs and to provide funding for water supply and water conservation projects.
- 1961 The Legislature creates the Texas Water Pollution Board and eliminates the Water Pollution Advisory Council, creating the state's first true pollution control agency.
- 1962 Texas Board of Water Engineers is renamed the Texas Water Commission, with responsibility for surface water rights, water conservation and pollution control.

TEXAS TIMELINE (cont.)

- 1965 The Legislature reorganizes the Texas Water Commission as the Texas Water Rights Commission, and transfers non-water rights functions to the Texas Water Development Board.
- 1965 The Texas Clean Air Act establishes the Texas Air Control Board within the Texas Department of Health.
- 1967 The Legislature creates the Texas Water Quality Board, assuming all the functions of the Texas Water Pollution Board.
- 1969 The Legislature adopts the Texas Solid Waste Disposal Act.
- 1971 The Legislature creates a pre-construction permit review system.
- 1973 The Legislature removes the Texas Air Control Board (TACB) and air staff from the Health Department and establishes the TACB as a separate state agency.
- 1977 The Legislature creates the Texas Department of Water Resources by combining the Water Rights Commission, Water Quality Board and Water Development Board. A six-member board is set up as a policymaking body for the new agency.
- 1985 The Legislature dissolves the Texas Department of Water Resources, giving most regulatory and water rights duties to the re-created Texas Water Commission and most planning and finance responsibilities to the re-created Texas Department of Water Resources. At the same time, the Legislature moves the Water Rates and Utilities Services Program from the Public Utility Commission of Texas to the newly created Texas Water Commission.
- 1992 The Legislature transfers the Water Hygiene Division, Solid Waste Bureau and Radioactive Waste Disposal Bureau from the Texas Department of Health to the Texas Water Commission. The Commission also acquires the functions of the Texas Water Well Driller's Board and the State Board of Irrigators.
- 1992 The Texas Water Commission and Texas Air Control Board are consolidated by Senate Bill 2 to create the Texas Natural Resource Conservation Commission, a comprehensive environmental protection agency with responsibilities for air, water and land resource protection.
- 1997 The Legislature transfers water well drillers regulation from the TNRCC to the Texas Department of Licensing and Regulation.
- 1997 TNRCC concludes a Performance Partnership Agreement with U.S. Environmental Protection Agency, allowing limited flexibility in federally funded program organization and funding. Aim of agreement is to allocate resources most appropriately throughout Texas on a regional basis.
- 1997 Texas Legislature adopts Senate Bill 1, mandating water conservation planning for large water users and requiring development of drought contingency plans by public water suppliers.

TEXAS TIMELINE (cont.)

- 1997 Texas Legislature returns uranium mining, processing and by-product disposal oversight functions to Texas Department of Health.
- 1999 The Texas Legislature transfers the functions of the Texas-Low Level Radioactive Waste Disposal Authority to the TNRCC.

FEDERAL TIMELINE

- 1969 Presidential Order creates Federal Environmental Protection Agency (EPA).
- 1971 EPA adopts Federal Ambient Air Quality Standards.
- 1972 Congress adopts the Federal Clean Water Act.
- 1974 Congress adopts the Federal Safe Drinking Water Act.
- 1976
- 1979 Congress adopts the Resource Conservation and Recovery Act (RCRA), controlling the treatment, storage and disposal of hazardous and solid waste.
- 1977 Congress adopts the Federal Clean Air Act.
- 1980 Congress enacts the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), popularly known as the Superfund Law. Law authorizes cleanups of hazardous waste sites.
- 1984 Hazardous and Solid Waste Amendments (HSWA) pass, creating major amendments to RCRA.
- 1986 Congress adopts the Superfund Amendments and Reauthorization Act (SARA), re-authorizes CERCLA and creates the Toxic Release Inventory (TRI).
- 1986 Congress amends the Federal Safe Drinking Water Act.
- 1987 Federal Clean Water Act re-authorization is adopted.
- 1990 Federal Clean Air Act Amendments increase the responsibilities of the TACB.
- 1996 Federal Safe Drinking Water Act re-authorization is adopted.

Figure 1
**Evolution of the
 Texas Natural Resource Conservation Commission**

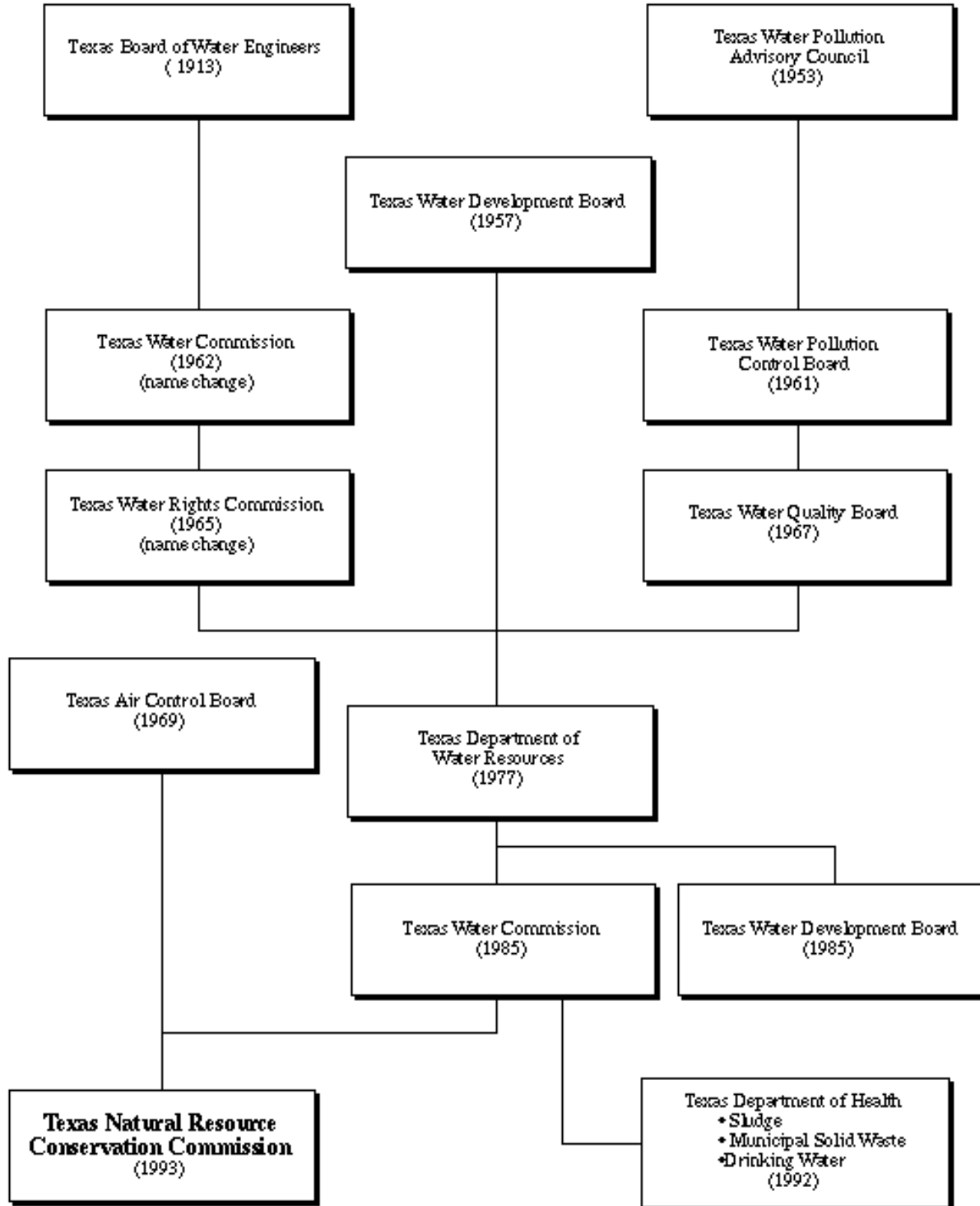


Table 6
Past Court Cases

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Heat Energy Advanced Tech., Inc. v. West Dallas Coalition for Environmental Justice 962 S.W.2d 288 (Tex. App. -- Austin 1998, writ denied): Suit for judicial review of a TNRCC order denying party status to a protestant group in the permit renewal application of Heat Energy Advanced Technology (HEAT). Issues also included what is the effective date of the order for the purpose of filing a petition for judicial review. District Court and Court of Appeals both found that the TNRCC abused its discretion in overturning the Administrative Law Judge’s finding that the protesting Coalition member was an affected person for the purposes of granting the Coalition associational standing. The courts also found that the effective date can be indicated by evidence of the Commission’s intent, manifested through its actions, as well as the applicable statutes and rules, and that it was reasonable for the Coalition to file its petition with the court before the TNRCC’s order was final</p>	<p>Supreme Court denied petitions for review.</p>	<p>This decision holds that potential protestants need not prove the merits of their case to gain standing, but rather that they will potentially suffer harm. The Court also stated that the determination of what is the effective date of a TNRCC order can vary based on evidence of the Commission’s intent and applicable law. The potential impact on TNRCC key functions is limited due to the enactment of HB 801 which significantly changes the environmental permitting process.</p>
<p>Citizens for Healthy Growth v. Texas Natural Resource Conservation Commission, No. 98-06046 (98th Dist. Court, Travis County, Tex.)(United Copper)</p> <p>United Copper is a District Court’s Opinion reversing the TNRCC’s denial of a contested case hearing, concerning competent evidence on the issues of “affected person” and “reasonableness.”</p>	<p>The District Judge has reversed the TNRCC’s denial of a contested case hearing and has remanded to the agency to allow for a contested case hearing.</p>	<p>The potential impact on TNRCC key functions is limited due to the enactment of HB 801 which significantly changes the environmental permitting process.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Ex Parte Milton Dick Elliott, 973 S.W.2d 737 (Tex. Crim. App. 1998): Court of Criminal Appeals case based on prosecution for TSWDA violations. Resulted in a June 1998 opinion that the TSWDA definition of hazardous waste, as wastes identified by EPA as hazardous, did not result in prospective statutory adoption of any changes to the EPA regulatory definition of hazardous waste. The court found instead that the legislature intended to incorporate by reference the federal regulatory definition of hazardous waste in existence on July 30, 1991, and did not incorporate federal regulatory changes adopted after that date.</p>	<p>The TNRCC, who was not a party to the case, filed a motion for discretionary review with the appellate court. The motion was not granted by the court and the case has not been reviewed by the Supreme Court. The status of the case is closed at this time.</p>	<p>The TNRCC regulatory and statutory definitions were considered to be prospective; as a result of this case, some suggestions are being made that the statutory definition has been determined not to be prospective.</p> <p>This opinion did not seem to take note of indicators of legislative intent relating to the statutory definition of hazardous waste. The Elliott rationale could also arguably apply to other statutory adoptions, to other TNRCC statutes, and to other agencies' statutes.</p>
<p>City of Stephenville v. Texas Parks & Wildlife Dept., 940 S.W.2d 667 (Tex. App. Austin 1996, writ denied): Landowners and Texas Parks & Wildlife Dept. brought action seeking judicial review of Texas Water Commission's decision to grant application for permit to construct dam and reservoir on river. Court of Appeals remanded cause to Texas Water Commission with instructions that applicant for permit refile their permit application for it to be considered. This followed a finding by the Court of actual impropriety in the permit process by the Texas Water Commission. Specifically, promise of favors to Texas Water Commissioner and decision on rehearing motions were made without public meeting. Court found that landowners and Parks & Wildlife Dept. were substantially harmed by the procedural improprieties.</p>	<p>All appeals finals with no further litigation anticipated.</p>	<p>Where there is evidence and findings made as to actual impropriety in the permit process, an applicant for permit may refile their permit application for it to be considered. The Court stated that such action by the Court in allowing the applicant to refile did not in any way improperly usurp agency authority.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>City of Austin v. Quick, 930 S.W.2d 678 (Tex. App. Austin 1996, writ granted): Owners of land whose value had allegedly been adversely affected by watershed pollution control ordinance brought action against city, seeking declaratory judgment that ordinance was void. District Court rendered judgment striking ordinance as void, and on appeal, Court of Appeals held: (1) ordinance was not void pending approval by the TNRCC; (2) ordinance did not usurp TNRCC's authority.</p>	<p>All appeals final with no further litigation anticipated.</p>	<p>A municipal water pollution and abatement program is not void pending approval by the TNRCC. Also, watershed pollution control ordinance in mandating that levels of contaminants not increase, did not impose numerical standards so as to violate Water Code section providing that the TNRCC has sole and exclusive authority to set water quality standards for all water in the state.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Texas Rivers Protection Ass n v. TNRCC, 910 S.W.2d 147 (Tex. App. Austin 1995, writ denied): Action challenging water diversion permit granted to river authority by the TNRCC. District Court upheld permit. On appeal, Court of Appeals held: (1) permit was not invalid on ground that it contemplated aquifer recharge; (2) permit was not invalid on ground that it listed water uses as “municipal and recharge”; (3) permit was not improper on ground that water injected into aquifer became ground water outside control of state due to rule of capture; (4) permit was not invalid for failure to require diligent construction of diversion and storage facilities or for allowing cancellation of rights to divert any water not subject to supply contract 17 years after issuance of permit; (5) permit was not invalid on ground that river authority derived its right to appropriate water from superior claimant , or on ground that superior claimant never modified its permit to reflect subordination.</p>	<p>Supreme Court denied petitions for review.</p>	<p>Provides guidance on standing in water rights cases. Also, provided law on aquifer storage and retrieval projects. The legislature has since added law to Chapter 11 Chapter 11, Water Code, clarifying requirements for these projects.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Hunter Industrial Facilities, Inc. v. TNRCC et al. (910 SW2d 96; Tex. App.-Austin 1995, writ denied): Applicant (HIFI) appealed TNRCC decision overruling Proposal for Decision and denying applications for hazardous waste permits, including injection wells. Court of Appeals upheld TNRCC decision as not arbitrary and capricious, and not in violation of Texas Solid Waste Disposal Act.</p>	<p>1996 - One appeal nonsuited and the other denied by Supreme Court.</p>	<p>The court articulated the authority of and limitations on the Commission, pursuant to Health & Safety Code section 361.0832, in overturning findings of fact and conclusions of law in SOAH Proposals for Decision on applications for industrial and hazardous waste permits. For future cases, this case provides the following: 1) The limitation on overturning an underlying finding of fact was intended by the legislature to significantly restrict the Commission’s discretion to reject an examiner’s underlying findings of fact, and can only exercise its discretion to reverse those findings that are not supported by the “great weight” of evidence in the record. 2) The Commission is permitted to overturn a conclusion of law if it is clearly erroneous in light of precedent or applicable rules, and the Commission may find a conclusion clearly erroneous strictly based on its rules if there is no precedent. 3) Ultimate findings of fact can be rejected not just on strictly policy grounds, but on both policy and factual grounds. 4) “Substantial or obvious public need” in section 361.114 is a sufficiently definite standard without development of guidelines as to what meets that standard.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Texas Water Commission and City of Arlington, Texas v. City of Fort Worth, 875 S.W.2d 332 (Tex. App. Austin 1994): The City of Arlington filed a petition for review of a wholesale contract rate for delivery and treatment of wastewater to the City of Fort Worth’s treatment facility. The Texas Water Commission concluded that it had jurisdiction over Arlington’s petition under Section 13.043(f) of the Texas Water Code and set a rate. Fort Worth appealed in District Court. The District Court found that the Commission had jurisdiction to hear Arlington’s appeal of its wastewater rate, but the Commission could not modify the contractual rate unless it first found that such a rate would adversely affect the public interest. The appellate court affirmed the District Court’s decision.</p>	<p>Court of Appeals decision rendered March 3, 1994. Rehearing overruled June 8, 1994.</p>	<p>The TNRCC amended its rules at 30 TAC Chapter 291, Subchapter I, to require a bifurcated appeals process whereby the Commission would first make a determination as to whether the wholesale contract violated the public interest, and if it did, then the Commission would set a rate. These rules were effective September 20, 1996.</p>
<p>F/R Cattle Co. v. TACB, 866 S.W.2d 200 (Tex. 1993): An appeal of enforcement action brought by the old TACB under the Texas Clean Air Act. The company sought to avoid all regulation under the TCAA by alleging they are a “natural process” under the Act’s definition of “air contaminant.”</p>	<p>All appeals final and decision rendered by the formation of the TNRCC in fall of 1993.</p>	<p>The language of this case (both the Supreme Court decision and the subsequent decision of the case by the Austin Court of Appeals on remand) continue to trouble the agency. It has been difficult for the agency to implement, since it makes the determination of what is a natural process a factual matter to be determined on a case by case basis. Further broadening of the reading of this case could result in severe restrictions on the agency's enforcement of the TCAA.</p>

<p>No. 98-0247 Bart Sipriano, Harold Fain, and Doris Fain V. Great Spring Waters of America, Inc. A/k/a Ozarka Natural Spring Water Co. A/k/a Ozarka Spring Water Co. A/k/a Ozarka; from Henderson County; 12th district (12-97-00044-CV, 973 SW2D 327, 01-29-98) Affirmed the rule of capture for groundwater adopted in 1904 in <i>Houston & Texas Central Railway Co. v. East</i>, noting that Senate Bill 1's recent provisions had not been tested and that groundwater regulation is a legislative function.</p>	<p>Supreme Court opinion issued May 6, 1999.</p>	<p>The impact of the opinion itself on the agency is only to affirm current statutory and regulatory practice, including the statutes and rules adopted under Senate Bill 1.</p>
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Chapter III. Policymaking Structure

A. Please complete the following chart:

Table 7 Texas Natural Resource Conservation Commission Policymaking Body				
Member Name	Term: 6 years Appointment Dates: see below Appointed by: Governor	Qualification: geographic diversity	Address	Telephone Number Fax Number E-mail Address
Robert J. Huston	Appointed 1/7/99 Expires 8/31/03	Austin	TNRCC MC100 P.O. Box 13087 Austin, TX 78711-3087	(512) 239-5505 FAX (512) 239-5533 rhuston@tnrcc. state.tx.us
R.B. "Ralph" Marquez	Appointed 5/1/95 Expires 8/31/99	Texas City	TNRCC MC100 P.O. Box 13087 Austin, TX 78711-3087	(512) 239-5505 FAX (512) 239-5533 rmarquez@tnrcc. state.tx.us
John M. Baker, Jr.	Appointed 9/8/95 Expires 8/31/01	Temple	TNRCC MC100 P.O. Box 13087 Austin, TX 78711-3087	(512) 239-5505 FAX (512) 239-5533 jbaker@tnrcc. state.tx.us

B. How is the chair of the policymaking body appointed?

The chairmanship of the three-member Texas Natural Resource Conservation Commission is designated by the Governor.

C. Describe the primary role and responsibilities of the policymaking body.

The Texas Natural Resource Conservation Commission has three full-time, salaried commissioners who are responsible for establishing the goals and policies of the agency, rulemaking, and deciding permit and enforcement matters.

D. List any special circumstances or unique features about the policymaking body or its responsibilities.

The only special requirement for commissioners under current state authorizing law is that they be from geographically diverse areas of Texas. The current commissioners are from Texas City, Temple and Austin. The commissioners are subject to confirmation by the Texas Senate.

Commissioners are subject to conflict of interest requirements under the terms of state law. Provisions relating to ethics also restrict who can serve as a commissioner. Chapter 5 of the Water Code also prevents a person from serving as commissioner if he or she is employed by or participates in the management of an entity regulated or financed by the commission, owns 10 percent of such an entity, or uses or receives substantial goods, services or funds from the commission. Chapter 5 also precludes service by a person whose spouse falls into any of these categories. The chapter also prohibits a person from serving if the person, his or her spouse or cohabitant is an officer, employee, paid consultant of or lobbyist for a commission-regulated entity or industry trade association.

Authorization of the National Pollutant Discharge Elimination System to the TNRCC by the U.S. Environmental Protection Agency also carries some additional requirements for commissioners under the authorization requirements. Chapter 5 of the Water Code references federal NPDES service limitations. These provisions disqualify a person from serving or continuing to serve if the person received significant income from NPDES permit holders or applicant during the two calendar years preceding appointment.

E. In general, how often does the policymaking body meet? How many times did it meet in FY 1998? in FY 1999?

The TNRCC commissioners meet in two types of public forums on a regular basis. The first of these forums is the “agenda meeting” in which the commissioners meet generally every other week in an open meeting to formally consider and act on matters within the regulatory jurisdiction of the commission, e.g. contested permit and enforcement matters and rule packages. There were 27 agenda meetings held in FY1998 and 20 held as of May in FY1999.

The second type of meeting forum is the commissioner’s work session. Work sessions are informal meetings of the agency leadership where staff can brief them on potential rules, national issues and items of interest to the agency. Management can also provide guidance to staff regarding policy direction and priorities. Like the agenda meetings, work sessions involve a quorum of commissioners and, therefore, are subject to the Texas Open Meetings Act. Unlike the agenda meetings, no public testimony is taken unless invited by the commissioners for a specific matter. The frequency of work sessions varies generally from every two weeks to once a month, depending on the commissioners’ workloads and schedules. There were 24 work sessions held in FY1998 and 12 held as of May in FY1999. The commissioners also met on five additional occasions in executive sessions in FY1999 to discuss employee selection.

F. What type of training do the agency’s policymaking body members receive?

The Governor’s office provides training for new appointees and the TNRCC provides orientation to new commissioners. The commissioners may also access specialized training on TNRCC’s policies and procedures, legal and regulatory responsibilities through the TNRCC’s own Training Academy and through the Governor’s Center for Management Development, as well as other state government training programs. The commissioners are also scheduling ethics training with the State Ethics Commission.

G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.

The commissioners’ roles and responsibilities are assigned by law. The commissioners hire the agency executive director and deputy executive director. The executive director’s role is defined by job description, as well as by law.

H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart.

The commission has general authority to create advisory committees under the Texas Water Code, Chapter 5, Subchapter D, Section 5.107. Advisory committees to the TNRCC are either created by a specific law, or by commission resolution. The commission also frequently uses ad hoc workgroups for specific policy issues. The commission has also promulgated rules located at Title 30 Texas Administrative Code Chapter 5 governing procedures applicable to advisory committees. The purpose of advisory committees is to provide the commission the benefit of the members’ collective business, environmental, and technical expertise with respect to matters within the commission’s jurisdiction. Their sole duty is to advise the commission, and they have no executive or administrative powers or duties with respect to operation of the commission. Advisory committee members are not salaried employees and are not reimbursed for expenses, unless the legislature or the commission expressly authorizes such reimbursement by resolution. A list of advisory committees is included in the following table.

<p style="text-align: center;">Table 8 The Texas Natural Resource Conservation Commission Subcommittees and Advisory Committees</p>			
Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
ADVISORY COMMITTEES TO THE COMMISSION			
Agriculture Advisory Committee	24 members are appointed by the commission. Representatives of the agricultural business and environmental communities comprise the committee.	The Committee was established to provide information about environmental protection issues that impact the agricultural industry and to advise the commission on agricultural rules and policies.	General commission authority to create advisory groups under the Texas Water Code, Section 5, 107 Subchapter D.
Clean Air Responsibility Enterprise Committee (No longer active.)	The CARE committee was created by commission resolution on Sept. 2, 1997. All 11 members were appointed by the commission.	The Committee was principally charged with providing recommendations to the commission regarding a voluntary emissions reduction plan for the permitting of existing significant sources of air contaminants. The committee made its final recommendations to the commission in January of 1998 and is no longer active.	General commission authority to create advisory groups under the Texas Water Code, Section 5, 107 Subchapter D.

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
ADVISORY COMMITTEES TO THE COMMISSION			
Galveston Bay Council	41 members, appointed by the commission, represent business and environmental communities, state and federal agencies, concerned citizens, and local and federal government.	The Council was established to provide an ongoing forum for technical and stakeholders review and involvement in implementation of the Galveston Bay Plan, an estuary conservation and management plan; to contribute to assessments of Plan effectiveness and participate in periodic redirection of the Plan initiatives; and advise the TNRCC during consistency reviews of eligible federal projects.	General commission authority to create advisory groups under the Texas Water Code, Section 5, 107 Subchapter D.
Irrigators Advisory Council	9 members appointed by the commission. 6 members must be licensed irrigators. 3 members must be representatives of the public. The members of the council serve six-year terms, with the terms of two members expiring February 1 of each odd-numbered year.	Duties include advising the TNRCC regarding landscape irrigation issues, including examination development and continuing education.	Enacted by the 72 nd legislature as codified in the Texas Water Code, Section 34.003.
Municipal Solid Waste Management & Resource Recovery Advisory Council	18 members representing city and county solid waste agencies, commercial solid waste operators, solid waste districts/authorities, environmental groups, city and county officials, tire processors, financial community and the general public. Members are appointed in accordance with the authorizing statute and the agency's rules regarding advisory committees (30 TAC Chapter 5).	Advise TNRCC regarding municipal solid waste issues.	Mandated by the 69th Legislative Session in 1983 in accordance with the Texas Health and Safety Code, Section 363.046

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
ADVISORY COMMITTEES TO THE COMMISSION			
Small Business Compliance Advisory Panel	7 members (2 members are appointed by the Governor, 2 members appointed by the Lt. Governor, 2 members appointed by the Speaker of the House, and one agency member appointed by the Chairman of the TNRCC.	Review and give advisory opinions on the effectiveness of the Texas Small Business Assistance Program; Make periodic progress reports to the U.S. EPA's Small Business Ombudsman concerning compliance of the Texas Small Business Assistance Program with other related federal regulations; and ensure that information affecting small businesses is written in plain language.	The 1990 Federal Clean Air Act Amendments (P.L. 101-549.) Texas Health & Safety Code Section 382.0365(c)
Used Oil Grant Program Advisory Committee	7 members appointed by the commission represent oil manufacturers, operators of used oil collection centers, and local governments.	Recommend criteria for awarding used oil grants; establish guidelines for allowable administrative expenses; and recommend grant recipients to the commission.	The Texas Health and Safety Code, Section 371.023.(c)
Waste Reduction Advisory Committee Subcommittees: - Clean Industries 2000 Subcommittee (16 members) - Clean Cities Subcommittee (7 members) - Clean Texas Star Subcommittee (17 members)	13 members (9 official, plus 4 <i>ex officio</i> members). Balanced representation of environmental and public interest groups and the regulated community. The four <i>ex officio</i> positions were established by the commission to provide additional participation from local government, state legislators and a small business.	Advise TNRCC about pollution prevention strategies and waste reduction programs including public awareness programs about hazardous waste; technical assistance provisions to local governments; and, other possible programs to more effectively implement the state's hierarchy of preferred waste management technologies as set forth in Section 361.023(a).	Texas Health & Safety Code, Chapter 361.0215.

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
ADVISORY COMMITTEES TO THE COMMISSION			
Water Utility Operator Certification Advisory Committee	13 members. By agency policy, members should hold operator certificates of competency and be knowledgeable about water or wastewater utility operations.	Represent the regulated community and advise the commission on implementation of wastewater and water utility certification programs.	General commission authority to create advisory groups under the Texas Water Code, Section 5, 107 Subchapter D
Weather Modification Advisory Committee	5 members are appointed by the commission. Members include an atmospheric scientist, an attorney, a businessman, a rancher/farmer, and an engineer.	This Committee was established to advise the commission on weather modification and environmental regulation.	Texas Water Code, Section 18.0015

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
ADVISORY COMMITTEES TO THE TNRCC AND OTHER STATE AGENCIES			
Texas Radiation Advisory Board	18 members appointed by the Governor representing each of the following: industry representative trained in nuclear physics, science, or nuclear engineering; labor; agriculture; insurance industry; an individual engaged in the use and application of nuclear physics in medicine and is certified by the American Board of Radiology or licensed by the Texas Board of Licensure for Professional Medical Physicists; hospital administrator; individual licensed by the Texas State Board of Medical Examiners who specializes in nuclear medicine; individual licensed by the Texas State Board of Medical Examiners who specializes in pathology; individual licensed by the Texas State Board of Medical Examiners who specializes in radiology; representatives from the nuclear utility industry, radioactive waste industry, uranium mining and petroleum industries; a health physicist certified by the American Board of Health Physics; an individual licensed by the State Board of Dental Examiners; and, three representatives of the public.	Advise the TNRCC, the Railroad commission of Texas, and other state agencies; on all radiation issues.	Texas Health & Safety Code, Section 401.015
Groundwater Protection Committee	9 members are designated by statute as codified in the Texas Water Code, Section 26.403.	The committee was established to bridge the gap between state groundwater programs and optimize groundwater quality protection by improving coordination among agencies for groundwater protection. activities.	Texas Water Code, Sections 26.401-26.407

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
ADVISORY COMMITTEES CREATED BY THE EXECUTIVE DIRECTOR			
The Rio Grande Watermaster Advisory Committee	There are 15 members (legislation requires a minimum of 9 and a maximum of 15), who are holders of water rights or representatives of holders of water rights in the water division of a watermaster.	Advise TNRCC Executive Director regarding water rights issues, including review and comment of annual budget of watermaster operations.	Texas Water Code Section 11.3261
The South Texas Watermaster Advisory Committee	There are 15 members (legislation requires a minimum of 9 and a maximum of 15), who are holders of water rights or representatives of holders of water rights in the water division of a watermaster.	Advise TNRCC Executive Director regarding water rights issues, including review and comment of annual budget of watermaster operations.	Texas Water Code Section 11.3261

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
AD HOC TNRCC ADVISORY COMMITTEES			
Clean Rivers Program Steering Committee	For each river authority steering committee members include water/wastewater permit holders paying fees, private citizens, the State Soil and Water Conservation Board, representatives from other appropriate state agencies, political subdivisions, and other persons with an interest in water quality matters of the watershed or river basin. Members are not appointed. Membership is open.	These committees were established to assist river authorities in the coordination and development of water quality assessments and reports. Provide input and comment to river authorities on water quality objectives and priorities within a river basin.	Texas Water Code, Section 26.0135

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
AD HOC TNRCC ADVISORY COMMITTEES			
Clean Rivers Stakeholders Workgroup	66 members representing environmental groups, industry, fee payers, cities, river authorities, and other interest groups. Open to anyone.	Provide input and comment to the TNRCC and to river authorities on the Clean Rivers Program and nonpoint source issues.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Drinking Water Advisory Work Group	46 members include representatives of the business and environmental communities, state and federal agencies, concerned citizens, and local government. Members are not appointed; this ad hoc group is a voluntary group and is open to the public, therefore anyone who wishes to join may attend the meetings.	The work group was established to address issues related to drinking water, with emphasis on compliance with state and federal regulations and improving customer service to the public.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Photochemical Modeling Technical Oversight Committee for Houston-Galveston and Beaumont-Port Arthur	32 members chosen based upon technical expertise in photochemical modeling details.	Provides review and oversight on TNRCC photochemical modeling efforts for Houston-Galveston and Beaumont-Port Arthur State Implementation Plans (SIPs). This group is primarily technical in nature and is concerned with details of the modeling process itself.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Small Business Advisory Committees	SBAC members include small business leaders, environmental professionals, and representatives of trade associations and government organizations. Committees currently operate in Beaumont/Port Arthur, Dallas, Fort Worth, Houston, and San Antonio.	The regional committees give small businesses a voice in the regulatory process and help promote environmental quality in tandem with economic growth. Information from these regional committees is passed on to members of the Compliance Advisory Panel to ensure that the needs of all Texas businesses are heard.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
AD HOC TNRCC ADVISORY COMMITTEES			
Statewide Rule Review Committee	Approximately 50 members, including members of the SBACs and other small business groups throughout the state	Review and comment on proposed rules that affect small businesses. Comments from this committee are often incorporated into the final rules.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Statewide Plain Language Committee	The 44 -person committee includes regional Small Business Advisory Committee members, small business owners, city officials, and trade association representatives.	Reviews fact sheets, rules, brochures, and other agency publications to make sure they are easy to read and understand.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Surface Water Quality Standards Rulemaking Work Group	Representatives of major industries; river authorities; municipalities and municipal organizations; environmental groups; and, other state agencies (e.g., TPWD). Total mailing list of 50 persons. Members are not appointed; they are requested to participate on a voluntary basis. 25 members regularly attend.	Assists TNRCC in developing revisions to water quality standards required on a triennial basis by the federal Clean Water Act.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Texas Environmental Excellence Award Blue-Ribbon Selection Committee	11 members representing state and local government, industry, public, academia, and environment groups. Membership is approved by the commission.	Provides oversight capacity for Texas Environmental Excellence Awards.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.

Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
AD HOC TNRCC ADVISORY COMMITTEES			
Texas Consolidated Uniform Report for the Environment (CURE) Stakeholders [This committee is no longer active having fulfilled its commitment.]	12 members representing computer and electronics sector, environmental and civic groups, and local government interests.	Associated with the U.S. EPA's Common Sense Initiative. Purpose is to develop a consolidated environmental reporting format for the computer and electronics sector.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Texas EnviroMentor Advisory Group	11 members serve voluntarily with staff support. Meet twice yearly. Comprised of business and industry expertise, environmental consultants and small business owners.	Provides a mentoring service to small businesses regarding the EnviroMentor Program.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Texas Recycles Day 1999 Executive Committee	16 members. New members may be appointed for the Texas Recycles Day 2000 Executive Committee. Members represent state and local government, industry, civic and environmental groups. Includes representation from the Legislature.	Serve as a statewide steering committee to the Texas Recycles Day program.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.
Water Quality Work Group	Initiated in May 1999, 51 persons are invited, though membership is open to anyone. Membership is diverse including industry, environmental and civic organizations.	The work group was established to provide input on water quality issues.	General commission authority to create advisory groups under the Texas Water Code, Section 5.107 Subchapter D.

I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?

Commission members obtain input from participants in contested case hearings under the Administrative Procedures Act (APA) and TNRCC rules. Participants also provide information for water rights and rulemaking actions of the commission. The APA has an ex parte communication prohibition, limiting communications with the commissioners on contested case matters. The Texas Open Meetings Act limits commissioners' communication with each other outside of agendas and work sessions. Communications between commissioners and between commissioners and staff are reviewed by the TNRCC General Counsel to ensure compliance with these rules. The commissioners at their discretion may receive comment at agenda. In addition, the commission is required to provide a request for comment on enforcement matters. Comments received are summarized and provided to the commissioners for agenda.

The commissioners also take input from the public in more informal venues, including a series of community forums and town hall meetings held across the state in 1998. Public comments from these meetings were incorporated into the agency's strategic plan. For the first time in 1998, the plan identified issues on a regional basis, including comments offered in regional forums.

In matters other than contested case matters, such as rulemaking, the commission solicits formal input, both orally and in writing, from interested citizens throughout the state. The commission considers these comments and frequently responds to the those comments either by amending rules or discussing the rational basis for rules.

Additionally, various agency personnel, up to and including the commissioners make themselves available for individual meetings with stakeholders and the public to discuss agency rules, general policy and practice.

TNRCC staff receive public comments in community meetings and hearings across Texas, and enter public comments into summaries of those events. Public comments are used in program planning by agency staff and commissioners.

Individual commissioners attend public meetings in communities across Texas as part of their regular duties, and gather public comments and take questions from the audience, in an effort to supplement other information received from more formal programmatic channels.

The commissioners also have access to transcripts and summaries of advisory group meetings, task forces, seminars and workshops that gather public comments.

Chapter IV. Funding

A. Describe the agency's process for determining budgetary needs and priorities.

As the primary environmental agency in the State of Texas, the process for determining the TNRCC's budgetary needs and priorities are based upon protecting human health and the environment. This process includes strategic planning, development of the Legislative Appropriations Request (LAR), the enactment of the General Appropriations Act, and implementing an operating budget.

Strategic Planning

The process of determining the TNRCC's budgetary needs begins with the development of the Strategic Plan. The *Instructions for Preparing and Submitting Agency Strategic Plans, Fiscal Years 1999-2003*, issued by the Governor's Office of Budget and Planning and the Legislative Budget Board, require state agencies to conduct an assessment of agency activities. This assessment is an evaluation of key factors which influence the success of an agency in achieving its mission, goals, objectives and strategies.

The TNRCC Strategic Plan for 1999-2003 consists of two volumes. Volume 1 contains a description of the agency's current and future resources for achieving its mission. Volume 2 analyzes the current environmental conditions of Texas, the progress the agency has made in protecting the environment and plans for future environmental improvement. (These documents are included in the appendices to this report).

As part of this strategic planning process, the TNRCC conducted a series of 12 town hall meetings across the state between February and April of 1998 to receive comment on environmental concerns, assessment of the agency's performance, and recommendations for future action and priorities. This information was used to shape both the strategic plan and the Legislative Appropriations Request.

Legislative Appropriations Request

The LAR is the financial expression of the agency's priorities and needs as identified in the strategic plan. The State Auditor's Office report, *An Audit Report - Management Controls at the Texas Natural Resource Conservation Commission, February 1995*, recommended that the commissioners provide policy guidance to the agency for the development of the LAR by reviewing and approving the agency's priority table. As a result of this recommendation, the commissioners have set agency priorities for the development of the LAR by ranking the importance of each strategy in descending order. To ensure that funds are appropriately allocated to each strategy, the commissioners also direct that workplans be prepared by each division to project program performance and address factors which may affect the division in achieving the agency's goals and priorities.

The General Appropriations Act

The General Appropriations Act provides funding to implement the agency's strategic plan by allocating appropriated funds to each strategy. The General Appropriations Act also identifies performance measures for each strategy and objective, as well as limitations on agency expenditures such as the number of FTEs, amount of travel, and the amounts and types of capital expenditure.

Operating Budget

The development of the agency’s operating budget allows the agency to incorporate the decisions made through the appropriations process in implementing the agency’s strategic plan.

PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.

B. Show the agency s sources of revenue. Please include all local, state, and federal sources.

Texas Natural Resource Conservation Commission		
Table 9: Sources of Revenue Fiscal Year 1998 (Actual)/Fiscal Year 1999 (1st 6 Mos.)		
Source	Amount	
	FY 1998	FY 1999 (1 st 6 mos.)
General Revenue	\$18,324,466	19,006,538
Fee Assessments	351,639,572	195,633,426
Federal Funds	48,034,838	14,464,933
Interest	2,153,517	2,793,324
Interagency Contracts	1,581,991	227,000
Appropriated Receipts	1,096,430	532,969
TOTAL	\$422,830,814	\$232,658,190

C. If you receive funds from multiple federal programs, show the types of federal funding sources.

Texas Natural Resource Conservation Commission				
Table 10: Federal Funds Fiscal Year 1998 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
EPA -Water Pollution Control - State and Interstate Program	60.39/39.61	847,388.63	555,805.00	1,403,193.63
EPA -Pollution Prevention Grant Programs -Water Pollution Control - Lake Restoration	50/50	895,372.00	895,372.00	1,790,744.00

EPA -Non Point Source Implementation Grants: Sec 319 -Performance Partnership Grants: Air/Sec 105 -Non Point Source: Sec 205(j)(5)	40/60	3,162,233.33	4,743,350.00	7,905,583.33
EPA -Performance Partnership Grants: Air/Sec. 105 FIFRA RCRA Safe Drinking Water/ Sec. 1443 a & b Surface Water/Sec. 106 Ground Water/Sec 106 Non Point Source: Sec 319 Solid Waste Disposal	35.10/64.90	9,632,619.01	17,810,740.00	27,443,359.01
EPA - Water Pollution Control - Lake Restoration	30/70	16,347.86	38,145.00	54,492.86
EPA - National Estuary Program	28.73/71.27	115,364.23	286,182.00	401,546.23
EPA -National Estuary Program	27.94/72.06	168,772.95	435,282.00	604,054.95
EPA -National Estuary Program	25.79/74.21	79,316.15	228,230.00	307,546.15
EPA - National Estuary Program - Solid Waste Management Assistance - Hazardous Waste Management -Environment Education Grants State Underground Water Source Protection -Performance Partnership Grants: Solid Waste Disposal Safe Drinking Water	25/75	1,593,541.00	4,780,623.00	6,374,164.00
EPA -Environmental Management System Leadership Program	20/80	4,025.25	16,101.00	20,126.25

EPA -FIFRA Pesticides in Ground Water	15/85	7,191.88	40,754.00	47,945.88
EPA -Superfund State Site -Superfund State Core -Underground Storage Tank, Trust Fund Program (LUST)	10/90	1,522,092.89	13,698,836.00	15,220,928.89
EPA -Surveys, Studies, Investigations and Special Purpose Grants	5.10/94.90	77.44	1,441.00	1,518.44
EPA -National Estuary Program -National Pollution Discharge Elimination System -Surveys, Studies, Investigations and Special Purpose Grants -Safe Drinking Water Research and Demonstration -104(b) (3) Statewide Watershed Management -Consolidated Uniform Report for the Environment project	5/95	75,190.32	1,428,616.00	1,503,806.32
EPA -Superfund State Site -Water Quality Management Planning -Texas Environmental Enforcement Task Force -Water Pollution Control - State and Interstate Program -Juarez/El Paso Wellhead Protection Ground Water -Non Point Source Development: Sec 319(h) -Solid Waste Management Assistance	0/100	0.00	1,545,698.00	1,545,698.00
DOI -Rio Grande Basin-Inventory -Water Conservation Plan	0/100	0.010	17,150.00	17,150.00
DOD -Federal Facility Restoration Program	0/100	0.00	745,305.00	745,305.00
DOE -Nice-Solex Technology	36/64	234,667.67	132,000.00	366,667.67

DOE-SECO pass-through -Pantex Facility Remediation	0/100	0.00	502,476.54	502,476.54
FEMA-DPS pass-through -National Flood Insurance program	25/75	44,243.90	132,731.71	176,975.61
TOTAL		18,398,444.51	48,034,838.25	66,433,282.76

Texas Natural Resource Conservation Commission				
Table 11: Federal Funds Fiscal Year 1999 (As of February 28, 1999)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
EPA -Pollution Prevention Grant program	50/50	57,294.00	57,294.00	114,588.00
EPA -Non Point Source Implementation Grants: Sec 319	40/60	495,697.33	743,546.00	1,239,243.33
EPA -Performance Partnership Grants: RCRA Solid Waste Disposal Surface Water/Sec 106 Ground Water/Sec 106 Non Point Source/Sec 319 Safe Drinking Water Air/Sec 105 FIFRA	33.93/66.07	1,170,107.92	2,278,486.00	3,448,593.92
EPA -Performance Partnership Grants: Surface Water/Sec 106 Ground Water/Sec 106 Non Point Source/Sec 319	35.10/64.90	2,897,084.23	5,356,717.00	8,253,801.23
EPA -National Estuary Program	28.73/71.27	51,916.77	128,789.00	180,705.77
EPA -National Estuary Program	27.94/72.06	49,876.74	128,637.00	178,513.74
EPA -National Estuary Program	25.79/74.21	17,306.17	49,798.00	67,104.17

EPA -Hazardous Waste Management -Wetlands Protection-State Development Grants -Hazardous Waste Management State Program Support -National Estuary Program	25/75	57,143.00	171,429.00	228,572.00
EPA -Superfund State Site -Superfund Core Program -Underground Storage Tank Trust Fund Program (LUST)	10/90	423,955.67	3,815,601.00	4,239,556.67
EPA - Surveys, Studies, Investigations, and Special Purpose Grants	5.10/94.90	1,373.89	25,565.00	26,938.89
EPA -National Estuary Program -National Pollution Discharge Elimination System -Surveys, Studies, Investigations, and Special Purpose Grants -Safe Drinking Water Research and Demonstration -104(b) (3) Statewide Watershed Management -Consolidated Uniform Report for the Environment Project -Pollution Prevention & Institution Capacity Bldgs -- Texas/Mexico Border	5/95	20,221.32	384,205.00	404,426.32
EPA -Superfund State Site - Surveys, Studies, Investigations, and Special Purpose Grants -Water Quality Management Planning -Air Monitoring Program	0/100	0.00	612,863.00	612,863.00
DOD -Federal Facility Restoration Program	0/100	0.00	448,865.00	448,865.00

DOE-SECO pass-through -Pantex Facility Remediation	0/100	0.00	187,161.07	187,161.07
FEMA-DPS pass-through -National Flood Insurance program	25/75	25,325.50	75,976.51	101,302.01
TOTAL		5,267,302.54	14,464,932.58	19,732,235.12

D. Show the agency s expenditures by strategy.

Texas Natural Resource Conservation Commission Table 12: Expenditures by Strategy Fiscal Year 1998 (Actual)	
Goal/Strategy	Amount
Goal 1: Assessment and Permitting	
Air Quality Permitting	10,190,141.89
Water Resource Permitting	8,188,963.28
Waste Management and Permitting	9,634,476.65
Air Quality Assessment and Planning	47,561,847.85
Water Resource Assessment and Planning	18,035,152.91
Waste Management Assessment and Planning	13,464,134.27
Pollution Prevention and Recycling	4,611,630.02
Automotive Waste Management and Recycling	20,001,943.78
Safe Drinking Water	6,533,608.53
Water Utilities Oversight	1,980,700.38
Total for Goal 1	140,202,599.56
Goal 2: Enforcement & Compliance	
Field Inspections and Complaint Response	30,867,446.63
Enforcement and Compliance Support	7,662,925.25
Occupational Licensing	1,132,403.93
Total for Goal 2	39,662,775.81
Goal 3: Pollution Clean Up	
Storage Tank Administration	6,258,626.27
Storage Tank Cleanup	109,066,041.85
Hazardous Materials Cleanup	47,313,851.08
Total for Goal 3	162,638,519.20

Goal 4: Indirect Administration	
Central Administration	15,816,062.94
Information Resources	12,513,794.35
Other Support Services	13,168,638.47
Total for Goal 4	41,498,495.76
GRAND TOTAL:¹	\$384,002,390.33

Texas Natural Resource Conservation Commission	
Table 13: Expenditures by Strategy Fiscal Year 1999 (Actual thru 2/28/99)	
Goal/Strategy	Amount
Goal 1: Assessment and Permitting	
Air Quality Permitting	5,719,600.91
Water Resource Permitting	5,766,491.03
Waste Management and Permitting	3,642,384.37
Air Quality Assessment and Planning	31,938,791.27
Water Resource Assessment and Planning	8,076,814.36
Waste Management Assessment and Planning	11,936,526.78
Pollution Prevention and Recycling	2,121,521.14
Automotive Waste Management and Recycling	2,310,504.66
Safe Drinking Water	6,395,679.04
Water Utilities Oversight	1,139,299.18
Total for Goal 1	79,047,612.74
Goal 2: Enforcement & Compliance	
Field Inspections and Complaint Response	16,376,141.77
Enforcement and Compliance Support	3,573,160.94
Occupational Licensing	586,753.11
Total for Goal 2	20,536,055.82
Goal 3: Pollution Clean Up	
Storage Tank Administration	3,351,285.52

¹Includes encumbrances and only reflects expenditures against agency appropriations.

Storage Tank Cleanup ²	30,521,091.46
Hazardous Materials Cleanup	13,766,436.58
Total for Goal 3	47,638,813.56
Goal 4: Indirect Administration	
Central Administration	7,890,964.69
Information Resources	8,694,819.74
Other Support Services	10,007,524.48
Total for Goal 4	26,593,308.91
GRAND TOTAL: ³	\$173,815,791.03

E. Show the agency's expenditures and FTEs by program.

Texas Natural Resource Conservation Commission					
Table 14: Expenditures and FTEs by Strategy Fiscal Year 1998 (Actual)					
Strategy	Budgeted FTEs, FY 1998 ⁴	Actual FTEs as of August 31, 1998 ⁵	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Air Quality Permitting	261.2	216.10	0	10,190,141.89	10,190,141.89
Water Resource Permitting	171.2	153.0	909,549.32	7,279,431.96	8,188,963.28
Waste Management and Permitting	180.3	185.6	3,115,522.18	6,518,954.47	9,634,476.65
Air Quality Assessment and Planning	346.4	292.2	3,663,971.12	43,897,876.73	47,561,847.85
Water Resource Assessment and Planning	137.7	137.0	4,111,273.84	13,923,879.07	18,035,152.91

² Does not include 2nd quarter encumbrances

³ Includes encumbrances and only reflects expenditures against agency appropriations.

⁴ The budgeted FTEs for each strategy was calculated by dividing the budgeted salaries in each strategy by the average salary for the agency.

⁵ The actual FTE is based upon the actual hours worked by each strategy divided by the actual work hours for a given month.

Waste Management Assessment and Planning	38.7	35.7	67,159.69	13,396,974.58	13,464,134.27
Pollution Prevention and Recycling	66.5	58.8	829,907.35	3,781,722.67	4,611,630.02
Automotive Waste Management & Recycling	15.3	9.1	0	20,001,943.78	20,001,943.78
Safe Drinking Water	73.5	68.7	1,358,200.66	5,175,407.87	6,533,608.53
Water Utilities Oversight	45.9	43.1	76,820.42	1,903,879.96	1,980,700.38
Field Inspections & Complaint Response	628.6	606.40	7,653,584.41	23,213,862.22	30,867,446.63
Enforcement and Compliance Support	191.0	162.0	1,260,321.32	6,402,603.93	7,662,925.25
Occupational Licensing	25.7	28.3	0	1,132,403.93	1,132,403.93
Storage Tank Administration	113.1	102.2	469,300.61	5,789,325.66	6,258,626.27
Storage Tank Cleanup	0	0.00	1,212,435.72	107,853,606.13	109,066,041.85
Hazardous Materials Cleanup	134.3	121.6	25,026,955.64	22,286,895.44	47,313,851.08
Central Administration	326.2	292.20	12,621.76	15,803,441.18	15,816,062.94
Information Resources	181.9	179.60	0	12,513,794.35	12,513,794.35
Other Support Services	45.7	54.4	0	13,168,638.47	13,168,638.47
TOTAL	2983.2	2746.0	49,767,624.04	334,234,784.29	384,002,390.33

Strategy	Budgeted FTEs, FY 1999 ⁶	Actual FTEs as of February 28, 1999 ⁷	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Air Quality Permitting	248.9	227.9	36,381.11	5,683,219.80	5,719,600.91
Water Resource Permitting	166.6	160.0	409,158.88	5,357,332.15	5,766,491.03

⁶The budgeted FTEs for each strategy was calculated by dividing the budgeted salaries in each strategy by the average salary for the agency.

⁷The actual FTE is based upon the actual hours worked by each strategy divided by the actual work hours for a given month.

Waste Management and Permitting	187.3	151.8	942,862.58	2,699,521.79	3,642,384.37
Air Quality Assessment and Planning	329.5	298.6	3,002,525.05	28,936,266.22	31,938,791.27
Water Resource Assessment and Planning	157.7	197.2	1,478,314.54	6,598,499.82	8,076,814.36
Waste Management Assessment and Planning	42.6	38.6	59,614.19	11,876,912.59	11,936,526.78
Pollution Prevention & Recycling	61.5	53.5	161,247.15	1,960,273.99	2,121,521.14
Automotive Waste Management & Recycling	9.8	9.3	0	2,310,504.66	2,310,504.66
Safe Drinking Water	74.8	73.1	724,132.36	5,671,546.68	6,395,679.04
Water Utilities Oversight	45.2	43.1	0	1,139,299.18	1,139,299.18
Field Inspections & Complaint Response	651.1	646.5	3,593,192.21	12,782,949.56	16,376,141.77
Enforcement and Compliance Support	192.9	167.0	483,705.96	3,089,454.98	3,573,160.94
Occupational Licensing	24.6	24.2	0	586,753.11	586,753.11
Storage Tank Administration	101.9	90.1	164,700.04	3,186,585.48	3,351,285.52
Storage Tank Cleanup	0	0	337,575.65	30,183,515.81	30,521,091.46
Hazardous Materials Cleanup	173.2	157.2	5,060,327.61	8,706,108.98	13,766,436.58
Central Administration	330.0	306.5	8,339.80	7,882,624.89	7,890,964.69
Information Resources	184.7	178.0	229,363.34	8,465,456.40	8,694,819.74
Other Support Services	44.7	54.4	2,756.25	10,004,768.23	10,007,524.48
TOTAL	3027.0	2817.0	16,694,196.72	157,121,594.3 2	173,815,791.0 3

F. If applicable, please provide information on fees collected by the agency.

Texas Natural Resource Conservation Commission

Table 15: Fee Revenue and Statutory Fee Levels Fiscal Year 1998 & Fiscal Year 1999 (Actual thru 2/28/99)

Description/Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue (FY 1998)	Fee Revenue (FY1999 1st 6 mos.)	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Water Quality Act Violations (Admin. Penalties) Water 7.051, 7.052, Health & Safety 341.049	\$2,500/day - \$10,000/day/Varies with case		\$694,484	\$569,519	General Revenue
Application for Cert of Public Convenience & Necessity Water 13.4522(a)	\$100/application/Yes	67	\$7,200	\$4,450	Water Resource Mgmt. Account 153
Sale, Transfer or Merger of Cert of Public Convenience & Necessity Water 13.4522(b)	\$50 - \$500 based on # of water or sewer connections/Yes	95	\$19,840	\$7,950	Water Resource Mgmt. Account 153
Rate Change Application Fee Water 13.4521(a)	\$50 - \$500 based on # of water or sewer connections/Yes	132	\$16,900	\$7,100	Water Resource Mgmt. Account 153
Water Use Permit Application Fee Water 5.235(b),(c) and Genl Appns Act, Rider 9, TNRCC Appns.	\$1,000 - \$2,000/Yes		\$166,357	\$13,243	Water Resource Mgmt. Account 153
Water District Creation Application Fee Water 5.235(e)	\$700/application/N/A - Not specified in statute	8	\$5,000	\$8,500	Water Resource Mgmt. Account 153
Stormwater District Creation Application Fee Water 54.037(c) (refers to Water 5.235(e))	\$700/application/N/A - Not specified in statute		\$0	\$0	Water Resource Mgmt. Account 153
Temporary or Emergency Water Use Permits Water 11.138(g)	\$100 - \$250 based on # of acre-feet, plus notice, max \$500/Yes	142	\$16,322	\$5,639	Water Resource Mgmt. Account 153
Misc. Water District Application Fees Water 5.235(b)	\$100 plus cost of notice/Yes	194	\$14,900	\$12,000	Water Resource Mgmt. Account 153
Water Use Permit - Construction Delay Water 11.145	Varies based on # of acre-feet, plus cost of notice, max \$1,000/Yes		\$2,448	\$410	Water Resource Mgmt. Account 153
Water Use Permit - Irrigation, Impoundment, Other Water 5.235(i),(j),(k)	\$0.50 - \$1.00 per acre-foot, max \$50,000 then \$10,000 max for additional permits/Yes		\$0	\$0	Water Resource Mgmt. Account 153
Weather Modification Fee Water 18.054, .082	\$150 license, \$75 renewal/Yes		\$2,850	\$150	General Revenue
Water Quality Permit Application Fee Water 5.235(b),(c) and Genl Appns Act, Rider 9, TNRCC Appns.	\$1,000 - \$2,000/Yes		\$1,082,595	\$527,210	Water Resource Mgmt. Account 153

Water Use Max. Use Fee Water 5.235(k), (l)	If fee > \$1,000, this prov. allows applicant to pay 50% with app., bal. due after permit issued/Yes		\$47,865	\$0	Water Resource Mgmt. Account 153
Filing, application, petition, recording fees Water 5.235(b) Water 11.041(b)	\$100 application + \$25 deposit/Yes		\$500	\$250	Water Resource Mgmt. Account 153
Drilled or mined shafts fee Water 28.024	Pmt amount based on est'd cost to review application/N/A - statute specifies \$10,000 minimum		\$0	\$0	General Revenue
Disposal well, injection or gas well Fee Water 27.014 and Health & Safety 361.137(b)	\$25 non-hazardous app. fee, \$2,000 hazardous app. fee/Yes		\$0	\$0	General Revenue
Water Pollution Control Abatement Fee Water 26.177(e)	Authorized but not currently assessed/N/A - Not specified in statute		\$0	\$0	General Revenue
Subsurface Excavation Fee Water 31.007	\$1,000 minimum/N/A - statute specifies a minimum		\$0	\$0	General Revenue
Solid Waste Technical Training Fee Health & Safety 361.027	\$20 - \$40/ N/A - Not specified in statute	2027	\$7,850	\$3,330	TNRCC Occupational Licensing Acct. 468
Waste Disposal Act Violations (Admin Penalties) Water 7.051, 7.052	\$2,500/day - \$10,000/day/Varies with case		\$1,290,052	\$609,121	General Revenue
Waterworks Operator Certification Fee Health & Safety 341.034(b)	\$20 - \$80 and \$10 annual renewal fee/N/A - statute only specifies \$10 renewal fee	12,227	\$157,375	\$61,710	TNRCC Occupational Licensing Acct. 468
Clean Air Act Violations (Admin Penalties) Water 7.051, 7.052	\$2,500/day - \$10,000/day/Varies with case		\$2,220,842	\$564,031	General Revenue
Closed Landfill Development Application Fee Health & Safety 361.532(c)	\$2,500 initial app. fee/N/A - Not specified in statute	3	\$10,000	\$7,500	General Revenue
Water Quality Protection Zone Fee Water 26.179(g)	\$25/acre for initial app., then \$10/acre annually thereafter/N/A - Not specified in statute		\$157,549	\$0	General Revenue
Petroleum Storage Delivery Fee (collected by Comptroller for TNRCC) Water 26.3574(b)	\$25 - \$100 per delivery based on gallon size of delivery/N/A - statute specifies ranges		\$153,048,980	\$78,353,063	Petroleum Storage Tank Remediation Account 655
Petroleum Storage Tank Corrective Action Specialist Fee Water 26.3573(j)	\$200 application, \$175 renewal/N/A - Not specified in statute	945	\$76,005	\$35,895	TNRCC Occupational Licensing Acct. 468
Petroleum Storage Tank Project Manager Fee Water 26.3573(j)	\$50 exam, \$100 application, \$75 renewal/ N/A - Not specified in statute	495	\$44,093	\$21,647	TNRCC Occupational Licensing Acct. 468
Underground Storage Tank Contractors License Fee Water 26.458(a)	\$100 issuance, \$50 application, \$75 renewal, \$200 initial app. & exam/Yes	584	\$40,595	\$17,065	TNRCC Occupational Licensing Acct. 468
Underground Storage Tank Installers License Fee Water 26.458(a)	\$50 exam, \$200 application, \$175 renewal, \$200 initial app. & exam/Yes	834	\$159,456	\$91,660	TNRCC Occupational Licensing Acct. 468
Underground Storage Tank Registration Fee Water 26.358(f)	\$50/tank/Yes	34,137	\$3,680,399	\$2,740,620	Waste Management Account 549
Aboveground Storage Tank Registration Fee Water 26.358(f)	\$25/tank/Yes	8,841	\$386,399	\$331,940	Waste Management Account 549

Water Utility Regulatory Assessment Fee Water 5.235(n)	½ of 1% of utility companies' retail water service charges/Yes		\$3,023,501	\$1,748,794	Water Resource Mgmt. Account 153
Residential Water Treatment Certification Fee Plumbing License Law V.A.C.S. Art. 6243-101, Sec. 3A	\$20 - \$50/ N/A - Not specified in statute	476	\$6,270	\$4,120	General Revenue
Board of Irrigators Fee Water 34.007	\$75 app/exam, \$85 renewal for irrigators; \$35 app/exam and \$50 renewal for installers/No	3,558	\$371,026	\$132,886	TNRCC Occupational Licensing Acct. 468
Edwards Aquifer Development Application Fee - San Antonio Region/Water 26.0461(d)	\$100 - \$5,000 based on acreage, sewage system, linear ft. of pipe, etc./Yes	244	\$433,781	\$193,065	Water Resource Mgmt. Account 153
Rio Grande Watermaster Assessment/Water 11.329	Assessments vary with size of water rights allocations/N/A - Not specified in statute	81	\$542,713	\$441,214	Watermaster Administration Acct 158
South Texas Watermaster Assessment/Water 11.329	Assessments vary with size of water rights allocations/N/A - Not specified in statute	96	\$416,690	\$391,734	Watermaster Administration Acct 158
Water Utility Bond Issue Application Fee/Water 5.235(f)	\$500 plus cost of notice/N/A - Not specified in statute	100	\$61,675	\$19,000	Water Resource Mgmt. Account 153
Water Utility Bond Issue Proceeds Fee/Water 5.235(f)	0.25% of bond issue principal/Yes	73	\$452,785	\$377,650	Water Resource Mgmt. Account 153
Public Health Service Fee/Health & Safety 341.041	\$75 minimum, then based on # of retail connections/N/A - Not specified in statute	6,761	\$3,565,521	\$3,205,011	Water Resource Mgmt. Account 153
Wastewater Treatment Inspection Fee/Water 26.0291	Municipal discharge permits up to \$11,000 annually, industrial discharge permits up to \$25,000 annually/Yes	4,323	\$7,439,832	\$9,708,679	Water Resource Mgmt. Account 153
Wastewater Operator Certification Fee/Water 26.0301(c)	\$20 - \$160, varies with length of renewal period/No	9,304	\$231,366	\$89,315	TNRCC Occupational Licensing Acct. 468
Edwards Aquifer Development Application Fee - Austin Region/Water 26.0461(d)	\$100 - \$5,000 based on acreage, sewage system, linear ft. of pipe, etc./Yes	323	\$762,628	\$232,003	Water Resource Mgmt. Account 153
Edwards Aquifer Development Plan Amendments Water 26.0461	\$100 - \$5,000 based on acreage, sewage system, linear ft. of pipe, etc./Yes		\$0	\$0	Water Resource Mgmt. Account 153
Regional Water Quality Assessment Fee/Water 26.0135(h)	Varies based on wastewater discharge permit parameters. \$5 million annual revenue max/Yes	4,068	\$5,244,927	\$4,356,504	Water Resource Mgmt. Account 153
Water Saving Performance Stds. (a/k/a Plumbing Fixture Inspection) Fee/Health & Safety 372.002(d)	\$50 initial, \$25 annua/N/A - Not specified in statute	184	\$71,325	\$62,387	Water Resource Mgmt. Account 153
On-Site Septic Facility Treatment Research Council Fee/Health & Safety 367.010	\$10/application for an on-site septic facility/Yes		\$453,200	\$281,862	General Revenue
On-Site Septic Facility Permit Application Fee/Health & Safety 366.058	\$200 for single family dwelling, \$400 for other/N/A - Not specified in statute		\$457,080	\$145,000	Water Resource Mgmt. Account 153
On-Site Septic Facility Installers Certification Fees/Health & Safety 366.074	\$75 - \$125 based on license type/N/A - Not specified in statute	5,441	\$398,053	\$128,955	TNRCC Occupational Licensing Acct. 468

Sludge Hauler Registration Fee/Health & Safety 361.013(c)	\$100 - \$500/year based on volume hauled/Yes	11,111	\$380,065	\$37,855	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Fee on Beneficial Land Use of Sludge /Health & Safety 361.013(a)	20¢ - 75¢/dry ton, \$100 minimum/Yes	267	\$140,946	\$140,664	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Sludge Hauler Sticker Fee/Health & Safety 361.013(a)	\$10/motor transport vehicle/N/A - Not specified in statute		\$8,694	\$3,684	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Fee on Beneficial Land Use of Sludge thru Permits /Health & Safety 361.013(a)	20¢ - 75¢/dry ton, \$100 minimum (rc - note chng)/Yes		\$54,743	\$39,790	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Fee on Surface Disposal of Sludge thru Permits/Health & Safety 361.013(a)	\$1.25/ton, \$100 minimum/N/A - Not specified in statute		\$100,860	\$59,935	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Motor Vehicle Safety Inspection Fee (collected by DPS for TNRCC)/Health & Safety 382.0622	\$2.00/sticker sold by DPS to inspection stations/Yes		\$27,117,055	\$9,411,951	Clean Air Account 151
Air Permit Fees/Health & Safety 382.062	\$450 min, \$75,000 max. based on .15% capital cost of project period. Flexible permit fee \$25/ton/Yes	411	\$3,303,769	\$1,302,629	Clean Air Account 151
Air Inspection Fees/Health & Safety 382.062	\$25 min., \$75,000 max. Varies based on SIC Code of source/Yes	1,638	\$4,701,360	\$4,733,706	Clean Air Account 151
Air Permit Renewal Fees/Health & Safety 382.062	\$300 - \$10,000 based on emission tonnage/Yes	107	\$396,606	\$144,994	Clean Air Account 151
Air Emissions Fee/Health & Safety 382.0621	Varies with emissions tonnage, \$26/ton with 4,000 ton cap/Yes	2,161	\$40,848,025	\$37,687,071	Clean Air Account 151
Air Prevention of Significant Deterioration Fee/Health & Safety 382.062	\$1,500 min, \$75,000 max based on capital cost of project/Yes		\$0	\$0	Clean Air Account 151
Air Permit Amendment Fee/Health & Safety 382.062	\$450 min, \$75,000 max, based on .15% of capital cost of project period. Flexible permit fee \$25/ton o incremental emissions /Yes	508	\$2,659,887	\$895,286	Clean Air Account 151
Motor Vehicle Emissions Inspection Fee (collected by DPS for TNRCC)/Health & Safety 382.037	\$0.44/vehicle (25% x \$1.75 DPS sticker fee)/N/A - Not specified in statute		\$1,466,519	\$397,063	Clean Air Account 151
Fuel Oil Surcharge Fee/Health & Safety 382.0145	20¢/ million BTU on fuel oil used between April 15 and October 15/Yes		\$0	\$0	Clean Air Account 151
Solid Waste Medical Waste Transport Fee Health & Safety 361.013(a)	\$100 - \$500 based on weight/N/A - Not specified in statute		\$17,950	\$7,800	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Radioactive Disposal Site License Fees/Health & Safety 401.301	\$8,500 - \$28,900/N/A - Not specified in statute	16	\$39,325	\$8,700	Waste Mgmt. Acct 549
Solid Waste Disposal Permit Fee/Health & Safety 361.137	\$2,000 - \$50,000/Yes	61	\$5,967	\$2,800	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)
Solid Waste Disposal Fee/Health & Safety 361.013(a)	\$1.25/ton by weight. By volume, 40¢/cu yd compacted, 25¢/cu yd uncompacted/Yes	221	\$28,320,144	\$12,272,283	Waste Mgmt. Acct 549 (50%) & Solid Waste Displ. Acct 5000 (50%)

Automotive Oil Sales Fee (collected by Comptroller for TNRCC)/Health & Safety 371.062	\$0.01/quart/Yes		\$1,821,707	\$652,107	Used Oil Recycling Account 146
Used Oil Registration Fee/Health & Safety 371.024, .027, .062	Authorized but not currently assessed/N/A - Not specified in statute		\$0	\$0	Used Oil Recycling Account 146
Waste Tire Recycling Fee (collected by Comptroller for TNRCC)/Health & Safety 361, Subchapter P (expired 12/31/97)	\$1.00 - \$3.50/tire sold at retail level, based on rim size/Yes		\$14,484,573	\$0	Waste Tire Account 5001
Toxic Chemical Release Reporting Fee/Health & Safety 370.008	\$25/release report form, \$250 max./Yes	1085	\$83,527	\$1,502	Waste Mgmt. Acct 549
Hazardous Waste Facility Fee/Health & Safety 361.135	\$250 - \$25,000 annually based on capacity/Yes	203	\$2,259,423	\$1,895,876	Waste Mgmt. Acct 549
Hazardous Waste Generation Fee/Health & Safety 361.134	\$50 - \$50,000 annually based on volume/Yes	2974	\$3,840,798	\$3,484,624	Waste Mgmt. Acct 549
Hazardous Waste Mgmt. Disposition Fee/Health & Safety 361.136(b)(1)(A), (d)	\$2.00 - \$37.50/ton based on source and method of disposal/No	926	\$12,867,245	\$6,267,420	Waste Mgmt. Acct. 549 (50%) and Hazardous & Solid Waste Remediation Fee Account 550 (50%)
Non-Hazardous Waste Facility Fee/Health & Safety 361.135	\$250 - \$25,000 annually based on capacity/Yes	22	\$47,811	\$39,914	Waste Mgmt. Acct 549
Non-Hazardous Waste Generation Fee/Health & Safety 361.134	\$50 - \$50,000 annually based on volume/Yes	2,099	\$1,136,962	\$1,161,881	Waste Mgmt. Acct 549
Hazardous Waste Permit Application Fee/Health & Safety 361.137	\$2,000 - \$50,000/Yes	247	\$336,380	\$112,115	Waste Mgmt. Acct 549
Lead-Acid Battery Fee (collected by Comptroller for TNRCC) Health & Safety 361.138(b)	\$2.00 on each retail sale of 12 volt batteries, \$3.00 on batteries > 12 volts/Yes		\$15,037,266	\$8,139,050	Hazardous & Solid Waste Remediation Fee Account 550
Class 1 Commercial Waste Mgmt. Fee/Health & Safety 361.136(b)(1)(B), (b)(2)	\$3.20 - \$7.50/ton based on source and method of disposal/No	215	\$1,984,939	\$537,494	Waste Mgmt. Acct. 549 (50%) and Hazardous & Solid Waste Remediation Fee Account 550 (50%)
Voluntary Clean Up Program Fee/Health & Safety 361.604	\$1,000 initial application then hourly thereafter/N/A - not specified in statute	1422	\$747,018	\$588,034	Waste Mgmt. Acct 549
Innocent Landowner Program Fee/Health & Safety 361.753(b)	\$1,000 initial application then hourly thereafter/N/A - not specified in statute		\$69,129	\$52,616	Hazardous & Solid Waste Remediation Fee Account 550
Conference & Seminar Fees FY98-99 Genl Appns Act, Art. IX, Sec 112	Varies with conference or seminar/N/A - not specified in statute		\$900,733	\$436,007	General Revenue
Tier I, II and III Pollution Control Equipment Exemption Fees/Tax Code 11.31	\$50, \$1,000 or \$2,500 based on level of review/N/A - not specified in statute	303	\$71,650	\$42,400	General Revenue
Central Records, Copy & Filing Fees/FY98-99 Genl Appns Act, Art. IX, Sec 107	Various N/A - not specified in statute		\$120,915	\$52,346	General Revenue
Data Processing Invoices/FY98-99 Genl Appns Act, Art. IX, Sec 107	Varies based on GSC cost recovery schedules/N/A - not specified in statute		\$74,782	\$44,516	General Revenue

G. Please fill in the following chart.

**Texas Natural Resource Conservation Commission
Table 16: Purchases from HUBs**

FISCAL YEAR 1996

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	\$7,619,060	\$1,012,250	13.28%	20.0%
Other Services	\$41,310,901	\$3,647,222	8.82%	33.0%
Commodities	\$13,482,135	\$5,134,779	37.09%	12.6%
TOTAL	\$62,412,096	\$9,794,251	15.69%	

FISCAL YEAR 1997

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	\$6,396,397	\$836,976	13.09%	20.0%
Other Services	\$41,975,343	\$4,699,988	11.2%	33.0%
Commodities	\$13,014,774	\$5,477,282	42.09%	12.6%
TOTAL	\$61,386,514	\$11,014,246	17.94%	

FISCAL YEAR 1998

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%

Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	\$7,340,273	\$657,121	8.95%	20.0%
Other Services	\$35,613,019	\$6,072,900	17.0%	33.0%
Commodities	\$13,117,710	\$6,385,694	48.6%	12.6%
TOTAL	\$56,071,002	\$13,115,715	23.39%	

**Texas Natural Resource Conservation Commission
Table 17: Purchases from HUBs**

FISCAL YEAR 1996						
Category	Total \$ Spent	Total HUB \$ Spent		Percent		Statewide Goal
Heavy Construction	N/A	<u>Adj</u> N/A	<u>Other</u> N/A	<u>Adj</u> N/A	<u>Other</u> N/A	11.9%
Building Construction	N/A	N/A	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	N/A	N/A	57.2%
Professional Services	\$7,619,060	\$876,359	\$135,891	11.5%	1.78%	20.0%
Other Services	\$41,310,901	\$3,647,222	---	8.82%	---	33.0%
Commodities	\$13,482,135	\$1,885,838	\$3,248,941	13.9%	24.0%	12.6%
TOTAL	\$62,412,096	\$6,409,419	\$3,384,832	10.27%	5.42%	
FISCAL YEAR 1997						
Category	Total \$ Spent	Total HUB \$ Spent		Percent		Statewide Goal
Heavy Construction	N/A	<u>Adj</u> N/A	<u>Other</u> N/A	<u>Adj</u> N/A	<u>Other</u> N/A	11.9%
Building Construction	N/A	N/A	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	N/A	N/A	57.2%
Professional Services	\$6,396,397	\$740,737	\$96,239	11.5%	1.50%	20.0%
Other Services	\$41,975,343	\$4,699,988	---	11.2%	---	33.0%
Commodities	\$13,014,774	\$1,686,206	\$3,791,076	12.9%	29.1%	12.6%
TOTAL	\$61,386,514	\$7,126,931	\$3,887,315	11.6%	6.33%	

FISCAL YEAR 1998						
Category	Total \$ Spent	Total HUB \$ Spent		Percent		Statewide Goal
Heavy Construction	N/A	Adj N/A	Other N/A	Adj N/A	Other N/A	11.9%
Building Construction	N/A	N/A	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	N/A	N/A	57.2%
Professional Services	\$7,340,273	\$555,789	\$101,332	7.57%	1.38%	20.0%
Other Services	\$35,613,019	\$6,072,900	---	17.0%	---	33.0%
Commodities	\$13,117,710	\$1,514,118	\$4,871,576	11.5%	37.1%	12.6%
TOTAL	\$56,071,002	\$8,142,807	\$4,972,908	14.52%	8.87%	

*The General Services Commission (GSC) adopted new rules on October 4, 1995, based on the Disparity Study conducted by the State of Texas which recognized some HUB groups have not been underutilized in some contracting categories and should not be included in the HUB goals for that category. Therefore, the underutilized HUBs in a procurement category are identified as ADJUSTED and the HUBs which have been overutilized in a procurement category are identified as OTHER.

H. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?

Yes, the TNRCC does have a HUB policy which proactively promotes HUB vendor participation in its procurement process. The procurement process is a competitive process, and because the HUB program is not a set aside program, shortfalls are experienced. The TNRCC, to the greatest extent possible, awards to HUBs those contracts not requiring competitive bidding. For purchases exceeding \$2000 but less than \$25,000, as mandated by Texas Government Code, Title 10, Subtitle D, Section 2151, two of the three required bids are solicited from HUB vendors--one a minority owned business and one a woman owned business. The majority of contracts entered into by the TNRCC are specialized in nature and require bid bonds, performance bonds, and insurance. Unfortunately, those requirements limit the number of HUB vendors who can meet those requirements. The TNRCC proactively encourages prime contractors to subcontract with HUB vendors. It is TNRCC policy that the vendor good faith effort language is included in all contract bid/proposal documents whose estimated value is in excess of \$100,000. Vendors are required to justify why subcontracting opportunities do not exist. Performance shortfalls are addressed by the following:

- 1) Participating in outreach activities such as Equal Opportunity Forums sponsored by the General Services Commission (GSC), other state agencies, elected officials and private corporations;
- 2) Disseminating information obtained from HUB contacts to agency staff;
- 3) Securing HUB vendors from the GSC Centralized Master Bidder List (CMBL) as well as other available listings. Vendors, if not certified, are encouraged to become certified by the GSC;

- 4) Maintaining a HUB web site for Vendor use;
- 5) Assigning program staff to be HUB representatives; HUB representatives meet on a monthly basis with the agency HUB Coordinator to discuss HUB related issues;
- 6) Providing HUB-related training to TNRCC staff; and
- 7) Providing monthly HUB utilization reports to program areas of the TNRCC.

Chapter V. Organization

A. Please fill in the chart below. If applicable, list field or regional offices.

Table 18 Texas Natural Resource Conservation Commission FTEs by Location Fiscal Year 1998			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 1998	Number of Actual FTEs as of August 31, 1998
Headquarters Park 35 Circle	Austin	2291.20	2100.00
Region 1 *includes Perryton satellite	Amarillo	26.00	24.00
Region 2	Lubbock	22.00	21.00
Region 3	Abilene	20.00	19.00
Region 4 *includes Stephenville satellite	Arlington	92.00	75.00
Region 5	Tyler	50.50	43.50
Region 6	El Paso	23.00	22.00
Region 7	Midland	21.00	21.00
Region 8	San Angelo	9.50	8.50
Region 9	Waco	32.00	30.00
Region 10	Beaumont	61.00	56.00
Region 11	Austin	28.00	28.00
Region 12 *includes laboratory	Houston	210.00	190.00
Region 13 *includes S.Texas Watermaster	San Antonio	49.00	41.00
Region 14	Corpus Christi	45.00	42.00
Region 15 *includes Rio Grande	Harlingen	33.00	31.00
Region 16	Laredo	5.00	5.00
Galveston Bay Program	Galveston	9.00	9.00
Corpus Christi Bay Program	Corpus Christi	7.00	5.00
TOTAL		2983.20	2746.00

Table 19			
Texas Natural Resource Conservation Commission			
FTEs by Location Fiscal Year 1999			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 1999	Number of Actual FTEs as of February, 1999
Headquarters Park 35 Circle	Austin	2294.00	2127.50
Region 1 *includes Perryton satellite	Amarillo	26.00	26.00
Region 2	Lubbock	22.00	22.00
Region 3	Abilene	20.00	20.00
Region 4 *includes Stephenville satellite	Arlington	90.00	84.00
Region 5	Tyler	50.50	50.50
Region 6	El Paso	22.00	23.00
Region 7	Midland	21.00	21.00
Region 8	San Angelo	9.50	9.00
Region 9	Waco	31.00	32.00
Region 10	Beaumont	61.00	60.00
Region 11	Austin	28.00	27.00
Region 12 * includes laboratory	Houston	208.00	204.00
Region 13 *includes S. Texas Watermaster	San Antonio	49.00	41.00
Region 14	Corpus Christi	46.00	45.00
Region 15 *includes Rio Grande	Harlingen	34.00	32.00
Region 16	Laredo	5.00	5.00
Galveston Bay Program	Galveston	8.00	8.00
Corpus Christi Bay Program	Corpus Christi	5.00	5.00
TOTAL		3027.00	2817.00

B. What was the agency s FTE cap for FY 1998?

FY1998 = 2983
 FY1999 = 3027

C. How many temporary or contract employees did the agency have as of August 31, 1998?

115 as reported on the FTE State Employee Quarterly Report

D. Please fill in the chart below.

Table 20 Texas Natural Resource Conservation Commission Equal Employment Opportunity Statistics							
FISCAL YEAR 1996							
Job Category	Total Positions¹	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	265	7.17%	5%	9.43%	8%	33.58%	26%
Professional	2197	7.87%	7%	11.52%	7%	38.78%	44%
Technical	116	11.21%	13%	24.14%	14%	37.93%	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	124	18.55%	25%	18.55%	30%	87.90%	55%
Administrative Support	288	18.75%	16%	25.35%	17%	88.19%	84%
Skilled Craft	28	0.00%	11%	42.86%	20%	7.14%	8%
Service/Maintenance	N/A	N/A	19%	N/A	32%	N/A	27%

¹Cumulative number, not FTEs.

**Table 20 (cont.)
Texas Natural Resource Conservation Commission
Equal Employment Opportunity Statistics**

FISCAL YEAR 1997							
Job Category	Total Positions²	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	270	6.67%	5%	8.89%	8%	32.22%	26%
Professional	2267	7.90%	7%	11.69%	7%	39.48%	44%
Technical	103	12.62%	13%	21.36%	14%	38.83%	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	138	16.67%	25%	21.01%	30%	90.58%	55%
Administrative Support	218	17.89%	16%	29.82%	17%	88.53%	84%
Skilled Craft	25	0.00%	11%	48.00%	20%	4.00%	8%
Service/Maintenance	N/A	N/A	19%	N/A	32%	N/A	27%
FISCAL YEAR 1998							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	279	6.09%	5%	9.32%	8%	32.97%	26%
Professional	2317	7.85%	7%	11.78%	7%	40.61%	44%
Technical	112	15.18%	13%	14.29%	14%	34.82%	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	137	21.17%	25%	24.09%	30%	92.70%	55%
Administrative Support	193	19.69%	16%	33.68%	17%	82.38%	84%
Skilled Craft	12	8.33%	11%	33.33%	20%	0.00%	8%
Service/Maintenance	N/A	N/A	19%	N/A	32%	N/A	27%

²Cumulative number, not FTEs.

E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?

Yes. TNRCC's Equal Employment Opportunity Policy is as follows:

It shall be the public policy of the Texas Natural Resource Conservation Commission not to discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age or disability status.

The agency makes every effort to ensure a diverse workforce. The Commission reviews the agency's hiring trends, comparing them to the workforce profiles in the state. Shortcomings are noted and corrective action recommended. The agency's affirmative action plan includes recruiting visits at university and college campuses, participating in the Mickey Leland intern program, advertising positions in multiple newspapers and providing hiring notices to minority and women organizations.

In FY1998, 45 percent of the TNRCC's employees were female. African-Americans and Hispanics accounted for more than 22 percent of the agency workforce.

Chapter VI. Guide to Agency Programs

1. A NOTE ON RECENT TNRCC RESTRUCTURING:

In the years since its creation in 1993, the Texas Natural Resource Conservation Commission has moved aggressively to consolidate the state's former environmental agencies in order to eliminate duplication in programs, increase operating efficiency and close gaps in agency performance. To do this, the agency has moved from organization along rigidly separated air, water and waste lines to a more streamlined form of organization that emphasizes function and multi-media approaches to regulation, compliance, enforcement and technical assistance. This organizational approach was further reinforced in 1997, when the agency undertook, with the assistance of expert technical organizations, a comprehensive review of its business processes and use and management of information. The outcomes of these projects led to plans for further consolidation of agency programs during the past three years, culminating in the most recent consolidation of regulatory programs in 1999.

During the period covering the Texas Natural Resource Conservation Commission Self-Evaluation Report, the agency has undergone several important reorganizations aimed at streamlining operations and improving efficiency. The TNRCC has organized multimedia offices for Compliance and Enforcement and Field Operations, Small Business and Environmental Assistance, Office of Environmental Policy, Analysis and Assessment, and the Office of Legal Services.

Several of these organizational efforts were recommended by the agency's Business Process Review (BPR), which is summarized in Chapter X. "Additional Information Concerning the TNRCC" of this report.

On June 25, 1999, the TNRCC's commissioners voted to endorse implementation of the remaining BPR recommendations, and approved a restructuring of agency programs which is to be completed in October of 1999. Major changes include:

- Abolition of the current media-based offices of Air, Water and Waste in order to establish a uniform and consistent permitting process in one office.
- Establishment of a process/functionally organized Office of Permitting to facilitate efficiency and opportunities for reallocation of resources.
- Appointment of a deputy director for the Office of Permitting to offer regulated entities and the public a single point of contact and direct access to agency permitting.
- Consolidation of all planning and assessment functions into the Office of Environmental Policy, Analysis and Assessment to strengthen the agency knowledge base.

The recommended changes will provide a management and operational structure focused on consistent application of policy and procedures for planning and permitting. In addition, the recommended organizational structure will provide a mechanism for cross-training staff in air, water and waste processes and will set the stage for future efficiencies through multi-media planning and permitting.

The TNRCC Offices and Divisions affected by this change include:

Office of Permitting: Air New Source Review; Air Operating Permits; Waste Permits; Waste Registration and Evaluation; Wastewater Permits; Water Quantity; Water Utilities; Toxicology; Remediation, and Agriculture and Sludge programs in Water.

Office of Environmental Policy, Analysis and Assessment: Air Quality, Planning and Assessment; Waste Planning; Water/Groundwater Assessment; Water Standards and Assessment; Total Maximum Daily Loads, and Bays and Estuaries.

The arrangement of text in Chapter VI of this report is organized according to the TNRCC's current organizational table, including the newly created Office of Permitting, and the Office of Environmental Policy Analysis and Assessment. The accompanying program summaries, however, reflect program level staffing and funding in place prior to the current restructuring effort. The TNRCC will provide an updated description of staffing and funding by October, 1999, in order to more accurately reflect the budget and functions of the Office of Permits and the Office of Environmental Policy Analysis and Assessment.

2. NOTES ON THIS CHAPTER:

Regulatory Programs - It is important to note that regulated entities receive similar services from various permit divisions within the agency's Office of Permitting. For example, one entity could have separate permits covering air emissions, wastewater discharges, and hazardous waste treatment/storage/or disposal, based on differing requirements and environmental impacts.

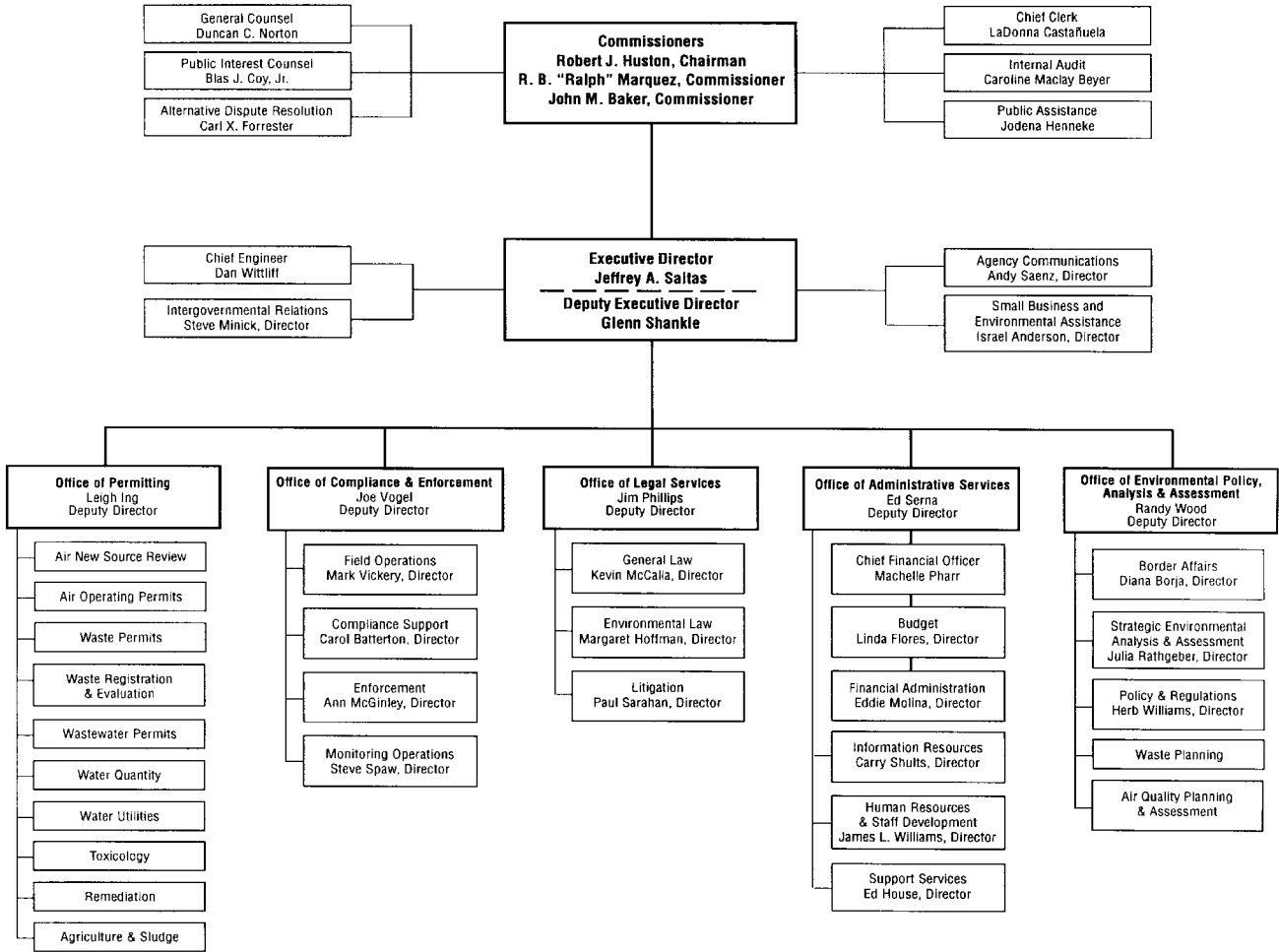
Therefore, except as described in individual program descriptions, no program internal or external to the division provides functions or services that are identical for the same types of facilities and environmental impacts.

Inspection & Enforcement - Unless otherwise noted, the inspection and enforcement functions associated with agency regulatory programs are described under the Office of Compliance and Enforcement section.

Shared Jurisdiction - For all major environmental program areas, the TNRCC shares jurisdiction with the Texas Railroad Commission over oil and gas activities and this joint responsibility has been managed through Memoranda of Agreement between the two agencies.

Funding- Unless otherwise noted, references to agency funding throughout this report, as well as this section, are based on agency divisions, structure and funding information as of June, 1999. Funding information is being updated at the time of the publication of this report, and future supplements will be provided discussing funding by agency strategy, program organization and division after October 1, 1999. The future update will be provided in order to better reflect the program organization of the TNRCC following completion of the latest phase of an organizational restructuring recommended by the 1997 Business Process Review.

Figure 2
TNRCC
Organization
 June 30, 1999



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.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart	
TNRCC Program Information — Fiscal Year 1999	
Name of Program	Executive Director
Location/Division	Executive Director
Contact Name	Jeff Saitas, Executive Director
Number of Budgeted FTEs, as of June 1, 1999	10
Number of Actual FTEs as of June 1, 1999	10

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

Provides guidance to staff on policies and ensures compliance with statutory obligations of agency.

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

This program was created under Texas Water Code §5.108, amended by Acts 1985, 69th Legislature, chapter 795, §1.001, effective September 1, 1985 to oversee and manage the daily operations 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?

Not applicable.

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

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

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 Executive Director interacts with the executive directors or chief administrative officers of other state agencies in an informal monthly gathering to discuss common administrative issues and to exchange ideas on issues facing all state agencies. He also meets on a monthly basis with the chief executive officers of the Texas Water Development Board and Texas Parks & Wildlife Department to discuss common issues and common areas of oversight and responsibility. There are also periodic planning meetings between the executives and staffs of the three agencies to conduct planning sessions to address commonalities. The Commissions/Boards of the three agencies meet annually for joint board/commission planning meetings.

The Executive Director meets on a regular basis with officials at the Lower Colorado River Authority and at the General Land Office as well.

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).

The budget for the Executive Division for Fiscal Year 2000 is projected at \$630,205. Funding for this program is appropriated through strategy 04-01-01 Central Administration. The funds are all derived from state funding sources attributable to the administrative function associated with fees from technical programs, e.g., the Clean Air Account fees, Municipal Solid Waste Fee Program, & Water Utility Fee Programs.

There are no grant monies in this program's budget.

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

Yes. The current funding level adequately funds the initiatives of executive management and the requisite needed to ensure those initiatives are executed.

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

Similar functions on an adjusted level are carried out by the Deputy Directors in the offices that report to the Executive Director, e.g., oversight, management, & direction of staff.

External programs of a similar nature are found in the various other environmental state agencies with which the Executive Director interacts on a regular basis.

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 are regularly scheduled meetings between the Executive Director and his direct reports to discuss issues and plan and execute initiatives to address the objectives and mission of the Commission. As discussed in item G above, there are regularly scheduled meetings to discuss commonalities and plan for cooperative efforts on issues.

The Executive Director regularly participates in stakeholder meetings and meets with the agency's customers in informal settings as well as formal settings, e.g., conferences, forums, etc.

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.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Agency Communications
Location/Division	Executive Director
Contact Name	Andy Saenz, Division Director
Number of Budgeted FTEs, as of June 1, 1999	32
Number of Actual FTEs as of June 1, 1999	28

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

Agency Communications coordinates agency response to all media inquiries, prepares and distributes agency news releases, and coordinates news conferences. In addition, the division continuously improves the quality and streamlines the delivery of print and electronic information to the public. This involves oversight of writing, editing, design, layout, reproduction and distribution of agency publications and materials, and oversight of the organization and presentation of the TNRCC public Web site. The agency library is also part of this division.

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

The functions of this program were consolidated into the current division in January of 1997.

Agency Communications is responsible for ensuring that statutory requirements for the ADA/EOC statement, as required by the federal Americans with Disabilities Act. Agency Communications is also responsible for ensuring the proper use of the state seal as required by the Secretary of State, and for monitoring compliance with General Appropriations Act requirements regarding agency publications. The biennial report to the Legislature is also produced by the division.

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 this program have remained constant, but the services used to accomplish these functions are constantly changing. For instance, the Internet has and will continue to change how the agency presents information. Agency Communications is now responsible for coordinating the use of

this medium as it relates to internal and external communication. Agency communications is an ongoing program that fulfills a continuous need to provide information and publications to the general public and media outlets.

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 the public and agency staff. For example, the Media Relations section fielded 2,310 media contacts in FY98. In FY98, staff distributed 220,785 publications, 245,424 forms, and 4,699 rules. Of publication orders received, 80 percent were received from the public, 20 percent from agency staff. Staff handled 1,077 production projects ranging from print publications, to stationery, to public event materials. The library staff fielded 2,294 reference questions, roughly half from the public, and the rest from staff.

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

Division staff interact with members of the media one-on-one and through organized press releases and events, and work daily with upper management and a network of subject matter experts throughout the agency. Agency policy mandates that all employees are to send media inquiries to this division, or if not possible, to let division staff know when they handle a media contact, to ensure consistent communications.

For publishing, specific staff are assigned to each office of the agency to help coordinate print and Internet publishing needs. Agency policy mandates that all publishing is run through the division for quality and quantity control. A centralized library and publications distribution point is maintained to serve both the public and agency staff.

A special projects unit produces the agency's biennial report to the legislature, a quarterly magazine on environmental issues, and speeches for the three TNRCC commissioners.

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.

Agency Communications maintains an interagency contract with the General Services Commission for printing services.

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 FTE cap has necessitated outsourcing graphics and distribution functions as appropriate.

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.

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:

Agency Communications 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.

Agency Communications 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	Chief Engineer's Office
Location/Division	Executive Director
Contact Name	Dan Wittliff, Chief Engineer
Number of Budgeted FTEs, as of June 1, 1999	27
Number of Actual FTEs as of June 1, 1999	27

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 Engineer's Office includes TNRCC's Chief Engineer, who serves as both technical advisor to the executive director of the agency and senior technical advisor for the Commission, and is also responsible for promoting the use of innovative technologies and determining whether pollution control equipment at a facility qualifies under state law for a property tax exemption. The Toxicology and Risk Assessment Section (TARA), also located in this office, provides toxicological support for agency activities, evaluating environmental concentrations for the potential to cause adverse health or welfare effect.

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

The Chief Engineer's Office was created in 1994 to arbitrate technical and professional disagreements between commission staff from all technical programs and the technical consulting community, the regulated community, concerned citizens, or the Board of Professional Engineers.

The Toxicology and Risk assessment Section (TARA), created in the mid-1980's at the Texas Air Control Board, evaluates monitoring data collected in various environmental media, contributes toxicological expertise to agency enforcement and emergency response activities, coordinates all agency human health risk assessment activities, and conducts the toxicological and effects evaluations for air permit applications.

The Innovative Technology program was created in 1993 to identify and encourage the use of environmentally beneficial innovative technologies within all programs at the Texas Natural Resource Conservation Commission.

The Pollution Control Equipment Tax Exemption program, created in 1993 by constitutional amendment, ensures that compliance with environmental mandates, through capital investments, does not result in an increase in a facility's property taxes by the local appraisal district.

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?

Originally, the Chief Engineer position was created to provide a senior technical authority in the commission. In 1995, the Proposition 2 tax exemption program was assigned to the Chief Engineer for program direction. Subsequently, because of its strong multi-media technical content, the Innovative Technology Program was also assigned to the Chief Engineer's Office, as was the TARA Section, which moved from the Office of Air.

The services and functions of the Pollution Control Tax Exemption program have not changed since its inception. The program will be needed as long as section 11.31 of the Tax Code remains as written.

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 Engineer responds to requests for assistance from consulting engineers, environmental scientists, business developers, Legislators, other regulators, business owners, lawyers, and concerned citizens.

TARA responds to requests for toxicological support/information from all customers which include parties both internal and external to the agency.

Any Texas business which installed pollution control property is eligible to apply to the Pollution Control Tax Exemption program. Applications have been received from 573 companies. In order to be eligible to receive a positive use determination a company must have installed pollution control property after January 1, 1994.

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

TARA assists the agency in making decisions that are protective of human health and the environment, responding to requests for comments from other TNRCC program areas and the regional offices.

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 Chief Engineer occasionally works with cities and counties to resolve permitting issues or to present changes in agency rules or policy, and TARA often interacts with staff of other state and federal agencies.

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 Chief Engineer's Office is funded adequately.

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

Two programs external to the agency with similar or related services and functions to those provided by TARA are the Bureau of Environmental Epidemiology at the Texas Department of Health (TDH), and various programs at USEPA. The major factor which distinguishes TDH work from TARA work is that TDH evaluates community health and health status, irrespective of impacting cause. The distinguishing factor between EPA and TARA work is that EPA addresses issues at the national level, leaving TNRCC to address state-level 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.

TARA works closely with both TDH and EPA, in a mutual sharing of the latest data, to assure that environmental decisions are based on sound science. TARA also coordinates with TDH to assure that the agencies present a consistent message to the public.

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

There are 4 major categories of work that TARA conducts.

Exposure Assessment and Enforcement -TARA reviews multi-media monitoring data collected around the State and assesses the extent to which the general public is likely to be exposed. They also provide toxicological assistance in enforcement actions taken against companies found to be in violation of TNRCC rules and regulations, and in agency Emergency Response activities.

Risk Assessment - In support of RCRA permitting activities, TARA conducts multi-media risk assessments of hazardous waste combustor emissions, assuring that pollutants which have the potential to build up in the food-chain do not pose an unacceptable risk to the general public. TARA also reviews risk assessments submitted to the agency in support of soil cleanup activities.

Multi-Media Assessment -TARA conducts in-depth analyses of emerging environmental issues at the national level, such as the multi-media assessment of mercury in the environment, and provides technical assistance on multi-media issues to other TNRCC Programs, such as contributing to agency comments on EPA's Persistent Bioaccumulative and Toxic Pollutants (PBT's) initiative.

Air Permitting and Special Projects - TARA is responsible for conducting the toxicological and effects review of air permit applications. TARA also provides expert testimony at some public meetings and hearings, and provides toxicological assistance in permit-related rule-making activities.

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.

The Chief Engineer responds to complaints made by staff against permittees or their consultants and by permittees or consultants against staff.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Intergovernmental Relations
Location/Division	Executive Director
Contact Name	Stephen Minick, Division Director
Number of Budgeted FTEs, as of June 1, 1999	7
Number of Actual FTEs as of June 1, 1999	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 Intergovernmental Relations Division is responsible for:

- # coordination of communications with legislative offices and members, stakeholders and other governmental agencies in matters related to legislative issues and agency policy or program initiatives;
- # preparation for legislative sessions and development and coordination of the agency’s legislative agenda;
- # assisting legislative members in addressing requests for information or assistance to constituents in dealing with agency;
- # tracking and categorizing legislative contacts;
- # training of agency staff for resource witness appearance, and legislative process;
- # coordination of agency assessment of proposed legislation and the analysis of the impacts to agency programs and responsibilities; and
- # management of agency legislative affairs, including coordination of agency recommendations with bill sponsors, coordination and preparation of agency resource witnesses for legislative hearings, monitoring and reporting of hearings and other legislative activities.

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

The Intergovernmental Relations function has been a part of the TNRCC since its creation from predecessor agencies in 1992 and 1993.

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?

Most changes in this function have been procedural and related to ongoing efforts to improve delivery of service through changes in operating procedures, staff responsibilities, policies and information management tools. The need for the function will be 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.

The Intergovernmental Relations function serves the following constituents:

- # State legislators and leadership offices (Governor, Lt. Governor, Speaker) and federal Congressional delegation (House and Senate);
- # Constituents of federal and state legislators;
- # Federal and state natural resource and environmental agencies;
- # Entities regulated by the TNRCC;
- # Public interest, environmental, trade, business or other special interest association representing agency regulated communities or other customers;

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

The Division is headed by a director who reports directly to the Executive Director. Staff include legislative liaisons with broad responsibilities for coordinating the various responsibilities of the division within major subdivisions such as environmental medium (air quality, water quality, solid waste management) or function (permitting, enforcement, administrative). Other staff are responsible for internal coordination of projects, and information collection, management and reporting and routine administration. The primary role of the division is to insure communication by working closely with all of the program areas of the agency, as members of both formal and informal teams, to insure that IGR staff are aware of and up to date on all agency program and policy directions affecting the agency's stakeholders.

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 IGR Division is involved with local governments based on their roles as regulated entities (licensees, permit holders, etc.), program administrators who have been delegated regulatory or permitting authority at the local level, or grantees that have received state financial assistance for various programs.

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 sources and those assumed to be available through the next biennial budget cycle are estimated to be appropriate to achieve the objectives of the IGR function.

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.

Under existing procedures and agreements with other agency programs, IGR staff are included as participants in the development of significant policies, rules, program changes, and legislative initiatives to insure that the division is informed of those activities that need to be coordinated and communicated externally and to insure that duplication of efforts does not occur.

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	Small Business and Environmental Assistance
Location/Division	Executive Director
Contact Name	Israel Anderson, Division Director
Number of Budgeted FTEs as of June 1, 1999	83
Number of Actual FTEs as of June 1, 1999	65.5

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

The Small Business and Environmental Assistance Division provides confidential environmental technical assistance without the threat of enforcement action. Staff provide pollution prevention and compliance assistance to the regulated community. Among the division's top priorities are small business and local government assistance, on-site technical assistance, and environmental public awareness programs. Services include regulatory assistance seminars, technical workshops, trade fairs, waste collection events, toll-free hotline assistance and recognition of environmental excellence.

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

The Small Business and Environmental Assistance Division was created in January 1999 as a result of the consolidation of all compliance assistance activities of the TNRCC into a single divisional unit within the Executive Director's Office. A key facet for FY2000 is the placement of twenty compliance assistance positions in the sixteen regional offices of the agency. The program's purpose is to improve the efficiency and effectiveness of customer services provided by TNRCC to protect public health and the environment by proactively addressing opportunities to prevent problems and educate citizens, developing more effective local partnerships and regionally based compliance assistance initiatives, improving relationships between field staff and central office programs, and building upon current expertise and programs.

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 Small Business and Environmental Assistance Division, created in 1998, is comprised of the former Office of Pollution Prevention and Recycling, the Small Business Assistance Program and the former Local Government Assistance Program and Regulatory Outreach Program.

The division is integrating activities and identifying opportunities for using multi-media approaches to problem solving. There will not be a time in the foreseeable future when the mission will be accomplished or the program will no longer be needed.

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

Customers include small businesses, industrial facilities, local governments, federal and state facilities, institutions, agricultural producers, schools, and individuals.

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

The program is centrally administered by the division director and has 20 positions located in the agency's 16 regional field offices.

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 program works with local units of government such as municipal owned water and wastewater plants, municipal and county owned and run solid waste landfills, transfer stations, citizens collection points, water supply districts, municipal utility districts (MUDs) water control and irrigation districts and river authorities. All of these entities are considered members of the regulated community.

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.

The 73rd Legislature created the Recycling Market Development Board (RMDB) in 1993 (Texas Health and Safety Code Chapter 361) to coordinate recycling market development work among several state agencies. The Board consists of the Chairman of the TNRCC, the Commissioner of the General Land Office, the Executive Director of the General Services Commission, the Executive Director of the Texas Department of Economic Development, and the Executive Director of the Texas Department of Transportation.

The Recycling Program at the General Land Office (GLO) supports the “Buy Recycled” program to encourage business, industry, and government to purchase recycled-content products.

The Waste Minimization Program at the Railroad Commission of Texas provides (RRC) pollution prevention technical assistance to the oil and gas industry. This RRC program targets the oil and gas industry under their jurisdiction.

HB 2022 was passed during the 76th Legislative Session which provides for the Governor to designate the Small Business Advocate at the Texas Department of Economic Development (TDED).

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, the division is coordinating across sectional boundaries to ensure that our attempts to provide customers with assistance are multi-media and based on pollution prevention techniques.

The GLO Recycling Program provides public awareness of recycled-content products and supports the TNRCC's “Texas Recycled” program which promotes Texas manufacturers of recycled-content products. The division coordinates technical assistance activities with the RRC Waste Minimization Program through the EPA Region VI Pollution Prevention Roundtable. The division will continue to coordinate with TDED and the newly created Small Business Advocate to provide environmental regulatory and compliance assistance expertise.

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

The activities of the Small Business and Environmental Assistance Division staff both in the central office and in the regional offices will be guided ultimately by the agency's compliance planning process, including assistance activities, and will be a part of the agency's broad planning process. Environmental assistance is an agency-wide function with the new division providing an additional conduit to provide assistance to our customers and leadership on proactive approaches to environmental protection.

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	New Source Review Permits Division
Location/Division	Office of Permitting
Contact Name	Victoria Hsu, P.E., Division Director
Number of Budgeted FTEs, as of June 1, 1999	116
Number of Actual FTEs as of June 1, 1999	112

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

The key function of the New Source Review Permits Division (NSRP) is to minimize air pollution from new or modified facilities and to ensure protection of public health. The division processes preconstruction permit applications and exemption registrations for new and modified air emissions sources including preconstruction reviews for “major” sources as required under Title I and Title III of the Federal Clean Air Act. The division also performs air emission reviews in support of solid and hazardous waste permitting including the Resource Conservation and Recovery Act (RCRA) Combustion Strategy. The Emission Reduction Credit Banking and Trading Program which includes certification and transfer of emission credits is also managed under the NSRP. The NSRP performs air dispersion modeling to support permit evaluation and other specific projects.

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

The New Source Review Permits (NSRP) Division was created in 1969 to satisfy Section 110 of the Federal Clean Air Act (FCAA) which requires each state to have, in its State Implementation Plan (SIP), regulations governing the modification and construction of any stationary source that affects attainment with national ambient air quality standards (NAAQS).

NSRP

State Statute – Texas Health and Safety Code Chapter 382, Subchapter C

Federal Statute – FCAA Section 110

State Rules – 30 TAC Chapters 106 and 116

Strategy: 01-01-01 Air Quality Permitting

Review of Air Emissions from RCRA Permitted Facilities and Hazardous Waste Combustion

State Statute – Texas Health and Safety Code Chapter 361.011(d)(1) and 30 TAC 335, Subchapter L

Federal Rules – 40 CFR 264, 266, and 270

Emission Reduction Credit Program

State Statute – Texas Health and Safety Code Chapter 384

State Rules – 30 TAC 101.29

Federal Rules – 40 CFR 51.490

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?

Several changes have been made to the NSRP program to allow more flexibility while achieving the original intent of insuring application of Best Available Control Technology (BACT) and protecting public health and welfare.

- 1995 The 74th Legislature allowed the commission to issue flexible permits (site-wide emission caps based upon BACT) and standard permits (for numerous similar facilities).
- 1997 The 75th Legislature reduced the scope of permit renewal review and allowed the commission to implement procedures to make it easier to make changes at well-controlled facilities.
- 1999 The 76th Legislature provided the commission with mechanisms for: voluntary permitting of grandfathered facilities, mandatory permitting of grandfathered electric utilities, emission caps across multiple plant sites, easier creation of standard permits, and defining de minimis facilities for which no preconstruction authorization is necessary; and divided the existing category of exemptions from permitting into permits by rule for new, insignificant facilities while retaining exemptions from permitting for changes at insignificant facilities.

The mission of the NSRP is ongoing and necessary for the protection of public health and welfare.

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

NSRP serves the regulated community by conducting an analysis, including the determination of the appropriate emission controls, prior to the construction or modification of any facility that may emit air contaminants. Potentially, any new or modified facility that emits air contaminants may be regulated and can range from an oil refinery or chemical plant to a dry cleaning facility or grain elevator. NSRP also serves the general public by conducting an air quality analysis of the proposed emissions from those new or modified facilities to ensure public health and welfare. NSRP has processed about 40,000 preconstruction authorizations as of fiscal year 1998 with thousands more authorized through exemptions from permitting for which no registration is required. Qualification or eligibility requirements for receiving services is the application/registration to the agency.

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

The NSRP authorizes construction and modification of facilities that emit air contaminants through permits, exemptions from permitting (permits by rule), standard permits, and flexible permits (plant emission caps). For permitting, the basic functions of the NSRP are to review applications for proposed new or modified facilities to ensure application of Best Available Control Technology (BACT) and to determine that the public health and welfare will be protected. Regional offices provide compliance inspections and complaint investigations. (See Chapter VI submittal for the Office of Compliance and Enforcement.)

As a result of the recommendations in the Business Process Review, the TNRCC is in the process of implementing a standardized five-tier approach to permitting across all agency permitting programs. A given permit application will be processed through one of five paths depending upon the significance and complexity of the subject application. The attachments at the end of Chapter VI reflect the modified generic permit processes of the agency.

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.

Permit applications and requests for comments on all preconstruction permits are sent to the local governments involved with air quality in that area. For example, in Houston that would include the City of Houston and the Harris County Pollution Control Department. The Emission Reduction Credit and Trading Program also works closely with the local Area Emission Reduction Credit Organizations to coordinate emission credit trades.

Other potential areas of participation with local governments include the multiparty (TNRCC/EPA/COG/Companies) Flexible Attainment Region (FAR) MOA for the Corpus Christi area dated July 26, 1996 and the Multiparty (TNRCC/COG/Companies) Flexible Attainment Region (FAR) MOA for the Longview Tyler area (commonly referred to as the Northeast Texas FAR). The purpose is to enter into an agreement designed to limit emissions and improve air quality in order to avoid designation as a nonattainment area.

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 and future funding resources are appropriate to achieve program mission, goals, objectives, and performance targets.

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

No known external program in Texas duplicates preconstruction authorization of new or modified facilities that emit air contaminants for the purpose of applying BACT and protecting public health and welfare. Internal to the agency, regulated entities receive similar services from various permit divisions based on differing regulatory requirements and environmental impacts.

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.

The agency recently completed a Business Process Review which is aimed at improving coordination in permit areas within the agency. An ongoing agency workgroup is creating standard permit processes, standardizing administrative completeness reviews and instituting multi-media approaches to agency permitting.

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:**

Permitting of sources of air emissions is needed to ensure protection of public health and welfare.

For the following questions please refer to the Chapter VI submittal for the Office of Compliance and Enforcement.

- **the scope of, and procedures for, inspections or audits of regulated entities:**
- **follow-up activities conducted when non-compliance is identified:**

- **sanctions available to the agency to ensure compliance:**
- **procedures for handling consumer/public complaints against regulated entities:**

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.

Please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program specific complaint information.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Operating Permits Division
Location/Division	Office of Permitting
Contact Name	Karen Olson, P.E., Division Director
Number of Budgeted FTEs, as of June 1, 1999	101
Number of Actual FTEs as of June 1, 1999	92

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

The Operating Permits Division, (OPD) is responsible for the review of operating permit applications, which identify applicable requirements of all major sources of regulated air pollutants and the implementation plans of the new federal hazardous air pollutants requirements. The division develops and implements the permitting aspects of Title III (Air Toxics), Title IV (Acid Rain), and Title V (Operating Permits) of the Federal Clean Air Act Amendments of 1990.

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

Title V of the Federal Clean Air Act (FCAA) and Title 40, Code of Federal Regulations Part 70 (40 CFR 70) required states to establish a state Operating Permit Program. Chapter 382, Subchapter C of the Texas Health and Safety Code authorizes the TNRCC to develop rules to implement the operating permit program required by 40 CFR 70. The U.S. Environmental Protection Agency (EPA) granted interim approval of the Texas Operating Permit Program effective July 25, 1996.

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?

Title V of the Federal Clean Air Act imposed a shift in the regulatory approach to environmental compliance with air regulations by requiring an operating permit which codifies applicable federal requirements and places clearer responsibility on the regulated community to report compliance status for those requirements. The operating permit comes with the obligations for responsible official certification of all representations and data, six month reporting of environmental data, annual compliance certification, additional emission monitoring and provides an enforcement tool for the agency. The mission of the Operating Permits Division is 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.

All sites that have major amounts of air emissions are required to obtain an operating permit. Some sites with minor amounts of emissions that are subject to certain regulations are also required to obtain operating permits because EPA specifically identified that those sites must be permitted. Approximately 1800 to 2000 sites will be required to obtain a permit. The program serves the general public by clarifying obligations of regulated entities.

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

The TNRCC is required by the FCAA and the operating permit program approval, to review and issue permit applications over a five year period beginning July of 1996. A permit review schedule by Standard Industrial Classification Codes has been established. The permit review process includes timelines for public notice, an EPA objection period, and a citizen petition period. The program is being implemented as a partnership between the Operating Permits Division and the Field Operations Division through integration of field inspections into the permit review process.

As a result of the recommendations in the Business Process Review, the TNRCC is in the process of implementing a standardized five-tier approach to permitting across the all agency permitting programs. A given permit application will be processed through one of five paths depending upon the significance and complexity of the subject application. The attachments at the end of Chapter VI reflect the modified generic permit processes of the agency.

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.

Since the Operating Permits Division works in complete partnership with Field Operations any agreements or MOUs concerning operating permits implementation would be addressed by Field Operations. The Operating Permits Division may interact with local government units when local government activities are subject to regulation.

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).

The operating permit program is required by the FCAAA to be funded through an annual emissions fee maintained in the 152 Clean Air Fund.

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.

There are no other programs that provide the service of the operating permit. Operating permits do, however, codify requirements in authorizations issued by other TNRCC programs and, in some cases, EPA permits.

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.

The agency recently completed a Business Process Review which is aimed at improving coordination in permit areas within the agency. An ongoing agency workgroup is creating standard permit processes, standardizing administrative completeness reviews and instituting multi-media approaches to agency permitting.

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:** Title V of the 1990 Federal Clean Air Act Amendments required states to establish a state Operating Permit Program. Texas developed rules contained in 30 TAC Chapter 122 in order to satisfy the minimum elements of an operating permit program contained in Title 40, Code of Federal Regulations Part 70 (40 CFR 70). The U.S. Environmental Protection Agency (EPA) granted approval of the Texas Operating Permit Program effective July 25, 1996. If Texas had not submitted an acceptable operating permit program, EPA would have implemented the federal operating permit program contained in 40 CFR 71 and could impose sanctions including the loss of federal highway funds.

For the following questions please refer to the Chapter VI submittal for the Office of Compliance and Enforcement.

- **the scope of, and procedures for, inspections or audits of regulated entities:**
- **follow-up activities conducted when non-compliance is identified:**
- **sanctions available to the agency to ensure compliance:**
- **procedures for handling consumer/public complaints against regulated entities:**

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.

Please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program specific complaint information.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Waste Management Permits Division
Location/Division	Office of Permitting
Contact Name	Dale Burnett, Division Director
Number of Budgeted FTEs as of June 1, 1999	110.4
Number of Actual FTEs as of June 1, 1999	105

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

The key services and functions of this division are as follows:

The Industrial and Hazardous Waste (IHW) Permits Section is responsible for managing and administering waste-related programs and requirements for the permitting of hazardous waste treatment, storage and disposal facilities and off-site industrial nonhazardous waste storage and treatment facilities. The permitting requirements include design and operational requirements as well as closure and post-closure care, financial assurance, and groundwater monitoring.

The Municipal Solid Waste (MSW) Permits Section is responsible for managing and administering waste related programs and requirements for the permitting and registration of municipal solid waste facilities and activities such as: landfills; liquid waste processing facilities (processes wastewater, grease and grit trap wastes); incinerators; transfer stations; material recovery facilities; medical waste treatment facilities; and composting facilities. The MSW Permits Section is also responsible for the permitting of commercial industrial nonhazardous waste landfills.

The Underground Injection Control and Radioactive Waste (URW) Section is responsible for the Underground Injection Control (UIC) well permitting program for Class I and III wells, licensing of on-site buried radioactive waste sites, and licensing of commercial low-level radioactive waste disposal sites. The URW Section regulates the operation, design and maintenance of Class I wells which inject hazardous and nonhazardous waste, and Class III wells which inject fluids for extraction of minerals, (solution mining of uranium, sodium sulfate, and sulfur). The URW Section also inspects UIC Class I and Class III underground injection wells to ensure that the facilities operating such wells are in compliance with applicable rules and regulations governing mechanical integrity of the well and other operational factors such as injection pressure and volume. In addition, groundwater is monitored at Class III mining sites to ensure that groundwater quality is not degraded. The URW Section is also responsible for inspection of buried radioactive waste sites as well as any commercial low-level radioactive waste disposal site licensed in the future. Currently, there are no commercial disposal license applications pending at the agency.

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

Both the industrial and municipal waste programs were created as a result of the passage of the Texas Solid Waste Disposal Act (currently Chapter 361 of the Texas Health and Safety Code) in 1969 to address the management of solid waste within the State of Texas. The programs were modified as a result of the passage of federal legislation and regulations addressing hazardous and municipal waste.

IHW

State Statutes - Texas Health and Safety Code Chapter 361

Federal Statutes - Resource Conservation and Recovery Act (RCRA) of 1976, Subtitle C, Solid Waste Disposal Act Sections 3005 and 3006

State Rules - 30 TAC Chapters 281, 305 and 335

Federal Rules - 40 CFR Parts 260-272

Strategy: 01-01-03 Waste Management and Permitting

MSW

State Statute: Texas Health and Safety Code Chapter 361

Federal Statute: RCRA Subtitle D

State Rules: 30 TAC Chapters 281, 305, and 330

Federal Rules: 40 CFR Part 257 and 258

Strategy: 01-01-03 Waste Management and Permitting

The Underground Injection Control program was created in 1961 by the passage of the Injection Well Control Act (currently Chapter 27 of the Texas Water Code) by the Texas Legislature to establish regulatory controls over the subsurface injection of fluids. The program was modified as a result of federal legislation and regulations.

UIC

State Statute - Texas Water Code Chapter 27

Federal Statute - Safe Drinking Water Act, Sections 300h, 300h-1, and 300h-2

Federal Regulations - 40 CFR Parts 144-148

State Regulations - 30 TAC Chapters 281, 305, and 331

Strategy: 01-01-03 Waste Management and Permitting

The Radioactive Waste Disposal program was created on March 1, 1992 through legislation which transferred jurisdiction for disposal of radioactive substances to the Texas Water Commission and subsequently to the TNRCC upon its formation on September 1, 1993. Radioactive waste disposal is under an agreement state status with the federal Nuclear Regulatory Commission (NRC). Jurisdiction is divided between the TNRCC and the Texas Department of Health, specifically the Bureau of Radiation Control (BRC). The TNRCC has jurisdiction over disposal of radioactive waste and the Department of Health has jurisdiction over transportation, recycling, storage and handling. TNRCC has jurisdiction over the low-level radioactive waste sites with buried radioactive waste. These sites are licensed rather than permitted.

Buried Radioactive Waste Sites

State Statute: Texas Health and Safety Code Chapter 401

Federal Statute: Atomic Energy Act of 1954 as amended, Section 2021

State Rules: 30 TAC Chapter 336

Federal Rules: 10 CFR Parts 20, 40, 61

Strategy: 01-01-03 Waste Management and Permitting

Commercial Low-Level Radioactive Waste Disposal Sites

State Statute: Texas Health and Safety Code Chapters 401, 402, and 403

Federal Statute: Atomic Energy Act of 1954 as amended, Section 2021

State Rules: 30 TAC Chapter 336

Federal Rules: 10 CFR Parts 20, 40, and 61

Strategy: 01-01-03 Waste Management and Permitting

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?

IHW

- 1969 Texas Solid Waste Disposal Act was enacted.
- 1976 The federal Resource Conservation and Recovery Act (RCRA) was enacted. Subtitle C of the Act regulates the generation, transportation, storage, processing and disposal of hazardous waste.
- 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA were enacted to address contamination in all environmental media from RCRA regulated waste management units and solid waste management units.
- 1990 Final authorization to administer the Federal RCRA program was received by the State of Texas.

As hazardous waste continues to be generated in Texas, the issuance of permits will be necessary since they provide a mechanism for ensuring that waste management will proceed in a manner which is protective of human health and the environment.

MSW

- 1976 The Resource Conservation and Recovery Act (RCRA) was enacted. Subtitle D of the Act requires EPA to report on the adequacy of existing solid waste disposal facility criteria and gather detailed data on the characteristics and quantities of nonhazardous waste.
- 1979 The EPA promulgated criteria to designate conditions under which solid waste disposal facilities and practices would not pose adverse effects to human health and the environment.
- 1991 To address environmental and health concerns, EPA promulgated revised minimum federal criteria for municipal solid waste.
- 1993 Texas authorized to implement the RCRA Subtitle D program.

As municipal waste continues to be generated in Texas, the issuance of permits will be necessary since they provide a mechanism for ensuring that waste management will proceed in a manner which is protective of human health and the environment.

UIC

- 1961 The first Class I injection well permit was issued by a predecessor of the TNRCC. Underground injection was regulated for a number of years in Texas under the authority of the Injection Well Act, before the development of the federal UIC Program under the Safe Drinking Water Act. Federal UIC regulations were modeled largely after existing injection well regulations of Texas and several other states with significant numbers of injection wells.
- 1982 The Texas Department of Water Resources (a predecessor to the TNRCC) received authorization from EPA to administer the federal UIC Program for injection wells including all Class I wells, most Class III and Class V wells, and all Class IV wells.

Use of injection wells and the need for their regulation through permitting and compliance monitoring (inspection) is expected to continue in the future in numbers and frequencies comparable to that of the present.

Buried Radioactive Waste

- 1992 Jurisdiction for disposal of radioactive substances was transferred to Texas Water Commission and later to the TNRCC (upon its formation on September 1, 1993).
- 1998 TNRCC adopted revised rules for licensing of alternative methods of disposal of radioactive material (Subchapter F of 30 TAC Chapter 336) and new rules for decommissioning standards (Subchapter G of 30 TAC Chapter 336).
- 2000 The regulatory deadline for applying for licenses for decommissioning decontamination of all sites that contain buried radioactive material.

Commercial Low-Level Radioactive Waste Disposal

- 1992 Jurisdiction for disposal of radioactive substances was transferred to Texas Water Commission and later to the TNRCC (upon its formation on September 1, 1993).
- 1992 Application for a Low Level Radioactive Waste (LLW) disposal site was received by the Texas Water Commission from the Texas Low-Level Radioactive Waste Disposal Authority (TLLRWDA).
- 1998 TNRCC commissioners denied the license for the proposed LLW disposal facility.
- 1999 Passage of House Bill 2954 transferred authority from the Texas Low Level Radioactive Waste Disposal Authority functions to the TNRCC.

Licensing and compliance monitoring (inspection) is expected to be needed as long as disposal of low-level radioactive waste continues in order to prevent public exposure to excessive doses of radiation.

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

In general, all of the programs serve the public and all facilities which store, process, or dispose of solid waste in a manner requiring a permit or which dispose or have buried low-level radioactive waste. Application/registration to the agency is the only requirement for receiving services.

More specifically, the IHW program processes applications primarily from large industries and commercial hazardous waste management companies. There are currently 208 permitted facilities, 20 hazardous waste facilities operating under interim status with applications pending, and 5 applications for proposed facilities that are not yet constructed. In addition, the IHW program processes applications for off-site industrial non-hazardous waste storage and treatment.

The MSW program serves entities managing non-hazardous waste including municipalities and commercial waste management companies, including those with non-hazardous landfill applications. Numbers of permitted or registered MSW facilities are as follows: Landfills (Type I-IV and commercial industrial nonhazardous waste) - 230; liquid waste processors - 45; incinerators - 53; transfer stations - 43 permitted, 75 registered; material recovery facilities - 5; composting sites - 42; and medical waste facilities - 17.

The UIC program serves industries including chemical manufacturing, petroleum and metals refining, beef packing, commercial waste management, and solution mining of uranium, sodium sulfate, and sulfur. Presently, there are 110 active Class I injection wells operating at 51 facilities, and approximately 10,000 active Class III injection wells at 12 facilities in the State.

The Buried Radioactive Waste program currently serves four licensed sites where radioactive material is buried, one active (burial is ongoing) and three inactive sites. In addition, the program has identified approximately a dozen more sites where radioactive material was buried on-site under authorization of previous licenses. The only eligibility requirement to fall under the program is the presence of on-site buried radioactive material that has not been formally decontaminated or decommissioned to decontamination standards specified in the current rules.

The Commercial Low-Level Radioactive Waste Disposal program provides for licensing to construct, operate, and close out commercial facilities for disposal of low-level radioactive waste (LLW) generated in the three states that form the Texas Compact, (Maine, Vermont, and Texas). A license application for a Texas LLW disposal facility was formally denied by TNRCC commissioners in October 1998.

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

The Office of Compliance and Enforcement has regional field offices which provide compliance inspections and complaint investigation services.

As a result of the recommendations in the Business Process Review, the TNRCC is in the process of implementing a standardized five-tier approach to permitting across the all agency permitting programs. A given permit application will be processed through one of five paths depending upon the significance and complexity of the subject application. The attachments at the end of Chapter VI reflect the modified generic permit processes of the agency.

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 Permits Division interacts with local units of government when local government activities are subject to regulation.

During the application phase for a municipal solid waste permit, COGs are afforded an opportunity to comment regarding conformance with the regional solid waste management plan.

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.

Funding resources will be adequate for each area provided funding sources continue and workload does not unexpectedly increase.

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

Regulated entities receive similar services from various permit divisions within the agency. For example, one entity could have separate permits covering air emissions, wastewater discharges, and hazardous waste treatment/storage/or disposal, based on differing requirements and environmental impacts. No program internal or external to the TNRCC provides functions or services that are identical for the same types of facilities and environmental impacts.

UIC

The Railroad Commission (RRC) maintains a UIC permitting program for Class II injection wells (for injection related to oil and gas production) and Class III brine production wells in parallel to the TNRCC's UIC program. The RRC's UIC program includes many more wells than those regulated by TNRCC.

Buried Radioactive Waste and Commercial Low-Level Radioactive Waste Disposal

The TDH requires cleanup of radiologically contaminated sites, where such contamination results from activities authorized through licenses issued by the TDH. The TDH has statutory authority for receipt, possession, use and transfer of radioactive material and disposal of uranium mill tailings.

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.

The agency recently completed a Business Process Review which is aimed at improving coordination in permitting areas within the agency. Ongoing agency activities are creating standard permit processes, standardizing administrative completeness reviews and instituting multi-media approaches to agency permitting.

UIC

The Injection Well Act (Texas Water Code, Chapter 27) defines the division of responsibilities between TNRCC and the RRC for regulating underground injection. Permit applications pending before either agency are required to have letters from the sister agency advising of the effects of the proposed injection on environmental and economic matters under the jurisdiction of the other agency. Further, staff of the two agencies confer during permit application review regarding any technical concerns posed by a permit application. Staff of the two agencies also work together in development of MOUs to more clearly define jurisdictional lines and to provide for cooperation between agencies. Staff of the two agencies may also coordinate in making formal revisions to each agency's program authorization by EPA.

Buried Radioactive Waste and Commercial Low-Level Radioactive Waste Disposal

A memorandum of understanding (MOU) exists between the TNRCC and the TDH (30 TAC Section 336.11), and the periodic meetings between radiation program staff of the two agencies, assures that any duplication is avoided. For example, under the MOU it has been agreed that any processing and storage of LLW that is required *incidental to* disposal would be addressed by the TNRCC although the jurisdiction for those activities lies with the TDH.

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:**

IHW, MSW and UIC

Permitting of hazardous and municipal waste treatment, storage and disposal facilities and off-site nonhazardous industrial waste facilities is needed to ensure that facilities which manage these wastes are designed and operated to prevent mismanagement of waste and to provide protection of human health

and the environment. Permitting provides broad protection by ensuring that standards are met regarding closure and post-closure care, financial assurance, groundwater monitoring and corrective action.

Buried Radioactive Waste

The TNRCC licenses the decommissioning or long-term care of non-commercial sites which have buried low-level radioactive waste on-site, to ensure that workers at the site, the public, and the environment are protected from excess doses of radiation. Sites must either remove the waste to a safe level or apply to the agency for a license to leave waste in place by January 1, 2000.

Commercial Low-Level Radioactive Waste Disposal

The TNRCC licenses low-level radioactive waste disposal sites which commercially dispose of low-level waste from non-federal generators such as medical facilities, scientific research facilities, and nuclear electric power plants. The agency reviews applications to ensure that a site engaging in this activity protects human health and the environment from excess doses of radiation. At this time, no license application is pending at the agency.

- **the scope of, and procedures for, inspections or audits of regulated entities:**

Inspections and audits for the IHW and MSW programs are conducted by the TNRCC’s Office of Compliance and Enforcement (OCE). Please refer to the OCE part of this Chapter.

The Underground Injection Control and Radioactive Waste Section (URW) performs inspections at UIC facilities in addition to those conducted by OCE and at radioactive waste disposal sites. A manual is maintained detailing procedures and protocols for inspections performed by the URW section. The table below summarizes the inspections performed by the URW section during FY 98.

	FY 1998 Inspections by URW Section	
Inspection Type	# Facilities Inspected	% Regulated Universe
Class I Well MITs, plugging, and construction	76	66%
Class I Uranium	13	100%
Class III	20	100%
Licensed Buried Radioactive Waste Sites	4	100%

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

For IHW and MSW programs, please refer to the OCE part of this Chapter.

The URW section procedures for follow-up when non-compliance is identified are similar to those used by the TNRCC’s Field Operations Division:

Non-compliance is routinely identified through inspection activity. The inspector reviews the findings in an exit interview at the facility and describes any non-compliance documented during the inspection. If a

violation(s) is minor, the violation(s) is noted, and a Notice of Violation (NOV) is sent to the facility, allowing a certain amount of time to achieve compliance. The NOV requests that the facility submit a written schedule that shows when and how it will correct each of the alleged violations; alternatively, the TNRCC may give the company a similar schedule which the company must follow. The inspector tracks the response to the NOV to ensure that compliance is achieved, either through the company's submitted documentation, or through a follow-up inspection. If the violation(s) is serious or remains unresolved, the case is referred to the TNRCC's Enforcement Division for formal enforcement action.

- **sanctions available to the agency to ensure compliance:**

Please refer to the OCE part of this Chapter.

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

Please refer to the OCE part of this Chapter.

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.

Please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program-specific complaint information.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Waste Registration and Evaluation Division
Location/Division	Office of Permitting
Contact Name	Grace Montgomery Faulkner, Division Director
Number of Budgeted FTEs as of June 1, 1999	93
Number of Actual FTEs as of June 1, 1999	88

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

The Registration and Evaluation Division currently has three sections:

Petroleum Storage Tank Reimbursement Section

The Petroleum Storage Tank (PST) Reimbursement Section reviews and processes eligible owner/operator applications for reimbursements for leaking petroleum storage tank corrective action expenses.

PST Technical Services Section

PST Technical Services Section maintains registration and construction information for underground and aboveground petroleum storage tanks, provides technical assistance and outreach for tank owners and operators, and oversees Stage II vapor recovery activities in ozone nonattainment areas.

Waste Evaluation Section

The Waste Evaluation Section is responsible for managing industrial solid waste characterization and classification; registration of handlers of hazardous and industrial solid waste, and medical waste transporters; processing industrial solid waste recycling notices; and tracking of used oil, used oil filters, and scrap tires.

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

PST Reimbursement and Technical Services Sections

The PST program was created in response to federal laws enacted in 1984 creating regulations governing underground tanks. Statutes and regulations governing this activity allow the agency to maintain and protect the quality of groundwater and surface water resources in the state from petroleum storage tank releases. The state created a fund to reimburse the cost of cleanup of sites where releases have occurred from PSTs resulting in impacts to soil and groundwater.

State Statute: Texas Water Code Chapter 26 , Subchapter I

State Rules: 30 TAC Chapter 334

Federal Statute: 42 USC 6991b (RCRA), Subtitle I

Federal Rules: 40 CFR Parts 280 and 281

Strategy: 03-01-01 Storage Tank Administration
03-01-02 Storage Tank Cleanup

Industrial and Hazardous Waste

Registration and tracking of facilities and waste characterization and classification are required by the Texas Solid Waste Disposal Act (currently Chapter 361 of the Texas Health and Safety Code) which was passed in 1969 to address the management of solid waste within the State of Texas.

State Statute - Texas Health and Safety Code Chapter 361

Federal Statute - Resource Conservation and Recovery Act (RCRA) of 1976, Subtitle C,

Solid Waste Disposal Act Sections 3005 and 3006 (hazardous wastes)

State Rules - 30 TAC Chapter 335

Federal Rules - 40 CFR Parts 260-272 (hazardous waste) and 40 CFR Part 257

Strategy: 01-01-03 Waste Management and Permitting

Medical Waste Transporter Program

The program was created with the promulgation of Texas Department of Health regulations in 1989 under the authority of the Texas Solid Waste Disposal Act of 1969. The regulations and statutes outline general procedures and requirements for persons who generate, collect, store, process, treat or dispose of special waste from health care-related facilities.

State Statute: Texas Health and Safety Code Section 361.011

State Rules: 30 TAC Chapter 330 Subchapter Y

Federal Statute: N/A

Federal Rules: N/A

Strategy: 01-01-06 Waste Management Assessment and Planning

Waste Tire Program

The waste tire program was created in 1991. Regulations require transporters, processors, and storage sites to register with the TNRCC. The rules also require the use of a manifest system which provides a paper trail tracking tires from “cradle to grave”.

State Statute: Texas Health and Safety Code, Chapter 361

State Rules: 30 TAC Chapter 330, Subchapter R

Federal Statute: N/A

Federal Rules: N/A

Strategy: 01-01-08 Automotive Waste Management and Recycling

Used Oil and Used Oil Filter Program

The used oil program was mandated by federal legislation in 1992 amending RCRA. The used oil filter program was created in 1994 through TNRCC regulations. Statutes and regulations allow the TNRCC the ability to ensure the recycling, reuse, treatment and proper disposal of used oil and used oil filters.

State Statute: Texas Health and Safety Code Chapter 361 and 371

State Rules: 30 TAC Chapter 324 and 330

Federal Statute: 42 USC Section 6901 et seq

Federal Rules: 40 CFR Part 279

Strategy: 01-01-07 Pollution Prevention and Recycling

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?

PST Reimbursement and Technical Services

- 1984 Congress amends RCRA authorizing a national underground storage tank regulatory program.
- 1986 The Texas Water Commission is designated to receive and process Texas underground storage tank registrations.
- 1987 Senate Bill 779 authorizes the Water Commission to develop and administer a comprehensive underground storage tank regulatory program.
- 1989 House Bill 1588 provides authorization for limited regulation of aboveground storage tanks; financial assistance to owners/operators of leaking petroleum storage tanks; and the collection of a bulk delivery fee to finance the program; and authorizes the Water Commission to establish a registration program for contractors who would perform the corrective action and the leaking sites.
- 1995 Texas receives EPA's state program approval which allowed the state program to operate in lieu of the federal regulatory program.

While there are sunset dates for the collection of the delivery fee of March 1, 2002 and for the reimbursement program of September 1, 2003, the program will need to respond to future releases and to direct appropriate clean-up measures for protection of human health and safety.

Industrial and Hazardous Waste

- 1969 Texas Solid Waste Disposal Act was enacted.
- 1976 The federal Resource Conservation and Recovery Act (RCRA) was enacted. Subtitle C of the Act regulates the generation, transportation, storage, processing and disposal of hazardous waste.
- 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA were enacted to address contamination in all environmental media from RCRA regulated waste management units and solid waste management units.
- 1990 Final authorization to administer the Federal RCRA program was received by the State.

As industrial and hazardous waste continues to be generated, the registration of waste handlers and the tracking of waste management activities will be necessary to ensure waste is not mismanaged.

Medical Waste Transporter Program

- 1969 Texas Solid Waste Disposal Act enacted.
- 1989 Texas Department of Health promulgates medical waste regulations.
- 1992 Municipal solid waste program transferred from Texas Department of Health to Texas Water Commission.

There will be a continuing need for the registration of medical waste transporters, along with permitting of medical waste management facilities, to ensure medical waste is not mismanaged.

Waste Tire Program

- 1991 The Waste Tire Recycling Program began with the enactment of Senate Bill 1340 which contained a mandate to develop and implement a waste tire recycling program and created the Priority Enforcement List.
- 1995 Senate Bill 776 terminated the tire program effective December 31, 1997 (the Waste Tire Recycling Fund was terminated and the Waste Tire Program changed from a reimbursement program to more of a regulatory and customer service oriented program.)
- 1997 The Priority Enforcement List was finalized. The List named sites of special concern to the state due to the threat to human health and/or the environment which would be cleaned up by state funds.
- 1999 Funding for Priority Enforcement List sites will cease.

When the recycling market for tire shreds or used tires is sufficient to handle the amount of tires generated per year, no tire program will be necessary; however, Texas has not reached this point.

Used Oil and Used Oil Filters

- 1994 Used oil filters were banned from landfill disposal by TNRCC rule; the statutory ban was added to the Texas Health and Safety Code in 1995.
- 1997 The TNRCC received used oil program delegation from EPA. The program has remained largely unchanged, except that the focus of the program has shifted from an emphasis on education to a program that is more regulatory driven.
- 1999 TNRCC authority regarding used oil filters is clarified in House Bill 2619.

As used oil and used oil filters continue to be generated, regulation of handlers and used oil collection facilities will likewise continue to be necessary to provide for the responsible management. Registration of used oil filter collection facilities will not be necessary due to legislation passed during the 76th Legislative Session.

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

PST Reimbursement and Technical Services

The programs serve the general public and facilities which store regulated petroleum products. The petroleum storage tank (PST) program serves 44,059 tank owners who have registered 160,765 underground tanks and 21,670 above ground tanks with the TNRCC. Generally, application/registration to the program is the only requirement for receiving services.

Industrial and Hazardous Waste

The industrial and hazardous waste registration and waste characterization program serves all entities, public and private, that desire to manage hazardous waste, whether permitted or exempt. There are approximately 6,000 total registered facilities. Application/registration to the agency is the only requirement for receiving services.

Medical Waste Transporter Program

The program serves persons or companies who transport regulated medical waste from homes or offices to disposal facilities. There are 7 regulated on-site treaters of medical waste in mobile vehicles, 9 medical waste self-transporters and 36 medical waste transporters served by this program. Application/registration to the agency is the only requirement for receiving services.

Waste Tire Program

The program serves persons or companies who transport, store, process and dispose of regulated amounts of tires. There are approximately 414 transporters, 31 waste tire processing facilities and 18 storage sites regulated by this program. Application/registration to the agency is the only requirement for receiving services.

Used Oil and Used Oil Filter Program

The program serves persons or companies who collect, process and dispose of regulated used oil and used oil filters. There are approximately 250 used oil handlers and 130 used oil filter handlers; 2,332 used oil collection centers; and 1,098 used oil filter collection centers which are regulated and served by this program. There will be fewer regulated entities as the result of new legislation which exempts used oil filter collection centers from regulation in the future. Application/registration to the agency is the only requirement for receiving services.

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

The Office of Compliance and Enforcement has regional field offices which provide compliance inspections and complaint investigation services.

PST Reimbursement and Technical Services

This program is administered in two sections: Reimbursement Section and Technical Services Section. The Reimbursement Section reviews and processes claims for reimbursement for clean-up of Leaking PST sites. The Technical Services Section houses four basic programs: Stage II Vapor Recovery, construction notification, technical assistance, and registration. The Stage II Vapor Recovery program requires vapor recovery equipment to be added to regulated petroleum storage tanks if the tanks are located in an area of the state that does not meet the federal ozone standard. Construction notification is required for any new tank being placed in service, as well as upgrades and repairs. All tanks must be registered with the TNRCC. Finally, technical assistance is provided to the regulated community to ensure that appropriate control technology is used on PSTs.

Industrial and Hazardous Waste/Medical Waste Transporter Program/Waste Tire Program/Used Oil and Used Oil Filter Program

For each of the programs listed above, a registration form is received, the form is reviewed for administrative completeness, a registration number is assigned and a notice of registration is prepared which lists all waste management units and wastes generated. In addition, for industrial and hazardous waste, random waste classification audits are conducted.

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 Registration and Evaluation Division interacts with local units of government when local government activities are subject to regulation.

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 appropriate to achieve the current program mission, goals, objectives and performance targets.

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

The EPA has similar authorities for PST technical services and for hazardous waste notification and waste classification, however, TNRCC implements those programs in Texas.

The Texas Department of Health, and county or city departments of health inspect the medical waste transporters which the TNRCC registers.

Some local (city and county) programs may also have regulations for used oil and used oil filters.

The Texas Department of Insurance has regulations for above-ground storage tanks dealing with compliance for insurance requirements.

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.

Activities administered by the state, as delegated by the EPA (for hazardous wastes and petroleum storage tanks) are outlined in a Performance Partnership Agreement to minimize duplication.

Programs at the Texas Department of Health and/or county or city departments of health inspect medical waste transporters which we register, however, TNRCC does not inspect the transporters, thereby eliminating any duplication.

The TNRCC currently inspects above ground storage tanks for compliance with insurance regulations.

Coordination on used oil and used oil filters is accomplished through participation with the Recycling Coalition of Texas and corporate recycling councils which include members from state and local governments and school districts.

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

No additional information needed.

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:**

PST

The PST program protects water and air resources by establishing technical requirements for storage tanks and vapor recovery equipment to prevent releases of petroleum and hazardous substances. The program includes a reimbursement fund to assist tank owners and operators pay for corrective action at sites with confirmed releases.

Industrial and Hazardous Waste

Registration and tracking of industrial and hazardous waste management facilities is needed to ensure that wastes are not mismanaged.

Medical Waste Transporter Program

Regulation of medical waste transportation is needed to establish standards for the transportation and handling of special waste from health care related facilities.

Waste Tire Program

Waste tire rules and registration control the storage, transportation, treatment, and disposal of used tires, scrap tires or tire pieces to prevent illegal dumping. Large piles of tires attract disease carrying pests and could also catch fire.

Used Oil/Used Oil Filter Program

The used oil/used oil filter recycling program was created to ensure that used oil and used oil filters are managed properly through reuse, recycling, or disposal. The program also provides educational information on recycling used oil and used oil filters.

For the following questions, please refer to Chapter VI for the Office of Compliance and Enforcement.

- **the scope of, and procedures for, inspections or audits of regulated entities:**
- **follow-up activities conducted when non-compliance is identified:**
- **sanctions available to the agency to ensure compliance:**
- **procedures for handling consumer/public complaints against regulated entities:**

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.

Please refer to Chapter VI for the Office of Compliance and Enforcement for the program specific complaint information.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Remediation Division
Location/Division	Office of Permitting
Contact Name	Ronald Pedde, Division Director
Number of Budgeted FTEs as of June 1, 1999	199
Number of Actual FTEs as of June 1, 1999	179

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

The key functions of the programs are as follows:

Corrective Action

The Corrective Action program remediates sites with soil and groundwater contamination at active industrial facilities. The program performs this function to assure that the public is not exposed to hazardous levels of chemicals by requiring removal or mitigation of the contamination to levels protective of human health and the environment.

Petroleum Storage Tanks

The Petroleum Storage Tanks program offers protection of water resources by providing direction on the cleanup of sites and on improved management of storage tanks to prevent releases of petroleum and hazardous substances. The program includes a reimbursement fund and also includes requirements on preventative equipment.

Natural Resource Trustee Program

The TNRCC is one of three agencies designated by the Governor under the federal Superfund law as a state Natural Resource Trustee, the other two agencies are the Texas Parks and Wildlife Department and the General Land Office. The state acts on behalf of the public to seek compensatory restoration for injuries to natural resources from releases of oil and hazardous substances.

Superfund

The federal Superfund law provides broad authority to respond directly to releases by cleaning up abandoned or uncontrolled hazardous waste sites which may endanger public health or the environment. In 1985 the Texas legislature created the State Superfund program to address sites which did not qualify for the federal Superfund list. Regulations governing federal and State Superfund sites provide protection to the public by holding responsible parties liable for contamination and cleanup and providing for the use of public funds for cleanup when responsible parties are unwilling or unable to pay.

Voluntary Cleanup Program

The Voluntary Cleanup Program provides incentives to participants for investigation, cleanup and redevelopment of properties with contamination. In return, future lenders and landowners, local governments, public and private lending institutions, developers and other stakeholders gain statutory protection that limits their liability to the state regarding past contamination at a site.

The Innocent Owner/Operator Program (IOP) provides an opportunity for applicants to be considered an innocent owner/operator if the property became contaminated as a result of a release from sources not located on the property. The agency issues a certification to the applicant which ensures protection from liability for further investigation, monitoring, or remediation of the site.

Brownfields are abandoned, idled or under-used industrial and commercial facilities where expansion or redevelopment is complicated by environmental contamination. The goal of the Brownfields program is to assist local governments and non-profit organizations with revitalization and reutilization of contaminated property.

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

Corrective Action

The Corrective Action program was created through federal statutory changes to RCRA under the Hazardous and Solid Waste Amendments of 1984. Statutes and regulations governing Corrective Action are designed to ensure that the public is not exposed to hazardous levels of chemicals by requiring removal or mitigation of the contamination to levels protective of human health.

State Statute: Texas Health and Safety Code Chapter 361, Texas Water Code Chapter 26

State Rules: 30 TAC Chapter 335

Federal Statute: RCRA, Subtitle C, Solid Waste Disposal Act Sections 3005 and 3006

Federal Rules: 40 CFR Parts 260-272

Strategy: 03-01-03

Petroleum Storage Tanks

The Petroleum Storage Tank program was created through federal statutory changes to RCRA in November of 1984. Authorities governing this activity allow the agency to maintain and protect the quality of groundwater and surface water resources in the state from petroleum storage tank releases.

State Statute: Texas Water Code Chapter 26 , Subchapter I

State Rules: 30 TAC Chapter 334

Federal Statute: 42 USC 6991b (RCRA), Subtitle I

Federal Rules: 40 CFR Parts 280 and 281

Strategy: 03-01-01 Storage Tank Administration
03-01-02 Storage Tank Cleanup

Natural Resource Trustee Program

The TNRCC is one of three agencies designated by the Governor in 1988 as a state Natural Resource Trustee. The statutes governing this program require the State to act on behalf of the public as trustee of natural resources to recover damages for an injury to, destruction of, or loss of natural resources.

State Statute: Texas Natural Resources Code Chapter 40.107

State Rules: 30 TAC Chapter 327

Federal Statute: 42 U.S.C. Chapter 9607; 33 U.S.C. Chapters 1321 and 2706

Federal Rules: 40 CFR Part 300

Strategy: 03-01-03 Hazardous Materials Cleanup

Superfund

The federal Superfund program was created in 1980 as a result of the passage of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In 1985, the Texas legislature created the State Superfund program to address sites which did not qualify for the federal Superfund list. Authorities governing Superfund establish prohibitions and requirements concerning closed and abandoned sites, provide for liability of persons responsible for releases of hazardous substances and establish a trust fund to provide for cleanup when no responsible party can be identified.

State Statute: Texas Health and Safety Code Chapter 361

State Rules: 30 TAC Chapter 335

Federal Statute: 42 USC 9601 et. seq.

Federal Rules: 40 CFR Part 300

Strategy: 03-01-03 Hazardous Materials Cleanup

Voluntary Cleanup Program

Legislative changes to of the Texas Health and Safety Code effective in September of 1995 established the voluntary cleanup program which grants the TNRCC the ability to provide incentives to remediate property by removing the potential future liability of non-responsible parties.

Legislative changes to Chapter 361 of the Texas Health and Safety Code effective in September of 1997 established the Innocent Owner/Operator Program. This program created procedures and conditions to allow owners or operators of property to receive a certification stating they are not liable for response actions for contamination at a site.

In 1995, the TNRCC entered into a cooperative agreement with EPA on brownfield initiatives. The program was created to provide assistance to local governments and non-profit organizations with redevelopment of contaminated property.

State Statute: Texas Health and Safety Code Chapter 361

State Rules: 30 TAC Chapter 333

Federal Statute: None

Federal Rules: None

Strategy: 03-01-03 Hazardous Materials Cleanup

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?

Corrective Action

- 1976 The federal Resource Conservation and Recovery Act (RCRA) is enacted. The Act regulates the generation, transportation, storage, processing and disposal of hazardous waste.
- 1984 The Hazardous and Solid Waste Amendments (HSWA) to RCRA are enacted to address contamination in all environmental media from RCRA regulated waste management units and solid waste management units.
- 1990 Final authorization to administer the Federal RCRA program is received by the State of Texas.

Provided that soil and groundwater contamination continues to result from chemical releases, there will be a continuing need for the program.

Petroleum Storage Tanks

- 1984 Congress amends RCRA authorizing a national underground storage tank regulatory program.
- 1986 The Texas Water Commission is designated to receive and process underground storage tank registrations.
- 1987 Senate Bill 779 authorizes the Texas Water Commission to develop and administer a comprehensive underground storage tank regulatory program.
- 1989 House Bill 1588 authorizes limited regulation of aboveground storage tanks; establishes the Petroleum Storage Tank Remediation Fund providing financial assistance to owners/operators of leaking petroleum storage tanks; provides for a bulk delivery fee to finance the program; and establishes a registration program for contractors who perform corrective action.
- 1995 Texas receives EPA's state program approval which allowed the state program to operate in lieu of the federal regulatory program.

While there are sunset dates for the collection of the delivery fee of March 1, 2002 and for the reimbursement program of September 1, 2003, the program will need to respond to future releases and to direct the appropriate cleanup measures that protect human health and safety.

Natural Resource Trustee Program

- 1988 The Texas Water Commission is designated as lead trustee agency for natural resources of the State of Texas.
- 1990 The Oil Pollution Act of 1990 designates the Texas Water Commission as trustee for natural resources affected by discharges of oil.
- 1991 The Oil Spill Prevention and Response Act (OSPRA) identifies the Texas Water Commission as trustee responsible for assessing damages for harm to natural resources of the State.

The need for this program will remain as long as there are continued discharges of oil and releases of hazardous materials to the environment.

Superfund

- 1980 Congress passes the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the federal Superfund law.

- 1982 The Texas Department of Water Resources is designated as the state's lead agency for federal Superfund.
- 1985 The Solid Waste Disposal Act is amended to create the State Superfund program.

The need for the program will remain as long as there are abandoned or bankrupt sites requiring cleanup.

Voluntary Cleanup Program

- 1995 Legislature establishes the Voluntary Cleanup Program and EPA awards TNRCC a cooperative agreement to help develop EPA's National Brownfields Pilot Program.
- 1996 The TNRCC enters into a Memorandum of Agreement with the EPA regarding voluntary cleanup.
- 1997 The Texas innocent/owner operator statute becomes effective.

The need for the program will continue as long as soil and groundwater contamination results from chemical releases.

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

Corrective Action

The Corrective Action program serves owners and operators with contaminated sites. There are approximately 1400 affected sites undergoing corrective action. Application/notification to the agency is the only requirement for receiving services.

Petroleum Storage Tanks

The Petroleum Storage Tank program serves 44,059 tank owners who have registered 160,765 underground tanks and 21,670 above ground tanks with the agency. Application/registration to the agency is the only requirement for receiving services.

Natural Resource Trustee Program

The Natural Resource Trustee Program is currently involved in 44 cases. The program applies to any release of hazardous materials or oil resulting in a significant impact to the State's natural resources. The agency focuses on sites with damage to aquatic and other sensitive environments and which merit compensation.

Superfund

There are currently 33 sites on the federal Superfund list and 41 on the state Superfund list. To qualify for the federal program a site must be inactive and have a Hazard Ranking Score of greater than 28.5. Sites scoring between 5.0 and 28.5 qualify for the state program. Present and former owners and operators of sites as well as generators and transporters of waste can be held liable for releases of hazardous substances.

Voluntary Cleanup Program

Applicants to the VCP include property owners, lenders, developers, tenants and anyone else interested in the sale or purchase of contaminated property. The Innocent Owner/Operator Program is open to sites that do not qualify for the VCP due to pollution from off-site sources. Texas by practice restricts

participation in its Brownfields program to local governments and non-profit organizations who lack the resources to move sites through the VCP toward redevelopment.

The VCP has 883 sites, with an average of 16 new sites entering the program each month. Sixty sites entered the Innocent Owner/Operator Program, and five have received certificates of completion. The agency has participated in 27 Brownfields initiatives.

Application/notification to the agency is the only requirement for receiving services.

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

Please see the attached flowcharts at the end of this Chapter.

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 Remediation Division works with the following local entities primarily on a case-by-case basis as need arises, but may also interact with these entities from a general regulatory standpoint.

Local Governmental Agencies

City governments- through their relationship with EPA, the TNRCC Voluntary Cleanup Program provides technical advice, education and project partnering, including partnering with other federal and state agencies, for certain brownfield redevelopment projects. If a brownfield is owned by a local government, free review and oversight of investigation and remedial activities is also available.

Local Health Departments- the agency coordinates with these departments in conjunction with residential cleanups in neighborhoods, primarily where soil contamination may pose a risk to human health. Through this coordination impacted residents receive comprehensive public health services such as blood lead level screening and lead abatement in homes, in addition to cleanup of the soil contamination.

Local Authorities

Fire Marshals- the TNRCC provides information to local fire marshals when requested concerning aboveground petroleum storage tank installations, and notifies and coordinates mitigation when there are vapor impacts from gasoline leaks at facilities with petroleum storage tanks.

Subsidence Districts- the TNRCC coordinates the selection and implementation of Superfund remedies in areas where the withdrawal and treatment of ground water has the potential to impact the local subsidence.

Local Flood Control Districts- the TNRCC coordinates the selection and implementation of Superfund remedies where remedial activities might impact the characteristics of the flood plain or would discharge to flood control structures.

Port Authorities- for brownfields initiatives under the Voluntary Cleanup Program, the agency provides technical assistance and site assessments. This assistance includes technical advice, education and project partnering for redevelopment projects.

Military Base Closure Redevelopment Authorities- at Base Realignment and Closure (BRAC) military installations, the agency works in partnership with redevelopment authorities, the Department of Defense and the U.S. Environmental Protection Agency to achieve effective cleanups and maximize productive reuse of former military properties. The goal of this cooperative effort is to save taxpayer dollars, revitalize local economies, create jobs, and enhance local communities.

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 resources are sufficient to achieve program mission, goals and objectives for all programs in the Remediation Division with the following exceptions:

Petroleum Storage Tanks

Current funding is appropriate to achieve the current program mission, goals, objectives and performance targets. Current funding provides monies for privatizing the program. With the sunset date for funding, the future program mission will have to be redefined after March 1, 2002

Superfund

Predicting the cost of cleaning up a particular Superfund site is difficult due to variation in size and complexity of the site, whether cleanup is funded by potentially responsible parties rather than the state, and whether sites will be funded by the federal Superfund (where the state pays 10%) or under the state program at 100%. In the long term, fee revenues may not be adequate to support cleanup of all sites.

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

Regulated entities may receive similar remediation services from various cleanup sections within the agency. One entity could have separate cleanups governed by different statutory authorities. For example, a site could have cleanups of both a hazardous waste landfill and leaking petroleum storage tanks underway at the same facility. Except as described below, no program internal or external to the division provides functions or services that are identical for the same types of facilities and environmental impacts.

Superfund

The Environmental Protection Agency has similar authorities over superfund cleanup activities.

Natural Resource Trustee Program

There are two additional state agencies (Texas Parks & Wildlife Department and Texas General Land Office) designated by the Governor of Texas to serve as co-trustees for natural resources in Texas. There are also two federal agencies (U.S. Department of the Interior and Department of Commerce) that are designated by the President. Each of these trustee agencies is responsible for natural resources under their respective jurisdiction.

Brownfields

A similar external Brownfields Program is administered by EPA, Region 6 which provides grants to local governments and states to develop local approaches to solve their Brownfields problems.

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.

Superfund

The agency has a contract with EPA to determine which sites on the Federal registry will be handled by the State. There is no duplication for State listed sites since they do not meet the federal criteria for ranking.

Natural Resource Trustee Program

The trustee agencies have entered in an Memorandum of Understanding that defines the cooperation and coordination between agencies in the performance of a natural resource assessment.

Brownfields

The EPA and the TNRCC coordinate on all projects to avoid duplication of efforts.

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:**

Corrective Action

The TNRCC remediates sites with soil and groundwater contamination. The agency performs this function to assure that the public is not exposed to hazardous levels of chemicals by requiring removal or mitigation of the contamination to levels protective of human health.

Petroleum Storage Tank

The petroleum storage tank program protects water resources by providing requirements for the cleanup of sites with contamination and prevention of releases of petroleum and hazardous substances.

Superfund

The Superfund program has broad authority to respond to releases of hazardous substances that may endanger public health or the environment. Regulations governing federal and state superfund sites provide protection to the public by holding responsible parties liable for contamination and cleanup.

Voluntary Cleanup Program

The Texas Voluntary Cleanup Program provides incentives to participants for investigation, cleanup and redevelopment of properties with contamination. In return lenders, local governments, developers, landowners, and other stakeholders gain statutory protection that limits their liability regarding past contamination at a site.

The Texas Innocent Owner/Operator Program (IOP) provides an opportunity for applicants to be considered an innocent owner/operator if the property became contaminated as a result of a release from sources not located on the property. The issuance of a certificate provided to the applicant ensures protection from liability from further investigation, monitoring, or remediation of the site thus providing an economic redevelopment incentive.

For the following questions, please refer to the Chapter VI submittal for the Office of Compliance and Enforcement.

- **the scope of, and procedures for, inspections or audits of regulated entities:**
- **follow-up activities conducted when non-compliance is identified:**
- **sanctions available to the agency to ensure compliance:**
- **procedures for handling consumer/public complaints against regulated entities:**

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.

Please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program specific complaint information.

Figure 3
Corrective Action Remediation Process

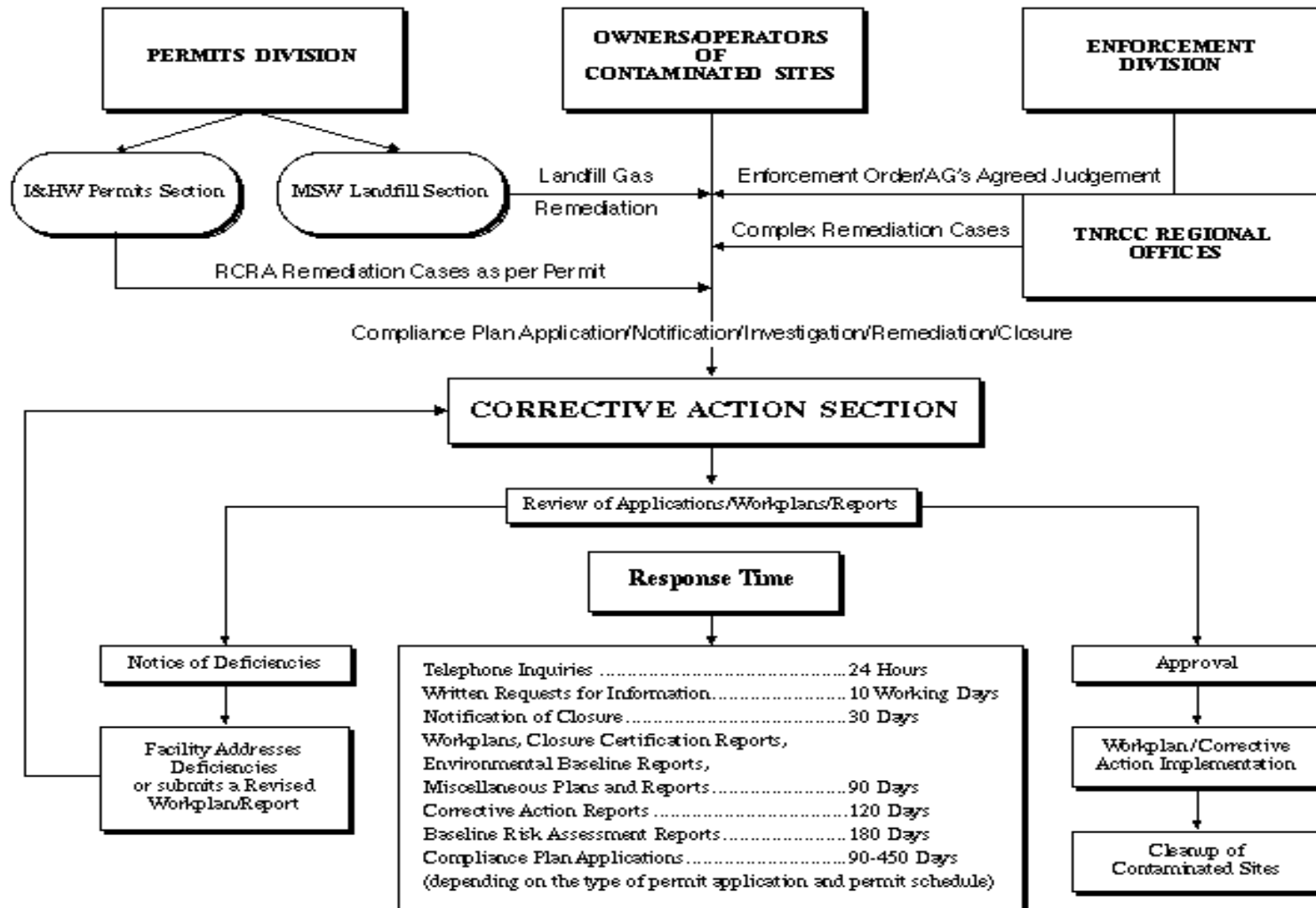


Figure 4
Petroleum Storage Tank (PST) Remediation Process

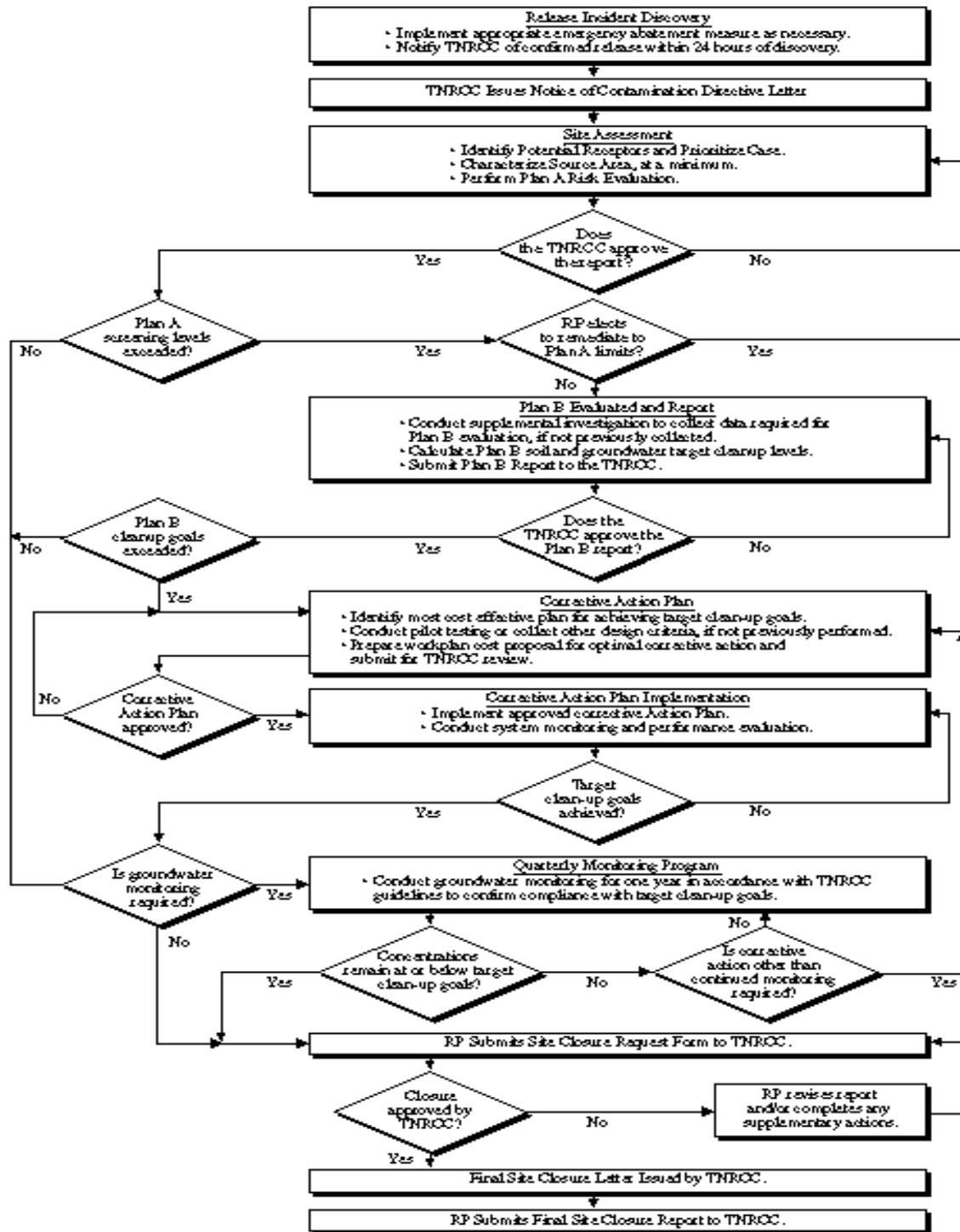


Figure 5
Natural Resource Trustee Program (NRTP) Process

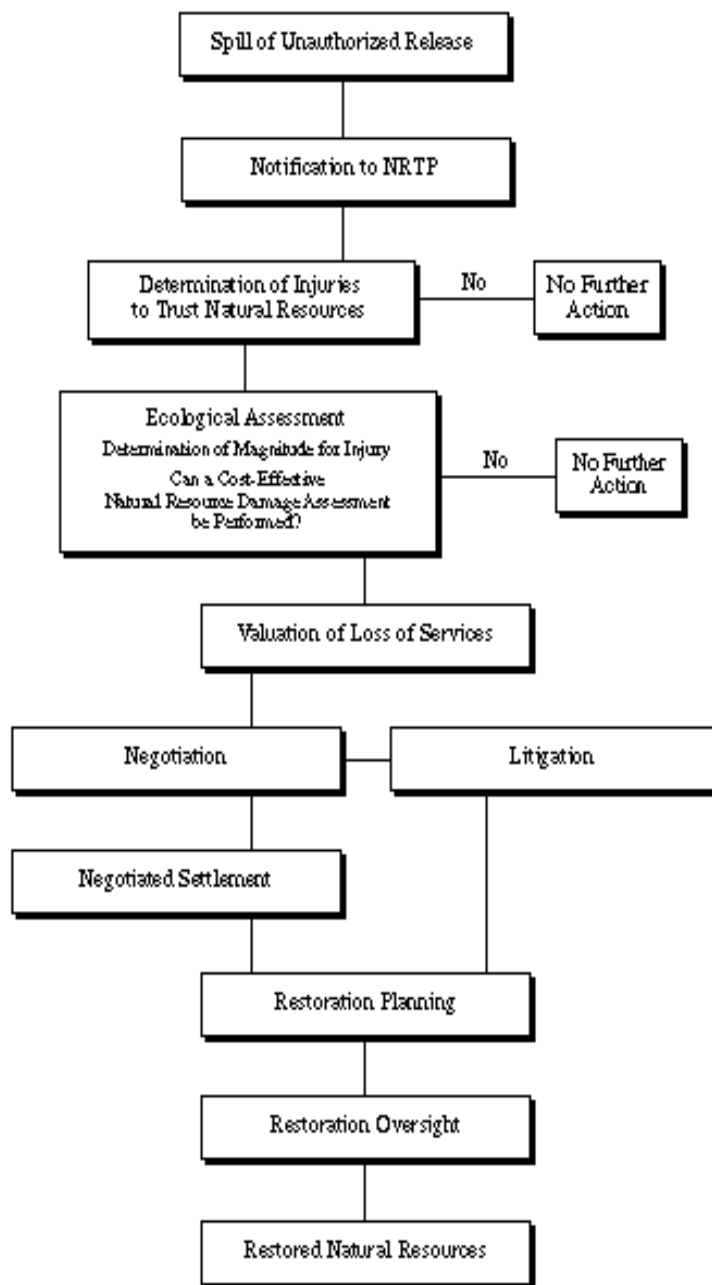


Figure 6
The Superfund Cleanup Process

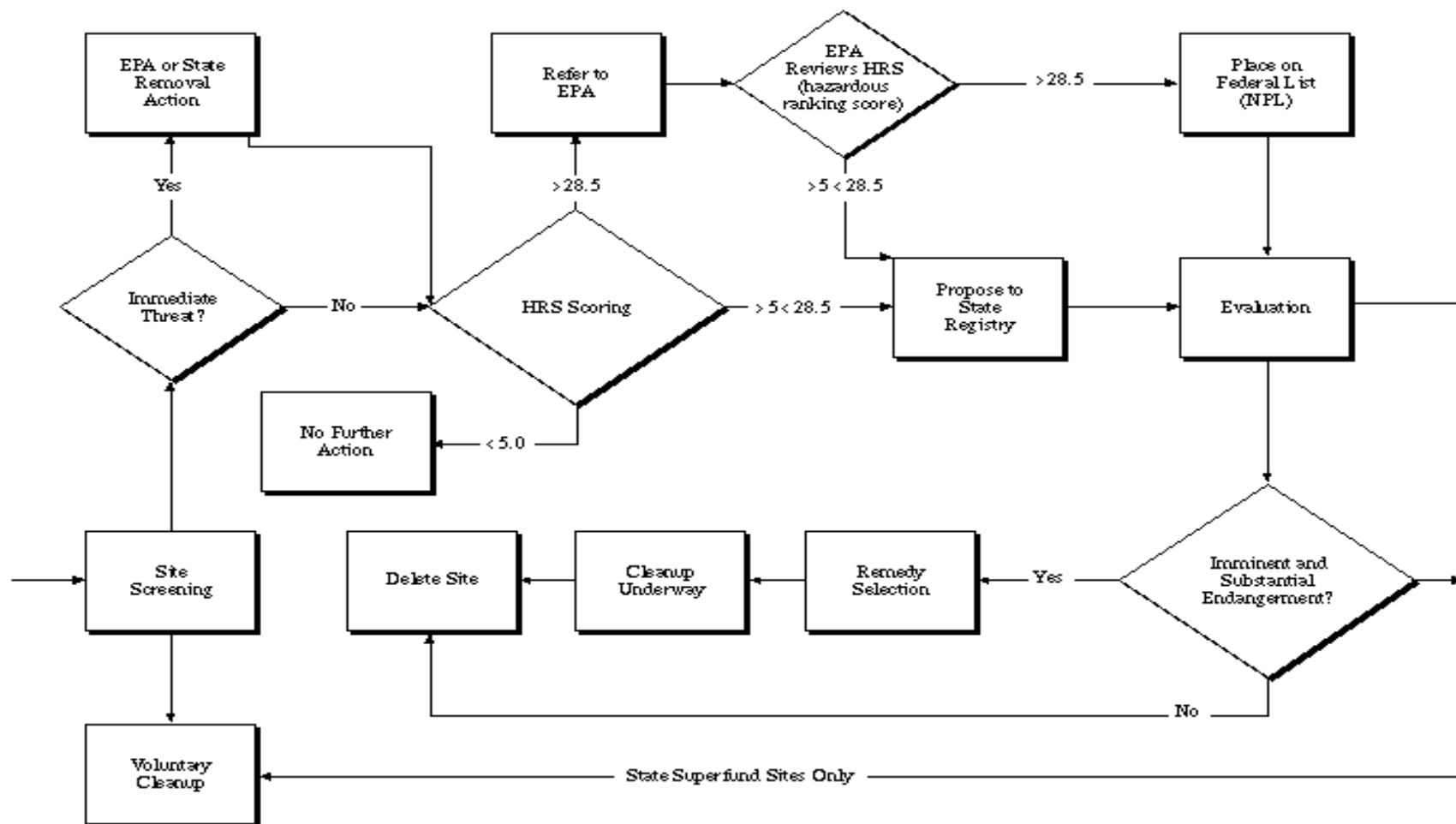


Figure 7
**Voluntary Cleanup Program
 Work Flow Process Flow Chart**

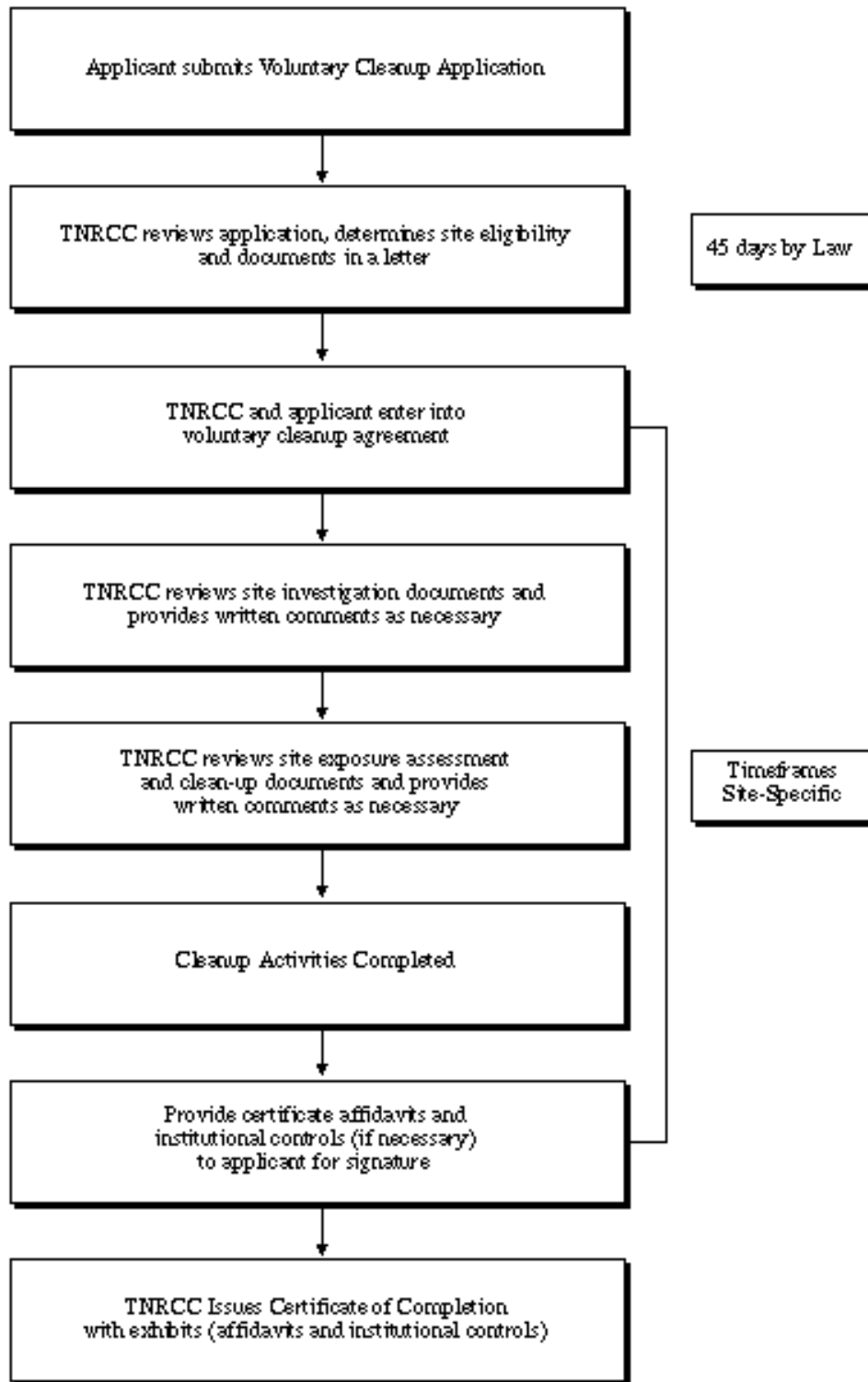


Figure 8
**Innocent Owner/Operator Program
Work Flow Process Flow Chart**

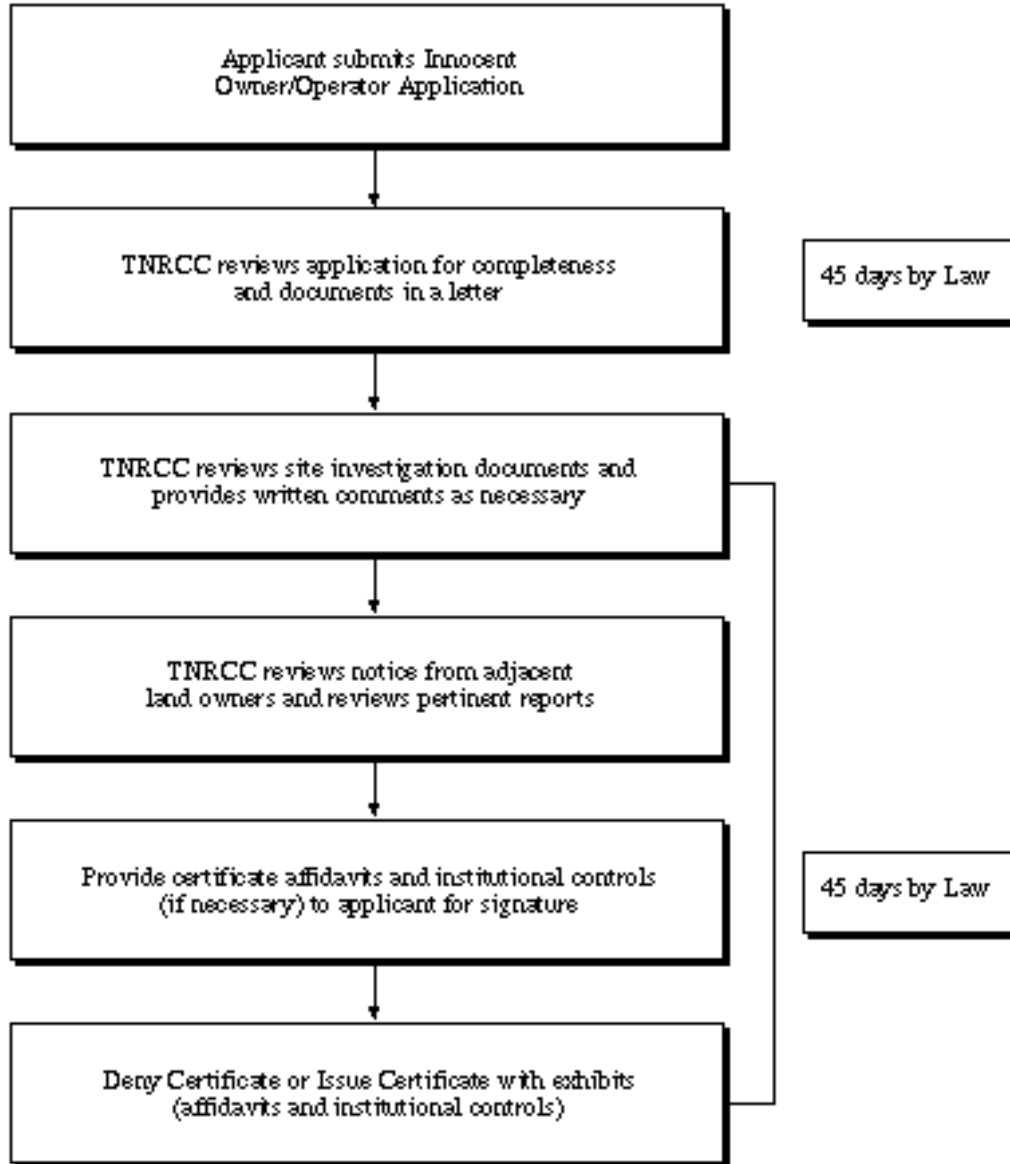
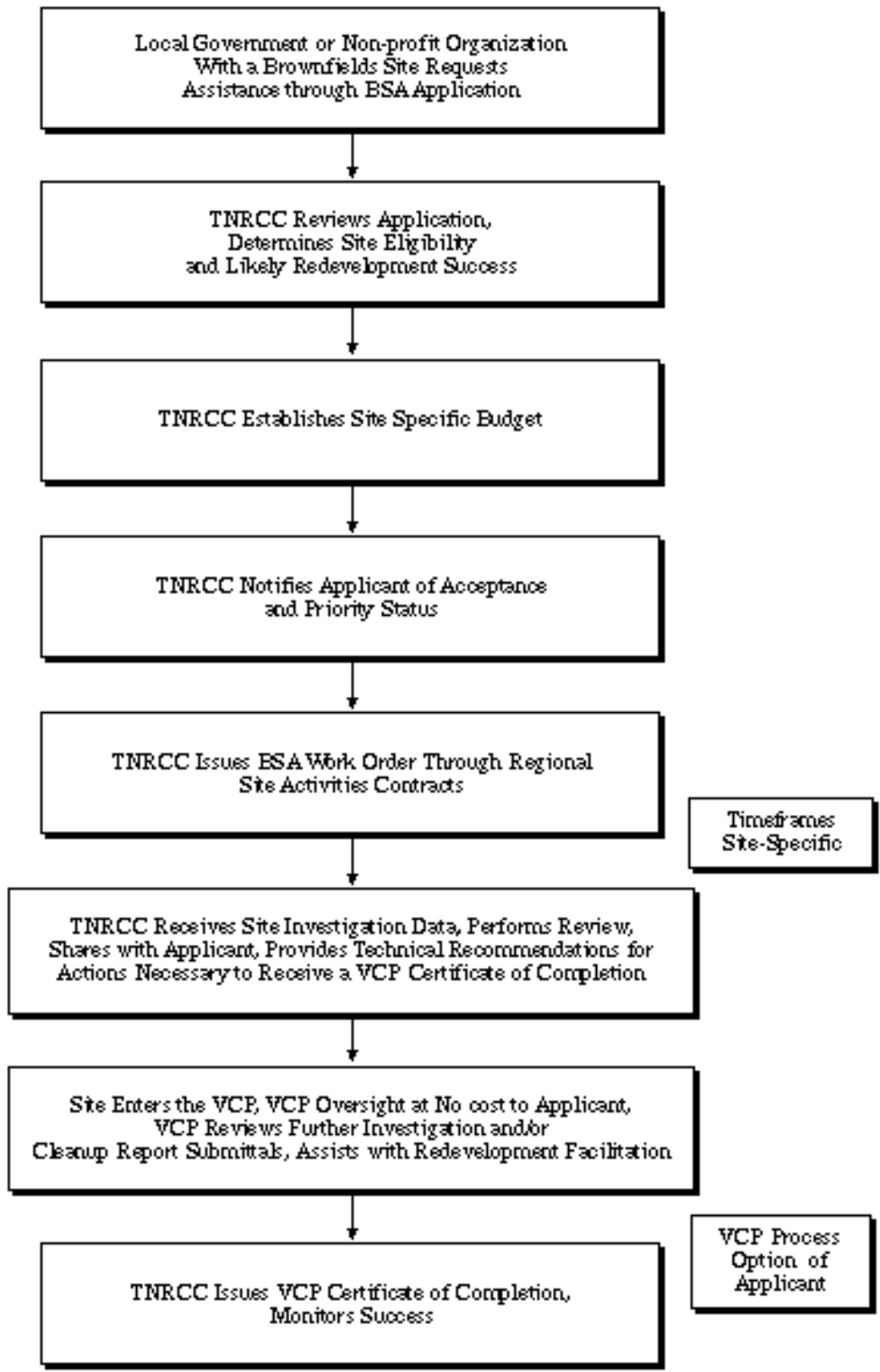


Figure 9
**Brownfields Site Assessment (BSA)
 Work Flow Process Flow Chart**



VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Water Quality Division
Location/Division	Office of Permitting
Contact Name	Sally Gutierrez, Division Director
Number of Budgeted FTEs as of June 1, 1999	168
Number of Actual FTEs as of June 1, 1999	161

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

1. TPDES: Implements the Texas Pollutant Discharge Elimination System (TPDES) Program to issue and administer permits for wastewater treatment, agriculture operations including confined animal feeding operations (CAFOs), stormwater runoff, and other wastewater treatment facilities. About 4000 permits exist and about 2800 applications for new permits, amendments, and renewals are processed each year.
2. Sludge Permitting and Registration: Regulates the use, transport and disposal of sludge from water and sewage treatment through registration and permitting activities.
3. Water Quality Planning: Develops the Water Quality Management Plan used to support issuance of wastewater permits by the TNRCC and issuance of loans from the Texas Water Development Board. Develops and administers the Texas Nonpoint Source Pollution program including the pass-through of non-point source grants to local entities.
4. Surface Water Quality Monitoring: Collects water quality samples, maintains a database of surface water quality data for the TNRCC's 700 plus monitoring sites located in streams, lakes and bays and estuaries, develops quality assurance/quality control procedures for all agencies and local entities involved in the collection of surface water quality data, and coordinates the participation and education of citizen volunteers involved in the collection of water quality data through the Texas Watch program. The surface water quality data are the basis for the development and revision to water quality standards for surface water bodies, the technical justification of wastewater permit limits, the assessment of water quality conditions, and the identification of impaired and threatened surface water bodies (the 303(d) list).
5. Water Quality Standards: Develops the chemical, biological, and other standards for surface water bodies in the State to protect recreational, aquatic life, drinking water and other uses of these water bodies.

- 6. Clean Rivers Program: Administers the Texas Clean Rivers Program which provides for basin-wide water quality assessment and planning and which also collects supplemental surface water quality data.
- 7. 401 Certification: Certifies U.S. Corps of Engineer 404 permits that authorize dredge and fill projects to insure that such projects will protect the water quality of streams, rivers, lakes and coastal water bodies.
- 8. National Estuary Programs: Coordinates the activities of the Coastal Bend Bays Estuary Program and the Galveston Bay Estuary Program.
- 9. Groundwater Quality Assessment: Supports the Texas Groundwater Protection Committee, conducts groundwater assessments that are used in wastewater permitting, nonpoint source pollution studies, and oil and gas drilling activities, processes Underground Injection Control (UIC) permits, and designates areas with critical groundwater supply problems.

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

1. TPDES:

The State’s wastewater permitting program dates to 1953 with the creation of the Texas Water Pollution Advisory Council. The State of Texas’ water quality program was a precursor to the national wastewater permitting program established in 1972 with Congressional adoption of the Clean Water Act. Prior to 1998, the U.S. EPA and the State of Texas maintained dual wastewater permitting programs, both intended to protect the same surface water quality standards. On September 14, 1998, the EPA approved delegation of the federal wastewater program under the Clean Water Act thus establishing the TPDES program.

Unauthorized discharge of contaminants into or adjacent to waters of the state, including groundwater, is prohibited under Chapter 26 of the Texas Water Code §§26.027, 26.047, and 26.121. TPDES permits are issued under the authority of Federal Clean Water Act §402

State Statutes -	Texas Water Code Chapter 26
Federal Statutes -	Clean Water Act
State Rules -	30 TAC Chapters 281, 305, 321
Federal Rules -	Federal rules governing wastewater permits: Title 40 of the Code of Federal Regulations (40 CFR), Parts 122 (NPDES program), 123 (state program requirements, e.g., TPDES), 124 (NPDES decision making procedures), 125 (criteria and standards for NPDES), 129 (toxic pollutant effluent standards), 130 (water quality management plan), 131 (water quality standards), 133 (secondary treatment), 401-471 (effluent guidelines and standards, including 403 -pretreatment), 501 and 503 (sewage sludge).
Agency Strategy:	01-01-02

2. Sludge Permitting and Registration

On March 1, 1992, the existing state sludge program transferred from the Texas Department of Health to the Texas Water Commission (TNRCC's predecessor agency). In February 1993, the U.S. EPA established a regulatory program regarding sludge use and disposal through the promulgation of EPA rules. In 1993, the TNRCC adopted 30 TAC Chapter 312 to implement the federal standards and assumed primacy from EPA on September 14, 1998, one of the first States in the nation to do so.

The regulations for land application under 30 TAC Chapter 312 serve several purposes. The regulation of the land application of domestic sewage sludge, water treatment sludge and domestic septage is needed to protect the public health and environment from pathogens and heavy metal pollutants. The regulation of the land application allows this recycling program to occur while avoiding the potential for adverse impacts to public health and the environment.

The regulation of the transporters of domestic sewage sludge, water treatment sludge, domestic septage, grit trap wastes, grease trap wastes and chemical toilet wastes are needed to ensure proper oversight of such activities to avoid potential adverse impacts. The above potential impacts include contamination of soils, surface waters and groundwater, the possibility for the epidemic spread of certain contagious diseases (including cholera, typhus, hepatitis A, etc.), and nuisance conditions.

State Statutes -	Health and Safety Code Chapter 361 (Solid Waste Disposal Act)
Federal Statutes -	Clean Water Act
State Rules -	30 TAC Chapter 312
Federal Rules -	Title 40, Code of Federal Regulations, Parts 122, 123, 501, 503 and 257
Agency Strategy:	01-01-02

3., 4., and 5., Water Quality Planning, Surface Water Quality Monitoring, and Water Quality Standards:

Since 1953, the State of Texas has engaged in issuance of wastewater permits when the Texas State Water Pollution Advisory Council was established. Standards for water bodies were first adopted in 1969 for the Houston Ship Channel. The water quality planning, surface water quality monitoring, and water quality standards programs were significantly expanded in 1972 with the passage of the federal Clean Water Act and then again in 1987 with the reauthorization of that Act.

State Statutes -	Chapter 26, Texas Water Code
Federal Statutes -	Clean Water Act
State Rules -	30 TAC Chapter 307
Federal Rules -	40 Code of Federal Regulations (CFR) Parts 123, 130, and 131.
Agency Strategy -	01-01-05

6. Clean Rivers Program

This State program was established in 1991.

State Statutes -	Chapter 26, Texas Water Code
Federal Statutes -	None

State Rules -	30 TAC Chapter 220
Federal Rules -	None
Agency Strategy -	01-01-05

7. 401 Certification

In 1995, the TNRCC modified its rules (30 TAC Chapter 279) to substantially implement 401 Certification. The 401 Certification is the states' right to approve, condition, or deny federal permits (404 permits) issued by the Corps of Engineers to insure compliance with state water quality standards.

State Statutes -	General water quality authority under Texas Water Code Chapter 26
Federal Statutes -	Clean Water Act
State Rules -	30 TAC Chapter 279
Federal Rules -	40 CFR Parts 121 and 230
Agency Strategy:	01-01-02

8. National Estuary Programs

The federal National Estuary Program was established in 1987 under amendments to the Clean Water Act and was modeled after regional efforts like the Chesapeake Bay Program.

State Statutes -	None
Federal Statutes -	Clean Water Act
State Rules -	None
Federal Rules -	40 CFR § 35.9000
Agency Strategy -	01-01-05

9. Underground Injection Control (UIC) Class V Injection Well Program

The Underground Injection Control Program is delegated by the USEPA to the State of Texas and TNRCC, under the federal Safe Drinking Water Act. A shallow well through which non-hazardous wastes are discharged or injected into or above useable quality groundwater, is considered a "Class V" injection well and is regulated by the federal Safe Drinking Water Act. This regulation is necessary to insure that this activity does not degrade groundwater with respect to use, and insures that this activity is not harmful to human health and the environment. Further, the program helps to insure that there are no unauthorized discharges into or adjacent to waters of the state.

State Statutes -	Chapter 27, Texas Water Code
Federal Statutes -	Safe Drinking Water Act
State Rules -	30 TAC Chapters 281 and 331
Federal Rules -	40 CFR Parts 144 and 145
Agency Strategy:	01-01-02

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?

Although the state's water quality has seen remarkable improvements in the past 20 years, there continues to be a need for some level of monitoring, assessment, and regulation. Only 86% of the State's water bodies meet established water quality standards (the federal Clean Water Act goal is 100%). The objectives of the agency's water quality programs are ongoing and necessary for the protection of public welfare and aquatic ecosystems.

TPDES

The TNRCC now has primary regulatory authority over discharges of pollutants to Texas surface water, with the exception of discharges associated with oil, gas, and geothermal exploration and development activities, which are regulated by the Railroad Commission of Texas. The TNRCC TPDES program covers all permitting, surveillance/inspection, public assistance, and enforcement regulatory processes associated with the following:

- (1) Discharges of waste from industry and municipal treatment works, including publicly owned treatment works (POTWs)
- (2) Disposal of wastewaters from concentrated animal feeding operations (CAFOs)
- (3) Discharges of storm water associated with industrial activities, including construction sites
- (4) Discharges of storm water associated with city storm sewers, known formally in the regulations as municipal separate storm sewer systems
- (5) Oversight of municipal pretreatment programs operated by publicly owned treatment works
- (6) Disposal and use of sewage sludge

The EPA is temporarily maintaining permitting, surveillance, and enforcement jurisdiction over select individual and general federally issued wastewater permits. These select permits are those proposed for public comment but not yet final as of Sept. 14, 1998. The EPA is also retaining administration over large and medium municipal stormwater permits issued prior to Texas program assumption and over EPA-issued construction and multi-sector industrial storm water general permits until the existing permits expire. After Phase II storm water regulations are adopted by the EPA, the TNRCC will be responsible for implementing the Phase II program in Texas.

Through assumption of this program, the TNRCC will now have to increase its focus on the regulation of storm water and consider impacts to endangered species.

Nonpoint Source

Because of the improvements made in controlling point sources of pollution, and due to increases in population, nonpoint source pollution has now become a leading cause of water pollution in Texas and throughout the country. The reauthorization of the Clean Water Act in 1987 called for states to prepare management programs for the control and abatement of nonpoint source (NPS) pollution, and provided federal funds, under Section 319(h) of the Act, for supporting implementation projects that further those management programs. The TNRCC implemented its most recent management plan for Nonpoint Source Pollution in 1990.

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 Water Quality Division serves the general public and facilities which treat, process, or otherwise handle domestic or industrial wastewater.

TPDES Permits and Other Authorizations:

2345	domestic wastewater permits
913	industrial wastewater permits
9	sludge processing permits
198	sludge registrations
547	Confined Animal Feeding Operation authorizations

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

The Water Quality Division is administered through the following seven sections: (1) Agriculture Section, (2) Data Collection Section, (3) Groundwater Assessment Section, (4) Standards and Assessment Section, (5) Wastewater Permits Section, (6) Galveston Bay Estuary Program, and (7) Corpus Christi Bay Estuary Program.

The Agriculture Section regulates the management of waste from dairies, feedlots and poultry facilities in Texas. All concentrated animal feeding operations (CAFOs) operators are required to collect, store and utilize waste and wastewater and control dust and odor in a manner to conform with good agricultural management practices.

The Data Collection Section manages the Texas Clean Rivers Program (CRP), develops the Water Quality Management Plan (WQMP) under Section 604(b) of the Clean Water Act, administers the state nonpoint source (NPS) pollution program under Section 319 and the Clean Lakes Program under Section 314 of the Clean Water Act, maintains and update the Continuing Planning Process (CPP), conducts surface water quality monitoring, and administers Texas Watch Volunteer Water Quality Monitoring.

The Groundwater Assessment Section conducts groundwater protection programs that emphasize both remediation and prevention through the use of best management practices, provides technical assistance related to groundwater quality and quantity issues for all divisions within the Office of Water Resource Management, coordinates and develop the state's Comprehensive Groundwater Protection Program, and supports coordinated groundwater quality activities conducted by all state agencies through the Texas Groundwater Protection Committee.

The Standards and Assessment Section develops and implements water quality standards, reviews and recommends effluent limits for state wastewater permits, and ensures inclusion of toxic limits in wastewater permits.

The Wastewater Permits Section administers the permitting aspect of the TNRCC's Texas Pollutant Discharge Elimination System (TPDES) program which includes the following:

(1) discharges of waste from industry and municipal treatment works, including publicly owned treatment works (POTWs); (2) discharges and land application of waste from concentrated animal feeding operations (CAFOs); (3) discharges of storm water associated with industrial activities, including construction sites; (4) discharges of storm water associated with city storm sewers, known formally in the regulations as municipal separate storm sewer systems (MS4s); (5) oversight of municipal pretreatment programs operated by publicly owned treatment works; and (6) disposal and use of sewage sludge.

The Estuary Programs are a continuation of the National Estuary Program (NEP) established for Galveston Bay and Corpus Christi Bay to develop Comprehensive Conservation and Management Plans (CCMPs) for estuaries of national significance that are threatened by pollution, development or overuse. With the completion of the plans, the estuary programs transitioned from planning (Clean Water Act Section 320 funds under the NEP) to implementation (primarily a state and local effort augmented by federal demonstration grant funds).

As a result of the recommendations in the Business Process Review, the TNRCC is in the process of implementing a standardized five-tier approach to permitting across the all agency permitting programs. A given permit application will be processed through one of five paths depending upon the significance and complexity of the subject application. The attachments at the end of Chapter VI reflect the modified generic permit processes of the agency.

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 Water Quality Program interacts with river authorities, councils of government, cities and counties, and other special units of local government.

All local governments, except for COGs, may apply to the TNRCC for TPDES permits. Those applications are reviewed to determine the appropriate water-quality based effluent limitations needed. In addition, local governments can be parties in the opposition to the issuance of permits.

The Water Quality Division contracts with river authorities, councils of government and one special district to implement the Texas Clean Rivers Programs to conduct regional water quality assessments for the river and coastal basins throughout the state. Staff set guidelines and standards for the development and approval of quality assurance plans for data collection and process invoices for these contracts. In those basins, each existing contractor is identified as the lead entity with primary responsibility for the river basin assessment. Steering Committees are established for each river basin in order to provide for local citizen, government and interest group participation.

The Division also contracts with river authorities, councils of government, counties, cities and special districts for implementation of nonpoint source pollution control activities. Additionally, the division contracts with select councils of government for support of the state water quality management plan.

The Groundwater Assessment Section within the Water Quality Division works with county governments, municipal governments, regional water planning groups, adjacent groundwater conservation districts, river authorities, water districts, entities that supply public drinking water (including holders of TNRCC issued CCNs), and irrigation districts to establish Priority Groundwater Management Areas.

Both the estuary programs (Galveston Bay and the Coastal Bend Bays) work extensively with local governments to develop and implement comprehensive management plans for the two estuaries. Additionally, local coordination councils have been established to assist with coordination and implementation of the comprehensive management plans.

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.

Funding is adequate for all areas except those additional activities related to surface water quality monitoring. Additional surface water quality monitoring is needed in order to support water quality assessments under the Total Maximum Daily Load (TMDL) Program (in the Office of Environmental Policy, Analysis, and Assessment).

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

Certain cities maintain a registration program for sludge transporters similar to that of TNRCC. However, cities only require registrations for sludge transporters transporting sludge into their city and they are only interested in tracking the sludge while it is in the city, whereas the TNRCC registrations keep track of the sludge statewide.

There are several other state agencies that also conduct activities related to groundwater protection. The activities include ambient monitoring, site specific monitoring, special studies, assessment, and public education. The activities vary depending on the agency. (See Section K.)

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.

The Texas Groundwater Protection Committee serves to bridge the gap between state groundwater programs and optimize groundwater quality protection by improving coordination among agencies

involved in groundwater protection activities. Created by the Texas Legislature in 1989, the Committee is composed of representatives from the following agencies:

TNRCC(Committee Chair)	Texas Water Development Board
Railroad Commission of Texas	Texas Department of Health
Texas Department of Agriculture	Texas State Soil and Water Conservation Board
Texas Agricultural Experiment Station	Texas Alliance of Groundwater Districts
Bureau of Economic Geology	

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

The TNRCC relies upon the watershed management approach to implement its water quality programs. Watershed management, a resource-centered approach, is not a new regulatory program. It is a way to coordinate operations of existing water resource programs to better achieve water resource management goals and objectives. The term "watershed," in this context, is broadly defined as the geographic delineation of an entire river basin or sub-basins and the land that drains into it. The primary mechanisms for watershed management are (1) renewing wastewater permits in batch for river basins as a whole, and (2) administering the Clean Rivers Program.

Management by watershed is both logical and necessary. All surface water within a basin that is not consumed, contained, or evaporated eventually reaches the major rivers of that basin. Consequently, all human and natural activities upstream have the potential to affect water quality and quantity downstream. The results of all industrial, municipal, agricultural, and other activities are interrelated within a watershed.

The TNRCC adopted rules in 1995 that provide for permits to be renewed on a basin schedule over the 5-year cycle.

The Clean Rivers Program provides a vehicle for local, regional, and statewide interests to examine water quality issues on a watershed basis. The water quality assessments performed under the Clean Rivers Program focus on the cumulative effects of a variety of potential pollutant sources within the context of the natural setting of a particular watershed. The Program gives local interests the ability to identify their concerns and propose regional-specific solutions to problems that may be outside the jurisdiction of the TNRCC.

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:**

TPDES

The federal Clean Water Act of 1972 established a goal that 100% of surface water bodies will meet specific water quality standards to be “fishable and swimmable”. Permitting of wastewater collection, treatment and disposal activities is the primary strategy for meeting this objective.

The Texas Pollution Discharge Elimination System (TPDES), and its concomitant activities of water quality planning, surface water quality monitoring, and development of stream standards, is the State program for insuring compliance with the federal Clean Water Act.

TPDES permits are issued to facilities that directly discharge to waters in the state. The municipal pretreatment programs are developed in accordance with federal requirements and implemented to control industrial discharges to publically-owned treatment works. The stormwater program ensures that stormwater runoff from facilities associated with industrial activity (including construction) is permitted in accordance with state and federal requirements. The stormwater program also permits municipal separate storm sewer systems in Texas to ensure that they are compliant with state and federal water quality requirements. Inspections of, and complaints regarding, permitted entities are conducted by the Field Operations Division of the TNRCC.

Sludge

The regulations for land application under 30 TAC Chapter 312 are needed to serve several purposes. The regulation of the land application of domestic sewage sludge, water treatment sludge and domestic septage is needed to protect the public health and environment from pathogens and heavy metal pollutants. The regulation of the land application is needed to allow this recycling program to occur while avoiding the potential for adverse impacts to public health and the environment.

The regulation of the transporters of domestic sewage sludge, water treatment sludge, domestic septage, grit trap wastes, grease trap wastes and chemical toilet wastes are needed to ensure proper oversight of such activities to avoid potential adverse impacts. The above potential impacts include contamination of soils, surface waters and groundwater, the possibility for the epidemic spread of certain contagious diseases (including cholera, typhus, hepatitis A, etc.), and nuisance conditions.

Groundwater: Underground Injection Control (UIC) Class V Injection Well Permitting

A shallow well through which non-hazardous wastes are discharged or injected into or above useable quality groundwater, is considered a “Class V” injection well and is regulated under the Underground Injection Control Program of the federal Safe Drinking Water Act. The Underground Injection Control Program has been delegated to the State of Texas, and TNRCC, by EPA. This regulation is necessary to insure that this activity does not degrade groundwater with respect to use, and insures that this activity is not harmful to human health and the environment. Further, the program helps to insure that there are no unauthorized discharges into or adjacent to waters of the state.

For the following questions please refer to the Chapter VI submittal for the Office of Compliance and Enforcement.

- **the scope of, and procedures for, inspections or audits of regulated entities:**
- **follow-up activities conducted when non-compliance is identified:**
- **sanctions available to the agency to ensure compliance:**
- **procedures for handling consumer/public complaints against regulated entities**

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.

Please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program specific complaint information.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Water Quantity Division
Location/Division	Office of Permitting
Contact Name	Don Neal, Division Director
Number of Budgeted FTEs, as of June 1, 1999	45.75
Number of Actual FTEs as of June 1, 1999	41.75

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

1. Water Rights Regulation: The TNRCC regulates the use of surface water, primarily through the issuance of and amendments to surface water right permits. There are about 6500 water right permits in the State. About 750 applications, ownership changes and contracts need to be processed annually; of these about 400 are water right applications. Hydrologic and environmental analysis of water right applications and interstate deliveries of waters (supporting the Interstate Compact Commissions) are conducted to quantify water available for water rights, instream uses and bays and estuaries.

2. Dam Safety Regulation - Through the Dam Safety Program, the TNRCC sets standards for the construction, maintenance, repair of dams in Texas. There are 7200 inventoried dams in the State, the largest number of any state. The program performs dam safety function by: (a) Reviewing and approving engineering designs and construction plans of new dams and modification of existing dams; (b) Conducting on-site inspections of dams; (c) Assisting dam owners in the preparation and implementation of emergency action plans, and reviewing those plans; (d) Providing technical assistance to dam owners. The program is maintaining an inventory of over 7200 dams in Texas.

3. Floodplain Management Regulation - The TNRCC coordinates local, state and federal programs related to floodplain management by assisting communities in developing local floodplain management programs and by auditing communities' actual floodplain management programs to insure compliance with federal standards. When a community develops a floodplain management program that meets federal standards, homeowners and businesses are then eligible to obtain flood insurance from the Federal Emergency Management Agency at a reasonable cost (about \$300 per year). Agency staff also respond to disasters to assist communities with flood insurance issues and the permitting of structures damaged by the disasters. Other functions of this program include permitting levees and other construction works along rivers and streams.

4. Weather Modification Permitting and Technical Assistance - The TNRCC issues permits and licenses for weather modification projects. Additionally, the TNRCC administers a grant program to help fund rain enhancement programs. The state provides up to 50% of a project's funding to local political

subdivisions, with the remaining funding provided by local interests. Currently there are 7 projects permitted and funded and 3 more are being organized. The TNRCC was appropriated \$4.7 million for Fiscal Years 97 and 98-99 to fund weather modification projects, as follows:

\$550,000 Emergency Appropriation	FY97
\$1,648,869	FY98
\$2,548,870	FY99

To date, the TNRCC provides 50% of the funding for the following seven projects:

- a. Colorado River Municipal Water District, based in Big Spring, covering 2.4 million acres;
- b. West Texas Weather Modification Association, in San Angelo, 6.43 million acres;
- c. High Plains Underground Water Conservation District, in Lubbock, covering 6.87 million acres;
- d. South Texas Weather Modification Association, in Jourdantown, covers 4.4 million acres;
- e. Texas Border Weather Modification Association, 3.79 million acres from Big Bend to Laredo;
- f. Edwards Aquifer Authority, covering 6.2 million acres in the counties over the Edwards Aquifer; and
- g. Southwest Texas Weather Modification Association, in Carrizo Springs and covering 4.9 million acres in South Texas.

Three additional projects are expected to be initiated in Fiscal Year 2000, potentially in the northern panhandle, west Central Texas and the Lower Rio Grande Valley.

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

Water Rights: Regulation of surface water in Texas first occurred with the Irrigation Act of 1889. A surface water rights permitting system was created in 1913. Also in 1913, the State of Texas Board of Water Engineers was established to regulate surface water rights.

State Statutes -	Texas Water Code Chapter 11 and Chapters 41-47 (Interstate Compacts)
Federal Statutes -	None
State Rules -	30 TAC Chapters 281, 288, 295, and 297
Federal Rules-	None
Agency Strategies -	01-01-02 and 01-01-05

Dam Safety: Since 1913 the State has provided technical assistance for dam construction and maintenance. A Dam Safety Regulatory Program was created by statute in 1973, and in 1986 the Texas Water Commission adopted rules promulgating specific safety standards for dams.

State Statutes -	Texas Water Code Sections 11.126, 11.144, and 12.052
Federal Statutes -	None
State Rules -	30 TAC Chapter 299
Federal Rules-	None
Agency Strategy -	01-01-02

Floodplain Management: Like the water rights permitting and dam safety programs, floodplain management in Texas dates to 1913.

State Statutes -	Texas Water Code Sections 16.316, 16.318 and Chapters 57 and 66
Federal Statutes -	Public Laws 90-448, 93-234, and 103-325
State Rules -	30 TAC Chapter 301
Federal Rules-	44 Code of Federal Regulations, <u>Parts 49-76</u> , Subchapter B
Agency Strategy -	01-01-02

Weather Modification: The State has regulated Weather Modification projects through the issuance of licenses and permits since 1967. The oldest weather modification program was implemented by the Colorado River Municipal Water District near San Angelo twenty-five years ago. In 1997 the Legislature created a state grant program for rain enhancement projects; the grant program is administered by the TNRCC's Water Quantity Division.

State Statutes -	Texas Water Code Chapter 18
Federal Statutes -	None
State Rules -	30 TAC Chapter 289
Federal Rules-	None
Agency Strategy -	01-01-02

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?

Water Rights: Senate Bill 1, 75th Legislative Session, appropriated to the TNRCC \$2.64 million for FY98-99 for development of a water availability modeling (WAM) system. An additional \$500,000 was appropriated for development of a water related database. The Bill required that 6 of the State's 23 river basins be modeled by December 1999 and all others, but the Rio Grande Basin, by December 2001. The new WAM system is necessary to replace outdated data and software programs used to calculate available water and to support water planning. The new system will include documentation and other standards that allow access by other state agencies and regional planning interests. Modeling of the first 6 river basins is on schedule and within budget. The 76th Legislature appropriated an additional \$6.27 million for FY2000-2001 to complete the WAM project. Senate Bill 76 of the 76th Session requires the TNRCC to develop a model of the Rio Grande Basin in FY2002-2003, contingent on an appropriation next session. Since there were already existing modeling efforts underway for that basin, TNRCC implementation of Senate Bill 76 during FY2000-2001 will involve detailed scoping and analysis of what stakeholders really need in terms of modeling the Rio Grande.

Dam Safety/Floodplain Management - In 1998 the TNRCC sponsored an Executive Director's Task Force on Dam Safety; the Task Force included state agency staff and representatives of specific interest groups including the Texas Water Conservation Association and the Texas Municipal League. The Task force spent a year examining dam safety issues and developed recommendations regarding the operations of the Dam Safety Program. The Task Force then assisted the 76th Legislature's Interim Subcommittee on Dam

Safety to identify any needed legislative actions. The Interim Committee recommended that the TNRCC perform more dam safety inspections to be able to reach a 5 year inspection cycle for high hazard dams. The Interim Subcommittee also recommended that the Legislature provide more resources for dam safety, by adding more dam safety inspectors (15) or providing \$1.2 million for outsourcing of dam safety inspections. The Interim Subcommittee also recommended that the Legislature require all communities in floodprone areas to participate in the National Flood Insurance Program, so that cost-effective flood insurance would be available to any resident in these areas. The Legislature enacted House Bill 1018, which requires all communities to enact ordinances or court orders to qualify for the National Flood Insurance Program.

House Bill 1018 specifically requires cities and counties to adopt an ordinance or court order as necessary to join the National Flood Insurance Program no later than January 1, 2001. This increases the number of regulated entities from 964 to 1351 and requires the TNRCC to provide assistance to those additional communities.

The 76th Legislature also adopted Senate Concurrent Resolution 68 creating a blue ribbon committee to examine ways to improve coordination among the Texas Department of Transportation, TNRCC, Texas Water Development Board, Small Business Administration, volunteer organizations, Division of Emergency Management, and General Land Office in mitigating flood damages. The committee is to be chaired by the Department of Emergency Management and is to deliver a report to the 77th Legislature with recommendations regarding flooding issues.

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

Water Rights - There are about 6500 water right permits in the State. Any private individual, business, government agency or local jurisdiction may obtain from the State or purchase a water right from another entity.

Dam Safety - Any dam above 6 feet must comply with TNRCC rules at 30 TAC Chapter 299 regarding dam safety. Dams are owned by private individuals, businesses, government agencies and water suppliers. The Texas Inventory, maintained by the TNRCC, lists about 7200 dams; however, several hundred other dams, not in the Inventory, are subject to TNRCC jurisdiction. These dams were typically built in the 1940s and 1960s for livestock use or for soil erosion purposes under the auspices of the federal Soil Conservation Service.

Floodplain Management - There are 1351 counties and cities that must comply with House Bill 1018. When a county or city develops a floodplain management program that meets federal standards, its local businesses and homeowners are then eligible to obtain affordable flood insurance (about \$300 per year). Additionally, such participation provides eligibility to communities for federal disaster assistance and grants in the event of major flooding events. Texas maintains over \$38 billion in coverage in the National Flood Insurance Program.

Weather Modification - There are 7 current rain enhancement projects (listed in B. above). Any person or organization who has persons with 1) a degree in meteorology with one year experience in weather modification or 2) a degree in physical science or engineering with 5 years experience in meteorology or 3)

other training and experience that the TNRCC accepts as indicative of sufficient competence in the field of meteorology may obtain a licence to engage in weather modification activities provided a permit is granted.

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

Water Rights - Applications for water right permits are logged into and tracked in a stand-alone database. Once declared administratively complete, up to four technical reviews are conducted regarding the merits of the application. If applicable, notice of the application is provided to water right holders and the public during the technical review phase of the application. The technical reviews are: (a) hydrology, (b) assessment of potential impacts to instream uses such as water quality, aquatic habitat, recreation and inflows into bays and estuaries, (c) review of a water conservation and drought plan, and (d) review of the engineering plans of any dam. The staff of the Executive Director develop a recommendation regarding denial or issuance and may condition the permit depending on the conclusions of the technical review; such special conditions protect other water right holders and/or riverine habitat, water quality, and inflows into bays and estuaries. If uncontested, the Executive Director will issue the permit upon staff recommendation. If contested, the application goes before the Commission for consideration. Other activities include processing ownership changes and reviewing contracts for the sale of water to insure consistency with the underlying water right permit. Hydrologic analysis of water right applications, analysis of bays and estuaries and determination of the instream needs of bays and estuaries support the water rights program. Additionally, hydrologic analysis and technical advice is provided to each of the 5 Interstate Compact Commissions to insure that Texas receives its share of water in interstate streams (the Sabine, Red, Canadian, Pecos and Rio Grande rivers).

Dam Safety - The program is implemented through: 1) Reviewing and approving engineering designs and construction plans of new dams, and for repair and modification of existing dams; 2) Conducting inspections of dams under construction; 3) Inspecting existing dams for proper maintenance & repair, and changes in downstream conditions; 4) Assisting dam owners in the preparation and implementation of emergency action plans, and reviewing those plans; 5) Providing technical assistance to dam owners; 6) Compiling and maintaining a detailed inventory of over 7200 dams in Texas.

Floodplain Management - The three primary activities in this program are (1) on-site visits to local communities to determine if their floodplain management programs comply with federal standards, (2) technical assistance to local communities to help them develop floodplain management programs, and (3) authorization of levees and other flood control structures. Technical assistance includes workshops and providing examples of local ordinances. To meet the federal standards for a floodplain management program, a community must implement local ordinance and a building permit system that address construction activities in floodplains.

Weather Modification - The TNRCC is responsible for licensing and permitting weather modification projects and administering a state grant fund to help pay for the cost of rain enhancement projects.

As a result of the recommendations in the Business Process Review, the TNRCC is in the process of implementing a standardized five-tier approach to permitting across the all agency permitting programs. A given permit application will be processed through one of five paths depending upon the significance and complexity of the subject application. The attachments at the end of Chapter VI reflect the modified generic permit processes of the agency.

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.

Water Rights Permitting - This Program does not work through local government agencies, councils, or agencies. Rather these entities may be regulated by the TNRCC as water right holders or may obtain information from the TNRCC for water planning purposes. Since Fiscal Year 97 the Program has provided federal funds to local agencies through contracts. The funds are supporting biological assessment of the Guadalupe River to determine the instream flow needs for the River. The resulting data from these studies are needed to adequately determine water availability pursuant to Senate Bill 1, 75th Legislative Session and Section 11.147 Texas Water Code. Other studies for other rivers are expected to be initiated in Fiscal Years 1999 and 2000. Funding is provided by the U.S. EPA and local entities provide the 40% match.

Floodplain Management - Through the Federal Emergency Management Agency's Community Assistance Program Grant, the TNRCC has contracted with the Houston-Galveston Area Council and the Lower Rio Grande Valley Development Council to conduct a two-year pilot program to monitor and train communities in their regions in floodplain management practices, strategies, and policy.

In FY2000, pursuant to Senate Concurrent Resolution 68, the TNRCC will participate in an inter-agency committee to examine ways to improve coordination among the Texas Department of Transportation, TNRCC, Texas Water Development Board, Small Business Administration, volunteer organizations, Division of Emergency Management, and General Land Office in mitigating flood damages. The committee is to be chaired by the Department of Emergency Management and is to deliver a report to the 77th Legislature with recommendations regarding flooding issues.

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.

The Texas Water Development Board coordinates the state water planning process which the TNRCC supports through its water availability modeling program. There are also several other state agencies with drought related responsibilities including water conservation, drought monitoring, drought planning, and technical assistance.

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.

The TNRCC has coordinated with the Texas Water Development Board regarding the development of the Water Availability Modeling System (pursuant to Senate Bill 1, 75th Legislative Session) which will also support the Board's regional and state water planning needs as well as water rights permitting. The TNRCC accomplished this by creating an inter-agency project management team which included staff of the Board and Texas Parks and Wildlife Department.

The TNRCC coordinates with other state agencies on drought related issues through its participation on the Drought Response and Monitoring Committee. HB 2660 passed in the 76th Legislative Session made some statutory changes related to this committee including changing the name to the drought preparedness council, establishing a state drought manager, reporting to the legislature, the development of a state drought preparedness plan, and the addition of new members to the council. The following agencies are to participate on the council:

- (1) the Division of Emergency Management of the office of the governor;
- (2) the board;
- (3) the commission;
- (4) the Parks and Wildlife Department;
- (5) the Department of Agriculture;
- (6) the Texas Agricultural Extension Service; [and]
- (7) the State Soil and Water Conservation Board;
- (8) the Texas Department of Housing and Community Affairs;
- (9) the Texas Forest Service;
- (10) the Texas Department of Transportation;
- (11) the Texas Department of Economic Development; and
- (12) a representative of groundwater management interests who is appointed by the governor.

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

When flood disasters occur, such as those that occurred in October 1998, the agency works closely with community officials to assure that damaged structures are rebuilt in compliance with the Federal Emergency Management Program's regulations. Agency staff are members of the State Hazard Mitigation Team, chaired by the Department of Public Safety's Division of Emergency Management.

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:**

Water Rights: The State of Texas hold title to surface water in trust for the public welfare. Through the TNRCC and its predecessor agencies the state confers on individuals and organizations the right to use

water through the issuance of water right permits, thus effecting an allocation system for surface water. These permits are conditioned to protect other water right holders, water quality, aquatic habitat, and inflows into bays and estuaries. Additionally, in all river basins but the Rio Grande, water rights are structured so that priority of water allocations is established and determined by the date of the right, with the oldest right being the most senior. This priority system provides a well-known system for allocating water during droughts. In the Rio Grande, municipal water rights held in the Falcon-Amistad Reservoirs are always senior to irrigation rights held in those reservoirs. Without a permitting system that identifies seniority between users, users would attempt to withdraw more water than is available in the rivers and lakes, leading to severe conflict. Such conflict occurred throughout Texas in the 1960s, prior to the 1967 Adjudication Act which set forth procedures for clarifying all claims and rights on surface water. Texas has adjudicated all river basins except the Upper Rio Grande near El Paso. Inspections of water right permit facilities are conducted by the TNRCC's Watermaster Programs, in the Field Office Division. The Watermaster Programs currently cover the Rio Grande, Nueces, Guadalupe, San Antonio, and Lavaca River Basins. More information regarding the Watermaster operations can be found in the description of the Field Office Division program.

Dam Safety and Floodplain Management: Texas, like many other western states, is experiencing an aging of its dams, most having been built in the 1950s and 1960s. Engineering standards for dams protect human lives and minimize the risk of flood damages in the event that a dam fails. Flood damages from intense rainfall events in Texas range from \$60 to \$200 million each year. The TNRCC Floodplain Management Program is necessary in order to insure that local communities comply with federal standards regarding floodplain management. This then allows citizens and businesses within those communities to qualify for affordable flood insurance from the government (Federal Emergency Management Agency). Additionally, eligible communities can qualify for disaster relief.

All complaints regarding the safety of dams and flooding impacts are handled directly by the Austin office. Enforcement cases regarding agency standards for dams, in TNRCC rule Chapter 299, can be referred to the Attorney General's Office.

For the following questions please refer to the Chapter VI submittal for the Office of Compliance and Enforcement.

- **the scope of, and procedures for, inspections or audits of regulated entities:**
- **follow-up activities conducted when non-compliance is identified:**
- **sanctions available to the agency to ensure compliance:**
- **procedures for handling consumer/public complaints against regulated entities:**

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.

Except as noted below, please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program specific complaint information.

TNRCC		
Dam Safety Regulation and Floodplain Management Technical Assistance		
Complaints Against Regulated Entities – Fiscal Years 1997 and 1998		
	FY 1997	FY 1998
Number of complaints received	7	77
Number of complaints resolved	4	21
Number of complaints dropped/found to be without merit	0	50
Number of sanctions	0	0
Number of complaints pending from prior years	0	6
Average time period for resolution of a complaint	<u>90 days</u>	<u>90 days</u>
Number of entities inspected or audited by the agency	Dam Safety: 74 inspections Floodplain: 30	Dam Safety: 100 Floodplain: 30
Total number of entities regulated by the agency	Dam Safety : 7200 dams Floodplain: 964	Dam Safety: 7300 dams Floodplain: 964

(Notes: (1) These statistics exclude non-jurisdictional complaints handled over the telephone. (2) 964 entities are regulated under Floodplain Management -- prior to Fiscal Year 2000. The 76th Legislature adopted HB1018 which expands the number of regulated entities to 1351 communities beginning in Fiscal Year 2000.)

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Water Utilities Division
Location/Division	Office of Permitting
Contact Name	Steve Walden, Division Director
Number of Budgeted FTEs June 1, 1999	115
Number of Actual FTEs as of June 1, 1999	113

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

The Public Drinking Water Section administers the requirements of the federal Safe Drinking Water Act to assure that the approximately 6,700 public water systems in Texas provide safe water to their customers. The 6,700 systems serve approximately 97% of the state population. This program is accomplished through the review and approval of plans and specifications for construction, continuous monitoring for compliance with drinking water standards, implementation of the Source Water Assessment and Protection Program, and technical support to public water systems. Additionally, the agency protects groundwater quality by reviewing well construction methods and recommending standards for wells used to dispose of wastes.

The District Administration Section is responsible for the review of the issuance and use of bond proceeds by water districts in the state of Texas. This section reviews applications for the creation of water districts, provides educational assistance through a newsletter, reviews annual audit and other financial reports of districts, responds to complaints and customer inquiries, and maintains a database on each of the over 1,300 water districts registered with the TNRCC.

The Utility Rates and Services Section monitors the financial activities and customer service policies of approximately 2000 political subdivisions (municipalities, water districts and counties), 850 water supply corporations (WSCs), and 900 investor-owned utilities (IOUs) to assure that customers receive adequate water and wastewater services at reasonable costs. This is accomplished through the approval of service areas of WSCs and IOUs, the review of certain water and wastewater rate changes, technical support, and resolution of consumer complaints.

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

Public Drinking Water Section

- 1915 The Legislature creates the first state drinking water program due to major cholera and typhoid outbreaks at the time.
- 1917 A mandatory operator certification program was instituted.
- 1945 Mandatory surface water treatment was required.
- 1970 Across the board chlorination was required for all public drinking water systems.
- 1974 The federal Safe Drinking Water Act was enacted to set national drinking water standards for public water systems.
- 1996 Amendments to the federal Safe Drinking Water Act require States to strengthen and enhance their drinking water programs and authorizes funding for the administration of a drinking water state revolving fund. In response, the TNRCC has (1) developed a capacity development program to improve the long-term management, financial, and technical capabilities of each public water system, and (2) developed a comprehensive source water protection program and supporting information technology to conduct assessment.

State Statutes: Chapter 341, Health & Safety Code; Texas Water Code: Chapter 27.0511
Federal Statutes: Safe Drinking Water Act (Public Law 104-182)
State Rules: 30 Texas Administrative Code Chapter 290; Texas Administrative Code: Title 16. Part I. Chapter 3.5, 3.9, 3.13, 3.14, 3.46, 3.77, 3.95, 3.96, 3.97, 3.99, 3.100
Federal Rules: 40 CFR Parts 141-143
Agency Strategy: 01-02-01

District Administration Section

The District Administration program was created in 1971 by the Legislature to provide general supervision over those water districts created pursuant to Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution. The TNRCC has the authority to create water districts and to review bond use and other financial aspects over most of these districts.

State Statutes: Texas Water Code Section 12.081, Texas Water Code Section 49.181, Local Government Code Sections 375.023-026 and Section 395.080; Texas Water Code Chapters 36, 54, 55, 58, 59, 65 & 66. Review of financial reports - Texas Water Code Section 49.195
Federal Statutes: None
State Rules: 30 Texas Administrative Code Chapter 292 and 293
Federal Rules: None
Agency Strategy: 01-02-02

Utility Rates and Services Section

The utility rates program was created in the early 1970s as part of the Public Utility Commission; that Commission was created under the Public Utility Regulatory Act. In September 1985, regulation of water utility rates and services was transferred to the Texas Water Commission, the TNRCC's predecessor agency.

State Statutes: Texas Water Code, Chapters 5, 11, 12, 13
Federal Statutes: None
State Rules: Texas Administrative Code, Chapters 35, 37, 50, 70, 80, and primarily Chapter 291
Federal Rules: None
Agency Strategy: 01-02-02

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 purpose of regulatory oversight of public drinking water systems has always been to protect public health. The regulatory approach has evolved from addressing acute short-term impacts such as microbiological constituents to also addressing chronic, long-term impacts such as cancer causing constituents and the overall management capability of each drinking water system. The need for regulatory oversight, including technical support and response to consumer complaints, is ongoing and necessary for the protection of public health and the economic development of the State.

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

Public Drinking Water Section: 6,700 public water systems. Public water systems can be created by any qualified person or entity.

District Administration: 1,300 water districts. A water district may be created by the Legislature, the TNRCC or a county commissioners court.

Utility Rates and Services: Approximately 2000 political subdivisions.
850 water supply or sewer service corporations (nonprofit)
1,200 investor-owned utilities (for profit).

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

The objective of regulation of water utilities is to ensure that Texans receive safe and adequate quantities of drinking water at a fair and reasonable cost. The strategic objective is to insure that 95% of Texans are served by public drinking water systems that meet federal and state standards (TNRCC Objective 01-02).

To achieve this objective, the Water Utilities Division is organized into three sections: Public Drinking Water, District Administration, and Utility Rates and Services. The foundation of these programs is to ensure that public water systems have adequate financial, managerial, and technical capabilities. The strategies include:

U.S. EPA has granted Texas primacy to administer the Safe Drinking Water Act. The key condition of the primacy agreement is the adoption and enforcement by TNRCC of all federal drinking water regulations in a form that is no less stringent than the national standards. If Texas (the TNRCC) fails to adhere to the primacy agreement, EPA would revoke primacy and directly regulate the State's 6900 drinking water systems. TNRCC administration of the Safe Drinking Water Act consists of several elements. The major elements include: (a) establishing and enforcing drinking water quality standards, (b) engineering review of system facilities, c) collection of water samples to analyze over 80 chemicals and microbiological characteristics on a regular basis, (d) implementation of the Vulnerability Assessment Program to minimize the cost of collecting water samples, (e) implementation of the Texas Optimization Program to improve the performance of existing surface water treatment plants with the necessity of major capital improvements, (f) implementation of the Source Water Assessment Program and (g) implementation of the Capacity Development Program.

The Safe Drinking Water Act, EPA rules and TNRCC rules set specific standards for microbiological and chemical constituents; these constituents include coliform bacteria, lead, copper and over 80 other inorganic and organic chemicals. To minimize sampling costs to public water systems, the Vulnerability Assessment Program will grant waivers to sampling if the local geology and other watershed characteristics indicate that there is a low-risk of water supplies being contaminated. Between 1993 and 1997, sampling waivers saved Texas water systems over \$90 million. The Source Water Assessment Program is a nationally recognized exemplary program to provide the general public easy access to information on: (a) the source of their water, (b) the potential for contamination, and c) identification of local strategies to protect and/or improve water quality.

Oversight of water and sewer utility financial operations includes the specific review of rates (approximately 100 cases each year), the processing of applications to create districts (approximately 425 each year), and the approval of Certificates of Convenience and Necessity (approximately 225) each year to establish the service areas of certain utilities.

As a result of the recommendations in the Business Process Review, the TNRCC is in the process of implementing a standardized five-tier approach to permitting across the all agency permitting programs. A given permit application will be processed through one of five paths depending upon the significance and complexity of the subject application. The attachments at the end of Chapter VI reflect the modified generic permit processes of the agency.

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 Water Utilities Division directly regulates entities. Accordingly there is no pass through of funding or shared work load with local governments.

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.

In 1998, the Congressional appropriation of State Revolving Funds under the Safe Drinking Water to Texas was \$54 million, of which \$4.8 was set aside for the TNRCC to administer the Safe Drinking Water Act. The 1999 total State Revolving Funds to Texas is \$56.6 million, of which \$4.5 was provided to the TNRCC. Current and near term funding are adequate particularly due to the Congressional appropriation of these Funds.

However, longer term funding, especially after 2003, is uncertain because the 1996 Safe Drinking Water Act amendments only authorize the State Revolving Funds through 2003.

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

The Water Utilities Division's Source Water Assessment and Protection program and Total Maximum Daily Load (TMDL) program in the Office of Environmental Policy, Analysis, and Assessment seek to attain similar, but not identical, objectives. The Source Water Assessment and Protection Program provides assessment and protection of the raw water supplies of public water systems; the TMDL program provides assessments of surface water bodies that do not meet their stream standards under the federal Clean Water Act. Both Programs address protection of water supplies for drinking water purposes; however, the TMDL program is broader in that it also addresses protection of water quality in order to also protect recreational uses of and aquatic ecosystems in Texas' rivers, lakes, and bays and estuaries. Thus, the TNRCC has begun to integrate two different but related federal requirements under the Safe Drinking Water Act and the Clean Water Act.

Externally, there are also several other state agencies with drought related responsibilities including water conservation, drought monitoring, drought planning, and technical assistance.

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.

The TNRCC has successfully integrated and reduced potential duplication of effort co-planning implementation between the SDWA's Source Water Assessment and Protection Program and the CWA's Total Maximum Daily Load program by coordinating on the development of both programs.

The TNRCC coordinates with other state agencies on drought related issues through its participation on the Drought Response and Monitoring Committee. HB 2660 passed in the 76th Legislative Session made some statutory changes related to this committee including changing the name to the drought preparedness council, establishing a state drought manager, reporting to the legislature, the development of a state drought preparedness plan, and the addition of new members to the council. The following agencies are to participate on the council:

- (1) the Division of Emergency Management of the office of the governor;
- (2) the board;
- (3) the commission;
- (4) the Parks and Wildlife Department;
- (5) the Department of Agriculture;
- (6) the Texas Agricultural Extension Service; [and]
- (7) the State Soil and Water Conservation Board;
- (8) the Texas Department of Housing and Community Affairs;
- (9) the Texas Forest Service;
- (10) the Texas Department of Transportation;
- (11) the Texas Department of Economic Development; and
- (12) a representative of groundwater management interests who is appointed by the governor.

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:**

Public Drinking Water Regulation

Administration of the federal Drinking Water Act provides a mechanism to implement national standards which are designed to protect the public health from acute or chronic illnesses, and to ensure that acceptable quantities of water are available at the tap. Without a viable state regulatory oversight program, the primary responsibility for federal standards would not be maintained, thus subjecting public water systems to EPA oversight instead of that provided by TNRCC.

Additionally, the Railroad Commission of Texas and the petroleum industry depend on the TNRCC's surface casing recommendations to determine at what depths fresh, usable-quality and saline ground waters are present beneath a drill site. This information is critical for protecting groundwater potentially affected by oil and gas wells, salt water disposal wells, injection wells, cathodic protection wells, core holes and seismic shot holes.

District Administration Section

The district administration program was created in 1971 in response to the Water District Reform Laws of 1971 to provide general supervision over water districts. The 1,300 existing districts existing have approximately \$6.5 billion in bonds outstanding and serve approximately 1.6 million people retail water and/or wastewater service. TNRCC has approved an average of \$224,456,000 of tax free bonds for districts per annum over the last three years. Without this oversight of districts, including review of financial reports, the State may experience a repeat of the district malfeasance as occurred in the 1970's. If districts abuse the use of their funds, districts will begin to have operational and management problems which are conditions that lead to poor service and complaints by citizens. The only recourse for these citizens would be the legal system.

Utility Rates and Services Section

The Utility Rates & Services Section provide oversight for retail public water and sewer utilities. Retail public water and sewer utilities, which are water and sewer service providers who charge a fee for retail service, are natural monopolies in the areas that they serve. Because of the high capital cost per dollar generated in revenue, competition would be very costly to utilities and in the long run more costly to customers. It could also result in interruption of an essential service when competing lines are laid potentially damaging existing lines. Regulation ensures that customers receive continuous and adequate service at just and reasonable rates.

Regulation involves a permitting process for designating service areas which are identified in the statutes as Certificates of Convenience and Necessity (CCNs). Designated service areas allow utilities to confidently invest the typically high capital cost in facilities necessary to serve their designated CCN area without fear of competition. Varying degrees of customer rate regulation currently in statute which are based on the opportunity customers have for input and influence in the rate setting process ensure that rates are sufficient for the utility to recover its reasonable expenses while protecting the customer from paying rates which are not related to the actual cost of providing service.

For the following questions please refer to the Chapter VI submittal for the Office of Compliance and Enforcement.

- the scope of, and procedures for, inspections or audits of regulated entities:**
- follow-up activities conducted when non-compliance is identified:**
- sanctions available to the agency to ensure compliance:**
- procedures for handling consumer/public complaints against regulated entities**

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.

Please refer to the Chapter VI submittal for the Office of Compliance and Enforcement for the program specific complaint information.

Figure 10
Proposed Five-Path Permitting Process

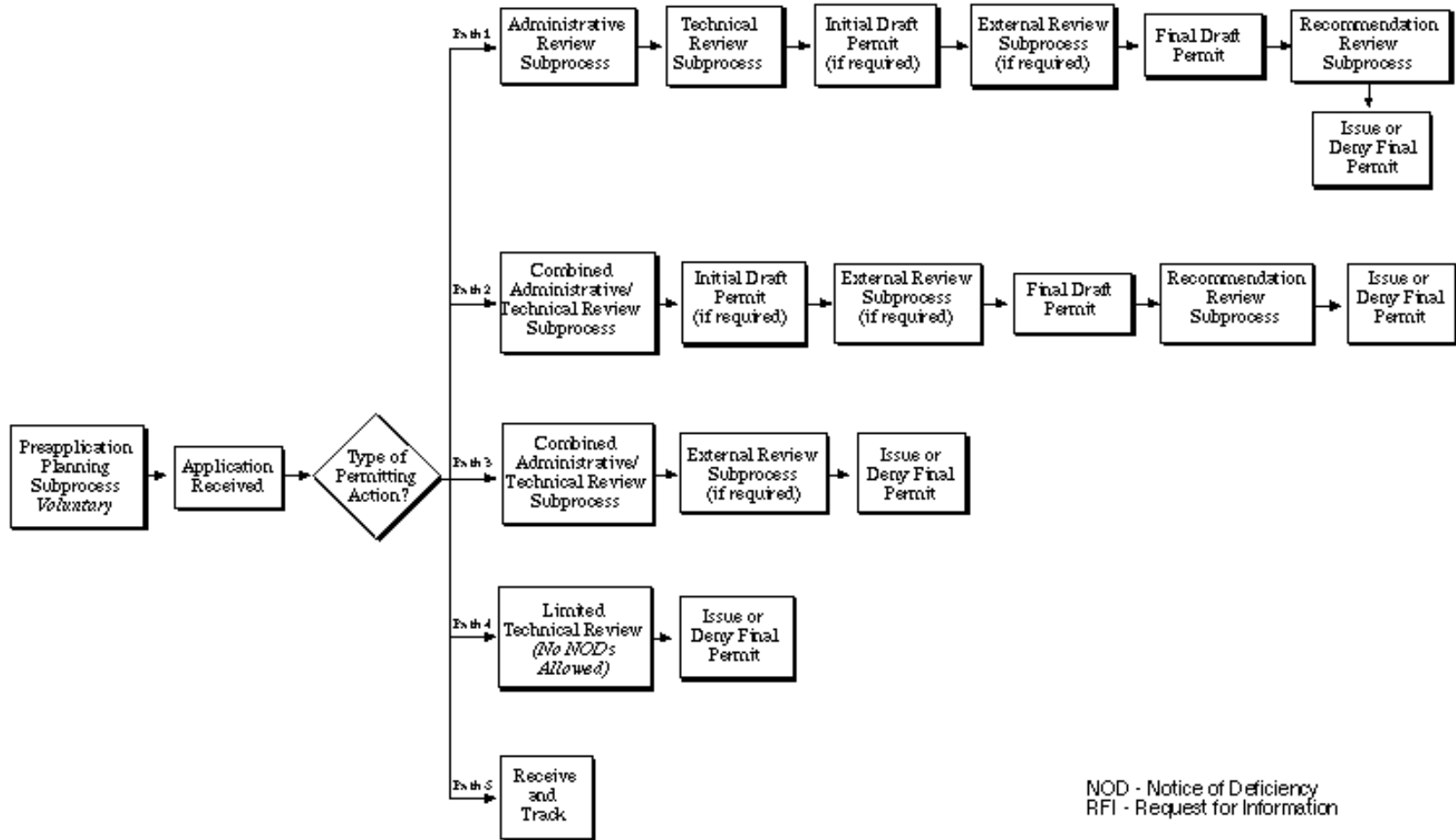


Figure 11
Detail of TNRCC Permitting Path 1

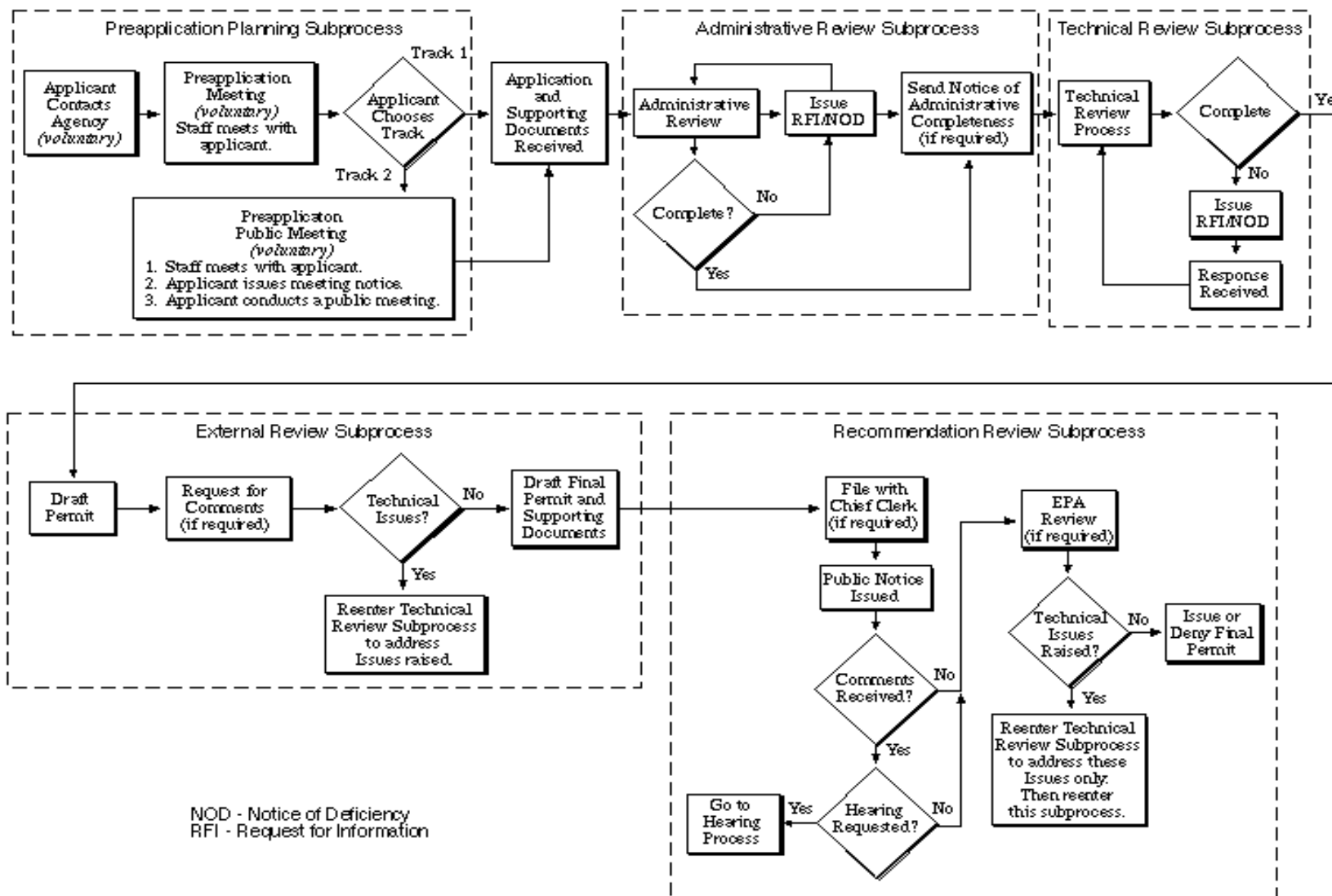


Figure 12
Detail of TNRCC Permitting Path 2

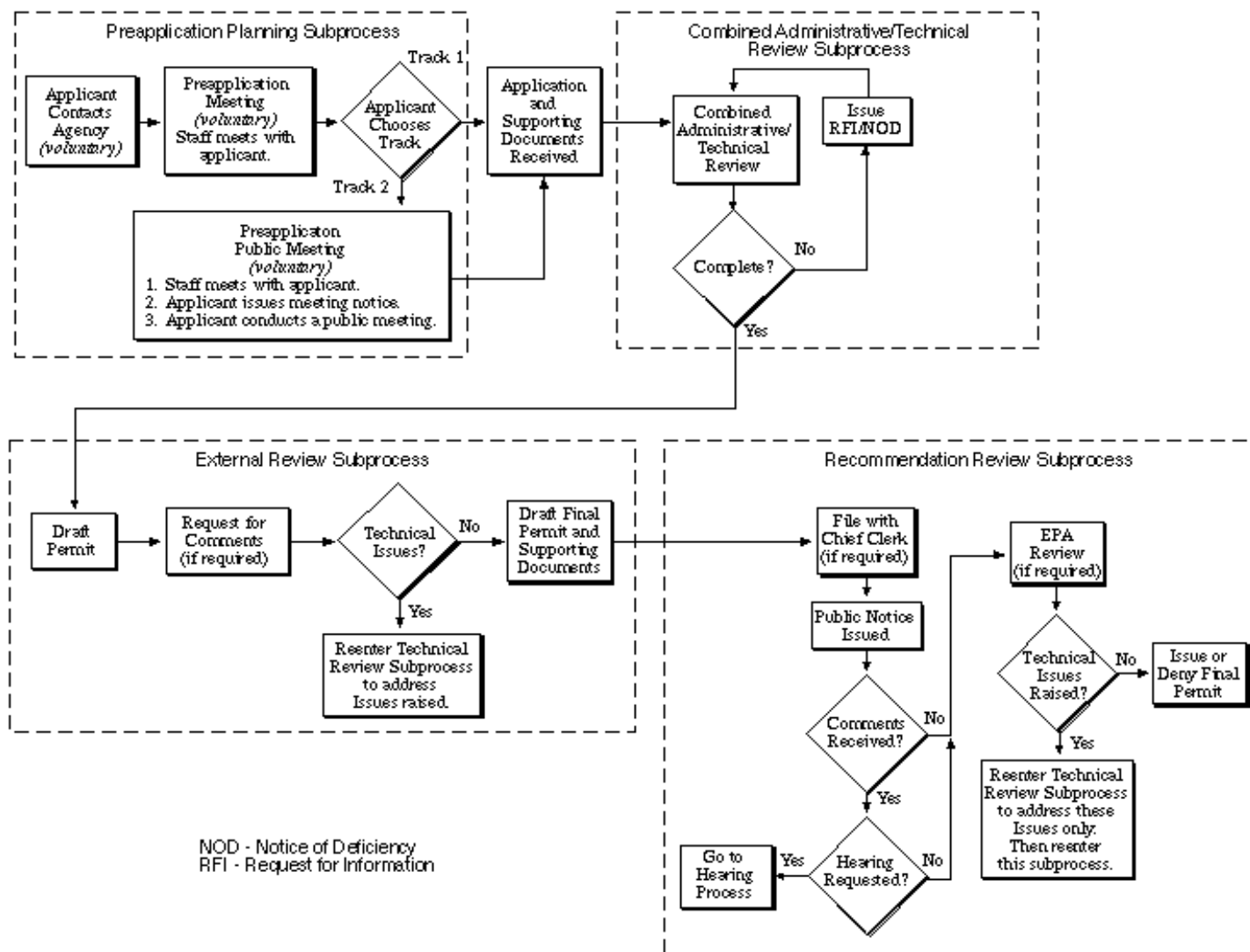
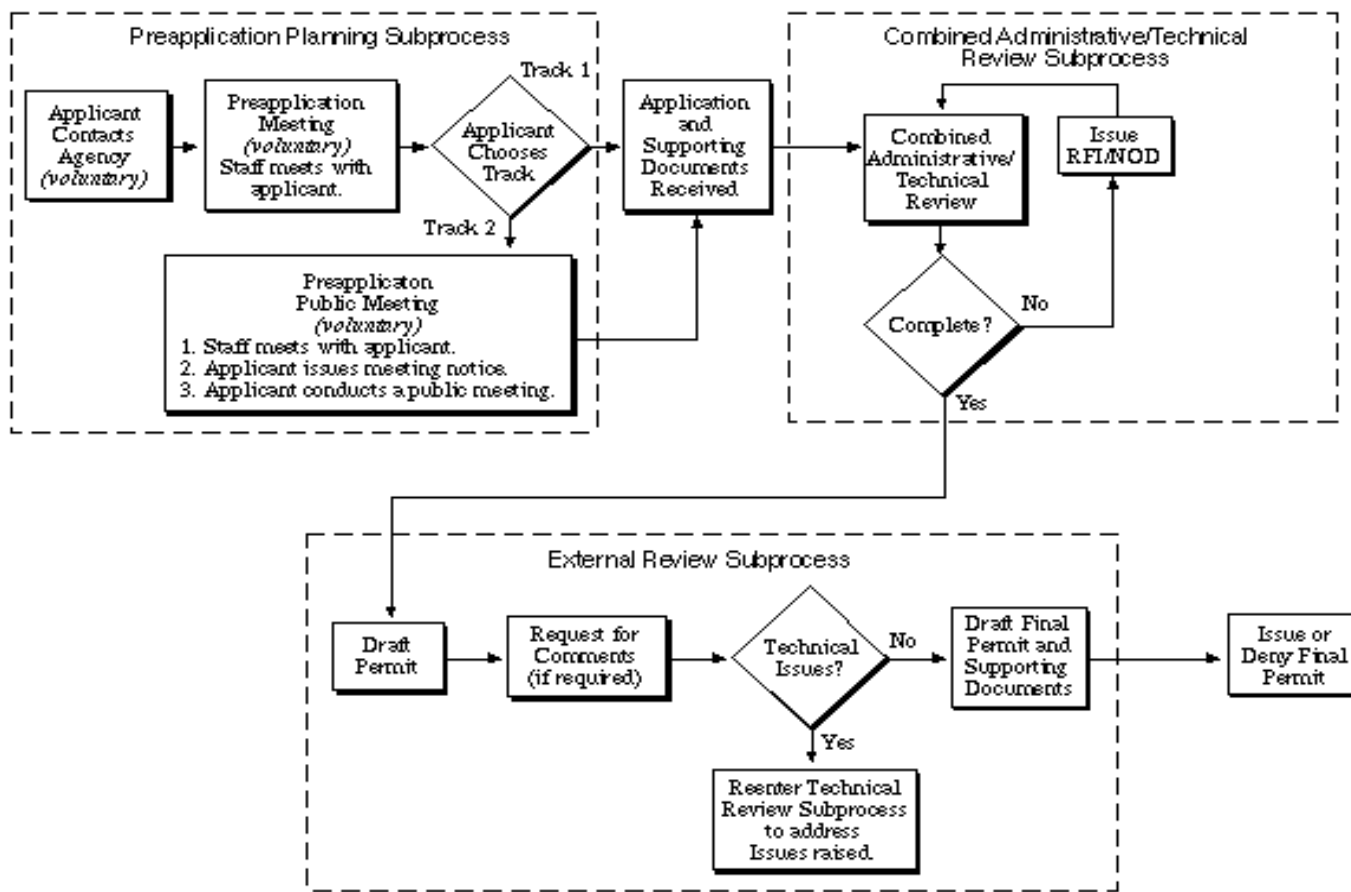


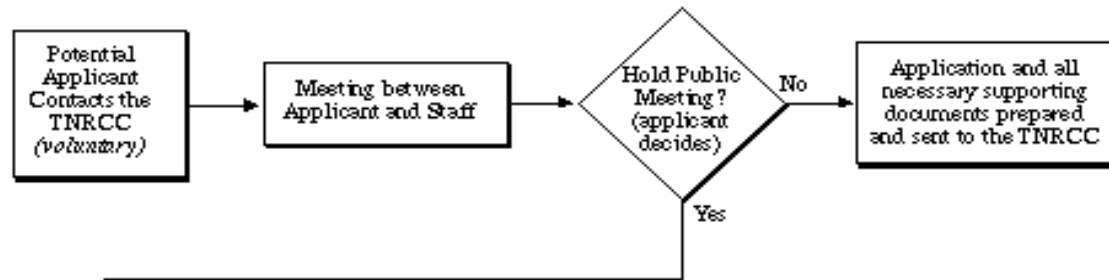
Figure 13
Detail of TNRCC Permitting Path 3



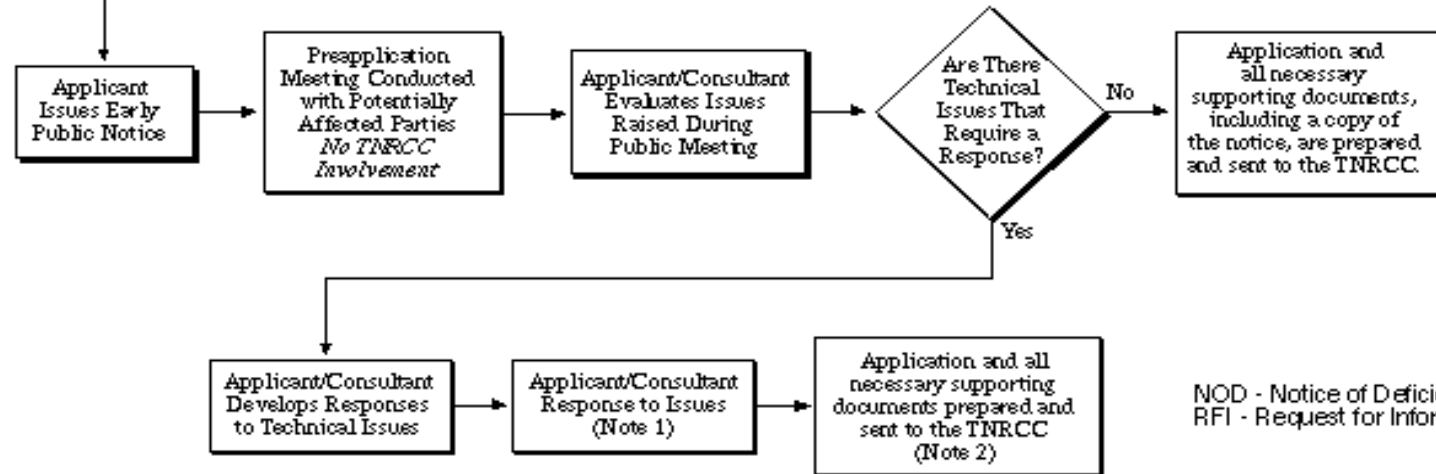
NOD - Notice of Deficiency
 RFI - Request for Information

Figure 14
Voluntary Preapplication Planning

Track 1



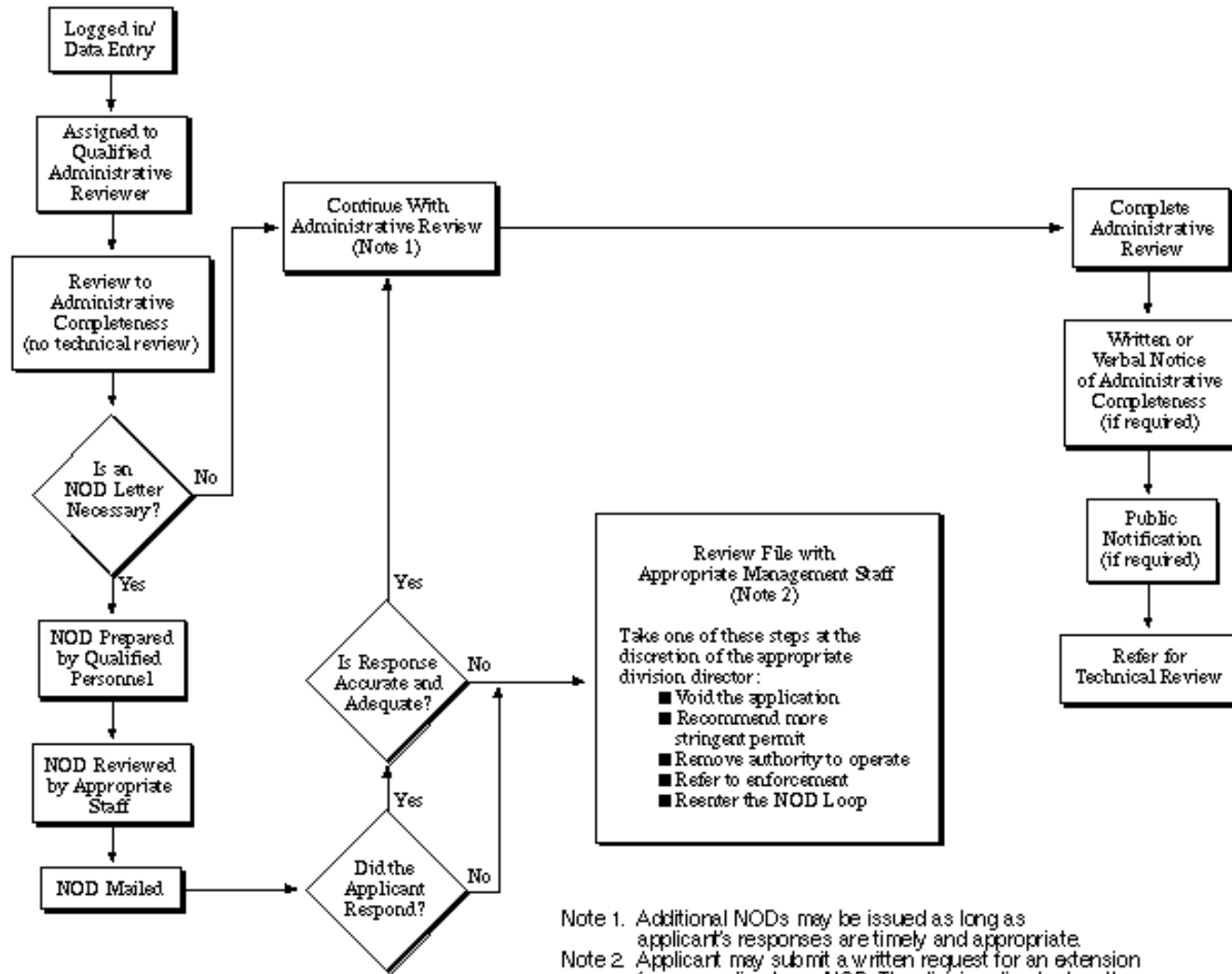
Track 2



NOD - Notice of Deficiency
 RFI - Request for Information

Note 1. This can be done by conducting a public meeting or by contacting the person who raised the issue.
 Note 2. Supporting documents include an affidavit demonstrating compliance with early notice and public meeting requirements, as well as documents identifying issues raised and applicant's response to the issues.

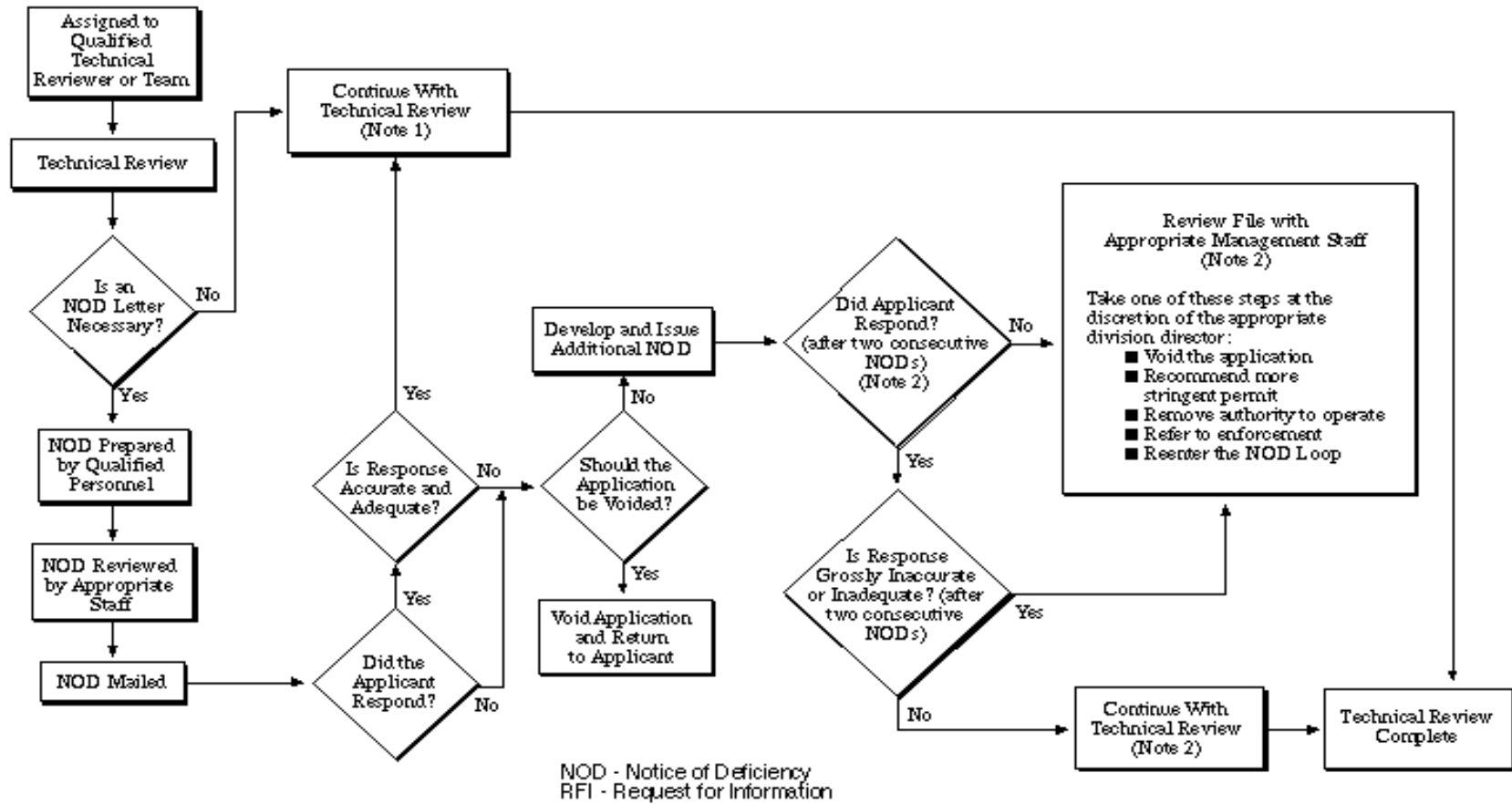
Figure 15
Administrative Review Subprocess



NOD - Notice of Deficiency
 RFI - Request for Information

- Note 1. Additional NODs may be issued as long as applicant's responses are timely and appropriate.
- Note 2. Applicant may submit a written request for an extension for responding to an NOD. The division director has the discretion to approve this extension. This should occur in rare instances and should be the exception rather than rule.

Figure 16
Technical Review Subprocess



Note 1. Additional NODs may be issued as long as applicant's responses are timely and appropriate.
 Note 2. An additional NOD letter, covering issues raised in response to a Request for Comments, may be sent to the applicant.
 Note 3. Applicant may submit a written request for an extension for responding to an NOD. The division director has the discretion to approve this extension. This should occur in rare instances and should be the exception rather than the rule.

Figure 17
Combined Administrative/Technical Review Subprocess

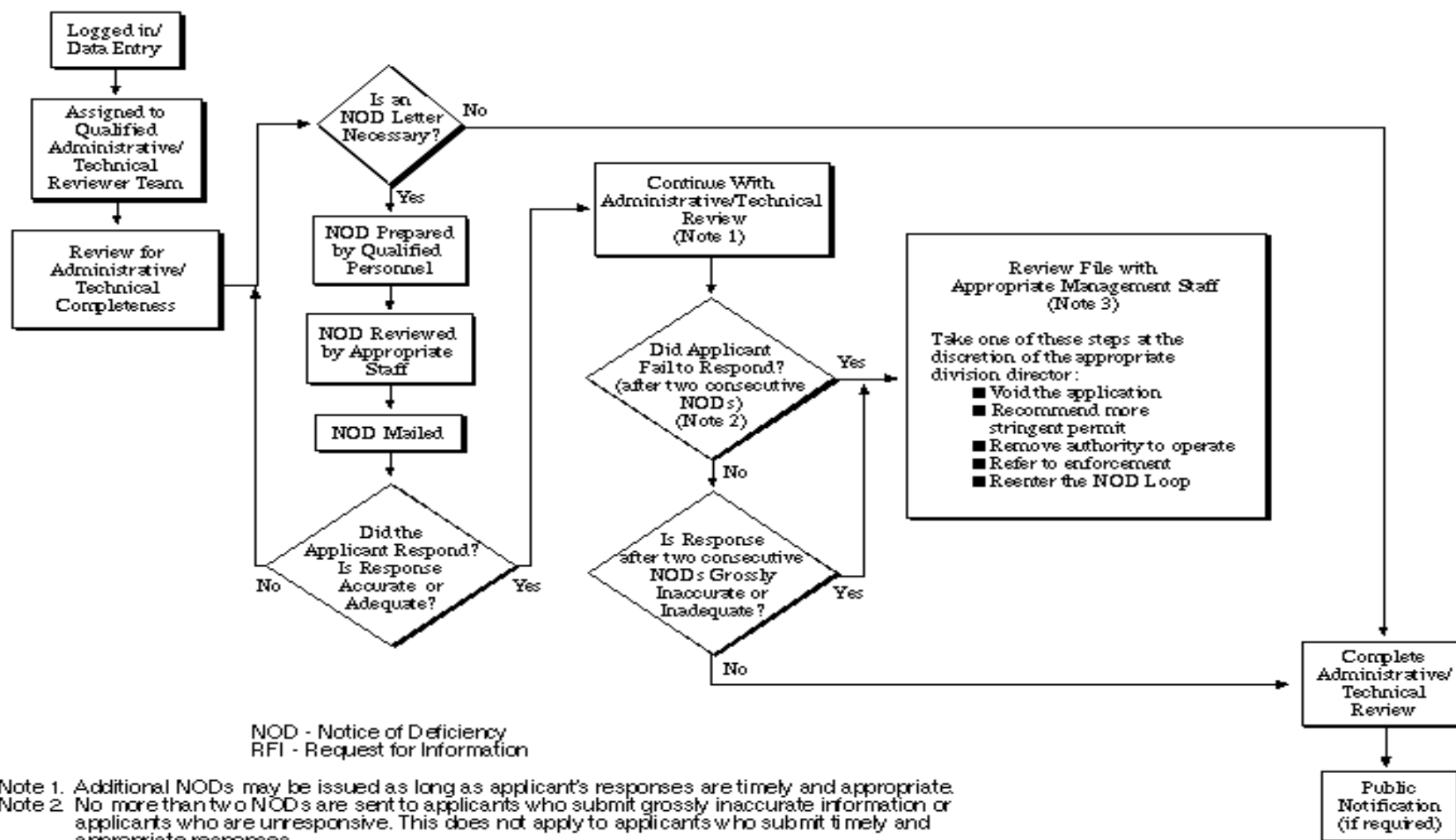
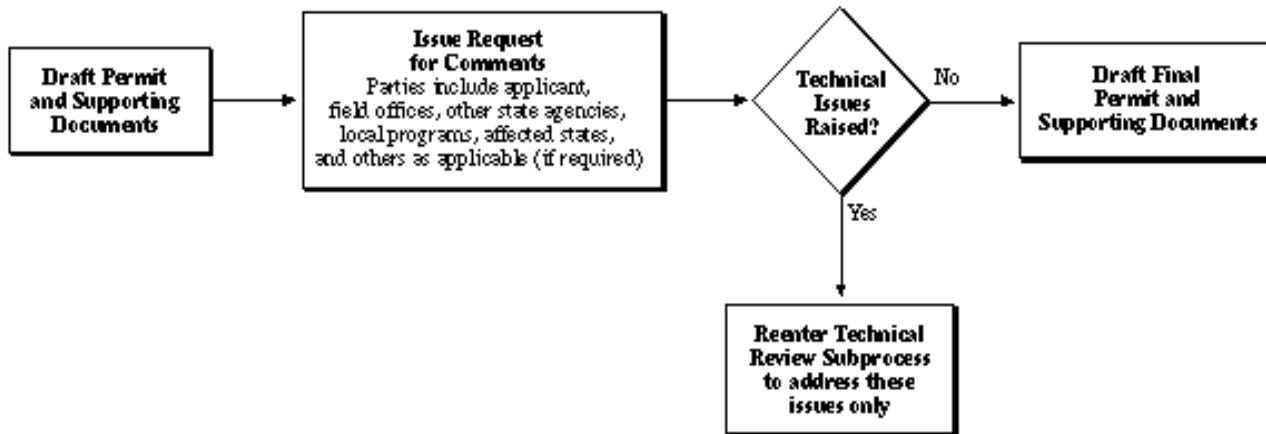
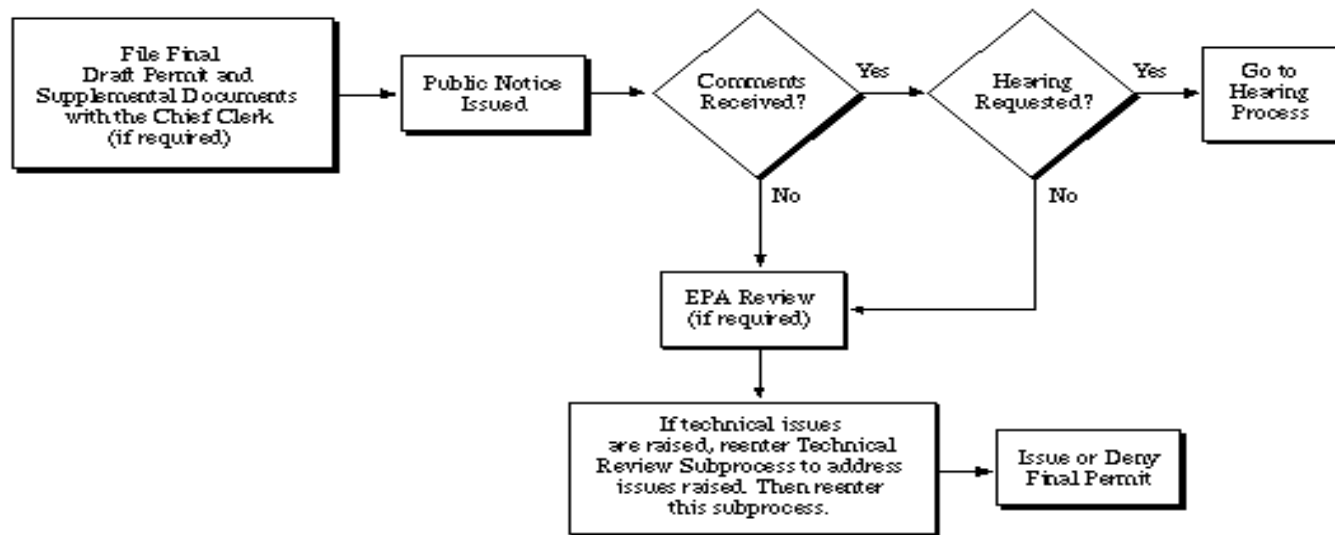


Figure 18
External Review Subprocess



NOD - Notice of Deficiency
RFI - Request for Information

Figure 19
Recommendation Review Subprocess



NOD - Notice of Deficiency
RFI - Request for Information

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information — Fiscal Year 1999	
Name of Program	Compliance and Enforcement
Location/Division	Office of Compliance and Enforcement
Contact Name	Joe Vogel, Deputy Director, OCE
Number of Budgeted FTEs as of June 1, 1999	1032.38
Number of Actual FTEs as of June 1, 1999	996.38

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

The Office of Compliance and Enforcement oversees agency compliance monitoring and enforcement activities and the operations of 16 regional offices across the state (see the attached Regional Offices directory which details the location of each office). It is made up of four divisions: Field Operations, Enforcement, Compliance Support and Monitoring Operations.

The Field Operations Division consists of 16 regional offices located throughout the state, and a central office located in Austin. Major regional office responsibilities include:

- Conducting site visits at facilities/operations across the state to determine compliance with applicable air, water, and waste rules and regulations.
- Investigating complaints at permitted and nonpermitted facilities/operations based on citizen requests for assistance.
- Developing enforcement actions for most types of air, water, and waste violations identified during inspections and/or complaint investigations.
- Ambient monitoring for local and statewide air quality, drinking water monitoring for the protection of the public water supplies in communities across the state, and surface water monitoring to ensure the continued quality of streams, lakes, rivers, and other water bodies located throughout the state.
- Overseeing and ensuring compliance with water rights and, when drought conditions exist, allocating the limited water resources in certain areas of the state.
- Approving pollution abatement plans to ensure protection of the underground water supplies (aquifers) in certain areas of the state.
- Responding to emergency spills statewide in a timely manner.
- Providing education and technical assistance to the community as needed.

The Compliance Support Division issues occupational licenses, certifications, and registrations for 17 environmental occupations such as water and wastewater operators and installers

of underground storage tank and landscape irrigation systems. There are currently more than 40,000 occupational certification licenses. The division provides training and instructor approval; examination development and administration; record keeping; and complaint investigation. The division also manages the agency's quality assurance and laboratory inspection programs.

TNRCC enforcement functions are conducted by the regional offices, the **Enforcement Division**, and the Litigation Division (Legal Services). Most violations discovered during inspections are quickly corrected in response to Notices of Violations. However, if serious and/or continuing violations are identified during an inspection, the regional office or the Enforcement Division will either initiate administrative enforcement action, potentially resulting in an administrative order with penalties; or refer the case to the Office of the Attorney General for enforcement through the courts, including potential civil penalties. Enforcement may also be initiated after record reviews indicate serious and/or continuing violations. Where possible, the TNRCC encourages expeditious settlement of enforcement actions by extending a settlement offer. If settlement does not occur within a short time, the Litigation Division will start the process that can lead to an administrative hearing. The commission has ultimate approval of all administrative enforcement orders.

The Enforcement Division is also responsible for development of the standard operating procedures and policies used by agency staff regarding the enforcement process. The development of these procedures and policies ensures that violations are handled consistently across the state.

The Monitoring Operations Division is responsible for monitoring air quality in the state and for reporting that information to the public. Division staff work together to examine and interpret the causes, nature, and behavior of air pollution in Texas. The division also provides laboratory analytical services for air, water and waste samples.

Additionally the Monitoring Operations Division conducts strategic planning of air monitoring resources to ensure network integrity and maximum use of resources. The division also evaluates and implements new technology, making Texas a national leader in air quality monitoring.

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

OCE was created in July 1995 in order to integrate agency-wide enforcement activities with the Field Operations Division and the Compliance Support Division. All areas of enforcement within the agency were consolidated into a single Enforcement Division within the newly-created OCE, resulting in consolidation of approximately 143 FTEs from the water, waste and air enforcement programs. The Monitoring Operations Division was later transferred to OCE.

Table 1 lists the programs and statutory authorities for requirements for which the Office of Compliance and Enforcement are responsible. Enforcement statutory authorities are listed in Table 2 located in Section M.

Table 1 - Program Statutory Authority	
Function	Statutory Authority
Public Water Supply Inspections	Federal - Federal Safe Drinking Water Act §§ 3009-2 State - Texas Health & Safety Code, Chapter 341 and Texas Water Code Chapter 13
Wastewater Inspections	Federal - Federal Water Pollution Control Act, Clean Water Act, 33 USCA §§ 1311 & 1319 State - Texas Water Code Chapter 26 and Texas Health & Safety Code, §§ 341.011-341.018
Air Inspections	Federal - Federal Clean Air Act; 42 USCA §§ 7413, 4720, 7477, 7511d, 7524, 7572, and 7651m State - Texas Health & Safety Code Chapter 382
Petroleum Storage Tank Inspections (also including Stage II Vapor Recovery System inspections)	Federal - Federal Water Pollution Control Act, Clean Water Act, 42 USCA §§ 6991-6991i and Federal Clean Air Act, 42 USCA § 75116 State - Texas Water Code, Chapter 26, Subchapters I & K
Confined Animal Feeding Operation (CAFO) Inspections	Federal - Federal Water Pollution Control Act, Clean Water Act, 33 USCA §§ 1311, 1319, and 1342 State - Texas Water Code, §26.121; Texas Health & Safety Code, §§ 341.011-341.018 & 341.092
Industrial and Hazardous Waste Inspections (also including Underground Injection Control inspections)	Federal - Resource Conservation & Recovery Act; 42 USCA §§ 6921-6939e and Safe Drinking Water Act, §§ 300h, 300h-1, and 300h-2 State - Texas Health & Safety Code, Chapter 361 and Texas Water Code, Chapters 26 and 27
Municipal Solid Waste Inspections (also including Medical Waste Transporter, Used Oil & Filter and Waste Tire inspections)	Federal - Resource Conservation & Recovery Act; 42 USCA §§ 6941-6949a State - Texas Health & Safety Code, Chapters 361 and 371
On-Site Sewage Facility Inspections	State - Texas Health & Safety Code, Chapter 366
Surface Water Quality Monitoring	Federal - Federal Clean Water Act, Chapters 104, 106, 204, 205, 303-305, 314, 319 and 604 State - Texas Water Code, §§ 26.127- 26.128
Ambient Air Monitoring and Air Mobile Monitoring	Federal: Clean Air Act § 110 State - Texas Health & Safety Code, Chapter 382; Texas Clean Air Act

Table 1 - Program Statutory Authority	
Function	Statutory Authority
Water and Waste Analysis	<p>SWQM - Surface Water Quality Monitoring - Clean Water Act, §§ 104, 106, 204, 303, 304, 305, 314, 319 & 604; Texas Water Code, §§ 26.127-26.128</p> <p>NPDES - National Pollution Discharge Elimination System - Clean Water Act, §402</p> <p>CAFOS - Confined Animal Feeding Operations - 33 USCA §§ 1311, 1319 & 1342; Texas Water Code, Chapter 26, Subchapters I & K</p> <p>RCRA - Resource Conservation & Recovery Act - 42 USCA §§ 6941-6949a, Texas Health & Safety Code, Chapter 361 Subchapters C & I</p> <p>CERCLA - Comprehensive Environmental Response, Compensation, (and) Liability Act-42 USCA §§9604-9623; Texas Health & Safety Code, Chapter 361, Subchapter F</p> <p>PANTEX - Nuclear Weapons Facility 42 USCA §§ 6941-6949a</p> <p>PST - Petroleum Storage Tanks SWDA §§ 9004 and 9005; Texas Water Code, § 26.356</p>
Pre-Treatment Inspections	<p>Federal - Federal Clean Water Act, 33 USCA § 307</p> <p>State - Texas Water Code, § 26.1211</p>
Sludge Inspections	<p>Federal - Federal Clean Water Act, 33 USCA § 1345</p> <p>State - Texas Health & Safety Code, Chapter 361; Texas Water Code, Chapter 26</p>
Water Quality Data Management	<p>Federal - Federal Water Pollution Control Act, Clean Water Act, 33 U.S.C.A. §§ 1313 and 1315</p> <p>State - Texas Water Code, Chapter 26</p>
Edwards Aquifer Program	<p>Federal - Federal Clean Water Act Section, 33 USCA §§ 1311, 1319 and 1329</p> <p>State - Texas Water Code, Chapter 26</p>
Department of Defense Facility Inspections and Oversight	<p>Air: Texas Health & Safety Code §§ 382.0518 and 382.085; Fed. Clean Air Act, 42 USCA §§ 7413, 7420, 7477, 7511(d), 7524, 7572, and 7651(m)</p> <p>Water: Texas Water Code, Chapter 26; Federal Clean Water Act, 33 USCA §§ 1311, 1318, 1319, 1323 and 1342</p> <p>Waste: Texas Health & Safety Code Chapter 361, Subchapter I; 42 USCA §§ 6921-6939E; 42 USCA §§ 6941-6949a; 42 USCA §§ 6991-6991i</p>
Quality Assurance Program and Oversight	<p>40 Code of Federal Regulations, Parts 31 & 35; EPA Order 5360.1 CHG 1</p>

Table 1 - Program Statutory Authority	
Function	Statutory Authority
Occupational Licensing Program/ Enforcement	<p>OSSF -- Texas Health & Safety Code, § 366.055</p> <p>Underground Storage Tank (UST) -- Texas Water Code §§ 26.342-26.345 & 26.451-26.454</p> <p>Leaking Petroleum Storage Tank (LPST) – Texas Water Code, Chapter 26.3573(j)</p> <p style="padding-left: 40px;">Stage II -- Texas Water Code, § 26.345</p> <p style="padding-left: 40px;">Irrigators -- Texas Water Code, Chapter 34</p> <p>Residential Water Program – Title 109 Texas Plumbing Licensing Law, Article 6243-101</p> <p style="padding-left: 40px;">Backflow Prevention Assembly Testers – Texas Health and Safety Code, § 341.033</p> <p>Municipal Solid Waste Technicians – Texas Health & Safety Code, § 361.027; Federal Safe Drinking Water Act Amendments of 1996, §§ 1419(A) & 1452</p> <p style="padding-left: 40px;">Water Operators – Texas Health and Safety Code, § 341.034 Federal Safe Drinking Water Act Amendments of 1996, §§ 1419(A) & 1452</p> <p style="padding-left: 40px;">Customer Service Inspectors – Texas Health and Safety Code, § 341.034</p> <p style="padding-left: 40px;">Wastewater Operators – Texas Water Code, § 26.0301</p> <p>Visible Emissions Evaluators – Title 40 Code of Federal Regulations, Part 60(A), Method 9</p>
Municipal Utilities District Construction Inspections	Texas Water Code, § 54.024
Watermaster and Water Rights Programs	Texas Water Code, §§ 11.325, 11.326, 11.3261, and 11.329

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?

Services and functions have been modified as new programs have been added to the TNRCC and as the agency has been delegated responsibility for additional federal programs, or to accommodate amendments to federal and state statutes or rules. The Office of Compliance and Enforcement will continue to be needed to meet the agency’s regulatory function.

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 of Compliance and Enforcement, through its compliance inspections, enforcement programs, compliance assistance activities, and monitoring operations, is the main avenue of access to the TNRCC for the public, as well as the regulated community. There are an estimated 220,000 regulated entities in the state covering large and small businesses, industries, governmental entities, public drinking water systems, wastewater treatment systems, solid waste treatment, storage, and disposal facilities, and individuals.

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

The program is administered as follows:

Field Operations Division

For the last several years many of the air, waste and water programs in Field Operations Division (FOD) have used targeting strategies to develop annual inspection plans. These targeting strategies are program-specific and risk-based. They allow FOD to identify, in a consistent manner statewide, facilities that will be inspected during a fiscal year. Programs that currently use inspection targeting strategies are: industrial and hazardous waste; municipal solid waste; petroleum storage tanks; Texas Pollution Discharge Elimination System wastewater, pretreatment and sludge; public water supply; combined animal feeding operations; and Air. Inspectors will review the findings of their inspections in exit interviews at each facility and describe any areas of non-compliance. See Section M for a description of procedures for handling non-compliance findings resulting from inspections.

The Edwards Aquifer Protection program, On-Site Sewage Facilities program, and Air Stack Test program are considered on-demand programs and the actual workload in these programs cannot be predicted annually. However, all applications and/or reports received must be acted upon in a timely manner. FOD is responsible for reviewing and approving plans, reports and applications. It issues permits for affected programs in addition to conducting initial construction and follow-up inspections on all proposed facilities.

The TNRCC has two watermaster programs: the Rio Grande which coordinates releases from the Amistad and Falcon reservoir system for irrigation, municipal, and industrial uses and the South Texas which serves the Nueces, San Antonio, and Guadalupe River Basins, as well as the adjacent coastal basins. The watermaster programs ensure compliance with water rights by monitoring streamflows, reservoir levels, and water use and by coordinating diversions in the basin. Watermasters and their staff protect water rights by reviewing notifications and authorizing appropriate diversions, stopping illegal diversions, providing real-time monitoring of area streamflows, and mediating conflicts and disputes among water users, thereby avoiding costly litigation. Watermasters provide technical assistance to water users as well, by helping new water right owners install streamflow markers, for example, or providing information about how many water rights are authorized along a stream. Because of their knowledge of water rights and uses, watermasters can also inform users and prospective users about water and water rights available for sale. In addition, since the watermasters constantly monitor streamflow, they can anticipate problems, thus enabling local users to develop regional responses before the effects of drought become apparent.

Compliance Support Division

Occupational licensing programs are administered in accordance with statutory requirements for each program. An essential element of occupational licensing is the identification of the necessary knowledge and skills for each license through a job analysis. The job analysis provides the basis for determining the necessary basic training, and development of the examination.

Generally, licensing involves the verification of requisite experience, completion of a basic training program and an examination. Examinations are administered periodically in Austin and in the Regional offices. Licensees pay application and/or examination fees. Most programs require renewal and completion of continuing education courses.

Staff also investigates complaints against licensees and initiate enforcement action when necessary. Enforcement action may be taken against licensees or non-licensees. Potential actions include suspension or revocation of the license and/or administrative penalties.

The agency quality assurance program is administered in accordance with the TNRCC Quality Management Plan: Environmental programs and projects are planned using systematic planning processes, and documented in project and work plans. They are implemented according to these plans, and monitored to ensure the achievement of project and program objectives. Similarly, environmental laboratory inspections are planned using risk and other criteria (contractual status, complaint history, results of prior inspections, and logistics) and conducted according to written procedures. Corrective actions resulting from inspections are monitored to verify implementation and effectiveness.

Enforcement Division

Enforcement encompasses a broad range of approaches which may be taken by government to encourage or compel compliance by the regulated community. The Enforcement Division is responsible for ensuring that serious and/or continuing violations receive an enforcement response that is fair, equitable and deters future violations. See Section M regarding the follow-up activities which occur when non-compliance is identified.

Once serious and/or continuing violations are identified, the TNRCC has several enforcement options available to the agency: 1) agreements, 2) contested case processing, 3) default orders, 4) referral to the Attorney General for lawsuit, 5) referral to the Environmental Protection Agency (EPA) for a federal enforcement action, and 6) criminal prosecution. Definitions of these options are included in the Enforcement Standard Operating Procedures (SOP) and specifics are described in Section M regarding Sanctions. The Enforcement Division is responsible for ensuring that the SOP is accurate and current. The enforcement process is also defined in the attached flowcharts. Once formal enforcement orders are issued, the Enforcement and Field Operations Divisions are responsible for tracking compliance with the terms of the Orders.

The Enforcement Division also receives and audits all self-reporting data for wastewater discharge permits. The analytical data is entered into a computerized system which then evaluates the data and determines whether significant noncompliances have occurred. Any significant noncompliances are handled through enforcement with penalties and/or sanctions.

Monitoring Operations Division

The Monitoring Operations Division deploys and maintains more than 120 air monitoring stations in Texas. These stations contain specialized instruments to measure a variety of air pollutants and meteorological conditions. The division validates and manages the air quality and meteorological data collected by the TNRCC as well as data collected by private and local government monitoring networks. The division also supports community anti-pollution efforts by conducting ozone pollution forecasting for several metropolitan areas of the state. The air laboratories perform organic and inorganic analysis of air samples collected from the TNRCC's air monitoring networks as well as from samples collected by or referred to the TNRCC and local air pollution control program investigators. The analytical laboratory in Houston provides continuous chemical, biological, bacteriological and physical testing of water, wastewater, soil, sediment, sludge, and tissue samples in support of various monitoring and enforcement activities of the agency.

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.

Inspections and Enforcement:

The TNRCC has an effective working relationship with the following city, county, and city/county local air pollution control programs: City of Dallas Department of Environmental and Health Services, El Paso City-County Health and Environmental District, City of Fort Worth Department of Environmental Management, Galveston County Health District, and City of Houston Bureau of Air Quality Control and City of Houston Department of Health and Human Services. These programs provide basic air pollution control services (enforcement/compliance investigations) within their jurisdictions through contracts with the TNRCC. The technical capabilities of the local programs are continually enhanced by training and mentoring provided by the TNRCC.

The TNRCC has primary jurisdiction over the On-Site Sewage Facility (OSSF) program; however, Texas Health and Safety Code Chapter 366 grants the TNRCC the ability to delegate its program authority to local governmental entities. Currently, there are more than 250 counties, municipalities, river authorities, and special districts statewide that have been designated as authorized agents (AAs) for the OSSF program. The TNRCC maintains oversight authority over AAs to ensure that state rules and regulations are administered appropriately. Funding for the local programs is fee-based and is dependent upon the level of OSSF system permitting activity experienced by the local authorities.

Ambient Air Monitoring and Ozone Forecasting and Action

The Monitoring Operations Division works with the same local government air pollution control programs listed in the paragraph above regarding inspections and enforcement. These local programs receive federal funding from EPA for ongoing air monitoring activities. TNRCC receives these pass-through funds from EPA and disburses them to the local agencies via interlocal contracts. In addition, the Monitoring Operations Division also uses a separate interlocal contract with each of these local programs to provide funds for the operation of specific PM_{2.5} monitors that are part of the TNRCC PM_{2.5} Monitoring Network.

TNRCC also contracts with the Laredo Department of Health for operation of a monitoring station in Laredo. A second station will be added in the next few months, and the Laredo Department of Health will also operate this station, under the same contract.

In addition, Monitoring Operations works with various local coalitions and organizations on Ozone Action Day Programs. TNRCC meteorologists provide ozone forecasting services and notify contacts for the local coalitions and organizations each time an Ozone Action Day has been declared for their area of the state. Following is a listing of the local coalitions/organizations that Monitoring Operations works with: Houston-Galveston Area Council of Governments, Harris County Pollution Control Department, Galveston County Pollution Control Department, South East Texas Regional Planning Commission, Corpus Christi Ozone Task Force, North Central Texas Clean Air Coalition, Paso del Norte Clean Cities Coalition, Alamo Area Council of Governments, Northeast Texas Air Care Group, and Central Texas Clean Air Force.

Compliance Support - Training

The Compliance Support Division works with the North Central Texas Council of Governments which sponsors water utility operator training.

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.

Because of the large number of regulated entities, the TNRCC is unable to inspect all regulated facilities annually. Consequently, inspection activities are prioritized using annual inspection targeting strategies. These targeting strategies are program-specific and risk-based. The agency is currently reallocating resources to field operations to enhance its inspection efforts.

A significant portion of funding for the Office of Compliance and Enforcement is provided through federal grants from EPA. There is concern that the funding level for the various programs will not remain consistent. If federal funding is reallocated, the TNRCC will have to re-establish priorities.

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

Spill Response: Spill response is handled by the General Land Office (GLO) and the Railroad Commission (RRC) as well as the TNRCC. Each agency has jurisdiction over spills according to the source of the spill, the material spilled, the quantity spilled and/or the location. For example, GLO has jurisdiction over coastal oil spills greater than 240 barrels. The RRC has jurisdiction over all spills from

activities associated with the exploration, development, or production of oil, gas, and geothermal resources. This includes coastal spills of 240 barrels or less of crude oil. The TNRCC has jurisdiction over hazardous material, regardless of the location.

Occupational Licensing: The Texas Department of Licensing and Regulation and the Texas State Board of Plumbing Examiners also license individuals to perform certain occupations. The occupations regulated by these agencies are different from those regulated by TNRCC.

On-Site Sewage Facility Regulation: Certain governmental entities (e.g., counties, cities, river authorities, health districts, and water districts) are authorized by the TNRCC to regulate and manage OSSF programs in their jurisdictional areas. With the exception of licensing and administrative penalties, these entities perform the same functions as the TNRCC does in those areas which are not delegated. This is a voluntary program and TNRCC conducts periodic reviews to ensure that the entities are managing the program in accordance with current statutes and rules.

Ambient Air Monitoring: Local air pollution control programs in Dallas, El Paso, Fort Worth, Houston, and Galveston, conduct similar air monitoring activities under contract with the TNRCC. Funding for the local program monitoring is provided by EPA, with TNRCC receiving the funding and providing it to the local programs through the execution and administration of interlocal contracts. In addition, certain industries in the Houston/Beaumont/Port Arthur areas finance and conduct similar air monitoring activities.

Surface Water Monitoring: See Section VI.G. for the Water Quality Division.

Inspections and Enforcement, Federal Agencies: The Environmental Protection Agency is authorized to conduct inspections and perform enforcement at the same facilities that the TNRCC inspects and enforces against.

Inspections and Enforcement, Local Governments: Local governments have statutory authority to conduct inspections and take enforcement actions regarding environmental requirements. Inspections conducted by local governments regarding air are similar in nature. However, the TNRCC contracts with the local governments and does not duplicate the inspections that local governments have scheduled. Inspections conducted by local governments for wastewater are focused on the quality of the wastewater discharge and are not as comprehensive as the TNRCC inspections which also review treatment plant design, operation, maintenance, quality of laboratory analyses, sludge disposal, and record retention.

Inspections and Enforcement, Criminal Actions: The TNRCC participates with federal and local governmental agencies in a task force which evaluates evidence of environmental crimes and pursues prosecution for those crimes.

Inspections and Enforcement, Other State Agencies:

- **Texas Department of Agriculture (petroleum storage tanks):** The Texas Department of Agriculture conducts inspections for calibration and accuracy of gasoline delivery flow at the same gasoline service stations that TNRCC regulates for other requirements.

- **Texas Railroad Commission (hazardous waste and air):** The RRC has authority over hazardous waste regulation at oil and gas exploration and at production facilities, excluding refineries, where the TNRCC has sole jurisdiction. The TNRCC has authority over all other hazardous waste regulation in the State. The TNRCC and the RRC share jurisdiction for the Clean Air Act at oil and gas exploration and production facilities (with the exception noted above for oil refineries). TNRCC jurisdiction is triggered when air emissions exceed major source threshold amounts as defined in the federal Clean Air Act.

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.

Spill Response: MOUs among the agencies, as well as the State of Texas Oil and Hazardous Substances Spill Contingency Plan specify each agency's jurisdiction. When a spill occurs, each agency coordinates by phone or in the field regarding the specifics of the spill and decides who has jurisdiction. This coordination has worked well.

Occupational Licensing: Three different agencies are responsible for licensing individuals in different occupations so there is no overlap of jurisdiction.

On-Site Sewage Facility Regulation: For those local entities which regulate septic systems, the TNRCC relinquishes jurisdiction to them.

Ambient Air Monitoring: The Monitoring Operations Division administers and oversees the interlocal contracts and works closely with the local programs to ensure that their monitoring is conducted in compliance with TNRCC data quality objectives and that the monitoring supplements, rather than duplicates, TNRCC monitoring. Local program monitoring is conducted in areas where the TNRCC has not established its own monitoring sites. The division also maintains contact with the private monitoring network owners and routinely receives summaries of the data they collect. The industry-financed monitoring is not duplicative of the TNRCC monitoring, primarily because it is not designed to measure general air quality, it is not reported to EPA, it is not used for regulatory purposes, and it is not available to the public.

Surface Water Monitoring: See Section VI. G. for the Water Quality Division.

Inspections and Enforcement, Federal Agencies: The TNRCC and EPA have specific memoranda of agreement and understanding which define how the agencies will coordinate activities so that duplication of effort is minimized. The TNRCC also participates in a performance partnership grant with EPA which identifies the facilities that the TNRCC will inspect. There is some duplication of effort inherent in the federal oversight of the grant. However, the partnership minimizes the need for duplicate oversight inspections.

Inspections and Enforcement, Local Governments: For the most part, duplication of effort is minimized. However, some duplication of effort occurs in the drinking water and water quality cases as local governments pursue enforcement in local courts, while TNRCC may be pursuing similar cases administratively or through civil action. This occurs particularly with the City of Houston and Harris

County where multiple inspections may be conducted. The inspections are not exactly the same as the TNRCC inspections, as described in Section J above. There have been discussions with the local authorities about coordinating these activities, but no formal agreement has been reached.

Inspections and Enforcement, Criminal Actions: Since the task force includes federal, state, and local government agencies, communication and cooperation of each of the agencies is the key to avoid any duplication of effort or interference. Each agency is actively involved in the selection of cases to prosecute and many times the agencies work together to complete the investigation and prosecution of these crimes.

Inspections and Enforcement, Other State Agencies:

- **Texas Department of Agriculture (petroleum storage tanks):** The TNRCC and Texas Department of Agriculture are currently negotiating an MOA/MOU which will define how each agency will assist the other in verifying proper certifications of compliance and calibration. Due to the large number of service stations within the State, this process will allow both agencies to expand information about compliance rates.
- **Texas Railroad Commission (hazardous waste and air):** The statute defines the jurisdictional boundaries for hazardous waste regulation. However, the TNRCC and RRC also have a Memorandum of Agreement which outlines the duties of each agency. The TNRCC and RRC have less formal agreements regarding air complaint investigations and routine inspections. For complaints regarding hydrogen sulfide and sulfur odors the agencies have agreed that the RRC will be the lead.

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 regulations are needed:**

Inspections are conducted to ensure compliance with state and federal rules, regulations and statutes. Enforcement is performed to ensure that documented violations are appropriately addressed, resolved, in a timely manner and to deter future violations.

Inspection/Enforcement

- **Public Water Supply Inspection/Enforcement:** Public water supply inspections are conducted to ensure the delivery of safe drinking water.

- **Wastewater Inspection/Enforcement:** Wastewater inspections are conducted to ensure the proper treatment and disposal of wastewater and to protect ground and surface waters.
- **Air Inspection/Enforcement:** Air inspections are conducted to ensure good, healthy, ambient air quality.
- **Petroleum Storage Tank (PST) Inspection/Enforcement:** PST inspections are conducted to ensure human safety and protection of the state's ground-water resources and to ensure appropriate installation of new underground storage tanks, appropriate removal or closure of old tanks, appropriate cleanup of leaking underground storage tanks and that leak detection systems are installed and operating adequately.
- **Stage II Inspections:** Stage II inspections are conducted to ensure that gasoline vapors are controlled or reduced during fuel dispensing into vehicles in areas of the state where compliance with the National Ambient Air Quality Standards has not been achieved.
- **Confined Animal Feeding Operations (CAFO) Inspection/Enforcement:** CAFO inspections are conducted to ensure that solid wastes and wastewater generated from the CAFOs are managed appropriately to protect ground and surface waters.
- **Industrial and Hazardous Waste (IHW) Inspection/Enforcement:** IHW inspections are conducted to ensure the safe handling and disposal of industrial and hazardous solid wastes, and protection of ground and surface water resources and air.
- **Municipal Solid Waste (MSW) Inspection/Enforcement:** MSW inspections are conducted to ensure the safe handling and/or disposal of municipal solid waste, as well as, used oil, and used oil filters, medical waste, and waste tires.
- **OSSF Inspection/Enforcement:** OSSF plan applications are reviewed, permits are issued, and inspections are performed to ensure the safe disposal of domestic wastewater through on-site septic systems and protection of surface and ground-water resources. In addition, compliance reviews are conducted to ensure that Authorized Agents manage local programs in accordance with the current statutes and rules.
- **Pre-Treatment Inspections:** Pre-treatment inspections are conducted to ensure that wastewater discharges by industrial user, that is destined for further treatment by publicly owned-treatment works (POTW), does not harm the ultimate receiving stream or the POTW.
- **Sludge Inspections:** Sludge inspections are conducted to ensure that solids resulting from wastewater treatment are adequately treated prior to application and/or disposal for protection of surface and ground-water resources.
- **Edwards Aquifer Program:** Edwards Aquifer Pollution abatement plans are reviewed and follow-up inspections are performed to ensure protection of the Edwards Aquifer.
- **Department of Defense:** Air, water and waste inspections are conducted to ensure that the unique aspects of federal facilities in Texas are handled appropriately.
- **Municipal Utility District (MUD) Construction:** MUD construction inspections are conducted

to ensure that construction, of wastewater treatment and drinking water supply facilities and flood control drainage conduits, is performed in accordance with approved plans and specifications.

- **Watermaster Program:** Watermaster pumping and diversion inspections are performed to ensure there is an adequate supply of water to meet the domestic, livestock, irrigation, and drinking water needs of the Rio Grande Valley and South Texas areas.

Monitoring

- **Surface Water Quality Monitoring:** Surface water quality monitoring is performed to ensure compliance with state and federal water standards, to gather information used in the triennial review of the water quality standards, and to provide data for use in the Total Maximum Daily Load (TMDL) project.
- **Ambient Air Monitoring:** Ambient monitoring is performed to ensure compliance with state and federal air standards.
- **Water and Waste Analysis:** Water and waste analyses are performed to determine compliance with permit limits of water discharged to water of the State and waste disposed of in the State.

Occupational Certification and Licensing

The commission licenses individuals engaged in environmental occupations, such as water utility operators, firms involved in petroleum storage tank and wastewater operations, and local governmental organizations that implement on-site sewage facility laws on behalf of the state. Certification and/or licensing is necessary to ensure safe and effective operations and to prevent adverse impacts to human health and the environment.

- **What is the scope of, and procedures for, inspections or audits of regulated entities?**

Each of the program areas for which inspections are conducted has a manual detailing inspection procedures and protocols. Inspection checklists assist with determining the scope of each inspection type. The following inspection checklists/protocols currently are in effect:

[Air Program Investigator's Manual](#)
[Ambient Monitoring Manual](#)
[Water Quality Inspection Manual](#)
[Surface Water Quality Monitoring Manual](#)
[On-Site Sewage Facility Program Manual](#)
[Public Water Supply Inspection Manual](#)
[Municipal Solid Waste Inspection Manual](#)
[Industrial & Hazardous Waste Inspection Manual](#)
[Petroleum Storage Tank Inspection Manual](#)
[Stage II Inspection Manual](#)

The Compliance Support Division inspects landscape irrigation and on-site sewage systems in response to complaints. All other inspections of occupational licensees are conducted by Field Operations Division personnel.

The Enforcement Division also audits all self-reporting data on wastewater discharges submitted pursuant to permitting requirements regarding the Texas Pollution Discharge Elimination System (TPDES) and National Pollution Discharge Elimination System (NPDES). The self-reported data is entered into a computerized system which is then used to determine whether there are delinquent reports, missing information, or significant non-compliances of permit requirements.

The Water Utilities Division audits self-reporting data submitted regarding public water supply systems. The self-reported data is entered into a computerized system which is then used to determine whether significant non-compliances have occurred.

Self-reported data in the air program are evaluated for significant non-compliances when initially submitted and are used in facility inspections.

- **What follow-up activities are conducted when non-compliance is identified:**

Non-compliances are primarily identified in five different ways: regional office-conducted routine inspections; regional office investigation of complaints; central office or regional office records or database review; disclosure of violations through the Texas Health, Safety, and Environmental Audit law; and central office determination during reviews of permit applications, registrations, or other documents. If the violation(s) is minor, the facility is given 14 days in which to correct it. If they do not correct it or the violation(s) is more serious, the next step is a Notice of Violation (NOV) letter sent to the facility allowing a certain amount of time to achieve compliance. The NOV will request that the facility submit a written schedule that shows when and how they plan to correct each of the alleged violations or the TNRCC will give them a written schedule that they must follow. The inspector tracks the response to the NOV to ensure that compliance is achieved, either through submittal of documentation to the agency or through a follow-up inspection on-site to verify compliance. If the violation(s) is serious, “formal enforcement” will be initiated immediately regardless of the facility’s ability to correct/resolve the alleged violation in a timely manner. The TNRCC’s “Criteria for Initiation of Formal Enforcement Action for Air, Water and Waste Violations” describes the process by which the TNRCC decides how to respond to violations.

In regard to the audits of self-reported data for TPDES and NPDES, warning letters are used for reports that have missing information or are delinquent. If the reports are not correctly submitted following a warning letter then the case is referred for enforcement sanctions. For cases in which significant violations are determined, the case is immediately referred for enforcement sanctions.

For the self-reporting data in the public water supply program, notices of violation are sent for violations which are not considered substantial. Significant violations are referred to the Enforcement Division for appropriate enforcement.

For the air self-reported data, if significant non-compliance is found, the region is notified and the facility is targeted for further investigation. If there are no obvious non-compliance findings, the reports are filed and evaluated in-depth during future inspections of the facilities.

- **Sanctions available to the agency to ensure compliance:**

The agency has several sanctions available to ensure compliance. TNRCC is authorized to issue administrative enforcement actions by Chapters 7, 11, 12, 13, 16, and 36 of the Texas Water Code and Chapters 341 and 371 of the Texas Health and Safety Code. This authorization extends to all programs administered by TNRCC. The commission may issue administrative orders that include administrative penalties by reaching agreements with respondents, by litigating the case through the State Office of Administrative Hearings (SOAH), or by default of the respondent. The Commission makes the final agency decisions regarding issuance of an order, however, respondents may appeal the order in district court. If the respondent does not comply with the terms and conditions of an order, then the commission may seek action by the courts through the Office of the Attorney General. Table 2 describes the administrative and civil penalties authorized by statute for each program. Procedures for determining appropriate penalty amounts are contained in the TNRCC’s Penalty Policy and the Enforcement SOP. The TNRCC may also seek enforcement in criminal courts through coordination with the Office of the Attorney General and local criminal prosecutors.

TABLE 2: STATUTORILY AUTHORIZED PENALTIES			
Program	Statute/ Chapter	Administrative penalties, per violation per day	Civil penalties, per violation per day
Air Quality	TWC/7	\$0-10,000	\$50-25,000
Industrial and Hazardous Waste	TWC/7	\$0-10,000	\$50-25,000
Land over MSW Landfills	TWC/7	\$0-10,000	\$50-25,000
Medical Waste	TWC/7	\$0-10,000	\$50-25,000
Municipal Solid Waste	TWC/7	\$0-10,000	\$50-25,000
Petroleum Storage Tank	TWC/7	\$0-10,000	\$50-25,000
Radioactive Substances	TWC/7	\$0-10,000	\$50-25,000
Subsurface Excavation	TWC/7	\$0-10,000	\$50-25,000
Toxic Chemical Release Reporting	TWC/7	\$0-10,000	\$50-25,000
Underground Injection Control	TWC/7	\$0-10,000	\$50-25,000
Underground Water	TWC/7	\$0-10,000	\$50-25,000
Waste Tires	TWC/7	\$0-10,000	\$50-25,000
Water Quality	TWC/7	\$0-10,000	\$50-25,000
On-Site Sewage Disposal	TWC/7	\$0-2,500	\$50-5,000
On-Site Sewage Installation	TWC/7	\$0-2,500	\$50-5,000
Used Oil	TWC/7	\$0-2,500	\$50-5,000

TABLE 2: STATUTORILY AUTHORIZED PENALTIES			
Program	Statute/ Chapter	Administrative penalties, per violation per day	Civil penalties, per violation per day
Used Oil Filters	TH&SC 371	\$0-2,500	\$100-500
Water Saving Performance Standards	TWC/7	\$0-2,500	\$50-5,000
Irrigators	TWC/7	\$0-2,500	\$50-5,000
Weather Modification	TWC/7	\$0-2,500	\$50-5,000
Water Rights	TWC/11	\$0-5,000	\$0-5,000
Dam Safety	TWC/12	N/A	\$0-5,000
Public Water Utilities	TWC/13	0-\$500	\$100-5,000
Levees	TWC/16	\$0-1,000	\$0-1,000
Public Water Supply	TH&SC/341	\$50-1,000	\$50-1,000

The commission has the authority to issue emergency orders, when appropriate, to require certain actions by a respondent. The commission may, after opportunity for hearing, revoke or suspend a permit, registration, certificate of convenience and necessity, or license. The entity would then no longer have the legal authority to continue their regulated activity. The commission is also authorized to order gasoline service station owners/operators to shut down fueling operations for certain types of violations.

The commission may seek enforcement in the civil courts through the Office of the Attorney General. Actions requested of the court include: temporary restraining orders, temporary injunctions, permanent injunctions, agreed judgments, court orders, and receiverships for public water supplies.

The commission may seek enforcement in criminal courts through the coordinated effort of several state, local, and federal units of government. Sanctions in criminal court for environmental crimes have included jail sentences, probation, home confinement, fines, community service, and restitution.

The TNRCC also has broad authority to impose specific technical or legal requirements in orders to correct the violations.

- **Procedures for handling consumer/public complaints against regulated entities:**

Complaint handling and response is one of the highest priorities of the TNRCC Field Operations Division. The division has 16 regional offices which respond to all environmental complaints in accordance with our Complaints Handling Procedures Manual. Upon receipt of a complaint, staff prioritize the complaint based on the potential impact to human health and/or the environment. The priority assigned determines the response time to conduct an investigation. The complaint is assigned a tracking number and entered into the Complaint Database. Current procedures require staff to contact the complainant (if available) prior to conducting an on-site investigation of the regulated entity to gather facts and obtain information. Procedures also dictate that staff report the investigation findings to the complainant. Depending upon the results of the investigation, a follow-up investigation may be conducted. Once the complaint investigation is conducted, a written report is completed and

appropriate action is taken until the complaint is resolved and the resolution is entered into the Complaint Database.

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.

**SUNSET REVIEW COMPLAINT AND INSPECTION DATA -
FIELD OPERATIONS DIVISION**

Water Utilities (Public Water Supply and Municipal Utility District Construction)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	706	978	344
Total Number of Complaints Resolved	692	940	322
Number of Complaints Found to be Without Merit	36	19	9
Number of Complaints Resulting in Violations	162	284	66
Average Time Period for Resolution of a Complaint (in days)	31	22	24
Number of entities inspected or audited by the agency	4795	4963	2828
Total number of entities regulated ¹			6,738

Water Quality (includes wastewater, sludge transporters, surface water quality monitoring, and Edwards Aquifer)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	402	416	193
Total Number of Complaints Resolved	383	400	177
Number of Complaints Found to be Without Merit	67	56	16
Number of Complaints Resulting in Violations	87	96	31
Average Time Period for Resolution of a Complaint (in days)	39	27	24
Number of entities inspected or audited by the agency	3430	3476	1784
Total number of entities regulated			3,083

Municipal Solid Waste (includes landfills and used oil/filters)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	1342	1232	558
Total Number of Complaints Resolved	1295	1145	483

¹ The inspection number includes municipal utility construction inspections but there is no defined universe for these facilities.

Number of Complaints Found to be Without Merit	245	166	64
Number of Complaints Resulting in Violations	412	348	119
Average Time Period for Resolution of a Complaint (in days)	40	23	24
Number of entities inspected or audited by the agency	766	378	302
Total number of entities regulated			733

Industrial and Hazardous Waste and Emergency Response	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	674	604	247
Total Number of Complaints Resolved	616	542	192
Number of Complaints Found to be Without Merit	77	50	14
Number of Complaints Resulting in Violations	142	131	50
Average Time Period for Resolution of a Complaint (in days)	58	50	29
Number of entities inspected or audited by the agency	1189	1609	590
Total number of entities regulated			54,954

On-Site Sewage Facilities	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	770	729	296
Total Number of Complaints Resolved	713	622	213
Number of Complaints Found to be Without Merit	166	119	44
Number of Complaints Resulting in Violations	301	282	59
Average Time Period for Resolution of a Complaint (in days)	60	44	28
Number of entities inspected or audited by the agency	1617	1753	843
Total number of entities regulated ²			

Water Rights (includes watermaster program)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	95	97	44
Total Number of Complaints Resolved	89	95	35
Number of Complaints Found to be Without Merit	38	12	8
Number of Complaints Resulting in Violations	11	16	3

² There is no defined universe for on-site sewage facilities.

Average Time Period for Resolution of a Complaint (in days)	36	41	31
Number of entities inspected or audited by the agency	28,315	30,109	17,259
Total number of entities regulated ³			

Petroleum Storage Tank (also includes Stage II vapor recovery system inspections)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	275	214	143
Total Number of Complaints Resolved	228	166	80
Number of Complaints Found to be Without Merit	18	16	4
Number of Complaints Resulting in Violations	110	91	59
Average Time Period for Resolution of a Complaint (in days)	77	43	33
Number of entities inspected or audited by the agency	6308	7882	3922
Total number of entities regulated (tank owners)			44,059

Tire Recycling	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	31	29	13
Total Number of Complaints Resolved	30	27	5
Number of Complaints Found to be Without Merit	2	1	1
Number of Complaints Resulting in Violations	12	6	1
Average Time Period for Resolution of a Complaint (in days)	59	27	26
Number of entities inspected or audited by the agency	227	527	256
Total number of entities regulated			12,964

Air	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	4646	4529	2069
Total Number of Complaints Resolved	4579	4429	1949
Number of Complaints Found to be Without Merit	256	187	88
Number of Complaints Resulting in Violations	724	786	302
Average Time Period for Resolution of a Complaint (in days)	13	13	11
Number of entities inspected or audited by the agency	7,728	10,457	4,160
Total number of entities regulated			47,353

³ There is no defined universe for water rights.

Agriculture (Water Program only)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	177	145	75
Total Number of Complaints Resolved	174	140	68
Number of Complaints Found to be Without Merit	5	3	2
Number of Complaints Resulting in Violations	63	45	32
Average Time Period for Resolution of a Complaint (in days)	38	37	22
Number of entities inspected or audited by the agency	449	438	274
Total number of entities regulated			3,039

SUNSET REVIEW COMPLAINT DATA COMPLIANCE SUPPORT DIVISION

Occupational Certification⁴	FY 97⁵	FY 98	FY 99 thru Feb
New Complaints Received	329	334	123
Total Number of Complaints Resolved	105	153	79
Number of Complaints Found to Be Without Merit (dropped)	21	22 ⁶	10 ⁷
Number of Sanctions Taken Regarding Complaints	145	65	22
Average Time Period for Resolution of a Complaint Irrigators: Operators: On-Site:	<560 days <100 days	< 560 days 45 days 225 days	< 560 days 45 days 225 days
Number of entities inspected or audited by the agency	99	225	99
Total number of entities regulated	45,697	49,076	48,665

⁴ Programs represented: Irrigator Program, all Operator Certification Section programs (FY 1998 only) and On-Site Sewage Facility Program. Programs excluded: Underground Storage Tanks, Leaking Petroleum Storage Tanks and Stage II Vapor Recovery.

⁵ Individual programs in the Operator Certification Section were not tracking any numbers regarding complaints for FY97, therefore, there is no data available.

⁶ Number does not include complaints found to be without merit for the Irrigator Program. This program does not track these complaints separately, but includes them in the ATotal Number of Complaints Resolved. @

⁷ Same as 6 above

**SUNSET REVIEW COMPLAINT DATA
REMEDIATION DIVISION**

Superfund Hotline Complaints (Superfund hotline complaint information was not tracked in FY97 or FY98)	FY 97	FY 98	FY 99 thru Feb
New Complaints Received			5
Total Number of Complaints Resolved			3
Number of Complaints Found to be Without Merit			0
Number of Complaints Resulting in Violations			0
Average Time Period for Resolution of a Complaint			
Number of entities inspected or audited by the agency	41	34	30
Total number of entities regulated ⁸	77	76	77

**SUNSET REVIEW COMPLAINT DATA
WATER UTILITIES DIVISION**

Water Utilities Division	FY 97	FY 98	FY 99 thru Feb
New Complaints Received	303	195	78
Total Number of Complaints Resolved	345	165	104
Number of Complaints Found to be Without Merit	0	0	0
Number of Complaints Resulting in Violations	39	9	4
Number of entities inspected or audited by the agency ⁹			
Total number of entities regulated	6,900	6,900	6,900

⁸ The number of entities regulated for Superfund is the universe of current state and federal Superfund sites.

⁹ The Water Utilities Division audits every facility who is required to submit self monitoring reports.



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000

REGIONAL OFFICES

1 – AMARILLO	2 – LUBBOCK	3 – ABILENE
Regional Director - Brad Jones 3918 Canyon Dr. Amarillo, TX 79109-4933 806/353-9251 FAX: 806/358-9545 <hr/> Perryton Office 511 South Main, Perryton, TX 79070 806/435-8059 FAX: 806/434-8443	Regional Director - Jim Estes 4630 50th St., Ste. 600 Lubbock, TX 79414-3520 806/796-7092 FAX: 806/796-7107	Regional Director - Winona Henry 1977 Industrial Blvd. Abilene, TX 79602-7833 915/698-9674 FAX: 915/692-5869
4 – ARLINGTON	5 – TYLER	6 – EL PASO
Regional Director - Vacant 1101 East Arkansas Lane Arlington, TX 76010-6499 817/469-6750 FAX: 817/795-2519 <hr/> Stephenville (Confined Animal Feeding Operations) 222 East College, Stephenville, TX 76401 254/965-5624 or 800/687-7078	Regional Director - Leroy Biggers 2916 Teague Dr. Tyler, TX 75701-3756 903/535-5100 FAX: 903/595-1562	Regional Director - Frank Espino 7500 Viscount Blvd., Ste. 147 El Paso, TX 79925-5633 915/778-9634 FAX: 915/778-4576
7 – MIDLAND	8 – SAN ANGELO	9 – WACO
Regional Director - Jed Barker 3300 North A St., Bldg. 4, Ste. 107 Midland, TX 79705-5404 915/570-1359 FAX: 915/570-4795	Regional Director - Vacant 622 S. Oakes, Ste. K San Angelo, TX 76903-7013 915/655-9479 FAX: 915/659-6716	Regional Director - Zoe Rascoe 6801 Sanger Ave., Ste. 2500 Waco, TX 76710-7826 254/751-0335 FAX: 254/772-9241
10 – BEAUMONT	11 – AUSTIN	12 – HOUSTON
Regional Director - Vic Fair 3870 Eastex Fwy., Ste. 110 Beaumont, TX 77703-1892 409/898-3838 FAX: 409/892-2119	Regional Director - Patty Reeh 1921 Cedar Bend Dr., Ste. 150 Austin, TX 78758-5336 512/339-2929 FAX: 512/339-3795	Regional Director - Leonard Spearman, Jr. 5425 Polk Ave., Ste. H Houston, TX 77023-1486 713/767-3500 FAX: 713/767-3520
13 – SAN ANTONIO	14 – CORPUS CHRISTI	15 – HARLINGEN
Regional Director - Richard Garcia 140 Heimer Rd., Ste. 360 San Antonio, TX 78232-5042 210/490-3096 FAX: 210/545-4329 <hr/> South Texas Watermaster Office 210/490-3096 FAX: 210/402-0273 1-800/733-2733	Regional Director - Buddy Stanley 6300 Ocean Dr., Ste. 1200 Corpus Christi, TX 78412-5503 361/825-3100 FAX: 361/825-3101 <hr/> 16 – LAREDO Regional Director - Jorge L. Bacelis 1403 Seymour, Ste. 2 Laredo, TX 78040-8752 956/791-6611 FAX: 956/791-6716	Regional Director - Tony Franco 1804 West Jefferson Ave. Harlingen, TX 78550-5247 956/425-6010 FAX: 956/412-5059 <hr/> Eagle Pass Office 1152 Ferry St., Ste. H, Eagle Pass, TX 78852 830/773-5059 FAX: 830/773-4103 <hr/> Rio Grande Watermaster Office 1500 Dove Ave., McAllen, TX 78504-3439 956/664-2763 FAX: 956/664-2984
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TNRCC REGIONS

(including counties in each region)

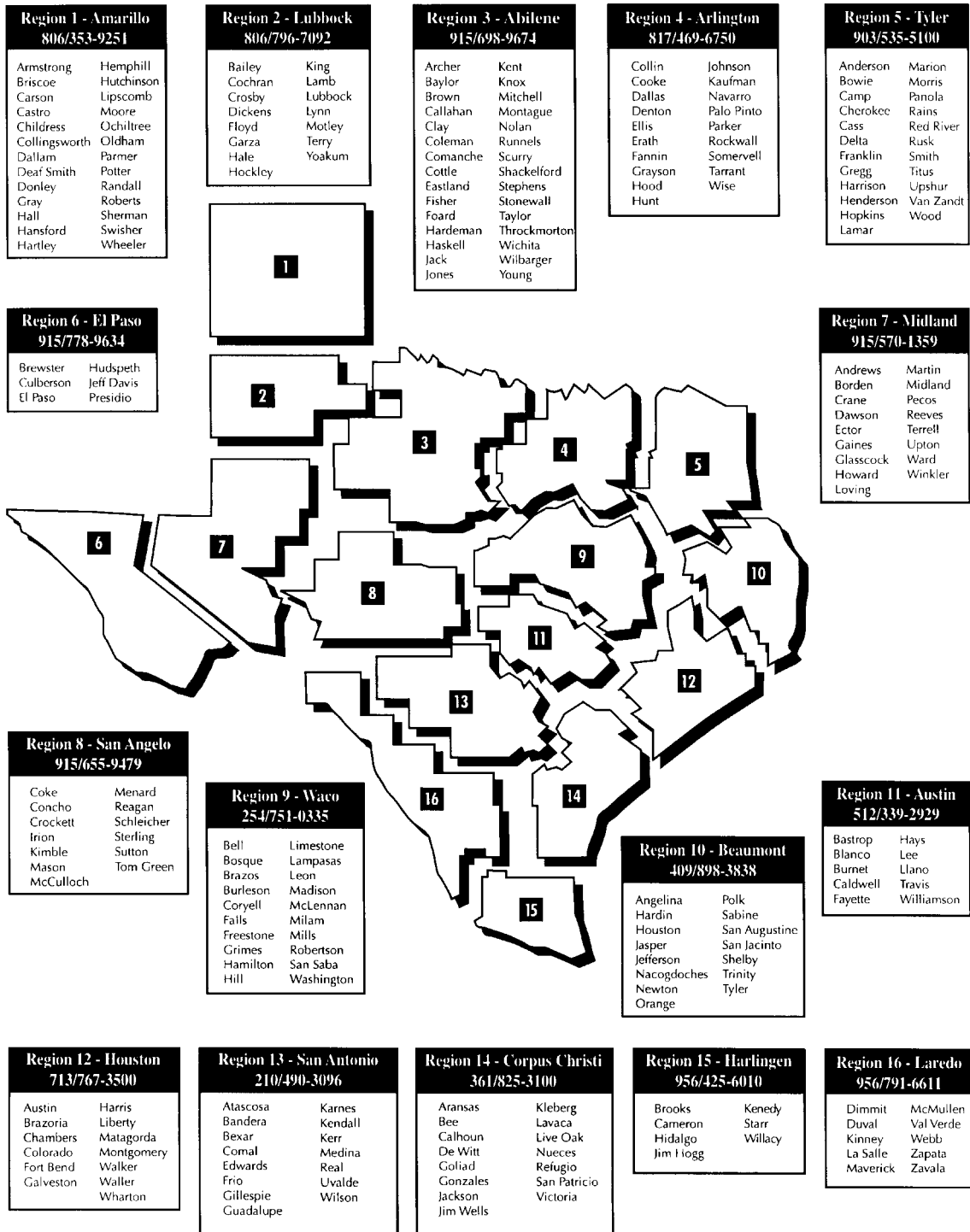


Figure 20
Enforcement Process Flowchart

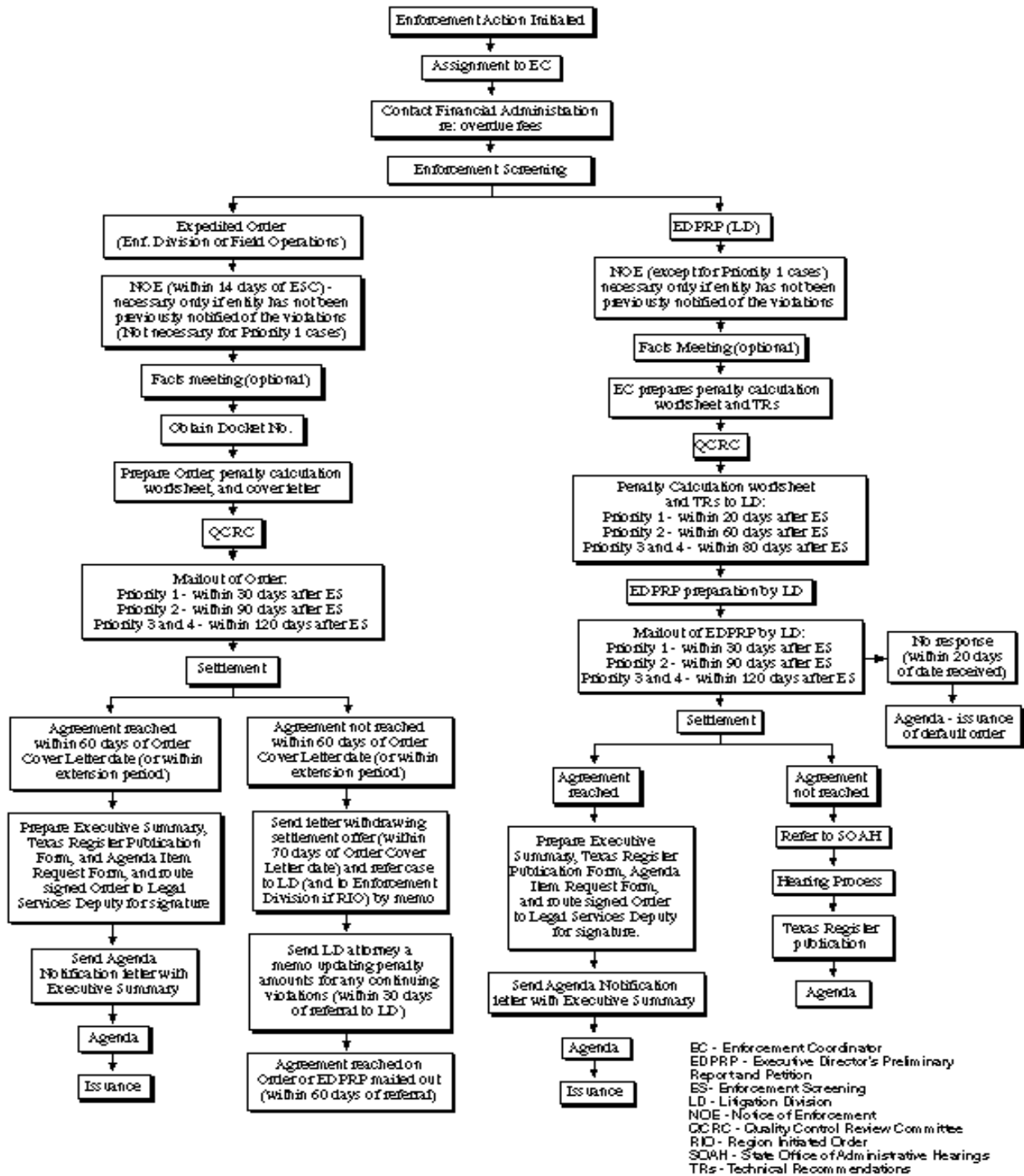
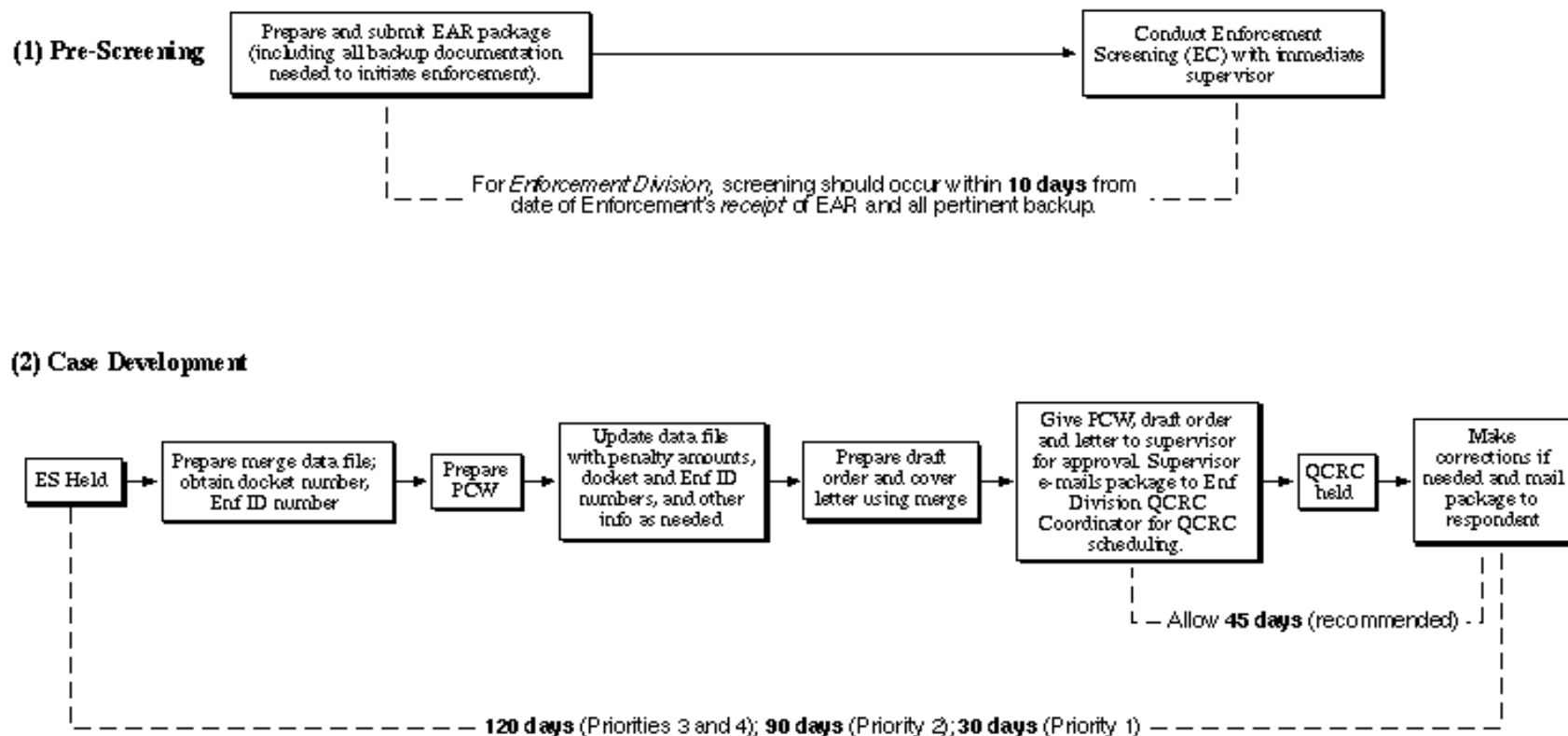


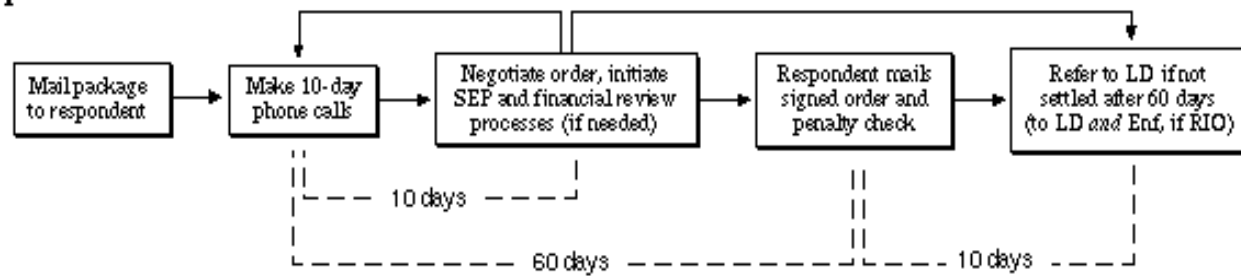
Figure 21
Major Events and Timelines in the Enforcement Process
 (Revised January 4, 1999)



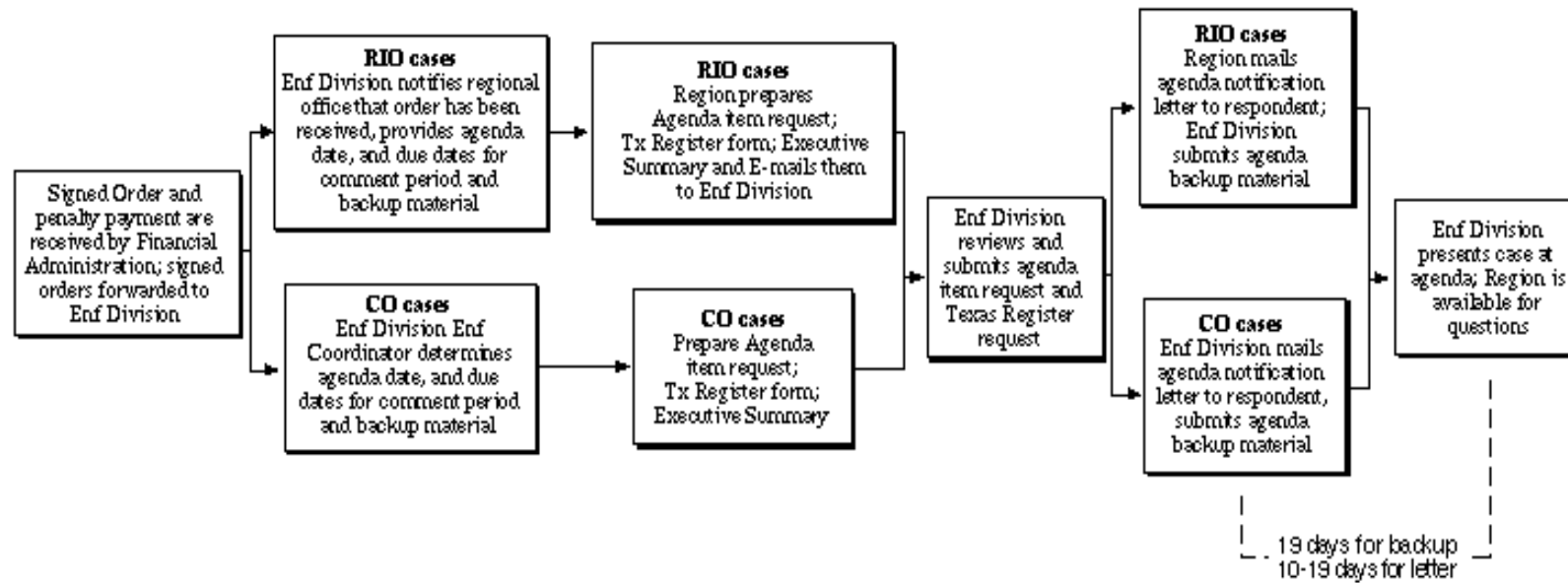
EAR - Enforcement Action Referral
 PCW - Penalty Calculation Worksheet
 QCRC - Quality Control Review Committee
 SEP - Supplemental Environmental Project
 LD - Litigation Division
 RIO - Region Initiated Order
 CO - Central Office

Figure 21
Major Events and Timelines in the Enforcement Process—Continued
 (Revised January 4, 1999)

(3) Proposal and Settlement



(4) Post-Settlement, Agenda



VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	General Law Division
Location/Division	Office of Legal Services
Contact Name	Kevin McCalla, Division Director
Number of Budgeted FTEs as of June 1, 1999	35.5
Number of Actual FTEs as of June 1, 1999	38.5

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 Law Division primarily supports the Office of Administrative Services and also supports other TNRCC offices. The Division provides legal counsel on issues related to personnel and employment law, contracts, public information processing and distribution, and records retention. Additionally, the General Law Division prepares the administrative records for appeals under the Administrative Procedures Act, and provides the Office of Legal Services (OLS) with administrative support (paralegals and legal secretaries).

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

The General Law Division was created in August of 1998 to focus legal support for the non-regulatory programs of the agency. Prior to reorganization, the functions of what are now the General Law Division and the Environmental Law Division were performed by one division. A contracts section was created to allow more focused legal support for the agency's significant contracts workload and to consolidate the contracts legal expertise into a smaller, but more efficient group. The employment law section was already operating as a consolidated unit before the 1998 reorganization.

There are no statutes requiring the General Law Division. However, the General Law Division does provide the legal support necessary to ensure that statutory requirements are met by 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 services and functions of the General Law Division have not changed from those originally intended in the creation of the Division. Given that the Division supports contracting, personnel and other agency

activities which are, by nature, ongoing, there will not be a time when the mission of the General Law Division will be finally accomplished and the functions of the Division will no longer be needed.

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

Given the support that the Division provides in the areas of employment law and contract/procurement Law, the Division supports the entire agency, including the Human Resources and Staff Development Division of the Office of Administrative Services, and the Financial Administration Division of the Office of Administrative Services.

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

The Division structure is as follows: Director, Senior Attorney (Contracts Section), Senior Attorney (Employment Law Section), Manager (Information Management Section), Manager (Administrative Section), Staff Attorneys, paralegals, and administrative support staff. Staff Attorneys are assigned to the Contracts Section or the Employment Law Section. Paralegals and administrative support staff are assigned to the Information Management and Administrative Sections, respectively.

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 does not work directly with local units of government. However, the Contracts Section of the General Law Division does provide legal advice and assistance to the Office of Administrative Services and agency programs with the preparation of interlocal contracts into which the TNRCC enters with local units of government. The Contracts Section also provides legal advice and assistance to the Office of Administrative Services and agency programs regarding memoranda of understanding and 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 funding resources are appropriate to achieve the division's goals and objectives.

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.

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:

General Law 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.

General Law 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	Environmental Law Division
Location/Division	Office of Legal Services
Contact Name	Margaret Hoffman, Division Director
Number of Budgeted FTEs as of June 1, 1999	45.5
Number of Actual FTEs as of June 1, 1999	43.5

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

The Environmental Law Division supports the air, water, waste, and remediation programs. The division provides legal counsel to the agency in all areas of permitting, legislative analysis, remediation determinations, federal program authorization issues and rulemaking. The division also represents the executive director in contested case hearings relating to permitting matters, and assists the Office of the Attorney General with the defense of actions challenging TNRCC decisions.

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

The Environmental Law Division was created in August of 1998 pursuant to a reorganization of the Office of Legal Services (OLS). Prior to that reorganization, the functions of what are now the General Law Division and the Environmental Law Division were performed by one division. Moving the “general law” functions not specifically relating to environmental media to another division allowed the attorneys working in the environmental areas to focus more closely on their areas of specialization and provide more expertise to their client programs.

There are no statutes requiring the Environmental Law Division. However, the Division provides legal support to each program, including those that are statutorily mandated.

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 Environmental Law have not changed from those originally performed by the constituent environmental sections before the reorganization of OLS. Given that the Division supports core environmental functions in the areas of water quality and quantity, industrial, hazardous,

and municipal solid waste, air, and remediation, which are by nature ongoing, there will not be a time when the mission of the Environmental Law Division will be finally accomplished and the functions of the Division will no longer be needed.

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 Division serves program staff throughout the agency, including the region offices. Division attorneys are primarily responsible for supporting the regulatory programs of the agency. However, the Division is often called upon to serve other offices within the agency and plays a key role in advising the Executive Director and Commissioners on various issues.

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

The Division structure is as follows: Director, five Senior Attorneys, and Staff Attorneys. The Senior Attorneys are charged with serving the following program groupings. Senior Attorney/Air Quality; Senior Attorney/Industrial and Hazardous Waste; Senior Attorney/Municipal Solid Waste and Water Utilities; Senior Attorney/Remediation; Senior Attorney/Water Rights & Uses and Water Quality.

Staff Attorneys are assigned to one or two Senior Attorneys to serve one or two program areas. In addition, certain designated Staff Attorneys serve as Regional Liaisons to each of the agency's Regional Offices.

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 provides legal support to program staff which, in various areas of the agency, interact with local units of government. Each year, the Commission contracts with the Councils of Government (COGs) to pass through municipal solid waste fee funds to the COGs. Division staff attorneys assist the General Law Division attorneys with the preparation of these 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 funding resources are appropriate to achieve the division's goals and objectives.

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.

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:

Environmental Law 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.

Environmental Law 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	Litigation Division
Location/Division	Office of Legal Services
Contact Name	Paul Sarahan, Division Director
Number of Budgeted FTEs as of June 1, 1999	38.5
Number of Actual FTEs as of June 1, 1999	35.5

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

The Litigation Division supports the agency’s Executive Director, the Office of Compliance and Enforcement and the Financial Administration Division in enforcement activities and contested administrative enforcement actions, and coordinates civil enforcement litigation with the Office of the Attorney General. The Special Investigations Unit of the Division is involved in the investigation and prosecution of criminal matters in a coordinated effort with local, state and federal authorities. The division also coordinates the agency’s Supplemental Environmental Project Program and the Environmental Audit Program.

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

This Division was created in November of 1994 as part of a reorganization that resulted in the split of the then existing Legal Services Division into two divisions: the Legal Division and the Litigation Division (then known as the Litigation Support Division). The purpose of this reorganization was to provide more focused, consistent, efficient and effective legal services with respect to enforcement issues.

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 first step for the newly created Litigation Support Division in 1994 was to eliminate a substantial backlog of enforcement cases. Through the efforts of the Field Operations Division, the Enforcement Division and what is now the Litigation Division, this backlog was eliminated in 18 months. This development allowed the division and the agency to focus its resources on more recent enforcement issues and to develop a multi-media approach to enforcement, i.e., developing attorneys who are trained and prepared to handle cases in a variety of program areas. This has improved the ability of the Division to service the needs of its clients.

This Division is also responsible for the agency's Supplemental Environmental Project (SEP) program. SEPs are a way to take penalty dollars resulting from enforcement actions and invest them in environmental projects which benefit the community where the violations occurred. This approach began in 1991 as a settlement tool, and was recognized formally by the Legislature in 1993. The Legislature addressed SEPs in the 76th Legislative Session by clearly stating that the Commission had the authority to allow entities to perform international SEPs that would benefit Texas border communities.

The Special Investigations Unit (SI) is also housed within the Division. SI conducts criminal investigations and assists in the prosecution of environmental crimes through its coordination with local, state and federal authorities.

Finally, this Division is responsible for coordinating the Environmental Audit program. Created by the Legislature in 1995, this program provides a mechanism for companies and individuals to self-police their compliance with the State's environmental laws and regulations.

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 Division serves the Executive Director; the Office of Compliance and Enforcement, including the 16 regional offices within the Field Operations Division, the Enforcement Division and the Financial Administration Division. The Division also provides information and advice to the Commissioners, as requested.

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

The Division's structure is as follows: Director, two Senior Attorneys, Staff Attorneys, a Special Investigations Manager, a Supplemental Environmental Project and Environmental Audit Programs Coordinator, and a Database Coordinator. Staff Attorneys are not assigned to particular program areas, but instead handle cases from each of the program areas served by the Division. As indicated above, Special Investigations Unit nine investigators are spread throughout the State.

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's contacts with local government are related to the SEP and Environmental Audit programs, where efforts are directed toward assisting local governments in participating in and benefitting from these programs, and in the Special Investigations area, where we coordinate with local authorities in developing criminal cases. Special Investigations also provides criminal environmental training which assists local investigators and prosecutors.

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 resources are appropriate to achieve the division's goal and objectives.

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.

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 Litigation Division 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.

The Litigation Division 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	Air Quality Planning & Assessment Division
Location/Division	Office of Environmental Policy, Analysis, and Assessment
Contact Name	Jim Thomas, Division Director
Number of Budgeted FTEs, as of June 1, 1999	133
Number of Actual FTEs as of June 1, 1999	128.5

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

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Division of Border Affairs
Location/Division	Office of Environmental Policy, Analysis, & Assessment
Contact Name	Diana Borja, Division Director
Number of Budgeted FTEs as of June 1, 1999	5
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 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 OEPA 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 OEPA 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.

VI. Guide to Agency Programs—Continued

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 OEPA 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. OEPA 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 OEPA to coordinate the review by Executive Management. OEPA 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)

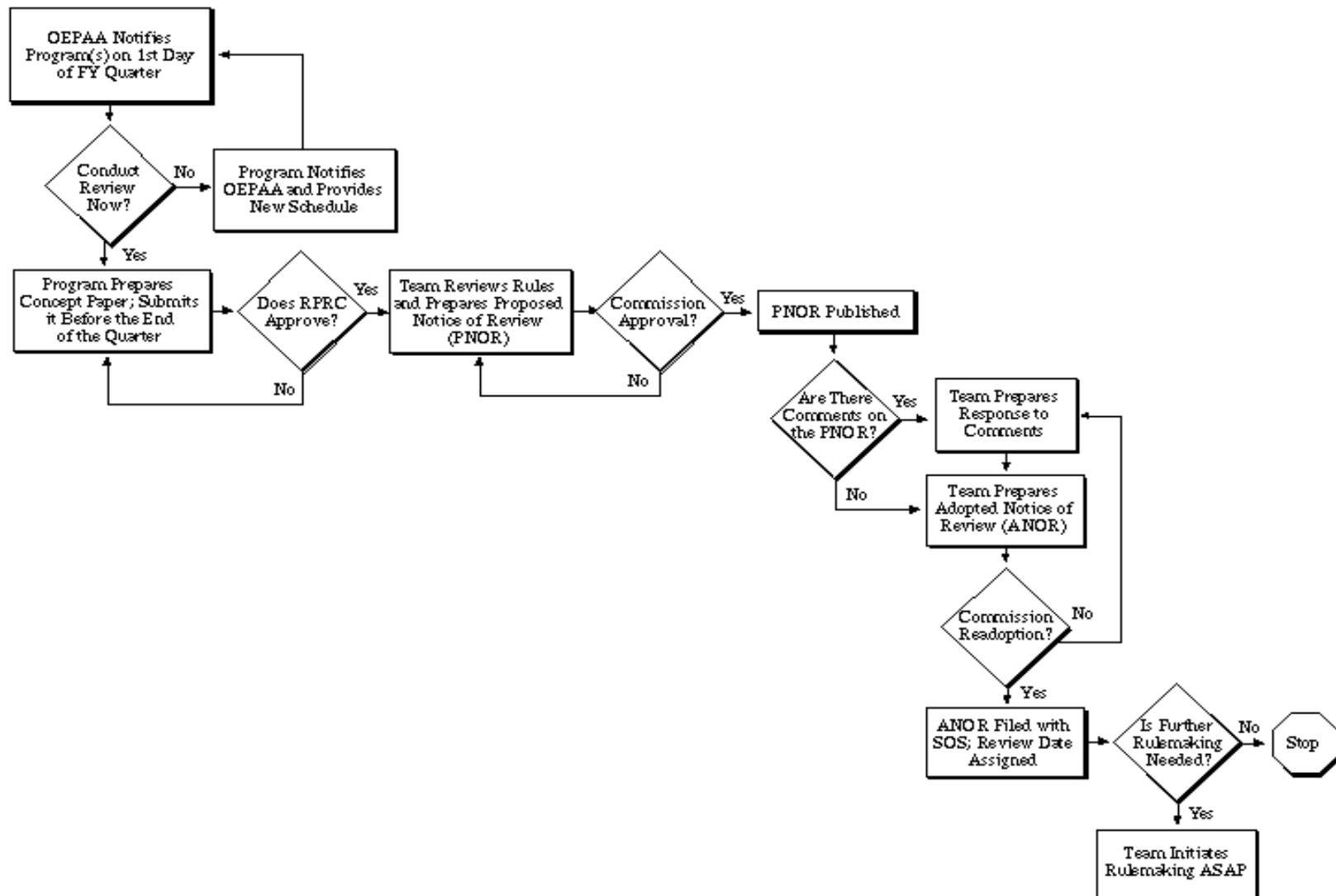
- THESE DATES ARE A GUIDE AND CAN BE ADJUSTED AS NECESSARY -
TEXAS REGISTER REQUIRES ADOPTION TO BE FILED WITHIN 6 MONTHS OF PUBLISHING PROPOSAL

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



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 information and agency to further inform the development of both long-term and short-term planning functions. Major 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 special 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 OEPA 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

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.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.

(TNRCC) Program Information Fiscal Year 1999	
Name of Program	Budget and Planning Division
Location/Division	Office of Administrative Services
Contact Name	Linda Flores, 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 Budget and Planning Division develops and administers the comprehensive financial plan for the TNRCC's annual operating budget and assists in the development of the agency's biennial legislative appropriations request. The division also performs special analyses throughout the year to ensure that appropriate funds are made available for approved funding priorities.

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

The Budget and Planning Division was created in September 1994 to provide budgetary and financial controls for the TNRCC. There are no statutory requirements for the division.

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 division oversees on-going budget functions that will be necessary as long as the agency is in existence.

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 internal customers served by the budget area include all the staff of TNRCC. The Legislative Budget Board and the Governor's Budget Office are considered external customers. There are no specific qualifications or eligibility requirements for receiving services.

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

The division is administered by a 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.

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).

The administrative divisions of the TNRCC are funded through unrestricted agency funds. Each fund is charged proportionately, after adjusting for the restricted funds, to cover the agency's administrative costs.

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

Staffing and funding levels appear to be sufficient.

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

All state agencies have a budget function to support their mission. Each is structured in such a way as to meet the particular needs of the agency.

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 Budget Division 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.

The Budget Division 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	Chief Financial Officer
Location/Division	Office of Administrative Services
Contact Name	Machelle Pharr, Chief Financial Officer
Number of Budgeted FTEs as of June 1, 1999	29
Number of Actual FTEs as of June 1, 1999	28

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 Financial Officer oversees all budgeting and financial issues in the agency. This office develops and submits the agency's strategic plan, biennial appropriations request, and quarterly performance reports to the legislature and the governor. The office also prepares, submits, and monitors all of the agency's federal grant applications and work plans, providing centralized grants management in support of TNRCC programs. In addition, the office audits contracts, grants and fee revenue, ensures compliance with contract and grant regulations, provides risk assessment, and serves as state/federal audit liaison. The office is responsible for monitoring revenue and estimating revenue collections.

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

Both predecessor agencies, the Texas Water Commission and the Texas Air Control Board, had Chief Financial Offices. During FY93 the agencies began consolidation efforts to ensure a seamless transition of administrative services to the new agency, TNRCC. Best practices were incorporated from both agencies along with the programs transferred from the Texas Department of Health. The statutory requirements are specific to activities within the programs and include:

- Field Inspections of time records required by the Davis Bacon Act for federally funded programs.
- Audits of Petroleum Storage Tank Reimbursements required by TWC Chapter 26, Subchapter I.
- Development and submittal of a strategic plan required by Government Code, Chapter 2056.002
- Preparation of Fiscal Notes on proposed agency regulations and legislation required by Government Code, Chapter 2001.024
- Monitoring, analysis and reporting of performance measures required by Article IX, Sec. 85 General Appropriations Act, 75th Legislature, Regular Session
- Preparation and submittal of the agency's legislative appropriation request required by Government Code, Sec. 322.007.

- Coordination of grant seeking opportunities, preparation of grant applications and amendments, negotiation of grant work plans, preparation and submittal of the Federal Grant Activity Report to the Legislative Budget Board ,(LBB) required by Government Code, 772.009 and 40 CFR Part 31, OMB Circular A-133.

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?

There will be an ongoing need for this office to support the agency's financial functions.

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 Financial Office serves all employees and executive management of the agency. The Division reports to the oversight agencies, e.g. LBB, SAO and the Comptroller's Office and to the legislature.

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

The program is administered through three sections which are assigned specific duties for evaluation and audit, revenue estimation, and strategic planning.

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).

The administrative divisions of the TNRCC are funded through unrestricted agency funds. Each fund is charged proportionately, after adjusting for the restricted funds, to cover the agency's administrative costs.

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

Staffing and funding levels appear to be sufficient.

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

Most agencies and entities have a Chief Financial Officer program that works with the executive management to develop the strategic plan for the agency or business to reach its mission and goals and the funding sources for accomplishing that plan. Performance measures are specific to agencies and businesses, as are the fiscal implications of rules and legislation and its funding sources.

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.

The Strategic Planning and Appropriations Director serves as Office Planning Liason to the Strategic Environmental Analysis Group to ensure appropriate coordination of planning efforts.

Additionally, the CFO participates in the State Agency Coordinating Council (SACC) as well as chairing the SACC Finance Subcommittee.

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

The TNRCC has worked with the LBB and the state's leadership to reduce the complexity of the agency's funding structure. The steps taken thus far include restructuring of the agency's strategies and the agency's funds. The agency will continue to work with these entities on long-term funding sources for the agency.

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.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information — Fiscal Year 1999	
Name of Program	Financial Administration Division
Location/Division	Office of Administrative Services
Contact Name	Eddie Molina, Division Director
Number of Budgeted FTEs as of June 1, 1999	105
Number of Actual FTEs as of June 1, 1999	92

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

The Financial Administration Division is responsible for managing the agency's finances, ensuring the integrity of the accounting records, and maintaining adequate internal controls to safeguard the agency's financial assets. This division is also responsible for payroll, disbursements, centralized revenue management, financial assurance, purchasing/procurement, centralized contracts management and for monitoring participation by historically underutilized businesses (HUBs) in these contracts.

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

The Financial Administration Division was created September 1, 1993 as a result of Senate Bill 2, 73rd Legislature. Statutory requirements for this program include the Texas Government Code; General Services rules, regulations and guidelines; Office of the Comptroller's rules, regulations, policy statements and guidelines.

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 Financial Administration Division have not changed since its inception. The mission of this Division is to support and perform all financial transactions for the TNRCC. This is an ongoing function and will be necessary as long as the agency operates and remains in existence.

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 Division serves both internal as well as external customers. These customers include TNRCC management and staff, private citizens, local governments and private entities regulated by the commission or who otherwise have an interest in the agency's business operations.

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

The Financial Administration Division is administered through the delegation of functions to five distinct Sections: Financial Reporting, Disbursements, Financial Assurance, Revenues, and Procurement and Contracts.

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 conducts business with other public entities to include local governments, council of governments, river authorities and river compact commissions. The business conducted with these entities includes the reimbursement of costs associated with contracts or grants between the TNRCC and the public entity. The Division has an agreement to conduct the financial transactions for five river compact commissions.

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).

The administrative divisions of the TNRCC are funded through unrestricted agency funds. Each fund is charged proportionately, after adjusting for the restricted funds, to cover the agency's administrative costs.

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

Due to many new legislative mandates for contracting, historically underutilized businesses (HUBs) and the codification of Article IX provisions, additional resources will be necessary to accommodate and implement this new legislation. In addition, implementation of the Prompt Payment Act requires that interest be paid on late payments to vendors and may also require additional resources. Implementation and maintenance of a new integrated financial system will also require additional positions.

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.

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 Financial Administration Division 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.

The Financial Administration Division 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	Human Resources and Staff Development Division
Location/Division	Office Of Administrative Services
Contact Name	James L. Williams, Division Director
Number of Budgeted FTEs as of June 1, 1999	52
Number of Actual FTEs as of June 1, 1999	45

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

This division supports the agency's mission by performing a wide range of personnel services. For example, the division recruits qualified staff to fill openings, offers training to help employees advance along chosen career paths and formalized career ladders, administers employee benefit programs, and ensures compliance with state and federal laws on equal opportunity and fair labor practices. As part of its training responsibilities, the division surveys and adopts new technology, such as computer-based training.

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

When the Texas Air Control Board and the Texas Water Commission merged in 1993 to form the TNRCC, the Human Resources divisions of those agencies also merged. In September of 1997, the Organizational Development Division and the Human Resources Division merged, to become Human Resources & Staff Development (HRSD).

The HRSD supports the agency's management in implementing the employment provisions of the General Appropriations Act - Article IX and any employment-related government code.

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?

There will be an ongoing need for this office to support the agency's human resources and staffing functions.

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 division serves approximately 3000 agency employees. The only requirement to receive benefits, such as group insurance and leave time, is to be an agency employee (including temporary and part-time). This division provides employment services to job applicants.

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

The division is administered through three sections: Compensation, Benefits & Employee Programs; Staffing & Classification; and, Staff Development/Training Academy.

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).

The administrative divisions of the TNRCC are funded through unrestricted agency funds. Each fund is charged proportionately, after adjusting restricted funds, to cover the agency's administrative costs.

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

Yes, at the level of service that HRSD currently provides.

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

All state agencies have a human resources division to support their mission. Each is structured in such a way as to meet their particular agency needs.

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.

The Human Resources and Staff Development Division participates in the State Agency Coordinating Committee (SACC), including the Human Resources subcommittee and the Training & Development subcommittee.

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 Human Resources and Staff Development Division 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.

The Human Resources and Staff Development Division 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	Information Resources Division
Location/Division	Office of Administrative Services
Contact Name	Carry Shults, Division Director
Number of Budgeted FTEs as of June 1, 1999	195.5
Number of Actual FTEs as of June 1, 1999	176.5

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

The Information Resources Program provides systems management support for all agency computers, develops and supports software applications, and provides technical advice and oversight on scientific computing and other information technology projects being developing by the program areas. Staff maintain agency records facilities. Program staff prepare the Information Resources Strategic Plan and coordinate the Biennial Operating Plan submitted to the Texas Department of Information Resources.

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

The Information Resources Division was created in 1993 to improve the management of information technologies in the agency. Objectives include improving the functionality and documentation of database structures; software applications and key database integration. In addition to business application software, TNRCC makes extensive use of scientific computing software, which requires specialized technical support.

The TNRCC complies with state mandates that require agencies to maintain an Internet electronic mail address and submit both an Information Resources Strategic Plan and a Biennial Operating Plan.

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?

With the creation of the TNRCC, the Information Resources Program was tasked with the consolidation of various, diverse information technology approaches among the merged agencies and within program areas as well. The information technology programs of the predecessor agencies used different types of

hardware and software both between and within each agency. Activities to simplify and standardize the networking technologies of the predecessor agencies began even before the merger was complete.

At present, all former Water Commission applications have been converted to UNIX or other platforms, and the remaining Air Control Board applications will have been converted to UNIX by the end of FY 1999.

The major information strategic challenge facing the TNRCC now is to create an integrated agency-wide data model to support cross-media environmental regulation and assessment, in accordance with the guidance of the Business Process Review (1998) and the Information Resources Strategy Plan (1998).

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 Information Resources Program serves all operational entities within the TNRCC and makes some agency information available to the general public through the Internet.

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

Key activities include:

1. *Information Technology Strategic Planning:* This involves preparing the Information Technology Strategic Plan, the Biennial Operating Plan, information technology related disaster recovery, information technology related contingency planning, agency wide information technology security, software license administration, and similar planning initiatives throughout the agency. The agency has established an inter-divisional Information Technology Workgroup that addresses these issues. The Workgroup reports to and advises the Information Technology Steering Committee, comprised of senior management of the TNRCC.
2. *Staff Services:* This involves agency-wide service to staff. The Help Desk Team staffs the Technical Call Center providing broad-based first level, initial point of contact technical support for statewide agency computer support during established business hours. The Customer Reports & Services Team is the primary contact for internal and external customer requests for TNRCC digital data and reports.
3. *Project and Data Management Services:* This includes Project Management, Geographic Information Systems (GIS) Services, Data Management, and Applications Development. Staff develop, maintain and enhance various database and software systems on a prioritized basis.
4. *Records Management* involves the administration of the agency's records through the following activities: storage, maintenance, retrieval and circulation of information on the TNRCC's primary regulatory activities; coordination of public information requests in accordance with the Public Information Act; development and maintenance of the agency retention schedule; coordination of transfer and destruction of agency records with the Texas State Library; and documentation of quality control for micrographic applications through the

micrographics unit. The records management program utilizes record liaisons to assist with record retention activities in the regions.

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.

Information Resources Division and other agency staff serve as a member of the Texas Geographic Information Council, the State GIS Managers Committee, the Texas Mapping Advisory Council, and work directly with federal entities such as EPA and USGS, as well state and local governmental agencies, institutions, and academic centers. Information Resources staff chair the State Land Use Land Cover Working Group to establish standards and guidelines for a new 2000 data set. Staff also support program research projects at the Bureau of Economic Geology and the UT Center for Space Research. Formal agreements exist with EPA and the Railroad Commission of Texas.

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).

The administrative divisions of the TNRCC are funded by all agency funds. Each fund is charged proportionately as adjusted for restrictions on funds to cover the agency's administrative costs.

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

The Information Resources Program will continue to have difficulty in recruiting and retaining experienced, highly qualified technical staff because the state information technology salary structure is substantially below that of the private sector. Additionally, the \$25,000 cap on specific capital expenditures limits the agency's ability to address crucial information technology needs as they arise.

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

Services similar to those provided by the IR program are also provided by other major state agencies. However, the TNRCC's IR program provides support functions unique to this agency, such as scientific applications. This includes IT support for environmental permitting, compliance and enforcement, environmental monitoring, specific regulatory development, legal and administrative services unique to an environmental regulatory agency, special and voluntary environmental programs throughout the state and at the federal level, etc.

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.

The Information Technology Workgroup and Information Technology Steering Committee were formed approximately two years ago for the explicit purpose of coordinating information technology activities internally, managing information technology resources throughout the agency, and reviewing and approving the utilization of information technology resources outside the agency.

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 Information Resources Division 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.

The Information Resources Division 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	Support Services Division
Location/Division	Office of Administrative Services
Contact Name	Ed House, Division Director
Number of Budgeted FTEs as of June 1, 1999	61
Number of Actual FTEs as of June 1, 1999	56

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

The Support Services Division maintains facilities and equipment for other TNRCC programs and five state-owned buildings at Park 35 in Austin, develops specifications for agency building leases and manages building leases statewide. The division reviews and processes risk management and workers' compensation claims, provides safety training, and conducts safety inspections. Other responsibilities include: security for agency facilities, copying and mail services and agency's physical asset management. The Support Services Division also provides telephone services and equipment, and maintains the telecommunications wiring facilities.

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

The Support Services Division was created when the TNRCC was formed in 1993 to perform the functions listed in item B above.

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?

With the exception of the legislatively mandated transfer of the Print Shop to the General Services Commission, the division's functions have remained essentially unchanged since its creation. The services provided will be needed as long as the agency is in existence.

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 Support Services Division primarily serves the staff and programs of TNRCC.

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

Please refer to the attached division organization chart.

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 functions of the Support Services Division do not normally involve working with local governments.

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).

The administrative divisions of the TNRCC are funded through unrestricted agency funds. Each fund is charged proportionately, after adjusting for the restricted funds, to cover the agency's administrative costs.

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.

Most state agencies have a group responsible for providing support services to their agency. However, there are no other programs internal or external to the agency that provide these or similar services or functions to the TNRCC facilities and employees.

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. See item J above.

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 Support Services Division 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.

The Support Services Division is not a regulatory program.

Chapter VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

ENVIRONMENTAL OUTCOMES

- In 1998, point source discharges of water pollutants declined by 18.6 percent on a per capita basis. In 1997, point source discharges declined 10.2 percent.
- During the first three years of TNRCC's operation, 1993-1996, annual hazardous waste generation decreased by 19 percent, from 182 million tons to 148 million tons. The per capita disposal rate for municipal solid waste declined to 6.21 pounds per day in 1997, down from 6.72 pounds per day in 1992.
- The latest U.S. EPA statistics on the release and disposal of toxic chemicals showed that Texas has led the nation in the reduction of toxic chemical releases and transfers to air, water and land for the past several years. Between 1988 and 1997, releases and transfers reported to EPA's Toxics Release Inventory included the following reductions:

Air releases were reduced 54 percent;
Surface water discharges declined 41 percent;
On-site land disposal declined 37 percent; and
On-site underground injection declined 34 percent.

Since 1993, more than 400 industrial facilities have received pollution prevention training and technical assistance from TNRCC. Participating industrial facilities have voluntarily:

Reduced hazardous waste generation by 77,000 tons annually ;
Reduced nonhazardous waste generation by 145,300 tons annually;
Cut volatile organic compound emissions by 543,000 pounds annually;
Conserved 1.5 billion gallons of water annually;
Conserved 17.2 million kilowatt hours of electricity annually; and
Saved \$81 million in labor, raw material purchases and avoided disposal costs annually.

- A portion of Collin County, formerly in nonattainment for federal air standards for lead, is now eligible for de-listing, meaning the area is now in compliance with federal standards. El Paso is nearing eligibility for de-listing for carbon monoxide, and San Antonio has recently been declared a Clean City by the U.S. Department of Energy based on the number of alternative fueled vehicles purchased by the City of San Antonio. Victoria and Corpus Christi have made significant progress in reducing ozone, to the point that Corpus Christi will likely maintain its attainment status and Victoria has achieved measurable improvements in air quality.
- The TNRCC's New Source Review program for air permits helped prevent release of 200,000 tons of pollutants into the air in FY1998. The program is the first in the agency to measure its pollution prevention impact under an agency pollution prevention integration project. (Please see Chapter X. Additional Comments, of this report).

CONSOLIDATION

Consolidation of several environmental programs into one agency produced a number of efficiencies. This consolidation of diverse programs has allowed for a more streamlined, straightforward agency that can respond quickly to changing environmental priorities.

- The commission has initiated several efforts to review its regulations for need, consistency and clarity. As of June 1, 1999, the TNRCC completed the quadrennial rules review and reoption of 18 rules chapters and commenced the review of an additional 23. Action taken to date has resulted in the repeal of all or part of five rules chapters. These repeals eliminated 531 unnecessary rules.
- The TNRCC and the U.S. EPA in 1997 entered into a Performance Partnership Agreement that gives the agency flexibility in allocation of federal funds according to Texas-based environmental priorities. The agreement recognizes consolidation of environmental programs in Texas and lays the foundation for more efficient use of state and federal resources.
- The TNRCC has consolidated contract and grants offices, which provides the agency with better control over grants and contracts and the ability to monitor outsourced functions. This assists the agency in passing approximately half of the TNRCC operating budget through to contractors or grantees.
- The TNRCC has moved to a structure that is based more on functional lines by creating four multimedia deputy level offices and two multimedia divisions. Consolidation along more functional lines has resulted in a more consistent approach to environmental regulation and compliance. The Office of Compliance and Enforcement, Office of Environmental Policy, Planning and Assessment, Office of Legal Services, Office of Permitting, Small Business and Environmental Assistance Division, and the Remediation Division are now organized on a functional, multimedia basis.
- The TNRCC is implementing recommendations of a 1997 Business Process Review and a 1997 Information Strategic Plan. The review is aimed at streamlining agency processes and improving overall communication and coordination. Program restructuring that began in 1998 with the consolidation of the Small Business and Environmental Assistance Program will culminate in October, 1999 with the completion of the development of an Office of Permitting and an Office of Environmental Planning, Analysis and Assessment. The plan is aimed at improving the overall integration of data resources and reducing duplication of information resources within the agency.
- Examples of the benefits of consolidation include:
 - The TNRCC further restructured along functional lines in 1999 with the creation of an Office of Permitting to oversee air, water and waste permits formerly handled by several different offices.
 - The TNRCC consolidated 8 enforcement programs into one division, and five separate penalty policies into one risk-based penalty policy for the agency to use. The agency has also developed a single enforcement process for handling enforcement cases uniformly.

The TNRCC created the Strategic Environmental Analysis Group to perform multimedia strategic environmental planning and assessment functions.

PUBLIC ASSISTANCE

- The TNRCC responded to 8,973 complaints regarding regulated entities in FY1998. Of these, 8,506 were resolved in FY1998. The average complaint was resolved within 22 days, an average of one week less than in FY1997. The number of complaints investigated represented 110.2 percent of the agency's performance measures at the end of FY1998.
- In addition to responding to 30,000 inquiries related to smoke and haze from fires in Mexico, the TNRCC's Office of Public Assistance handled 10,000 additional calls on its toll-free number on other subjects during FY1998.
- The Small Business Assistance Program reached 20,000 small businesses in FY1998 with direct assistance, compliance assistance workshops and onsite technical assistance.

PERMITTING

- The TNRCC's Operating Permit program provides site specific permits which itemize all applicable air regulations at each site to assure compliance with those regulations. According to EPA data, Texas issued twice as many operating permits as any state in the nation and is the only state in the nation to meet its federally required issuance rate.
- The TNRCC assumed responsibility for the National Pollutant Discharge Elimination System (NPDES) in FY1998, concluding 20 years of negotiations with the U.S. EPA, eliminating dual federal/state permitting systems for wastewater systems and giving Texas authority to issue and enforce wastewater permits in Texas.
- The TNRCC has eliminated all industrial and hazardous waste permit backlogs and streamlined operations by automating processes, simplifying forms, and utilizing the World Wide Web to make available guidance documents, forms and other customer information. The Municipal Solid Waste Permit Program has continually improved the timeliness of permit reviews. Improvements in the process have led to a substantial decrease in the permit processing time for MSW permit applications.
- For each of the last three years the Water Utilities Division has completed more than 720 permit applications annually, or 110 percent of projected workload.

COMPLIANCE

Inspected facilities in Texas maintain high compliance rates for air, water and waste. In FY1998 TNRCC inspections found increased compliance rates for air, water and petroleum storage tanks from the previous year. Inspected facilities for waste showed slightly lower compliance rates from the previous year, but maintained high overall rates of compliance. The compliance rates for inspected facilities were as follows:

- Air - 97 percent, up from 94 percent in FY1997.
- Water - 98 percent, up from 92 percent in FY1997.

- Petroleum Storage Tanks - 97 percent, up from 90 percent in Fy1997.
- 97 percent of the Texas population were served by 6,421 public drinking water systems that met or exceeded federal safe drinking water standards in FY1998, up from 96 percent in FY1997.
- Waste - 95 percent, down from 97 percent in FY1997.
- The TNRCC staff developed a computer program to identify discrepancies between quantities of hazardous waste and industrial Class 1 hazardous waste reported by generating and receiving facilities. Use of the program allows TNRCC to verify data every year instead of every two years, with no increase in the number of staff required.

ENFORCEMENT

- The TNRCC's enforcement program in FY1998, through the administrative penalty process and through cases referred to the Attorney General's Office, resulted in \$24 million in total penalties assessed, up substantially from \$13 million in FY1997. In FY1998, \$2.6 million in Supplemental Environmental Programs were approved, up from \$1.9 million in FY1997.
- The TNRCC also has an effective criminal investigation and prosecution effort for those who commit the most serious environmental crimes. In FY1998, the TNRCC executed 15 search warrants and played a lead investigative role in the completion of 8 criminal cases involving 7 felony counts and 36 misdemeanor counts against 10 individuals and 1 corporation for environmental crimes. In FY1997, the TNRCC executed 15 search warrants and played a lead investigative role in the completion of nine criminal cases involving 24 felony counts and 13 misdemeanor counts against 21 individuals and four corporations.
- The TNRCC's Bankruptcy Program pursues debtors who have filed for bankruptcy protection in the United States Bankruptcy Courts for recovery of claims owed to the TNRCC. The Bankruptcy Program pursues these debtors either directly or with the assistance of the Office of the Attorney General. Since its inception in 1992, the TNRCC's Bankruptcy Program has received bankruptcy court approval to recover approximately \$14,000,576.

REMEDIATION

- Texas completed 14 state and federal Superfund site cleanups and began 21 more cleanup operations in FY1998. Five State Superfund sites were de-listed in FY1998.

VOLUNTARY PROGRAMS

- The TNRCC's Voluntary Cleanup Program has 883 sites, with an average of 16 new sites entering the program each month. Cleanups were completed at 314 sites by 1999 and have increased property values by \$171 million, generated \$293 million in real estate sales, and created 3,023 jobs.
- The TNRCC's Clean Air Responsibility Enterprise Committee (CARE), is implementing a voluntary plan for reducing air emissions from industrial facilities exempted from clean air regulations because they were in operation prior to 1971, so-called "grandfathered" facilities. It is estimated that modifications made to participating facilities will reduce air emissions initially by 35,000 tons a year.

- The 179 industrial facility members of the TNRCC's Clean Industries 2000 voluntary waste reduction program accounted for 82 percent of Texas' reductions in TRI releases and transfers between 1988 and 1997.
- The TNRCC's Clean Texas Star voluntary solid waste reduction program, with 3,265 participating facilities, diverted more than 500,000 tons of solid waste from landfills, purchased \$260 million worth of recycled content products, and participated in 355 community environmental projects in 1998.
- The TNRCC's Clean Cities voluntary waste reduction program, with 78 member cities in 1998, diverted 981,819 tons of solid waste from landfills, and saved \$24.9 million in avoided disposal costs.
- The Texas Country Cleanup project, a joint effort of the TNRCC, the Texas Department of Agriculture and Texas Agricultural Extension Service has sponsored 275 rural waste collection events since 1991 that have resulted in the proper disposal of 389,194 pesticide containers, 99,942 tires, 148,485 gallons of used oil, 213,0018 used oil filters and 17,166 automotive batteries.

PLANNING, MONITORING AND ASSESSMENT

The TNRCC has established an extensive statewide monitoring network to better assess environmental conditions.

- In FY1998, the TNRCC improved its air monitoring capabilities with the introduction of new systems which provide for the continuous monitoring of ambient air conditions.
- The TNRCC has implemented programs to address drought problems by participating with other state agencies through the interagency Drought Response and Monitoring Committee to identify and track areas at risk of experiencing water shortages, in order to provide technical assistance and resources in times of need. The TNRCC concluded an outsourcing contract to the Texas Rural Water Association to conduct regulatory base monitoring of public water systems, thus freeing up TNRCC field staff for higher level technical tasks.
- The TNRCC has established a Total Daily Maximum Load Team to insure that Texas lakes and streams meet water quality standards, starting with 17 surface water bodies during FY1998, and extending to 147 water bodies over the next decade.

<p>B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.</p>
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The TNRCC prepares a number of reports evaluating agency performance which are available to commissioners, management, customers and the public.

- The TNRCC acted on a key recommendation of the Business Process Review when it created a Strategic Environmental Analysis Group in late 1998 to develop and implement planning and assessment projects from an agency-wide perspective. The organization, composed of veteran

managers and analysts from throughout the agency, has undertaken a number of projects intended to give the TNRCC the “big picture” about the state of the Texas environment. An early example of the new group’s work is a regional ranking of environmental concerns attached to this report. It is being used as part of a comprehensive compliance and assistance planning project for the TNRCC’s Office of Compliance and Enforcement and the Small Business and Environmental Assistance Division.

- The TNRCC is further enhancing its planning and assessment capability with the development of a larger Office of Environmental Planning, Analysis and Assessment, of which the Strategic Environmental Analysis Group is a part. The new Office also contains the agency’s rulemaking, policy and environmental assessment programs in a new multi-media grouping that will provide more comprehensive information and analysis for agency policymakers. Development of the new office was another key recommendation of the BPR.
- The TNRCC maintains an Office of Internal Audit that reports directly to the commissioners. The Office conducts regular audits of agency programs, and coordinates with the State Auditor and the U.S. EPA on periodic audits. Affected program managers respond to audits through a formal process that includes the development of implementation plans.
- The TNRCC has developed a series of agency strategies, goals and objectives keyed directly to budget items. This allows management to track the agency’s budget to ensure that funds are being spent in accordance with federal and state requirements.
- The Legislature requires the TNRCC to report annually on its progress and requires reports of individual programs on at least a biennial basis. The TNRCC also produced a biennial State of the Environment Report, which notes the key environmental challenges facing Texas on both a statewide and individual regional basis.
- The TNRCC has initiated a project to develop a set of environmental indicators that will allow the agency to better track its performance in protecting the environment.

C. What are the agency’s biggest opportunities for improvement?

- The TNRCC may have a significant opportunity to shift its mode of environmental protection from one based primarily on predictive modeling to one in which modeling and monitoring play equal roles. As more advanced monitoring techniques are developed using new technology such as microprocessors, the TNRCC will have the chance to directly observe the effect of emissions on the environment. This could allow the agency, the public and the regulated community realtime access to air and water quality information, which could result in fine-tuning permit requirements. This type of information could also allow the agency and individuals to check the usefulness of models, which have often been required to be based on limited information. In turn, this could result in more focused spending for control technology.
- As more information on the status of the environment becomes available, the TNRCC, the public and the regulated community will have an opportunity to shift to a more cooperative and voluntary mode of protecting the environment. These partnership models will allow the agency to stretch

public resources, and achieve more effective environmental protection with fewer resources. The pollution prevention program developed by the Legislature and implemented by TNRCC may serve as a role model for this type of cooperative environmental protection. Another example may be the voluntary program for permitting grandfathered facilities adopted by the Legislature during the 76th Regular Session. Other examples could include a streamlined public participation process on permitting actions where an environmental benefit would occur, or where the applicant has worked with the surrounding community to target additional reductions.

- In addition, Texas faces significant challenges in specific environmental areas:
 - Despite ranking first in the nation in overall reductions of federal Toxics Release Inventory releases and transfers of toxic chemicals, Texas still ranks first in the release of these chemicals. As a major industrial state, Texas has ranked first or second on the national inventory since it first began reporting in 1988.
 - Texas has very specific designated uses for 368 surface water bodies across the state. Of these, 147, or 39 percent, are classified as threatened or impaired at least in part because they do not meet some or all of a set of specific water quality standards for designated uses such as drinking, fishing or recreation.
 - Four Texas metropolitan areas, home to half the state’s population, do not meet the EPA’s one-hour national standard for ozone: Houston-Galveston; Dallas-Fort Worth; Beaumont-Port Arthur; and El Paso.
 - Texas has experienced severe to extreme droughts every decade this century while also experiencing dramatic population and economic growth. Ensuring an adequate and safe water supply will require planning for the future.
- The TNRCC has sought opportunities to improve its efficiency and service delivery ever since the agency was created in 1993. During its brief history, the TNRCC has integrated environmental and natural resource programs formerly associated with several predecessor state agencies, and has improved integration of these programs with federal agencies. Nevertheless, the TNRCC’s commissioners and staff recognize that there are still opportunities for improvement, undertaking major reviews of business processes and information management during the past few years. Recommendations from these reviews have been used in substantial restructuring of the TNRCC. “Chapter X. Additional Comments” of this report. discusses the need for various improvements, the progress made in implementing recommendations from review projects, and remaining opportunities for improvement.

D. How does the agency ensure its functions do not duplicate those of other entities?

The agency shares responsibility with other local, state and federal agencies in a number of areas. (A thorough listing of those areas and agencies may be found in Sections G and H of Chapter VI, Agency Programs.) As described in the chart below, the TNRCC shares partial or full responsibility for the following efforts:

Program	TNRCC Role	Role of Other Agencies
Colonias	Certification of nuisance, technical assistance	Secretary of State (coordination of program), Texas Water Development Board (provision of funding), Attorney General (enforcement of ordinances), local government (adoption of ordinances and provision of service)
Water Utilities	Review of rates and financial, managerial and technical capacity	Texas Water Development Board (district funding), Public Utilities Commission (electric and telephone utility ratemaking)
Solid waste planning	Provision of technical assistance, review of plans, assessment of closed landfills	Councils of government (development of regional solid waste plans, responsibility for closed MSW landfills)
Grants for solid waste	Provision of pass-through funding to COG's	Councils of government (provisions of grant monies)
Land use planning for solid waste disposal	Land use hearings on landfills	Local governments (adoption of zoning)
Natural resources trusteeship	Lead NRDA trustee	Texas Parks and Wildlife (for protection of biota), General Land Office (coastal protection), U.S. Department of the Interior, National Oceanic and Atmospheric Administration
Spill response	Responsible for cleanup of spills of hazardous material, excluding oil and gas exploration and production material and spills occurring in coastal areas	General Land Office (for coastal areas), Texas Railroad Commission (for oil and gas exploration and production)
Petroleum storage tanks	Responsible for establishing and enforcing standards for under- and above-ground storage tanks	Texas Agriculture Commission (inspection of underground storage tanks), State Fire Marshall (standards for above ground storage tanks)
Drought response and planning	Responsible for allocating water in shortage situations, providing technical assistance to threatened utilities, planning for drought response in those areas	Governors Division of Emergency Management (coordination of drought response), Texas Agriculture Commission (response for agricultural community), Texas Water Development Board (emergency funding for threatened utilities)

Program	TNRCC Role	Role of Other Agencies
Floodplain management	Provision of technical assistance, rule interpretation and plan review to local governments	Local governments (adoption of local ordinance), Federal Emergency Management Authority (establishment of standards), Governor's Division of Emergency Management (designation of disaster areas)
Bay and estuary protection	Development of bay and estuary protection plans, allocating rights for instream uses	Texas Parks and Wildlife and Texas Water Development Board (development of models), General Land Office
Water quality protection	Primary responsibility for protection of surface and ground water quality in state, excluding impact of oil and gas exploration and production	Texas Parks and Wildlife (effect on biota), Coastal Coordination Council (effect on coastal areas), U.S. Corps of Engineers (401 Certification), Soil and Water Conservation Board (implementation of total maximum daily loads)
Water availability	Development of water availability models, allocation of water rights	Texas Water Development Board (development of state water plan, review of regional water plans, provisions of water availability amounts and technical assistance to regional planning groups), regional planning areas (development of regional water plans)
Environmental protection of air, water and waste	TNRCC has primary responsibility for protecting state's air, water and land resources	Texas Railroad Commission (for oil and gas exploration and production wastes); U.S. Environmental Protection Agency (for federal sources and federally regulated materials)
State implementation plan preparation	TNRCC prepares updated state plan, assists in development of regional plans.	Local governments (recommendations on feasibility of alternatives, development of emissions databases)

- Federal authorization of most major federal environmental programs to the TNRCC has substantially eliminated duplication of services between state and federal environmental agencies, including last year's authorization of the Texas Pollutant Discharge Elimination System, ending decades of dual wastewater permitting between the Texas and federal governments.
- The TNRCC maintains a number of memoranda of agreement with other federal, state, regional, and local agencies to cooperate in and coordinate, rather than duplicate, agency service delivery. More such agreements are in development, including one with the Texas Water Development Board. The existence of these formal relationships allows the TNRCC to outsource many activities through interagency contracts. Approximately half of TNRCC's operating budget is passed through to contractors and other government agencies each year.

- The TNRCC also maintains a number of formal and informal partnerships with other agencies to encourage cooperative and coordinated service delivery. An example is the TNRCC's Texas Pollution Prevention Partnership, in which federal installations and the TNRCC cooperate on joint training and technical assistance projects to assist pollution prevention and recycling projects at federal facilities in Texas.
- In its brief history, the TNRCC has also cooperated in the transfer of some programs to other state agencies, following the guidance of the legislature. In 1995, control of the TNRCC print shop was transferred to the State General Services Commission. In 1996, the Texas Legislature transferred local decisionmaking responsibility for awarding Recycling Grants from the TNRCC to regional councils of government, although the TNRCC retains the responsibility for eligibility determinations and oversight. In 1997, the Water Well Driller's Certification Program was transferred to the State Department of Licensing and Regulation.
- Several of the agencies scheduled for Sunset Review in the current cycle have somewhat similar responsibilities for some activities conducted by the TNRCC. Their areas of responsibility do not necessarily overlap because of statutory restrictions on each activity. For example, while the TNRCC has responsibility for many categories of environmental cleanup, the General Land Office of Texas has the responsibility for coastal oil spill response. While the TNRCC has the responsibility for pollution prevention training and technical assistance for most industries, the RRC is responsible for pollution prevention activities pertaining to the oil and gas production industries.
- Some areas of overlap do still remain, however, notably concerning low-level radioactive waste with the Texas Department of Health, designation of tourist development zones with the Texas Department of Economic Development, with several agencies concerning hazardous materials spill response, and with Soil and Water Conservation Districts concerning non-point source pollution.
- Other areas of continuing program fragmentation identified by the Texas Performance Review include pesticide regulation, with several boards and agencies; environmental releases for oil and gas production facilities, with the RRC, and unplugged and abandoned oil and gas wells as they impact water quality, with the RRC. "Chapter IX. Policy Issues" of this report identifies several options for eliminating the remaining overlaps in agency programs and for the appropriate placement of some functions, such as recycling market development.

E. Are there any other entities that could perform any of the agency's functions?

The TNRCC makes an extensive commitment to outsourcing and interagency contracting with appropriate state, regional and local government agencies. Nearly half of the agency's annual operating budget is passed through to other units of government and to contractors, providing for appropriate placement of service delivery and freeing TNRCC resources for high priority tasks. The TNRCC already shares some responsibilities, such as clean air compliance monitoring and recycling market development grants, with local and regional governments.

- Historically, many of the TNRCC's functions evolved in the Texas Department of Health (TDH) before their subsequent transfer to the agency. Some areas of overlap remain with the TDH, notably concerning low-level radioactive waste.
- Water utility regulation was formerly handled by the Public Utility Commission of Texas before being moved to the Texas Water Commission, a predecessor agency of the TNRCC.
- The TNRCC has a number of programs delegated from the U.S. Environmental Protection Agency that are handled directly by the EPA Region VI office in the other states of the region— New Mexico, Louisiana and Oklahoma.
- Some functions currently assigned to the TNRCC may be more appropriate to the mission of other state agencies. For example, the TNRCC has been assigned the responsibility for designating Tourist Development Zones, a task that might be more appropriate for the Texas Department of Economic Development or the Department of Housing and Community Affairs, or some other organization. The TNRCC has identified several options for the most appropriate placement of programs in line with the agency's mission and authorizing legislation, in "Chapter IX. Policy Issues," of this report.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

- Between November of 1997 and February of 1998, the TNRCC distributed a Customer Satisfaction Survey to 8,700 individuals who have regular contact with the agency. The survey targeted users of specific programs – permitting, technical assistance, citizen assistance and enforcement. The survey asked for a numerical ranking from 1(poor) to 5(excellent).

Overall, the programs rated well above average in customer service categories such as professionalism (4.4) and knowledge (4.3). The lowest marks (3.8 and 3.4) were given to the categories that asked if the agency's materials and rules were easy to understand.

- A series of public meetings were held around the state in 1998 to hear the environmental concerns and priorities of local government officials and citizens. The TNRCC commissioners participated

in different forums, which had a total attendance of approximately 600 citizens. Of these, more than 200 made comments which were developed into a list of concerns that have since been referred to TNRCC staff in program and event planning activities.

- The training and technical assistance programs of the Small Business and Environmental Assistance Division regularly distribute customer surveys to attendees of the Environmental Trade Fair, workshops, seminars and other events. Survey results are used in planning future events.
- The Small Business and Environmental Assistance Division makes regular use of comments received from a network of Small Business Advisory Councils across the state.
- The TNRCC makes extensive use of a number of advisory councils to provide comment to the commissioners and the TNRCC staff on a regular basis about agency operations. For a complete list of the agency's advisory groups, please see "Chapter III. Policymaking Structure", Section H of this report.

G. Describe the agency's process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

- Under the Health and Safety Code, Sec. 382.0365, Small Business Stationary Source Assistance Program, the TNRCC provides an ombudsman to help small business stationary sources meet the requirements of the federal Clean Air Act Amendments of 1990 (Public Law No. 101-549). The Small Business Assistance Program (SBAP) staff receive complaints through a hotline, a written complaint, or in person. If a complaint cannot be resolved within a reasonable period of time, the reasons are recorded on an intake sheet and forwarded to the complainant. Staff members document what is done to resolve the case, keep a written record of the case, and case files the record. (See Table below)
- The Office of Compliance and Enforcement has been conducting customer service surveys in various field offices since the beginning of FY1997. Customer service survey forms are sent to facilities that have received recent inspections. The agency responds individually to each negative survey response form. Data are collected and summarized by the Deputy Director's office each quarter for a select number of regional offices.
- The TNRCC in July 1999 began work on an implementation plan for SB 1563, 76th Texas Legislature, which requires the agency to develop and implement a customer satisfaction survey, and to develop standards for customer service for the agency. The law will require the agency to develop a customer service compact with the Governor's Office, and to undergo periodic customer service evaluations by the Governor's Office and Legislative Budget Board. The agency's own Internal Audit Office recently recommended that the Human Resources Division develop and implement a regular customer satisfaction survey for the agency.

The TNRCC also conducted a customer satisfaction survey as required by House Bill 1, 75th Legislature, 1997. Surveys were distributed between November 1, 1997 and February 28, 1998. Sixteen percent of the

surveys were returned. In addition to the performance categories noted in the Table below, respondents were also asked to provide any suggestion to improve TNRCC operations. A wide cross-section of TNRCC programs were addressed in the survey, which included:

- Permitting - New Source Review (Air), Wastewater, Municipal Solid Waste, Occupational Certifications, Voluntary Cleanup Program, and the Petroleum Storage Tank Program;
- Technical Assistance - Small Business Assistance, Pollution Prevention and Recycling, and Regulatory Assistance (seminars);
- Enforcement - Regional Offices (inspections) and Enforcement (enforcement cases), and
- Citizen Assistance - Office of Public Assistance, Alternative Dispute Resolution, Records Management, and the TNRCC Web site.

H. Please fill in the following chart.

Table 21 Texas Natural Resource Conservation Commission Complaints Against the Agency(Small Business Assistance Program) Fiscal Years 1997, 1998, and 1999			
	FY 1997	FY 1998	FY1999
Number of complaints received	24	10	5
Number of complaints resolved	24	10	5
Number of complaints dropped/found to be without merit	0	0	0
Number of complaints pending from prior years	0	0	0
Average time period for resolution of a complaint	NA	NA	NA

Table 22 Texas Natural Resource Conservation Commission (Field Operations Division Customer Service Survey) 2nd, 3rd & 4th Quarter FY98 and 1st, 2nd, & 3rd Quarter FY99		
Quality or Performance Measured (1 = Poor; 5 = Excellent)	Composite Score FY98	Composite Score FY99
Professionalism	4.7	4.7
Timeliness	4.7	4.7
Call promptly directed to right person	4.0	4.5
Knowledge	4.6	4.2
Call returned in timely fashion	3.8	4.5

Telephones answered promptly	4.0	4.2
Clarity of communications	4.6	4.6
Responsiveness	4.6	4.7
TNRCC materials easy to understand	NA	NA
TNRCC rules easy to understand	3.7	3.7

Table 23	
Texas Natural Resource Conservation Commission	
(Agency-wide Customer Service Survey) November 1, 1997 to February 28, 1998	
Quality or Performance Measured (1 = Poor; 5 = Excellent)	Composite Score
Professionalism	4.4
Timeliness	4.4
Call promptly directed to right person	4.4
Knowledge	4.3
Call returned in timely fashion	4.3
Telephones answered promptly	4.3
Clarity of communications	4.2
Responsiveness	4.2
TNRCC materials easy to understand	3.8
TNRCC rules easy to understand	3.4

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?
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Each division and regional office is responsible for designating Open Records Contacts to handle public information requests for that division or region. The Records Management Division handles public information requests for records maintained by Records Management. The Office of Legal Services handles requests which may include confidential information or information subject to an exception from disclosure under the Public Information (Open Records) Act. In instances where there are public information requests involving more than one division or program, then a lead office is designated to coordinate the agency response. TNRCC Operating Policy and Procedure 13.2 sets out procedures for handling these requests. In addition, the publication entitled *TNRCC Open Records Request Procedures for Divisions and Regional Offices* describes in greater detail the process used by the agency to respond to public information requests.

J. Please fill in the following chart:

Table 24		
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION		
Contacts		
INTEREST GROUPS		
(groups affected by agency actions or that represent others served by or affected by agency actions)		
Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
The Administrative & Public Law Section of the State Bar / Celina Romero, Chair	P.O. Box 12487 Austin, TX 78711	512/463-1463 800/204-2222 512/463-1475 Fax
Advocates for Responsible Disposal in Texas / Edward Selig, Gen. Mgr.	5926 Balcones, #220 Austin, TX 78731	512/452-7065 512/452-9007 Fax
Angelina & Neches River Authority/ Tom Burr, Gen. Mgr.	P.O. Box 387 Lufkin, TX 75901	409/632-7795 409/632-2564 Fax
Capitol Area Metropolitan Planning Organization (CAMPO) / Roger Ramon	301 W. 2nd Street Austin, TX 78767	512/499-1861 512/499-6385 Fax
Center for Energy and Economic Development (CEED)/ Randy Eminger	The Atrium 6900 I-40 West, Ste 210 Amarillo, TX 79106	806/359-5520 806/359-9155 Fax
Citizens Environmental Coalition / Scott Ward	3015 Richmond Ste # 270 Houston, TX 77098	713/524-4232 713/524-3311 Fax
Clean Water Action/ Sparky Anderson	2520 Longview, Ste 315 Austin, TX 78705	512/474-0605 512/474-7024 Fax
Colonia Unidas/ Blanca Juarez, President	1 Las Lomas Rio Grande City, TX 78582	956/487-0964 956/487-4704 Fax
Community Resource Group/ Harold Wells	7701 N. Lamar, Ste 503 Austin, TX 78752	512/454-1048 512/371-1051 Fax
Consumers Union - SW Region/ Reggie James	1300 Guadalupe, Ste 100 Austin, TX 78701	512/477-4431 512/477-8934 Fax
Cypress River Basin Northeast Texas Municipal Water District / Walt Sears, Jr., Gen. Mgr.	P.O. Box 955 Hughes Springs, TX 75656- 0955	903/639-7538 903/639-2208 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Dallas Area Rapid Transit (DART) / Tony Mendoza	1401 Pacific Avenue Dallas, TX 75202	214/749-2589 214/749-3669 Fax
Downwinders At Risk/ Jim Shermbeck	707 Wylie Cedar Hill, TX 75104	972/293-8300 972/293-8400 Fax
El Paso Interreligious Sponsoring Organization (EPISO) / Joe Rubio	3134 Alameda El Paso, TX 79915	915/778-3200 915/778-9730 Fax
Electric Reliability Council of Texas / Amber Gee	7200 N. MoPac Expressway Austin, TX 78731	512/343-7215 512/343-8134 Fax
The Environmental and Natural Resources Law Section of the State Bar / Howard Gilberg, Chair	P.O. Box 12487 Austin, TX 78711	512/463-1463 800/204-2222 512/463-1475 Fax
Environmental Defense Fund/ Ramon Alvarez Jim Marston, Attorney	44 East Avenue, Ste 304 Austin, TX 78701	512/478-5161 512/478-8140 Fax
Environmental Justice Alliance/ Rev. Reginald Blow	P.O. Box 3741 Wichita Falls, TX 76301	940/766-6525 940/766-6541 Fax
Industry Council on the Environment / Superfund: Calvin C. Chapman, P.E. PST: Shelly G. Harris	P.O. Box 1899 Bandera, TX 78003 12201 Merrit Dr, Ste. 900 Dallas, TX 75251	830/796-7767 830/796-7484 Fax 972/960-6855 972/960-7140 Fax
International Environmental Alliance of the Bravo / Richard Boren	P. O. Box 85878 Tucson, AZ 85754	520/294-0089 No Fax
Keep Texas Beautiful, Inc. (KTB) / Elizabeth Christian, Exec. Dir.	P.O. Box 2251 Austin, TX 78768	512/478-8813 512/478-2640 Fax
Mexican American Legislative Caucus/ Nef Garcia, Exec. Dir.	400 W 15 th Street, Ste 930 Austin, TX 78701	512/236-8410 512/236-8402 Fax
Model, Inc./ Laverda Batiste	2142 Lavender Street Port Arthur, TX 77640	409/982-2333 409/982-2319 Fax
Mothers Organized To Stop Environmental Sins (MOSES) / Phyllis Glazer	15115 FM Rd. 16E Winona, TX 75792	903/877-4801 903/877-2634 Fax
North Channel-Concerned Citizens Against Pollution (NC-CCAP) / Pat Pinkerton	510 Sheldon Channelview, TX 77530	281/452-1591 281/452-0496 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
North Texas Clean Air Coalition/ Shannon Morris	8445 Freeport Parkway, Ste 640 Irving, TX 75063	972/621-0400 972/929-0916 Fax
Oxybusters of Texas/ George Marshall Guy A. Baird	5303 Glenmont Ste D Houston, TX 77081	713/664-2166 713/664-0721 Fax
People Organized for the Defense of the Environment and Resources (PODER)/ Susana Aleman	55 North IH-35 Austin, TX 78702	512/472-9921
The Pilot Group, Inc./ David Grossman	5646 Milton, Ste 711 Dallas, TX 75206	214/363-0600 214/363-0604 Fax
Public Citizen/ Tom Smith	2812 Hemphill Park Austin, TX 78705	512/477-1155 512/479-8302 Fax
Public Health and Environmental Services / Lawrence E. Baker	825 W. Irving Blvd Irving, TX 75060	972/721-2346 972/721-3639 Fax
Recycling Coalition of Texas (RCT)/ Rich Abramowitz, President	P.O. Box 2359 Austin, TX 78768	512/469-6079 512/457-0199 Fax
Sahs & Associates, PC / Mary Sahs, Attorney at Law	907C S. Congress Ave Austin, TX 78704	512/444-2185 512/326-2586 Fax
San Antonio Coalition for Environmental and Economic Justice / Robert C. Dawson	49279Waycross Lane San Antonio, TX 78220-1848	210/661-6479 No fax
Sierra Blanca Legal Defense Fund/Save Sierra Blanca / Bill Addington	P.O. Box 218 Sierra Blanca, TX 79851	915/369-2541
Sustainable Energy and Economic Development (SEED) Coalition/ Peter Altman	401 W 29th Street Austin, TX 78705	512/479-7744 800/580-8845 512/479/7645 Fax
Sierra Club - Lone Star Chapter/ Ken Kramer	P.O. Box 1931 Austin, TX 78767	512/477-1729 512/477-8526 Fax
Take Back Texas / Phil Savoy	1101 Capitol of Texas Hwy Bldg. D, Ste 100 Austin, TX 78746	
Tarrant Coalition for Environmental Awareness / Robert Scott	1101 Circle Lane Bedford, TX 76022	817/282-1372 817/268-4931 Fax
Texans United for a Safe Economy Education Fund / Rick Abraham	P.O. Box 7864 Houston, TX 77270-7864	713/880-5170 713/880-5170 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Texas Agricultural Cooperative Council / Tommy Engelke	P.O. Box 9527 Austin, TX 78766	512/454-3569 512/454-1638 Fax
Texas Air Quality Coalition/ Erich Birch	111 Congress Avenue, Ste 1800 Austin, TX 78701	512/322-5863 512/472-0532 Fax
Texas Audubon Society/ Myra Green	2525 Wallingwood Dr., Ste 301 Austin, TX 78746	512/306-0225 512/306-0235 Fax
Texas Center for Policy Studies/ Mary Kelly, Exec. Dir.	P.O. Box 2618 Austin, TX 78768	512/474-0811 512/474-7846 Fax
Texas Citizens for a Sound Economy/ Peggy Venable	1005 Congress Ave., Ste 910 Austin, TX 78701	512/476-5905 512/476-5906 Fax
Texas Environmental Equity Alliance/ Dan Dodson, Exec. Dir.	603 W 13 th Street, #1A-420 Austin, TX 78701-1731	512/708-8183 512/708-8165 Fax
Texas Public Policy Fund (TPPF)/ Linda Veal, Operations Dir.	8122 Datapoint Dr., Ste 816 San Antonio, TX 78229	210/614-0080 210/614-2649 Fax
Title V Planning Committee (TVPC)/ Ed Feisinger, Environmental Specialist	Solutia, P.O.Box 711 Alvin, TX 77512	281/228-4486 281/228-4317 Fax
League of Women Voters of Texas/ Carolee Mullan, Pres.	1212 Guadalupe St, Ste 107 Austin, TX 78701	512/472-1100 512/472-4114
West Dallas Coalition/ Luis D. Sepulveda, President	5105 Goodman Street Dallas, TX 75211	214/330-7947 214/330-7947 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with the agency)		
STATE ASSOCIATIONS		
Air and Waste Management Association - Central Texas Chapter / Leonard Dougal, Chairman	7700 Chevy Chase Dr., Ste 100 Austin, TX 78752	512/472-8355 512/236-2002 Fax
American Backflow Prevention Association - Region IV / Byron Hardin, President	4750 N. Josey Lane Carrollton, TX 75010	972/466-4206 972/245-7461
American Electronics Association/ Andrew Wise	P.O. Box 1425 Austin, TX 78767	512/474-4403 No Fax
American Lung Association/ Pam Dillon	P. O. Box 26460 Austin, TX 78755	512/467-6753 512/467-7621 Fax
American Water Works Association - Texas Section / Mike Howe	P. O. Box 80150 Austin, TX 78708	512/238-9292 512/238-0496 Fax
Associated General Contractors of Texas (AGC of Texas) / Tom Johnson	P. O. Box 2185 Austin, TX 78768-2185	512/478-4691 512/478-7936 Fax
Association of Electric Companies of Texas / John W. Fainter, Jr.	1005 Congress Avenue, Ste 600 Austin, TX 78701	512/474-6725 512/474-9670 Fax
Automobile Service Association/ David Ford	814 San Jacinto, #303 Austin TX 78701	512/495-9769 512/495-9906 Fax
Automotive Body Parts Association/ Stanley Rodman	P.O. Box 820689 Houston, TX 77282	281/531-0809 281/531-9411 Fax
Automotive Wholesalers of Texas/ Jim Quinten, Pres.	8000 Centre Park Drive, #150 Austin, TX 78754	512/339-0044 512/339-4477 Fax
Boating Trades Association of Texas/ Lee Couch	1005 Congress Ave, Ste. 5000 Austin, TX 78701	512/472-3919 512/472-5970 Fax
Consulting Engineers Council of Texas/ Steve Stagner, Exec. Dir.	400 W 15 th Street, Ste 820 Austin, TX 78701	512/474-1474 512/474-1490 Fax
County Tax Assessors-Collectors Association / Joyce Gray	P. O. Box 859 Merzon, TX 76941	915/835-7771 915/835-2008 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Dairy Farmers of America/ David Jones, Gen. Mgr.	3500 William D. Tate Ave, Ste 100 Grapevine TX 76051	800/994-2674 817/410-4501 Fax
Independent Water and Sewer Companies of Texas / Mark Zeppa	6101 West Courtyard, Ste 221 Austin, TX 78730	512/346-4011 512/346-6847 Fax
International Environmental Association / Chip Stewart	P.O. Box 866 Sweeny, TX 77480	713/623-5006 713/623-5050 Fax
National Federation of Independent Businesses / Robert Howden	815 Brazos Austin, TX 78701	512/476-9847 512/478-6422 Fax
National Solid Waste Management Association (NSWMA), Texas Chapter / Bob Gregory, President	Texas Disposal Systems PO Box 17126 Austin, TX 78760-7126	512/243-1000 512/243-4123 Fax
Printing and Imaging Association of Texas / Joe Polanco	910 W Mockingbird Ln Ste 200 Dallas, TX 75247-5174	214/630-8871 214/688-1767 Fax
San Antonio Manufacturing Association / Michael Harris	8610 Broadway, Ste 240 San Antonio, TX 78217	210/821-5466 210/821-5467 Fax
Small Business Representatives / Therese Moncrief	313 River Crest Drive Fort Worth, TX 76107	817/732-8203 817/336-3164 Fax
Solid Waste Association of North America - Lone Star Chapter/ Peter Pistole, President	1300 William Dodson Pkwy Farmers Branch, TX 75381	972/919-2616 972/241-6305 Fax
Southwest Carwash Association/ Chuck Space	3724 Executive Center Dr, Ste 155 Austin, TX 78731	512/343-9023 512/343-1530 Fax
Southwest Dry Cleaners Association/ Andrew Stanley	1800 Northeast Loop 410, Ste 308 San Antonio, TX 78217	210/826-4684 210/826-6423 Fax
Texas Aggregates & Concrete Association (TACA)/ Michael K. Stewart	6633 Hwy 290 East, Ste 204 Austin, TX 78723	512/451-5100 512/451-4162 Fax
Texas Ag Industries Association/ Pat Miller	P.O. Box 339 Cedar Park, TX 78630	512/259-2118 512/259-2164 Fax
Texas & Southwestern Cattle Raisers Association / Steve Munday	1301 W 7 th Street Fort Worth, TX 76102	817/332-6167 817/338-4813 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Texas Aquaculture Association/ Donna Henson	P.O. Box 533 Friendswood, TX 77549	281/648-6549 281/648-3778 Fax
Texas Association of African American Chambers of Commerce/ Cassandra Johnson, Administrator	807 Brazos Street, Ste 710 Austin, TX 78701	512/457-0370 512/457-1078 Fax
Texas Association of Builders/ Sarah Payne Senterfitt, Dir of Regulatory Affairs	510 W 15 th Street Austin, TX 78701	512/476-6346 512/476-6427 Fax
Texas Association of Business & Chambers of Commerce / Mary Miksa	1209 Nueces St Austin, TX 78701-1719	512/477-6721 512/477-0836 Fax
Texas Association of Counties (TAC)/ Sam D. Seale, Exec. Dir.	P.O. Box 2131 Austin, TX 78768-2131	512/478-8753 512/478-0519 Fax
Texas Association of Dairymen/ James Terrell	Texas Medical Association Bldg 401 W 15 th St Austin, TX 78701	512/476-9100 512/476-9101 Fax
Texas Association of Mexican American Chambers of Commerce/ Celia Israel, Legislative Aide	823 Congress Avenue, Ste 1414 Austin, TX 78701	512/708-8823 512/708-1808 Fax
Texas Association of Nurserymen/ Ed Edmondson	7730 IH-35 South Austin, TX 78745	512/280-5182 512/280-3012 Fax
Texas Association of Regional Councils/ James Ray, Exec. Dir.	1305 San Antonio Street Austin, TX 78701	512/478-4715 512/478-1049 Fax
Texas Association of Storage Tank Professionals (TASTP)/ Bill Greer, Exec. Dir.	8760-A Research Blvd., Ste 248 Austin, TX 78758	888/994-8240 800/592-8240 Fax
Texas Automobile Dealers Association/ Gene Fondren	PO Box 1028 Austin, TX 78767-1028	512/476-2686 512/476-2179 Fax
Texas Cast Metals Association / Harley Scoggins	3917 Lakewood Heights Fort Worth, TX 76179	512/238-7177 512/238-7178 Fax
Texas Cattle Feeders Association/ Ross Wilson	5501 West I-40 Amarillo, TX 79106	806/358-3681 806/352-6026 Fax
Texas Chemical Council/ Jon Fisher	1402 Nueces Austin, TX 78701	512/477-4465 512/477-5387 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Texas Cotton Ginners Association/ Kelley Green, P.E.	400 W 15th Street, Ste. 1010 Austin, TX 78701	512/476-8388 512/476-8215 Fax
Texas Cotton Producers/ Jim Ed Miller, Pres.	400 W 15 th Street, Ste 1010 Austin, TX 78701	512/476-3913 512/476-8215 Fax
Texas Forestry Association/ Ronald Hufford	P.O. Box 1488 Lufkin, TX 75902	409/632-8733 409/632-9461 Fax
Texas Hospital Association/ Matthew T. Wall	P. O. Box 15587 Austin, TX 78761-5587	512/465-1037 512/465-1090 Fax
Texas Hot Mix Asphalt Pavement Association / Harold C. Mullen	9407 Brown Lane, Bldg 1 Austin, TX 78754	512/836-6366 512/836-6407 Fax
Texas Grain and Feed Association/ Ben Boerner	2630 West Freeway, Ste 100A Fort Worth, TX 76102	817/336-7875 817/336-7879 Fax
Texas Independent Producers and Royalty Owners Association (TIPRO)/ A. Scott Anderson	515 Congress Avenue, Ste 1910 Austin, TX 78701	512/477-4452 512/476-8070 Fax
Texas Mining & Reclamation Association (TMRA)/ Tom Faulkner, Exec. Dir.	314 Highland Mall Blvd., Ste 510 Austin, TX 78752	512/467-1300 512/451-9556 Fax
Texas Motor Transportation Association / Bill Webb	700 E 11 th St Austin, TX 78701	512/478-2541 512/474-6494 Fax
Texas Municipal Gas Association / Ben Griffin, President	1305 San Antonio St. Austin, TX 78701	512/450-0494 512/478-1049 Fax
Texas Municipal League / Monte Akers, Director of Legal Services	1821 Rutherford Ln, Suite 400 Austin, TX 78754	512/719-6300 512/719-6390 Fax
Texas Oil & Gas Association/ Cindy Morphew	304 W. 13 th Street Austin, TX 78701	512/478-6631 512/472-3859 Fax
Texas On-Site Wastewater Association/ Charlie Diggs	217S W Water Street Kerrville, TX 78028	830/895-1809 830/896-3534 Fax
Texas Paint Council/ Phil Cates	914 Congress Ave Austin, TX 78701	512/474-1541 512/474-2162 Fax
Texas Pest Control Association/ Beth Brooks, Exec. Dir.	100 E Anderson Lane Austin, TX 78752	512/835-2801 512/835-2133 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Texas Petroleum Marketers and Convenience Store Association (TPCA)/ Scott Fisher	710 W 15th Street Austin, TX 78701-1535	512/476-9547 512/477-4239 Fax
Texas Pork Producers/ Ken Horton	P.O. Box 10168 Austin, TX 78766	512/453-0615 512/451-5536 Fax
Texas Poultry Federation/ James Grimm	P.O. Box 9589 Austin, TX 78766	512/451-6816 512/452-5142 Fax
Texas Propane Gas Association/ John Danks	P.O. Box 140735 Austin, TX 78714	512/836-8620 512/834-0758 Fax
Texas Renewable Energy Industries Association / Russell E. Smith	P.O. Box 16469 Austin, TX 78761- 6469	512/345-5446 512/345-6831 Fax
Texas Rural Water Association/ Tom Duck	1616 Rio Grande Street Austin, TX 78701	512/472-8591 512/472-5186 Fax
Texas Shipyard Coalition c/o First Wave Marine/ Jack Holmes	2102 Broadway Houston, TX 77012	713/847-4608 713/847-4601 Fax
Texas Shrimp Association/ Wilma Anderson	P.O. Box 1020 Aransas Pass, TX 78336	361/758-5024 361/758-5853 Fax
Texas Society of Professional Engineers / Gerhardt Schulle, Jr., Exec. Dir.	P.O. Box 2145 Austin, TX 78768	512/472-9286 800/580-8973 512/472-2934 Fax
Texas Tank Truck Carriers Association, Inc. (TTTCA)/ Patrick Long, Exec. Dir.	P. O. Box 2307 Austin, TX 78768	512/472-6207 512/479-8726 Fax
Texas Tire Dealers Association (TTDA) / Chuck Space	3724 Executive Center Dr, Ste 155, Austin, TX 78731	512/343-8604 512/343-1530 Fax
Texas Turf Irrigation Association/ David Coleman	1727 N Main Street Weatherford, TX 76086	817/598-0907 817/594-9246 Fax
Texas Vehicle Club Council/ Troy Mennis	604 Evans Eules, TX 76040	817/283-6942 817/283-6942 Fax
Texas Water Conservation Association/ Dean Robbins	206 San Jacinto Building Austin, TX 78701	512/472-7216 512/472-0537 Fax
Texas Water Quality Association/ Chris Martin, Exec. Dir.	823 Congress Avenue Austin, TX 78701	512/479-0425 512/495-9031 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Texas Water Utilities Association/ Dan Allen, Exec. Dir.	1106 Clayton Lane #101 East Austin, TX 78723	512/459-3124 512/459-7124 Fax
Texas Water Wise Council / John Sutton, President	7730 IH-35 South Austin, TX 78745	512/463-7988
Water Environment Association of Texas / Patty Cleveland, President	5300 S Collins Arlington, TX 76004	817/493-5100 817/417-0367 Fax
NATIONAL ASSOCIATIONS		
Ad Hoc Modeling Group Lake Michigan Air Directors / Mike Koerber, Dir.	2250 E. Devon Ave, Ste 216 Des Plaines, IL 60018	847/296-2181 847/296-2958 Fax
Agricultural Container Research Council (ACRC) / Robert L. Denny, Exec. Dir.	1101 17th Street, NW, Ste 500 Washington, DC 20036	877/952-2272 202/861-3144 877/951-2272 Fax
Air & Waste Management Association (AWMA) / Dennis Mitchell, Exec. Dir.	One Gateway Center, Third Fl Pittsburgh, PA 15222	412/232-3444 412/232-3450 Fax
American Automotive Leasing Association / Mary T. Tavenner	700 Thirteenth St N.W., Ste 950 Washington, DC 20005	202/393-7293 202/393-7293 Fax
American Corn Growers Association / Gary Goldberg	P.O. Box 18157 Washington, DC 20036	918/488-1829 918/488-1892 Fax
American Forest and Paper Association / Robert C. Kaufmann	1111 19 th St NW, Ste 800 Washington, DC 20036	202/463-2700 202/463-7848 Fax
American Foundrymen's Society, Inc./ Gary E. Mosher	505 State Street Des Plaines, IL 60016-8399	847/824-0181 847/824-7621 Fax
American Petroleum Institute (API)/ Bruce Bauman	1220 L Street, N.W. Washington, DC 20005-4070	202/682-8375 202/962-4776 Fax
American Portland Cement Alliance / Andy O'Hare	1225 I St NW, Ste 300 Washington, DC 20005	202/408-9494
American Society for Quality / Paul E. Borawski, Exec. Dir.	P.O. Box 3005 Milwaukee, WI 53201-3005	800/248-1946 414/272-1734 Fax
American Trucking Associations, Inc / Allen Shaeffer	2200 Mill Rd Alexandria, VA 22314	703/838-1786 703/838-1992 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
American Water Works Association / Jack Hoffbuhr, Exec. Dir.	6666 W. Quincy Avenue Denver, CO 80235	303/794-7711 800/926-7337 303/795-1440
Association for Commuter Transportation / Elizabeth Green, Exec. Sec.	1518 K St NW, Ste 503 Washington, DC 20005-1285	202/393-3497 202/638-4833 Fax
Association of Boards of Certification (NA) / Stephen W. Ballou, Exec. Dir.	208 5th St Ames, IA 50010	515/232-3623 515/232-3778 Fax
Association of State Dam Safety Officials Lori C. Spragens, Exec. Dir.	450 Old Vine St. Lexington, KY 40507	606/257-5140 606/323-1958 Fax
Association of State Drinking Water Administrators (ASDWA) / Vanessa Leiby, Exec. Dir.	1120 Connecticut Avenue NW, Ste 1060 Washington, DC 20036	202/293-7655 202/293-7656 Fax
Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) / Roberta Savage, Exec. Dir.	750 First St, NE, Ste 1010 Washington, DC 20002	202/898-0905 202/898-0929 Fax
Association of State and Territorial Solid Waste Management Officials (ASTSWMO) / Barbara Simcoe	444 N Capitol Street, N.W., Ste 315 Washington, DC 20001	202/624-5828 202/624-7875 Fax
Association of State Flood Plain Managers / Larry Larson, Exec. Dir.	4233 W. Beltline Hwy. Madison, WI 53711	608/274-0123 608/274-0696 Fax
Association of Western States Engineers Office of the State Engineer / R.Q. "Bob" Rogers, P.E.	P.O. Box 844 Deming, NM 88031	505/546-2851
Automotive Services Excellence (ASE) / Pat Lampel, Market Servicing Mgr.	13505 Dulles Technology Drive, Ste 2 Herndon, VA 22071-3421	703/713-3800 X257 703/713-0727 Fax
Cement Kiln Recycling Coalition / Michelle Lusk	1225 I St NW, Ste 300 Washington, DC 20005	202/789-1945 202/408-9392 Fax
Central State Air Resource Agencies (CenSara) / Larry Byrum, Exec. Dir.	10015 S Pennsylvania, Ste A, Bldg. D Oklahoma City, OK 73159	405/378-7377 405/378-7379 Fax
Chemical Coaters Association Interactive / Anne Goyer	P.O. Box 54316 Cincinnati, OH 45254	513/624-6767 513/624-0601 Fax
Chemical Manufacturer's Association/ Morton Mullins	2501 M Street, NW Washington, DC 20037	202/887-1110

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Conference of Radiation Control Program Directors, Inc. / Steve Collins, Chairperson	205 Capital Avenue Frankfort, KY 40601	502/227-4543 502/227-7862 Fax
Coordinating Research Council / Timothy Belian, Exec. Dir.	219 Perimeter Center Parkway, Ste 400 Atlanta, GA 30346	770/396-3400 770/396-3404 Fax
Engine Manufacturers Association / Glenn F. Keller	401 N Michigan Avenue Chicago, IL 60611-4267	312/644-6610 Fax
Environmental Council of the States / Bob Shinn, Pres.	444 N Capitol St NW, Ste 305 Washington, DC 20001	202/624-3660 202/624-3666 Fax
Groundwater Foundation / Susan Seacrest, Pres.	P.O. Box 22558 Lincoln, NE 68542	402/434-2740 402/434-2742 Fax
Groundwater Protection Council (GWPC) / Michael J. Paque	827 NW 63 rd St, Ste 103 Oklahoma City, OK 73116	405/516-4972 405/516-4973 Fax
Institute of Scrap Recycling Industries (ISRI) / Robin K. Wiener, Exec. Dir.	1325 G St., NW, Ste 1000 Washington, DC 20005-3104	202/737-1770 202/626-0900 Fax
International Tire & Rubber Association, Inc. (ITRA)/ Allan Justice, Govt Liaison	P.O. Box 37203 Louisville, KY 40233-7203	
Interstate Technology and Regulatory Cooperation Work Group (ITRC) / Rick Tomlinson	Institute of the States 444 N. Capitol St. NW Ste 305 Washington, DC 20001	202/624-3660 202/624-3666 Fax
Irrigation Association / Tom Kimmell, Exec. Dir.	8260 Willow Oaks Corporate Dr., Ste 120 Fairfax, VA 22031-4513	703/573-3551 703/573-1913 Fax
Keep America Beautiful, Inc. . Walt Amacker, Vice-President & Director of Communications	1010 Washington Blvd. Stamford, CT 06901	203/323-8987 203/325-9199 Fax
Manufacturers of Emission Controls Association (MECA) / Antonio Santos	1707 L St NW, Ste 570 Washington, DC 20036	202/296-4797 202/331-1388 Fax
National Association of Regulatory Utility Commissioners (NARUC) / Charles D. Gray, Interim Exec. Dir.	PO Box 684 Washington, DC 20004	202/898-2200 202/898-2213 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
National Association of Fleet Administrators, Inc. / Courtney White	100 Wood Avenue Iselin, NJ 08830	732/494-8100 732/494-6789 Fax
National Environmental Laboratory Accreditation Conference New York State Department of Health / Dr. Kenneth E. Jackson, Chairman	Wadsworth Center, ELAP, P. O. Box 509 Albany, NY 12201-0509	518/485-5570 518/485-5568 Fax
National Governors' Association / Raymond C. Scheppach, Exec. Dir.	444 N Capitol Street, Ste 267 Washington, DC 20001-1512	202/624-5300 202/624-5313
National Low-Level Waste Management Program (Idaho National Engineering and Environmental Laboratory) / Tom Kerr	P.O. Box 1625 Idaho Falls, ID 83415	208/526-7397 208/526-9165 Fax
National Onsite Wastewater Recycling Association, Inc. / Pam Franzen	P. O. Box 647 Northbrook, IL 60065-0647	847/559-9233 847/559-9235 Fax
National Pollution Prevention Roundtable/ Natalie Roy, Exec. Dir.	2000 P St NW, Ste 708 Washington, DC 20036	202/466-7272 202/466-7964 Fax
National Small Flows Clearinghouse / Jennifer Hause	West Virginia University P. O. Box 6064 Morgantown, WV 26506-6064	800/624-8301 304/293-3161 Fax
National Solid Waste Management Association / Bruce Parker, CEO	4301 Connecticut Ave. NW, Ste 300 Washington, DC 20008	202/244-4700 800/424-2869 202/966-4818 Fax
National Solid Waste Management Association (NSWMA), Sunbelt Region / Mike Huff, Regional Manager	3040 Holcomb Bridge Rd., Ste B-1 Norcross, GA 30071	888/NSWMA-SB 770/416-0848 Fax
Natural Gas Vehicle Coalition / Richard R. Kolodziej	1515 Wilson Boulevard Arlington, VA 22209	703/527-3022 703/527-3025 Fax
North American Hazardous Materials Management Association / Michael Bender	RR #5, Box 230 Montpelier, VT 05602	802/223-9000 802/223-7914 Fax
North American Interstate Weather Modification Council / Dr. Joseph Warburton, Sec-Treas	2215 Raggio Parkway Reno, NV 89512-1095	775/825-7814 No Fax
North American Research Strategy for Tropospheric Ozone (NARSTO) / Dr. Jeremy Hales	60 Eagle Reach Pasco, WA 99301	509/546-9542 509/546-9522

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
National Sanitation Foundation (NSF) International / Tom Bruursema	P. O. Box 130140 Ann Arbor, MI 48113-0140	734/769-8010 734/769-0109 Fax
Nuclear Information & Resource Service/ Diane D'Arrigo	1424 16 th St NW, #404 Washington, DC 20036	202/328-0002 202/462-2183
Oxygenated Fuels Association / Mrs. Terry Wigglesworth	1300 N 17 th Street, Ste 1850 Arlington, VA 22209	703/841-7100 703/841-7720 Fax
Renewable Fuels Association / Eric Vaughn	One Massachusetts Ave NW, Ste 820 Washington, DC 20001	202/289-3835 202/289-7519 Fax
Sierra Club / Carl Pope, Exec. Dir.	85 2nd St., Second Floor San Francisco, CA 94105-3441	415/977-5500 415/977-5799 Fax
Society of Plastic Industries / Tommy Southall	1275 K Street NW, Ste 400 Washington, DC 20005	202/974-5200 202/296-7005 Fax
Solid Waste Association of North America / John Skinner, PH.D., Exec. Dir.	PO Box 7219 Silver Springs, MD 20907-7219	301/585-2898 301/589-7068 Fax
State & Territorial Air Pollution Program Administrators Association of Local Air Pollution Control Officials (STAPPA/ALAPCO) / Nancy Kruger	444 N Capital Street, N.W., Ste 307 Washington, DC 20001	202/624-7864 202/624-7863 Fax
Transportation Research Board / Robert E. Skinner, Jr.	2101 Constitution Avenue NW Washington, DC 20418	202/334-3214
United States-Mexico Foundation for Science / Ing. Guillermo Fernandez de la Garza, Exec. Dir.	San Francisco 1626, Desp.205,Col.del Valle Delegacion Benito Juarez, 03100, Mexico, D.F.	525/524-5150 525/524-0140 Fax
United States Composting Council / Karrie Imbrogno, Bus. Mgr.	P.O. Box 407 Amherst, OH 44001	440/989-2748 440/989-1553 Fax
Waste Watch Center / Dana Duxbury	16 Haverhill Street Andover, MA 01810	508/470-3044 508/470-3384 Fax
Water Environment Federation (NA) / Quincalee Brown, Exec. Dir.	601 Wyth Street Alexandria, VA 22314	703/684-2452 703/684-2492 Fax

Group or Association Name/ Contact Person	Address	Telephone Number Fax Number
Weather Modification Association / Hilda Duckering, Exec. Secretary	P. O. Box 26926 Fresno, CA 93729-6926	559/434-3486 559/434-3486 Fax
Western Governors' Association / Jim Souby, Exec. Dir.	600 17th Street, Ste 1705 South Tower Denver, CO 80202-5452	303/623-9378 303/534-7309 Fax
American Assoc. of Airport Executives/ Jim Crites, Deputy Exec. Director	3200 E. Airfield Drive P.O. Drawer 619428 DFW Airport, TX 75261-9428	972/574-3207 jcrites@dfwairport.com
Transportation Research Board Jim Crites	3200 E. Airfield Drive P.O. Drawer 619428 DFW Airport, TX 75261-9428	972/574-3207 jcrites@dfwairport.com
Airport Council International Jim Crites	3200 E. Airfield Drive P.O. Drawer 619428 DFW Airport, TX 75261-9428	972/574-3207 jcrites@dfwairport.com

LIAISONS AT OTHER STATE AGENCIES (with which the agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)		
Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Governor's Office John Howard	State Capitol P.O. Box 12428 Austin, TX 78711-2428	512/475-2288 512/463-1975 jhoward@governor.state.tx.us
Lt. Governor's Office Carmen Cernosek	State Capitol P.O. Box 12068 Austin, TX 78711-2068	512/463-8007 512/463-0039 Fax carmen.cernosek@ltgov.state.tx.us
Lt. Governor's Office Barry McBee	State Capitol P.O. Box 12068 Austin, TX 78711-2068	512/463-0258 512/463-0039 Fax barry.mcbee@ltgov.state.tx.us
Brazos River Authority/ Gary Gwyn, Gen. Mgr.	P.O. Box 7555 Waco, TX 76714-7555	817/776-1441 817/772-5780 Fax

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Canadian River Compact Commission Roger Cox, Commissioner	320 S Polk, Suite 700 Amarillo, TX 79101	806/372-2020 806/353-5206 Fax rcox@sandersbaker.com
Coastal Coordination Council Permitting Assistance/ General Land Office Tom Nuckols	1700 North Congress, Rm. 617 Austin, TX 78701	512/463-5054 512/475-0680 Fax tnuckols@glo.state.tx.us
Comptroller of Public Accounts Revenue Estimating Doug Freer	111 E. 17 th St. Austin, TX 78701	512/475-0452 512/475-1559 Fax E: doug.freer @ cpa.state.tx.us
General Services Commission Office of General Counsel Judy Ponder	P.O. Box 13047 Austin, TX 78711-3047	512/463-7898 512/475-3779 Fax email: judy.ponder@ gsc.state.tx.us
General Services Commission Pantex Program Roger Mulder, Director	P.O. Box 13047 Austin, TX 78711-3047	512/463-1866 512/463-6178 Fax roger.mulder@gsc.state.tx.us
Guadalupe-Blanco River Authority / W. E. "Bill" West, Jr., Gen.Mgr.	933 E. Court Seguin, TX 78155	210/379-5822 210/379-9718 Fax
Lavaca-Navidad River Authority/ Jack C. Nelson, Gen. Mgr.	Box 429 Edna, TX 77957	512/782-5229 512/782-5310 Fax
Lower Colorado River Authority/ Mark Rose, Gen. Mgr.	P.O. Box 220 Austin, TX 78767	512/473-3200 Ext. 4006 512/473-4010 Fax
Lower Neches Valley Authority/ Tommy Hebert, Gen. Mgr.	P.O. Box 3464 Beaumont, TX 77704	409/892-4011 409/898-2468 Fax
Nueces River Authority/ Con Mims, Exec. Dir.	P.O. Box 349 Uvalde, TX 78801	830/278-6810 830/278-2025 Fax
Office of Attorney General/ Criminal Justice and Financial Crimes Don Clemmer	P.O. Box 12548 Austin, TX 78711-2548	512/463-0074 512/370-9949 Fax email: Djc3@oag.state.tx.us
Office of Attorney General Natural Resources Division Karen Kornell	P.O. Box 12548 Austin, TX 78711-2548	512/475-4001 512/320-0911 Fax email: Karen.kornell@oag.state.tx.us

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Office of Attorney General General Litigation Toni Hunter	P.O. Box 12548 Austin, TX 78711-2548	512/463-2120 512/320-0667 Fax email: Geoff.amsel@oag.state.tx.us
Office of Attorney General Open Records Division Rebecca Payne	P.O. Box 12548 Austin, TX 78711-2548	512/936-1395 512/463-2092 Fax email: Rebecca.payne@oag.state.tx.us
Office of Attorney General Opinion Committee Elizabeth Robinson	P.O. Box 12548 Austin, TX 78711-2548	512/936-1706 512/472-6538 Fax email: Ekr1@oag.state.tx.us
Pecos River Compact Commission Julian W. Thrasher, Commissioner	P.O. Box 340 Monahans, TX 79756	915/943-2396 915/943-3267 Fax
Red River Compact Commission Lowell Cable, Commissioner	858 Gilmer Sulphur Springs, TX 75482	903/885-3148 903/439-1050 Fax
Red River Authority of Texas/ Ronald J. Glenn, Gen.Mgr.	Hamilton Building 900 8 th St, Ste 520 Wichita Falls, TX 76301- 6894	817/723-8697 817/723-8531 Fax
Rio Grande Compact Commission Joe Hanson, Commissioner	P.O. Box 1917 El Paso, TX 79950-1917	915/532-0196 915/532-6891 Fax tbeeman@swbell.net
Sabine Compact Commission Frank Parker, Commissioner Danny Choate, Commissioner	1704 Windsor Orange, TX 77632 P.O. Box 1776 Center, TX 75935	409/598-9885 409/598-7705 Fax fep1/@set.net 409/840-9277 409/840-9746 Fax
Sabine River Authority/ Jerry Lynn Clark, Gen. Mgr.	P.O. Box 579 Orange, TX 77630	409/746-2192 409/746-3780 Fax
San Antonio River Authority/ Fred N. Pfeiffer, Gen. Mgr.	P.O. Box 830027 San Antonio, TX 78283	210/227-1373 210/227-4323 Fax

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
State Auditor's Office Contract Management Susan Riley	P.O. Box 12067 Austin, TX 78711-2067	512/479-4791 512/479-4884 Fax
State Office of Administrative Hearings Utility and Natural Resource Division Bill Newchurch	P.O. Box 13025 Austin, TX 78711-3025	512/936-0716 512/936-0730 Fax
State Office of Risk Management Claims Operations Susan Hudson	P.O. Box 13777 Austin, TX 78711	512/475-1440 512/472-0237 Fax email: Skh1@oag.state.tx.us
Sulphur River Authority of Texas/ Mike Huddleston, Pres.	P.O. Box 916 Texarkana, AR 75504	870/774-2144 870/773-1688 Fax
Texas Agricultural Extension Service, Nonpoint Source Pollution Program Contact Dr. Mark McFarland	College Station, TX 77843- 1123	409/845-2425 409/845-9542 Fax
Texas Commission on Human Rights Enforcement Jonathan Wilder	P.O. Box 13493 Austin, TX 78711	512/437-3450 512/437-3478 Fax
Texas Department of Agriculture Assistant Commissioner for Pesticide Programs Donnie Dippel	P.O. Box 12847 Austin, TX 78711	512/463-1093 512/475-1618 Fax
Texas Department of Health Bureau of Laboratories Dr. David Maserang, Chief	1100 W 49 th Street Austin, TX 78756-3194	512/458-7318 512/458-7294 Fax david.maserang@tdh. state.tx.us
Texas Department of Health Bureau of Radiation Control Richard Ratliff	1100 West 49 TH St Austin, TX 78756-3189	512/834-6688 512/834-6708 Fax richard.ratliff@ tdh.state.tx.us
Texas Department of Health Fish and Shellfish Contact Kirk Wiles	1100 W. 49 th . St. Austin, TX 78756	512/719-0215 512/719-0202 Fax

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Texas Department of Housing and Community Affairs Community Development Program Steve Swango	P.O. Box 13941 Austin, TX 78711-3941	512/475-3851 512/475-3914 Fax sswango@genesis.tdh.hce.state.tx.us
Texas Department of Insurance State Fire Marshal's Office Wayne Smith	333 Guadalupe Austin, TX 78701	512/305-7900 512/305-7910 Fax E: wayne_smith@tdi.state.tx.us
Texas Department of Licensing & Regulation - Water Well Drillers Jim Muse	P.O. Box 12157 Austin, TX 78711	512/463-3173 512/475-2874 Fax jmuse@license.state.tx.us
Texas Department of Public Safety Vehicle Inspection & Emissions Major Ricky Smith	P.O. Box 4087 (msc-0543) Austin, TX 78773	512/424-2779 512/424-2774 Fax ricky.smith@txdps.state.tx.us
Texas Department of Transportation Environmental Division Diana Noble	125 E. 11 th St. Austin, TX 78701-2483	512/416-3003 512/416-2746 Fax
Texas Ethics Commission Advisory Opinions & Education Sarah Woelk	P.O. Box 12070 Austin, TX 78711	512/463-5800 512/463-5777 Fax
Texas General Land Office Coastal Division Sally Davenport	1700 N. Congress Ave, Austin, TX 78701	512/463-5059 512/463-5233 Fax
Texas Parks and Wildlife Director Resource Protection, Water Quality Contact Dr. Larry McKinney	4200 Smith School Rd Austin, TX 78744	512/389-4636 512/389-4397 Fax
Texas Railroad Commission Assistant Director Environmental Services Leslie Savage	1701 N. Congress Austin, TX 78711	512/463-7308 512/463-7000 Fax
Texas Railroad Commission Office of General Counsel Terri Eaton	PO Box 12967 Austin, TX 78711-2967	512/463-6977 512/463-6684 Fax terri.eaton.@rrc.state.tx.us

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Texas Secretary of State Texas Register Section Dan Procter	P.O. Box 12887 Austin, TX 78711-2887	512/463-5562
Texas State Board of Plumbing Examiners / Doretta A. Conrad	P.O. Box 4200 Austin, TX 78765	512/458-2145 Ext.221 512/450-0637 Fax
Texas State Soil and Water Conservation Board - Nonpoint Source Contact James Moore	P.O. Box 658 Temple, TX 76503	254/773-2250 254/773-3311 Fax
Texas Water Development Board Deputy Executive Administrator Planning Dr. Tommy Knowles, Director	P.O. Box 13231 Austin, TX 78711	512/463-8407 512/463-9893 Fax tknowles@twdb.state.tx.us
Texas Water Development Board Deputy Executive Administrator Project Finance/Construction Asst. Kevin Ward	P.O. Box 13231 Austin, TX 78711	512/463-8221 512/475-2053 Fax email; info@twdb.state.tx.us
Texas Water Development Board Water Conservation John Sutton	P.O. Box 13231 Austin, TX 78711	512/463-7988 512/469-9893 Fax jsutton@twdb.state.tx.us
Texas Workforce Commission Bob Peak	P.O. Box 15900 Austin, TX 78761	512/340-4341 512/340-4311 Fax robert.peak@twc.state.tx.us
Texas A & M University Dept. of Agricultural Engineering Calvin Parnell	College Station, TX 77843- 2117	409/845-3985 409/845-3932 Fax c-parnell@tamu.edu
Texas A & M University Texas Sea Grant Program John Jacobs	P.O. Box 58828 Houston, TX 77258	281/291-9252 281/291-0552 Fax jjacob@tamu.edu
Texas A & M University Texas Water Resources Institute Ric Jensen	301 Scoates Hall College Station, TX 77843- 3932	409/845-8571 409/845-8554 Fax rjensen@tamu.edu
Texas A & M Agriculture Extension Service Bruce Lesikar	205 Scoates Hall College Station, TX 77843- 3932	409/845-7453 409/845-3932 Fax b_lesikar@tamu.edu

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Texas A & M Engineering Extension Service Chuck Phinney, Director	College Station, TX 77843-8000	409/845-6246 409/845-3419 Fax psphinney@teexnet.tamu.edu
Texas Transportation Institute Urban Planning George Dresser	Texas A&M University CE/TTI Building College Station, TX 77843-3135	409/845-3326 409/845-7548 Fax g_dresser@tamu.edu
Texas Forest Service Forest Resource Development Dept. Brad Barber	Texas A & M University John B. Connally Bldg. College Station, TX 77843-2136	409/845-2641 409/845-576/ b-barber@tamu.edu
Texas Tech University Water Resources Center Lloyd Urban	Lubbock, TX	806/742-3597 806/742-3449 Fax lurban@coe2.coe.ttu.edu
Trinity River Authority/ Danny Vance, Gen. Mgr.	P.O. Box 60 Arlington, TX 76004	817/467-4343 817/465-0970 Fax
University of Texas at Austin Dr. Brian Graham-Moore	Graduate School of Business CBA 4.202 Austin, TX 78712	512/471-9452 512/471-3937 g_moore@utxvms.cc.utexas.edu
University of Texas at Austin Economic Geology Noel Tyler	University Station, Box X Austin, TX 78713-7508	512/471-1534 512/471-0140 Fax
Upper Guadalupe River Authority Charles Wiedenfeld	125 Lehman Drive Kerrville, TX 78028-5908	830/896-5445 830/257-2621 Fax ugradrew@kte.com
Upper Neches River Municipal Water Authority John Caverness	P.O. Box 1965 Palestine, TX 75802	903/876-2237 903/876-5200 Fax unrww@mail.gower.net

LIAISONS AT FEDERAL AGENCIES (with which the agency maintains an ongoing relationship)		
Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
U.S. Environmental Protection Agency (EPA) / Carol Browner, Administrator	401 M Street SW Washington, DC 20460	202/260-4700
U.S. Environmental Protection Agency (EPA) / Office of Research and Development Henry Longest, Deputy Asst Administrator	401 M Street SW Washington, DC 20460 3210 Hwy 54 (MD-75) Research Triangle Pk, NC 27711	202/260-7676 longest.henry@epa.gov
U.S. Environmental Protection Agency (EPA) /Office of Compliance and Enforcement David Nielsen, Director	401 M Street SW (2246A) Washington, DC 20460	202/564-2264 202/564-0020 Fax nielsen.david@epa.gov
U.S. Environmental Protection Agency (EPA) / Office of Solid Waste, Municipal and Industrial Solid Waste Division Robert Dellinger, Director	401 M Street SW (5306W) Washington, DC 20460	703/308-8254 703/308-8686 Fax dellinger.robert@epa.gov
EPA Region 6 Main Office Regional Administrator Gregg Cooke	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-2100
EPA Region 6 Main Office Water Quality Protection William Hathaway	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-7101
EPA Region 6 Main Office Multimedia Planning and Permitting Robert Hanneschlager, P.E.	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-2200
EPA Region 6 Main Office Superfund Myron Knudson, P.E.	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-6701
EPA Region 6 Main Office Compliance Assurance and Enforcement Samuel Coleman, P.E.	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-2210

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
EPA Region 6 Main Office Regional Counsel Lawrence Starfield	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-2110
EPA Region 6 Main Office Criminal Investigations Tom Kohl	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-6600
EPA Region 6 Main Office Management Division Quality Assurance Program Alva Smith	1445 Ross Avenue, Ste 1200 Dallas, TX 75202	214/665-8347 214/665-2146 Fax smith.alva@epa.gov
EPA Region 6 Houston Laboratory David Stockton	10625 Fallstone Road Houston, TX 77099	281/983-2106 281/983-2248 Fax stockton.david@epa.gov
U.S. Fish and Wildlife Service Supervisor, Austin Field Office David Frederick	10711 Burnet Road, Ste 200 Austin, TX 78758	512/490-0057 512/490-0974 Fax david_c_frederick@fws.gov
National Oceanic and Atmospheric Administration Coastal Program Division, Coastal Water Resources Peyton Robertson	1305 East West Highway Silver Spring, MD 20910	301/713-3098
National Oceanic and Atmospheric Administration National Weather Service Dr. Thomas Graziano	Office of Meteorology 1325 East West Highway, Rm 13236 Silver Spring, MD 20910	301/713-1970, ext. 103 301/713-1520 Fax thomas.graziano@noaa.gov
National Oceanic and Atmospheric Administration/ National Weather Service Science Services Div. Dan Smith	819 Taylor Street Rm 10A26 Fort Worth, TX 76102-6171	817/978-2671 817/978-3475 Fax dan.smith@noaa.gov
U.S Geological Service Monitoring Coordinator Lloyd Woosley	8011 Cameron Road Austin, TX 78754	512/927-3500

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Federal Emergency Management Agency Frank Pagano, Director Gary Zimmerer, P.E.	800 North Loop 288 Denton, TX 76201	940/898-5127 940/898-5195 Fax frank.pagano@fema.gov 940/898-5161 940/898-5195 Fax gary.zimmerer@fema.gov
U.S. Army Corps of Engineers Fort Worth District, Regulatory Branch, Dam Safety John Wise	819 Taylor Street Fort Worth, TX 76102-0300	817/978-3484 817/978-9916 Fax john.r.wise@swf02.usace.army.mil
U.S. Bureau of Reclamation (Water Resources) Allen Whitley	300 East 8 th Street Austin, TX 78701	512/916-5648 512/916-5662 Fax awhitle@gp.usbr.gov
U.S. Department of Agriculture Natural Resources Conservation Service / Jerry Walker	101 S. Main Temple, TX 76501-7682	254/742-9824 254/742-9848 Fax jwalker@tx.usda.nrcs.gov
U.S. Forestry Service Larry Ford	701 N. First Street Lufkin, TX 75901	409/639-8543
Federal Highway Administration Dennis Jones	Texas Division 300 E 8 th Street Austin, TX 78701	512/916-5917 919/541-0072 Fax dennis.jones@fhwa.dot.gov
Federal Transit Authority Jesse Balleza	Texas Division 819 Taylor Street, Rm 8A36 Ft. Worth, TX 76102	817/978-0550 817-978-0575 Fax jesse.balleza@fta.dot.gov
Equal Employment Opportunity Commission Pedro Esquivel	5410 Fredericksburg Road, Ste 200 San Antonio, TX 78229	210/281-7642 210/281-7690 Fax
Nuclear Regulatory Commission Paul Lohaus	Office of State Programs Washington, DC 20555-0001	301/415-2326 301/415-3502 Fax PhL@NRC.gov
Border Environment Cooperation Commission (BECC) Bernadino Olague	P.O. Box 221648 El Paso, TX 79913	877/225-1149 011/5216256180 Fax E: bolague@cocef.org
North American Development Bank (NADBank) Victor Miramontes	203 S. St. Marys, Ste 300 San Antonio, TX 78205	210/231-8000 210/231-6232 Fax E: karenc@nadbank.org

Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
U.S. Department of the Interior Remediation Glenn Sekavec	625 Silver Ave. SW, Ste190 Albuquerque, NM 87102	505/766-3565 505/766-1059 Fax glenn_sekavec@ios.doi.gov
U.S. Department of Energy Johnny Guelker	Pantex Plant - Amarillo Office P. O. Box 30030 Amarillo, TX 79120	806/477-3183 806/477-4174 Fax jguelker@pantex.doe.gov

Chapter VIII. 76th LEGISLATIVE SESSION CHART

LEGISLATION ENACTED IN THE 76 TH LEGISLATIVE SESSION		
Bill Number	Author	Summary of Key Provisions/Intent
HB 564	Rep. Oliveira	Requires the Governor to designate a border commerce coordinator. The coordinator may either be in the Governor's office or in the Secretary of State's office, as determined by the Governor, and the governor may choose the Secretary of State as the coordinator. The TNRCC will designate a central contact to provide any necessary assistance on regulatory matters.
HB 732	Rep. Bosse	Authorizes Harris County or any district or authority authorized to provide stormwater drainage and flood control facilities created under Section 59, Article XVI, Texas Constitution that has boundaries coterminous with Harris County to regulate compliance with NPDES stormwater permitting program. Requires the county, district or authority to, to among other things, develop, implement and enforce stormwater management guidelines, design criteria or rules to reduce discharge of pollutants guidelines.
HB 801	Rep. Uher	Establishes a new public participation system at the TNRCC by modifying standards and practices for contested case hearings. HB 801 encourages early public participation in the environmental permitting process and is intended to streamline the contested case hearing process. Requires the TNRCC to develop rules and procedures for public participation in certain permitting decisions, including requirements governing public notice and hearings. SB 402 (Sen. Armbrister) was the Senate companion.
HB 846	Rep. R. Lewis	The bill makes numerous changes to the administration and authority of water districts and river authorities created under either Section 52 (b)(1) and (2), Article III or Section 59, Article XVI, Texas Constitution.
HB 1018	Rep. Denny	Requires cities and counties to adopt ordinances and orders appropriately necessary to become eligible to participate in the National Flood Insurance Program by January 1, 2001. The TNRCC's flood plain management team would provide assistance.
HB 1069	Rep. R. Lewis	Provides for the eligibility of a water supply or sewer service corporation to be converted into a special utility district. The TNRCC will modify its rules for implementation.
HB 1074	Rep. Krusee	Requires individuals operating, in charge of, or responsible for an accidental discharge or spill from a wastewater treatment or collection facility owned or operated by a local government that may adversely affect a public or private source of drinking water to notify local government officials and local media. The agency must specify the conditions under which an individual must comply with this public notification requirement and prescribe procedures for giving the required notice. The agency must consider: (1) the nature and extent of the discharge or spill; (2) the potential effect of the spill; and (3) regional information about the susceptibility of a particular drinking water source to the pollution.
HB 1172	Rep. Chisum	Makes the state's definition of low-level radioactive waste compatible with the federal definition. This will help maintain Agreement State status with the U.S. Nuclear Regulatory Commission. The bill also caps fees that may be collected by the State from generators of low-level radioactive waste. The TNRCC will amend its rules in response.

Bill Number	Author	Summary of Key Provisions/Intent
HB 1283	Rep. Counts	Allows the TNRCC to issue general permits for storm water discharges, eliminates the 500,000 gallon per day cap, and gives TNRCC more flexibility related to newspaper notice. Provides that a general permit may authorize discharges without the submittal of a notice of intent if the commission finds that a notice of intent would be inappropriate. Provides that a general permit shall remain in effect until the commission takes final action on a renewal. Reduces the number of individual permits to be processed and expands the universe of authorizations eligible to be general permits. The TNRCC may deny or suspend a discharger's authority to discharge under a general permit based on compliance history. The TNRCC must amend its rules in order to implement. SB 504 (Sen. Brown) was the Senate companion.
HB 1479	Rep. Clark	Allows the TNRCC to approve, without holding a public hearing, an application for an amendment or renewal of a discharge permit if: (1) the applicant is not applying to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge; (2) the authorized activities will maintain or improve the quality of water discharged; (3) the applicant's compliance history raises no issues regarding ability to comply with a material term of the permit; and (4) for NPDES permits, federal program public participation requirements are met.
HB 1574	Rep. Bosse	Authorizes the TNRCC, to the extent not in conflict with state water quality standards or federal law, to issue one or more general permits for the discharge of treated sewage into or adjacent to water in the state by a sewage treatment and disposal system located in Harris County if the system produces not more than 5000 gallons of waste each day and meets certain other requirements. The TNRCC is required to specify design, operation, and maintenance requirements and establish the primary and secondary treatment requirements for a permit issued. SB 1300 (Sen. Brown) was the Senate companion.
HB 1654	Rep. Maxey	Makes violation of a TNRCC rule adopted under Chapter 366 of the Texas Health and Safety Code, or an authorized agent's order or resolution adopted under Subchapter C, Chapter 366 of the Texas Health and Safety Code a Class C misdemeanor. If it is shown that the defendant has been previously convicted of such an offense, the offense is punishable by a fine of not more than \$1000 and/or 30 days confinement. The TNRCC will revise its rules and guidance documents in order to implement.
HB 1848	Rep. T. King	Changes the composition of the Texas Groundwater Protection Committee to include a representative of the Water Well Drillers and Water Well Pump Installers Program of the Texas Department of Licensing and Regulation.
HB 2109	Rep. Bonnen	Provides limited environmental liability for taxing units that foreclose on properties with underground or aboveground storage tanks. The taxing unit would not be considered an owner or operator of the storage tanks if they foreclosed for the purpose of collecting ad valorem taxes and did not participate in the management of the tank(s) or property before foreclosure. The TNRCC will make necessary revisions to its rules to implement.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2332	Rep. R. Lewis	Provides that a drainage district is governed by a three-member board unless special law provides otherwise and provides that when a county creates a drainage district, the commissioners court will appoint three directors who will serve only until permanent directors are elected. Provides that a county commissioner's court has jurisdiction over a drainage district's proceedings only during the organization of the district. Designates the board as the entity authorizing the issuance of drainage district bonds. Establishes a consolidation of districts procedure. The TNRCC will review engineering reports from districts wishing to issue bonds.
HB 2597	Rep. McReynolds	Prohibits the TNRCC, except as specifically required to comply with federal law or regulation, to adopt a rule that lessens the efficiency of certain hospital or medical disinfectants, including rules restricting volatile organic compound content of or emissions from the disinfectant. The TNRCC will revise its rules for implementation.
HB 2619	Rep. Ramsay	Establishes the TNRCC's authority over, and standards for the collection and management of used oil filters. Includes requirements related to registration, reporting, shipment records, storage, spill prevention and control, and financial responsibility. Authorizes civil and administrative penalties for violations. Requires rules to be adopted by the TNRCC by January 1, 2000.
HB 2660	Rep. Swinford	Establishes the coordinator of the Division of Emergency Management of the Office of the Governor as the state drought manager. The drought response and monitoring committee is renamed the drought preparedness council and membership in the council is expanded. The council is required to report to the legislature not later than January 15 of each odd numbered year regarding significant drought conditions and to develop a comprehensive drought preparedness plan. Establishes a notice requirement for the declaration of a drought disaster in a county, requires a person or entity required to develop a water conservation plan or drought contingency plan to immediately implement the plan upon receipt of the notice. Provides for input from the Texas Department of Agriculture on water availability models and guidance principles for the state water plan. TNRCC will prepare a list of entities required to have a water conservation plan and a drought contingency plan, by county, so that counties could notify them to implement their plans in the event of a drought emergency.
HB 2815	Rep. Junell	Adds a compliance certification program to the storage tank program, prohibits delivery of gasoline to non-compliant tanks, and extends certain deadlines for tank owners/operators to avoid paying increased deductibles (some retroactively). Provides enforcement provisions for tank owner/operators who fail to provide compliance certification information and, for common carriers delivering fuel into unregistered or uncertified tanks. Also requires a 90-day turnaround time on reimbursement applications. Requires rulemaking. SB 1299 (Sen. Brown) was the Senate companion.
HB 2816	Rep. Junell	Lowers by 25% the fees assessed on bulk delivery of fuel, (the funding source for the petroleum storage tank remediation account), but extends the collection of the delivery fee until March 1, 2002. Adds a quarterly reporting requirement for the TNRCC to report to the Legislative Budget Board on the financial status of the fund. Specifies 6.7 percent of gross receipts for TNRCC's administrative expenses. Extends the sunset date for the reimbursement program from 2001 to September 1, 2003. The TNRCC will revise its rules accordingly.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2954	Rep. Gray	Abolishes the Texas Low-Level Radioactive Waste Disposal Authority and transfers its powers, duties, obligations, rights, contracts, records, personnel, property, and appropriations to the TNRCC on September 1, 1999. The Authority's rules continue in effect as TNRCC rules until superseded by any TNRCC rules.
HB 2965	Rep. Hilbert	Establishes the powers, duties, and financing of the North Harris County Regional Water Authority. The TNRCC will extend the same services it provides all districts. SB 700 (Sen. Lindsay) was the Senate companion.
HB 3288	Rep. Greenberg	Eliminates fees charged by TNRCC for beneficial use of Class A sludge, reducing costs for sludge disposal. The TNRCC will revise its rules accordingly.
HB 3561	Rep. Luna	Allows the Corpus Christi Bay and Galveston Bay Estuary programs to be funded by direct grant. Allows the TNRCC to make joint applications along with private entities for federal grant monies. Allows the TNRCC to pass through grant money under federal Clean Water Act grants to fund projects by non-governmental entities. The TNRCC will make necessary rule revisions. SB 1504 (Sen. Truan) was the Senate companion.
HB 3793	Rep. Averitt	Expands financing methods for the Brazos River Authority. Removes the aggregate value cap of \$100,000 from property that the authority is authorized to sell in one year. SB 1835 (Sen. Sibley) was the Senate companion.
SB 7	Sen. Sibley	The electric deregulation bill contains a number of provisions affecting the TNRCC. Requires that "grandfathered" electric generating facilities apply for air quality permits by September 1, 2000, or cease operations by May 1, 2003, unless there is good cause. Requires the TNRCC to establish regions within the state for the allocation of emission allowances under the permitting program and allows trading of those allowances within a region. The TNRCC is required to adopt rules for implementation. The TNRCC must also coordinate with the PUC.
SB 76	Sen. Truan	Requires the agency to develop a water supply model for the Rio Grande basin by December 31, 2003 to encompass significant water demands within the watershed. The model will be used for water resource planning.
SB 382	Sen. Duncan	Amends the Administrative Procedure Act to state that an order adopting a rule must contain a reasoned justification for the rule as adopted consisting solely of, rather than including, certain information. Further, the bill provides that a rule will be voidable, instead of invalid, if its adoption does not meet the requirements specified in §2001.033. Substantial compliance with the reasoned justification requirement is satisfied if the agency's reasoned justification demonstrates in a relatively clear and logical fashion that the rule is a reasonable means to a legitimate objective. A technical defect that does not result in prejudice to a person's rights or principles is not grounds for invalidation of a rule. Provides that actions may be taken by an agency before a new statute or rule takes effect. Requires the assessment of rule impacts on businesses with 20 or fewer employees.

Bill Number	Author	Summary of Key Provisions/Intent
SB 486	Sen. Brown	Removes the statutory 270-day deadline for making a solid waste facility permit application administratively complete and requires the deadline to be established by rule. Prohibits a municipality or county from prohibiting the processing or disposal of solid waste in areas for which an application has already been filed or a permit has been issued. Prohibits the TNRCC from granting a permit in an area where such activities have been banned by a municipality or county. Provides that the TNRCC may require remedial action where there is a release or imminent release of industrial solid waste from certain municipal solid waste landfills. Requires rulemaking. In addition, the TNRCC will coordinate with counties as needed.
SB 501	Sen. Shapleigh	Requires state agency strategic plans to analyze how the agency can increase its presence in the Texas-Louisiana and Texas-Mexico border regions and defines those regions. Requires development of border-specific performance measures. Similar legislation (HB 566) was filed by Rep. Oliveira.
SB 657	Sen. Brown	Deletes the requirement that the TNRCC notify all water right holders of the projected amount of water that would be available when flows are at 75% of normal and when flows are at 50% of normal. Regional water planning groups will no longer have to have water management strategies for those conditions. Instead, they would identify factors to be considered in determining whether to initiate a drought response. The bill affects the water availability modeling for water rights permitting and water planning. HB 1590 (Rep. R. Lewis) was the House companion.
SB 658	Sen. Brown	Delays time line requirements for adopting regional and state water plans by approximately 4 months (deadlines previously set for September 1, 2001 are changed to January 5, 2002). Beginning January 5, 2002, the TNRCC may not issue a water right for municipal purposes in a region without an approved regional plan unless conditions warrant waiver. HB1742 (Rep. R. Lewis) was the House companion.
SB 708	Sen. Jackson	Provides authorizing legislation for a state program to implement conservation and management plans developed under the National Estuary Program. Designates TNRCC as the lead agency. The following agencies are to provide assistance: General Land Office, the Texas Parks and Wildlife Dept., the Texas Department of Transportation, the Railroad Commission of Texas, the State Soil and Water Conservation Board, the Texas Water Development Board and the Texas Department of Health. Funding to implement approved comprehensive conservation and management plans is to be shared by the federal, state, local governments in the area of the estuaries, and other participants. Similar legislation was filed by Representatives Hawley (HB 1832) and Gray (HB 2561).
SB 757	Sen. Duncan	Amends requirements pertaining to functions of State Office of Administrative Hearings (SOAH). Clarifies purpose and duties of SOAH. Prohibits a state agency that refers a matter to SOAH from taking any adjudicative action relating to the matter, except as allowed by law, until the a proposal for decision has been issued. HB 2556 (Rep. Cuellar) was the House companion.

Bill Number	Author	Summary of Key Provisions/Intent
SB 766	Sen. Brown	Clarifies that the TNRCC can determine a de minimis level below which no air quality preconstruction authorization is necessary; allows the TNRCC to establish procedures for issuance of standard permits outside of the rulemaking process; divides the current category of exemptions from permitting into two categories--permits by rule for construction of types of facilities, and exemptions from permitting for changes to existing facilities; clarifies that the TNRCC may consolidate numerous preconstruction authorizations into a single permit; creates a voluntary emission reduction permit for grandfathered facilities that must be applied for by September 1, 2001; allows a grandfathered facility to offset excess emissions through an emission reduction project if that facility cannot reduce emissions sufficiently to meet the control requirements of a voluntary emission reduction permit; creates a multiple plant cap permit that would allow for a single permit across multiple plant sites that are controlled by a single person; and requires the TNRCC to impose an emissions fee for all emissions at major sources with grandfathered facilities (for which no application is pending by September 1, 2001), including emissions in excess of 4000 tons per year, and also requires the commission to treble emissions fees every year for emissions from any facility in excess of 4000 tons per year at those sources. Rep. Allen carried the House version (HB 2504).
SB 801	Sen. Ellis	Requires state agencies to make available through a generally accessible Internet site the text of its rules and any material, such as a letter, opinion, or compliance manual that explains or interprets one or more of its rules and that the agency has issued for general distribution to persons affected by one or more of its rules. The site must allow for the public to submit questions about the agency's rules electronically and receive the responses electronically. This bill also requires all state agencies that maintain a site to cooperate to facilitate useful electronic links among the sites. Each state agency that maintains a generally accessible Internet site is additionally required to establish the site so that the site can be located easily through electronic means. Rep. Maxey carried the House companion (HB 1657).
SB 821	Sen. Armbrister	Amends the Local Government Code to allow any county to acquire, own or operate a water or sewer utility system to serve unincorporated areas in the same manner and under the same regulations as a city under Local Government Code Chapter 402. The county must comply with those provisions in Chapter 13 of the Texas Water Code that apply to a municipality and may acquire any necessary property interest through the power of eminent domain. A county may finance utility related expenses through revenue bonds. Harris County and adjoining counties, with consent of a city, may serve within the city and issue general obligation bonds, with the approval of qualified voters, in addition to revenue bonds. Harris County and adjoining counties are allowed to use the power of eminent domain to acquire property in a city with the city's approval. HB 2214 (Rep. Olivo) was the House companion.
SB 828	Sen. Shapleigh	Allows the Commission to approve supplemental environmental projects (SEPs) on the Mexican side of the border, where it can be shown that the project would substantially benefit territory in this state. The TNRCC will make any necessary changes to its SEP policy. Rep. Haggerty carried the House version (HB 3570).

Bill Number	Author	Summary of Key Provisions/Intent
SB 873	Sen. Brown	Provides for coordination, through a Memorandum of Agreement, between the Department of Agriculture (TDA), TNRCC, and Texas Parks and Wildlife Department (TPWD) on matters related to aquaculture regulation. Requires quarantine of certain aquaculture facilities upon manifestation of disease and establishes requirements for discharges. Imposes additional requirements on new or amended commercial shrimp facility applications in the coastal zone. Establishes a 3-agency review committee of appointees from TNRCC, TDA and TPWD to review wastewater discharge authorization applications. A \$5,000 cap is imposed on the amount of wastewater inspection and clean rivers fees that may be annually assessed to an aquaculture facility annually.
SB 928	Sen. Ratliff	Authorizes payments to listed persons and businesses in specific dollar amounts. Authorizes refund of overpayments of petroleum storage tank registration fees from the Hazardous and Solid Waste Fees Account No. 0549. Appropriates a payment from the PST remediation fund for a claim of approximately \$35,000.
SB 950	Sen. Duncan	Substitutes "manufactured home" and "manufactured home rental community" for "mobile home" and "mobile home park" throughout Subchapter M, Chapter 13 of the Texas Water Code, related to submetering and allocation of water and sewer service. Directs the TNRCC to encourage submetering to enhance conservation of water resources. Manufactured home rental community owners, but not other property owners, can charge up to a 9% submetering service charge. The 9% service charge is for water costs as well as any other applicable taxes and surcharges that are charged by the retail public utility. Requires rulemaking. Rep. Cook carried the House companion (HB 2931).
SB 1252	Sen. West	Authorizes state agencies to conduct open meetings over the Internet. Requires increase in bandwidth, as well as equipment upgrades. Rep. McClendon carried the House companion (HB 1264).
SB 1298	Sen. Brown	Amends the Texas Clean Air Act provisions regarding concrete batch plants which are exempt from permitting. If the TNRCC considered modeling in creating the exemption, site-specific modeling cannot be required and may not be submitted at a contested case hearing on an exemption. Rep. Chisum carried the House companion (HB 2312).
SB 1301	Sen. Brown	Requires counties, immediately upon declaration of a state of disaster due to drought conditions, to publish newspaper notice of the declaration and give notice to the chairman of the regional water planning group in which the county is located and every entity located in the county that is required to develop or adopt a water conservation or drought plan. Each entity, upon receiving notice, must implement the water conservation or drought contingency plan. Entities are not prevented from implementing the water conservation or drought contingency plan earlier than this notice.
SB 1307	Sen. Brown	Allows TNRCC's authorized agents under the on-site wastewater program to file for injunctive relief, or civil penalty if it appears that a violation or threat of violation of Chapter 366 of the Texas Health and Safety Code, 30 TAC Chapter 285, or an order or a permit under the jurisdiction of the authorized agent has occurred or is about to occur. The TNRCC will make corresponding revisions to its rules and guidance. Rep. Bosse carried the House version (HB 2630).

Bill Number	Author	Summary of Key Provisions/Intent
SB 1308	Sen. Brown	Provides that the executive director can approve water quality management plans. An opportunity for public comment that meets the federal public participation requirements must be provided. The bill removes the requirement of a mandatory public hearing by the commission prior to approval. Interested persons are to be provided an opportunity for commission review of the executive director's decision. HB 2588 by Rep. Counts was the House companion.
SB 1310	Sen. Brown	Allows Texas Department of Agriculture (TDA) representation or input in several areas: dedication of water rights to the water trust, the water availability modeling performed by the TNRCC under Chapter 16 of the Texas Water Code; adopting guidance principles for state water planning; participating in regional water planning groups, and the priority groundwater management area designation process, including educating the area about districts. The bill also exempts activities under the jurisdiction of TDA from water quality permitting. Rep. Cook carried the House version (HB 3278).
SB 1323	Sen. Wentworth	Amends Chapters 212 and 232 of the Local Government Code by adding requirements regarding the use of groundwater for city and county approval of subdivision platting. Allows a municipality or county to require that a plat application for the subdivision of a tract of land for which the source of the water supply intended is groundwater under that land include a registered engineer's statement that adequate groundwater is available for the subdivision. TNRCC is required by rule to establish the appropriate form and content of the certification.
SB 1421	Sen. Lucio	Makes a number of changes to county regulation of subdivisions in economically distressed areas (colonias) and makes other changes to the TWDB's economically distressed areas program (EDAP). Major requirements concerning TNRCC: removes TNRCC from the list of agencies that prepare model rules to control development of colonias; exempts from requirements of a licensed plumber, any plumbing work done through an organization "certified" by the TNRCC that participates in a self-help project; requires the TNRCC to develop a standard method for determining which public utilities that apply for a certificate of convenience and necessity (CCN) are the most capable of providing service; and requires the TNRCC to make a written determination on the managerial, financial, and technical capacity of the applicant to operate a water or sewer system, on request of the TWDB, for an economically distressed area's application to the TWDB. Requires interagency coordination of colonia initiatives.
SB 1593	Sen. Brown	Designates the Allens Creek Reservoir as a site of unique value for construction of a reservoir. The Texas Water Development Board is granted the right to construct a reservoir and impound up to 500,000 acre feet. Upon application by the TWDB, the TNRCC is to reissue, without notice or hearing, the permit previously issued for the Allens Creek Reservoir. Provides that if a reservoir project which is listed as a recommended project in the current state water plan has been abandoned, voluntarily canceled, or forfeited, the commission may reissue the same permit to the TWDB without notice or hearing and with a new priority date. Requires process changes only. Rep. Counts carried the House companion (HB 3594).

Bill Number	Author	Summary of Key Provisions/Intent
SB 1594	Sen. Brown	Requires the TNRCC to market its regulatory flexibility program. Expands the universe of “small businesses” eligible for TNRCC assistance to those employing up to 250 employees. Authorizes cost-sharing for environmental compliance assessments. The TNRCC will revise its rules and guidance accordingly. Rep. Cook carried the House version (HB 3303).
SB 1911	Sen. Brown	Creates 13 groundwater conservation districts in all or part of 17 counties in various parts of the state which are subject to ratification by the 77th Legislature and subsequent voter confirmation elections.
SCR 18	Sen. Nixon	Authorizes Anderson Columbia Environmental to sue the TNRCC. The House companion was HCR 110 by Hilbert.
SCR 33	Sen. Ratliff	Authorizes Gibson Recycling, Inc. to file a claim against the TNRCC with the State Office of Administrative Hearings. The House companion was HCR 118 by Telford.
SCR 72	Sen. Ratliff	Authorizes Dean Lumber, Inc. to sue the TNRCC.

LEGISLATION NOT PASSED IN THE 76TH LEGISLATIVE SESSION

Bill Number	Author	Summary of Key Provisions/Intent
HB 55	Rep. Cuellar	Created state agency to promote economic development in the border region. TNRCC would have served on an oversight commission and provided staff support. The bill was never considered in committee.
HB 131	Rep. McClendon	Required the Texas Feed and Fertilizer Control Service to adopt rules relating to the inclusion of toxic heavy metals, toxic chemicals, and radioactive and industrial wastes in commercial fertilizers distributed in Texas, and authorized the service to prohibit the inclusion of such materials if necessary to protect crops, livestock, or public health. TNRCC would have developed MOU with agency to address jurisdictional overlap. Was referred to a subcommittee in the House.
HB 235/SB 904	Rep. Puente/ Sen. Ellis	Created separate Office of Natural Resource Public Interest Counsel and provided for transfer of functions, personnel, and funding from TNRCC to new office. Both bills were left pending in their respective committees.
HB 349	Rep. Wolens	Established stranded cost recovery mechanisms for electric utilities. Allowed for recovery of air pollution control equipment used to retrofit a grandfathered facility. The TNRCC air permits program would have made operational changes. Stranded cost issues were addressed in SB 7.
HB 399	Rep. Puente	Gave a corporation a tax credit for donating land to a governmental entity or nonprofit organization whose primary purpose is protection of the environment, where all or a portion of the land is located in a recharge zone over an aquifer. The TNRCC would have revised its Supplemental Environmental Project policy. Bill was left pending in House committee.
HB 432	Rep. Turner	Provided for legislative review and gubernatorial suspension of state agency rules. TNRCC would have factored this into rule development and coordination with the legislature. The bill was passed out of committee but never placed on a House Calendar.
HB 437	Rep. Luna	Gave the existing Upton County Water District the powers and duties of a groundwater district under Subchapter D of Chapter 36 of the Water Code. It would also have taken in a portion of a TNRCC designated priority groundwater management area into the district, removing the area from consideration for a district confirmation election initiated by the TNRCC. The bill was never heard in committee.
HB 473	Rep. Dukes	Prohibited siting and construction of hazardous waste, hazardous substance, and large bulk fuel storage facilities within 5 miles of a school, place of business, or place of worship. Enforceable by county attorney or Attorney General. The TNRCC would have adopted rules to incorporate the Act's prohibitions. Additionally, the federally delegated RCRA program would have been impacted. Left pending in House committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 532	Rep. Puente	Required the creation of an "environmental hotline" through the Commission's Office of Public Assistance, and established a system of rewards for persons who report information that substantially contributes to the assessment of a penalty for violation of an environmental law. The TNRCC would have adopted rules to authorize payments and set aside portion of penalties to fund program. Agency would also have had to determine if a tip substantially contributed to closing a case. Bill addressed by rider in HB 1.
HB 533	Rep. Puente	Authorized a transfer of water from a river basin to another river basin in the same regional water planning area. Required the agency to amend interbasin transfer rules. Left pending in House committee.
HB 630	Rep. Gallego	Authorized an electric cooperative in a border county to provide water and sewer services if it complies with all requirements of a public utility under Chapter 13, Water Code. The water and sewer service would have been provided directly or through an affiliate. Required the TNRCC to regulate electric cooperatives like public utilities in border counties. Left pending in House committee.
HB 644	Rep. Flores	Modified development requirements in colonias and removed Travis County as a venue for enforcement of the model subdivision rules. Would have required the TNRCC to coordinate with the Attorney General on any lawsuits to enforce colonias regulation. The bill was never considered in the House committee. SB 1421 (Lucio) became the primary colonias bill during session.
HB 674	Rep. Gallego	Provided for the LLRWDA to contract with a person to act on the authority's behalf for a number of responsibilities, including filing a license application, constructing a facility, and operating the LLRW disposal facility. Also provided requirements for closure, decommissioning, post-closure, and long-term institutional controls. Eliminated Sierra Blanca siting provision and restructures the financing for the authority, the contractor, and the facility. Would have required the TNRCC to review a disposal license once submitted. While this bill was left pending, portions of it were addressed by HB 1171.
HB 925	Rep. Janek	Required state agencies to provide a license holder of the name of a person who files a complaint against the license holder. Required rulemaking for procedural requirements and development of corresponding guidance. Left pending in House committee. The bill was opposed by professional entities such as nurses, as well as the Trial Lawyers Association.
HB 1028	Rep. S. Turner	Established state policy concerning siting of solid waste facilities in pre-existing low-income, minority, or other communities and requires the minimization of adverse impacts. Required the agency, in an administrative proceeding involving the siting, expansion, or operation of a facility in the local area in which other facilities are located, to consider evidence submitted by an affected party relating to cumulative risks from other facilities in the area. The agency would also have adopted rules to implement policies to protect the public from cumulative risks. Left pending in House committee. Similar, though not identical, to SB 259 by Sen. West.
HB 1171	Rep. Chisum	Modified management of low-level radioactive waste management in Texas by allowing a private entity to apply for a disposal license (issued by TNRCC) and authorizing the acceptance of Department of Energy waste (with limitations). The TNRCC could have potentially processed more than one disposal license application. The Senate amendments were not called up by the House.

Bill Number	Author	Summary of Key Provisions/Intent
HB 1287	Rep. Hilderbran	Required regulatory agencies to consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the permit is filed. Federally delegated or approved programs were exempt. The bill passed the House, but was never considered by Senate committee.
HB 1378	Rep. Naishtat	Required TNRCC, working jointly with the Texas Department of Agriculture, to conduct a study and prepare a legislative report for the 77th Legislative Session. The study would have evaluated the resources needed to establish an information system on the use of pesticides that could affect drinking water sources. The study would assess costs, identify potential funding, and examine measures needed to develop information about pesticide applications in Texas. The bill would have required the agencies to consult with a wide range of stakeholders and would allow the use of an advisory committee for this purpose. The bill was left pending in the House committee.
HB 1493	Rep. Alexander	Exempted certain dual-chambered incinerators from the requirement of being equipped with an emissions monitoring device otherwise required by 111.127(a) or similar rule. Required rulemaking and revisions to guidance. Bill was left pending in House committee because the issue could be addressed through rulemaking.
HB 1550	Rep. Chisum	Modified inspection and maintenance program to change the vehicles affected by the program, create an accelerated vehicle retirement program, and provide for financial assistance to low-income individuals. Required the agency to adopt rules and coordinate with TxDOT and DPS on program implementation. Left pending in House committee. Bill was opposed by automotive interests and the Tax Assessor/Collector Association.
HB 1573	Rep. Bailey	Required Harris County to adopt a water and sewer service plan and established what the plan must include. Required the TNRCC to impose penalties for noncompliance. The bill passed the House but was not considered in the Senate.
HB 1645/SB 143	Rep. Puente/ Sen. Brown	Repealed requirement that an interbasin transfer is junior in priority to water rights granted before the application for transfer is accepted for filing. Required processing of more applications for interbasin transfers. SB 143 was passed by the Senate, but both bills were left pending in the House committee.
HB 1658	Rep. Gallego	Abolished the Texas Department of Licensing and Regulation and transferred programs. Transferred the regulation of water well drillers back to the TNRCC. Bill was never considered in House committee.
HB 1693	Rep. Keel	Modified existing law which allows the owner of a contiguous tract of land of 500 acres or greater to designate that tract as a water quality protection zone. The proposal amended the law to allow a zone designation to be amended from time to time by adding or deleting land from the zone. The TNRCC (using reasonable terms and conditions) would terminate a zone upon application by the owners or authorized parties. The bill increased the population limits of cities that qualify under the law from 5000 to greater than 10,000. Required rulemaking and would have resulted in an increase of applications processed by the agency. The bill was left pending in the House committee. However, the bill was similar to SB 1165 (Sen. Wentworth), which passed.

Bill Number	Author	Summary of Key Provisions/Intent
HB 1789	Rep. Luna	Exempted from a water use permit, construction of a dam or reservoir with normal storage of not more than 200 acre feet of water for purposes of wildlife management, including fishing. Changed traditional law of riparian rights by allowing a person to have an exempt reservoir on another person's non-riparian property and expanded the traditional exemption away from domestic and livestock use to commercial fishing and wildlife management uses. Required rulemaking and impacts the water availability modeling requirements of SB 1. Passed the House but never considered by the Senate.
HB 1823	Rep. Yarbrough	Established a scrap tire recycling program. Required the development of a new tire program, requiring an electronic reporting system, enforcement standards, and grant processes. Left pending in House committee.
HB 1900/SB 898	Rep. R. Lewis/ Sen. Brown	Allowed the water loan assistance fund to be used for grants for agricultural water conservaton, weather modification, and brush control. Would have required TNRCC to process more weather modification applications. The Senate version passed the Senate but was left pending in the House committee.
HB 1910	Rep. Chisum	Provided for the use of assured isolation as a management strategy for low-level radioactive waste. Assured isolation licensing authority is vested with TDH; TNRCC jurisdiction remained over disposal. Established a perpetual care fund. Authorized a private entity to apply for a disposal license. TNRCC would have to review a disposal application (s). Passed the House but was left pending by the Senate committee. Some provisions were placed in HB 1171 and HB 1172.
HB 1931/SB 794	Rep. Maxey/ Sen. Ellis	Provided for the review and automatic expiration of a state agency's rules on its sunset date. Required the TNRCC to complete its review of its rules by 9/1/01. The House bill was left pending in the House committee. The Senate bill passed committee but was never placed on the Intent Calendar. Rules review covered by SB 178 (Ratliff).
HB 1953/ SB 1802	Rep. Maxey/ Sen. Barrientos	Would have allowed the TNRCC to adopt risk assessment-based remediation rules only if specific conditions were met (e.g. a carcinogenic risk level of no greater than one in a million is allowed in historically or disproportionately impacted communities). The House bill was left pending in the House committee. The Senate bill was not considered in committee.
HB 2087/SB 889	Rep. Goodman/ Sen. Harris	Prohibited the TNRCC from requiring DFW Airport to find emissions offsets from sources not under its direct control for purposes of compliance with General Conformity with the SIP. Would have required revisions to the SIP. The House bill was left pending in the House committee. The Senate version was passed by the Senate committee but withdrawn from the Senate Intent Calendar.
HB 2106	Rep. Chavez	Prohibited siting a new hazardous waste management facility or a new unit at an existing facility within 100 km. of the Mexican border. Required corresponding rules. The bill was left pending in the House committee, but certain provisions were added to HB 1171 and HB 1910, which did not pass either.
HB 2134	Rep. Solomons	Prohibits construction of a new concrete batch plant within one mile of a school whose administration objects to the construction in writing and in a timely manner. The bill was reported to Calendars Committee but never placed on a House Calendar.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2155	Rep. Yarbrough	Created the Texas State Board of Mechanical Industries (TSBMI) and abolished certain existing regulatory boards, commissions, and councils and transferred their functions to a nine member (governor appointed) board. The following TNRCC programs and functions would have been transferred to the TSBMI: the Landscape Irrigators/Installers (LI) Programs under Chapter 34 of the Water Code; the Environmental Standards for Plumbing Fixtures under Chapter 372 of the Health and Safety Code; and the Backflow Prevention Assembly Testers (BPAT), Customer Service Inspectors(CSI), and the Residential Water Treatment Operators (RWTO) programs. The bill was vetoed by the Governor.
HB 2182	Rep. Dutton	Allowed a legislative continuance of a contested case hearing. Required rulemaking. The bill was left pending in House committee.
HB 2273	Rep. R. Lewis	Limited the TNRCC's authority to conduct 401 certifications of Section 404 permits issued by the U.S. Army Corps of Engineers. The TNRCC would waive certification under specified conditions. Bill also established deadlines for completion of reviews that are performed. Required rulemaking and revision of 401 guidance. Bill was never considered, but was similar to HB 2977 (Hamric), which was passed.
HB 2390/ SB 1800	Rep. Maxey/ Sen. Barrientos	Provided for permitting of facilities formerly exempted from air permitting requirements (grandfathered facilities). Facilities would have to apply to the TNRCC by June 1, 2001. Bill established hearing, technology, and permit processing time line requirements. Required rulemaking to effectuate introduction of these facilities into the permitting system. The House bill was left pending in the House committee. The Senate bill was not considered by the Senate committee.
HB 2446	Rep. Kuempel	Re-established a scrap tire processing, use, and disposal program. Required TNRCC to re-develop tire program, including guidance, grant procedures, and inspections. Left pending in House committee.
HB 2498	Rep. Farabee	Required counties to establish a county one-stop service program to provide information and all county approvals for construction of residential or commercial property. Impacted the on-site sewage facility requirements. Required the TNRCC to amend its on-site rules. The bill was left pending in House committee.
HB 2623	Rep. Maxey	Created a regulatory program for aquatic pesticide use in the state. Required TNRCC, in coordination with TPWD and TDA, to adopt rules governing aquatic pesticide use. The commission would have issued permits for aquatic pesticide application in public water bodies, determine practical non-chemical pest control strategies, provide for public notice and enforcement, and ensure the pesticide application will not result in exceeding maximum contaminant levels for drinking water. Required development of a new regulatory program, including permitting and enforcement provisions. The bill was left pending in House committee.
HB 2796	Rep. Alexander	Modified statutes relating to water utility regulation. Required rulemaking. The bill was not considered by House committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2808/ SB 1311	Rep. R. Lewis/ Sen. Brown	This bill would have: 1) consolidated emergency and enforcement provisions relating to water rights, dam safety, flood plain management, rates and public drinking water into Chapters 5 and 7, Water Code, respectively; 2) provided for coordinated management planning of districts within the same PGMA; 3) streamlined the issuance of temporary water rights permits by executive director registration for not more than 25 AF/year; and 4) distinguished the issuance of an emergency water right permit from an emergency transfer of water by authorizing them under separate sections in the Water Code. The Senate bill was sent to the House Calendars Committee but was not set on a Calendar.
HB 2849	Rep. Solis	Exempted districts that are located entirely in a county that borders Mexico and that provide domestic water and sewer services for three or more municipalities and to a population of 5,000 or more from having to obtain TNRCC approval before issuing bonds. Would have reduced the number of bond applications received by the TNRCC. The bill was left pending in the House committee. A similar bill, SB 1612 by Sen. Lucio, was also left pending in the Senate.
HB 2887	Rep. Bailey	Prohibited construction or improvement of any property located within 500 feet of a water well or septic tank in Harris County. It applied only in the unincorporated area the county. Required rule changes. The bill was never considered in committee.
HB 2901	Rep. Counts	Provided for an interim select committee to study the regulation of the Edward Aquifer region and imposed a moratorium on the enforcement of pertinent TNRCC rules. Required enforcement procedural changes. The bill passed committee but was not placed on a House Calendar.
HB 2902	Rep. Counts	Required the development of management plans from state agencies having management and control over lands within the boundaries of a Priority Groundwater Management Area that chooses not to be included a district. Required new rulemaking to establish a reporting program and method of calculating historic groundwater pumpage. Water Quality Division would have had to create and maintain a new set of records containing the use reports. The bill was not considered in committee.
HB 2977	Rep. Hamric	Intended to encourage and facilitate the development of a regional flood control plan in Harris County by the Harris County Flood Control District (HCFCD) by requiring TNRCC to waive certification until 9/1/2001 for projects in a district that has notified the commission that a plan is being developed. Reviews necessary to maintain delegation or approval of a federally delegated or approved program were exempt. TNRCC was also required to develop through rules an expedited review process for projects identified by the plan as suitable for development, or for infrastructure projects in flood-prone areas not suitable for development. Finally, the bill directed TNRCC to promote in-lieu fees as compensatory mitigation to be used toward the purchase of land in flood-prone areas not suitable for development. The bill was enrolled but vetoed by the Governor.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3082/ SB 1188	Rep. Telford/ Sen. Armbrister	Amended the Texas Tax Code by clarifying the motor fuel tax currently collected by the Comptroller. The bill provided that an employee of the TNRCC, as well as employees from the AG's Office, the Department of Agriculture, a peace officer, or the Comptroller, may take samples of motor fuel to determine whether taxes have been paid. Required guidance document. Both bills were left pending in their respective committees.
HB 3085/SB 488	Rep. Hamric/ Sen. Lindsay	Added a municipality's extraterritorial jurisdiction (ETJ) to the area where counties may require and issue licenses for operation and maintenance of facilities used to process, store, or dispose of solid waste, other than hazardous waste, and where counties may designate land as suitable for use as solid waste facilities. Prohibited a municipality from limiting the siting of a solid waste disposal facility in the municipality's ETJ, unless the governing body of the county in which the facility is located consents to the municipality's action. Specified that a commissioners court may regulate solid waste collection, handling, storage, and disposal in any area of the county, including the ETJ, that is not within a municipality's territorial limits. Required revision of application review processes to ensure consistency with TNRCC rules as they refer to "compliance" with other statutes. The House version was left pending in the House committee. The Senate version was not considered in committee.
HB 3119	Rep. Chisum	Required at least half of the revenue generated by the (MSW) Solid Waste Fee be dedicated to the commission's municipal solid waste permitting and enforcement programs and related support activities and to pay for all activities that will enhance the state's solid waste management program. Eliminated the requirement that half of the revenue be allocated to local and regional solid waste projects. Required determination of whether to continue a Regional Solid Waste Grant Program in coordination with the Councils of Government. The bill was left pending in the House committee.
HB 3124	Rep. Chisum	Provided for review of state agency rules by comptroller. Required coordination with the comptroller. Bill was left pending in the House committee.
HB 3129	Rep. Chisum	Provided the TNRCC with authority to exempt entities from commission rules or from statutory licensing requirements related to disposal in those instances when disposal would not constitute a significant risk to public health. The bill was left pending in the House committee.
HB 3131	Rep. Chisum	Amended Section 11.042(c) of the Texas Water Code which establishes the bed and banks authorizations for discharging and conveying water to another point downstream. The amendment allowed that if water--including wastewater--is discharged into the watercourse in accordance with the conditions of a TNRCC discharge permit " no other public or private authorization" would be needed to use the watercourse for such purposes. Required rulemaking. The bill was referred to a sub-committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3132	Rep. Chisum	Established a scrap tire fund and provided for enforcement and clean-up of tire sites. Bill passed the House, but it was tagged before it was heard in the Senate committee.
HB 3137/ SB 1037	Rep. F.Brown/ Sen. Ogden	Allowed a municipality to provide water or sewer service to a area certificated by another utility if the territory or customers are not receiving service from the retail public utility that holds a certificate for the territory at the time the territory is first included in the municipality. Required rulemaking. Neither bill was heard in its respective committee.
HB 3245/ SB 1732	Rep. Allen/ Sen. Brown	Extended the current property tax abatement credit allowed for pollution control equipment to other types of taxes. It also extended existing tax exemptions for installation of pollution control equipment to grandfathered facilities. The Utilities Code was also modified to allow timely recovery of costs associated with the installation of pollution control equipment which meets 10 year old BACT. Required expansion of current Prop. 2 program. Neither bill was heard in its respective committee.
HB 3281	Rep. Maxey	Authorized any state agency that receives information about violations of environmental laws to provide a statistical summary of that data to regulated industries to try to prevent future violations. Required database modifications to produce required reports. Required determination of what constitutes “common or significant” violations. Bill was left pending in the Senate committee.
HB 3381	Rep. Hilderbran	Exempted drinking water systems at youth camps licensed by the Texas Department of Health (TD) from regulation by TNRCC under Water Code Chapter 341, Subchapter C (standards for public water systems). Required MOU with TD in order to retain primacy to enforce the Safe Drinking Water Act. The bill was left pending in the Senate committee.
HB 3400/SB 938	Rep. Green/ Sen. Armbrister	Amended Section 26.181 of the Texas Water code to prohibit a municipality--that has any part of its ETJ in a county that has at least one groundwater conservation district, and that is not the county in which the majority of the territory inside the municipality's corporate district is located--from enforcing a water pollution control and abatement program or regulating or controlling nonpoint source water pollution in any part of the municipality's extraterritorial jurisdiction that is located in the county. The city would have been able to enforce these programs in the county if it had the written consent of the county and the groundwater conservation districts. Required rulemaking. The House bill was not considered by the House committee. The Senate bill was not set on the House Calendar.
HB 3410/ SB 1733	Rep. R. Lewis/ Sen. Brown	Modified the general powers and authority of water districts. Required rulemaking. The House bill was left pending in the House committee. The Senate bill was not set on a House Calendar.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3483	Rep. Kuempel	Re-established a scrap tire storage, processing, and disposal program. Required development of new system for disbursements, contracts, and inspections. Required rulemaking. The bill was left pending in the House committee. A similar Senate bill, SB 1645 by Senator Madla, was never considered by the Senate committee.
HB 3560/ SB 1505	Rep. Luna/ Sen. Truan	Added Government Code, Section 771.002(4), to define "state or federal agency" as an agency of this state, another state, or the federal government. Modified various other provisions in the Interagency Cooperation Act to incorporate the change in terminology resulting from this new definition. Provided that Texas agencies that receive services or goods from an agency of another state or the federal government must reimburse such agencies as provided in the terms of the contract. The Senate bill was passed by the Senate but could not be voted out of the House committee before the final deadlines.
HB 3610	Rep. Burnam	Added a new subtitle to the Tax Code to collect a pollution tax. This tax would be based on emissions from industrial plant sites which emit at least 1,000 tons of regulated air pollutants and have permits. The funds collected would be deposited to the Clean Air Fund. Required coordination with the Comptroller on emissions levels. The bill was left pending in the House committee.
HB 3678	Rep. Kuempel	This bill laid out the requirements for amending a permit due to: 1) modification of an existing permitted facility or 2) adding a new facility at a permitted site for which the overall emissions do not increase or change in character. The requirements were similar to the existing requirements for permits and permit amendments in Health and Safety Code, Section 382.0518, except that the option for a contested case hearing is not included. The procedure outlined in the bill closely resembles the current NSRP practice of not requiring public notice for modifications of existing facilities which result in insignificant emission increases. The bill was passed out of committee but could not be set on a House Calendar before the deadline. A similar bill in the Senate, SB 1845 by Sen. Bivins, was not considered by the Senate committee.
HB 3726	Rep. Bailey	The bill created Chapter 42 of the Utilities Code, titled "Rights and Protection of Electric Energy Consumers and Electric Energy Workers". Among other things, the bill required a distributor or supplier of electricity to provide on the face of its bill a table showing the amount of air contaminants emitted in generating the electricity used by the consumer. Required TNRCC to: (1) create standards for emission of air contaminants on an emissions per kilowatt-hour basis; (2) adopt emission standards for nitrogen oxide, sulfur dioxide and carbon dioxide that must be met by Dec. 31, 2004; (3) adopt emission limitations for carbon dioxide that must decrease each year in order to bring emissions of CO2 down to 380 million tons in the year 2010; (4) eliminate by rule the use, production or disposal of mercury by rule by an electric generator by January 1, 2010; (5) reduce by rule the amount of radiation produced radioactive waste by 2% each year for high-level waste and 5% each year for low-level waste; (6) reduce by rule the amount of hazardous substances produced by electric generators. The bill was left pending in the House committee.
HB 3738	Rep. Eiland	Provided for the creation of Coastal County Conservation Districts. Required updating guidance for new districts. The bill was left pending in the Senate committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3749	Rep. Dukes	Required Waste Management, Inc., to take any necessary action to remediate releases from the closed portion of its Austin landfill. The bill itself was not set on a House Calendar. However, its essential provisions were added to SB 486 (Sen. Brown).
HB 3777	Rep. Luna	Required the Sunset Commission to review global warming issues during its review of the TNRCC. The bill was left pending in the House committee.
HB 3781	Rep. Cuellar	Amended Subtitle B, Title 7, Local Government Code to allow a county to enact ordinances to protect the public health, safety, or welfare and that adopted ordinances apply only to the unincorporated areas of a county. The bill specified that if a conflict exists between municipal and county ordinances, the municipal ordinance prevails. The bill also provided penalties for violation of enacted ordinances. The bill was not intended to supersede TNRCC requirements. It was left pending in the House committee.
HB 3802	Rep. Hilbert	Required water districts within Harris County entering into a contract for surface water to obtain TNRCC approval of the transaction. Required operational and rulemaking changes. The bill passed the House but was not heard by a Senate committee.
HB 3824	Rep. J.Solis	Exempted the Laguna Madre Water District in Cameron County from the commission bond review authority found in Water Code 49.181. Similar to SB 1611 (Sen. Lucio). No action was taken on either bill in its respective committee
SB 259	Sen. West	Established state policy concerning siting of solid waste facilities in pre-existing low-income, minority, or other communities and requires the minimization of adverse impacts. Required the agency, in an administrative proceeding involving the siting, expansion, or operation of a facility in the local area in which other facilities are located, to consider evidence submitted by an affected party relating to cumulative risks from other facilities in the area. The agency would also have had to adopt rules to implement policies to protect the public from cumulative risks. Finally, required the TNRCC to make land-use compatibility determinations. Similar, but not identical, to HB 1028 (Rep. S. Turner). The bill was never considered in the Senate committee.
SB 304	Sen. Truan	Required eight state agencies, including the TNRCC, to designate a deputy-level colonia coordinator for colonia initiatives. Required coordination with the state agencies and impacts regions. The bill was reported from committee but not placed on the Senate Intent Calendar. SB 1421 (Sen. Lucio) was the primary colonia bill during session.
SB 305	Sen. Brown	Allowed state agencies, including TNRCC, to enter into contracts to reduce water use in its own facilities. The bill was left pending in the Senate committee.
SB 433	Sen. Ratliff	Allowed all owners of passenger cars or light trucks to register their vehicles for a designated period of 12, 24, or 36 months. Impacted enforcement of the inspection/maintenance program. The bill was referred to a subcommittee in the Senate.

Bill Number	Author	Summary of Key Provisions/Intent
SB 487	Sen. Brown	Removed the statutory deadline for making a solid waste facility permit application administratively complete and requires the deadline to be established by rule. The bill was not passed because its provisions were addressed by SB 486 (Sen. Brown).
SB 509	Sen. Brown	Modified the innocent landowner program by clarifying what needs to be included in a site investigation report which is necessary in applying for a certificate. The bill resulted from an interim study conducted by the Senate Natural Resources Committee. The bill was reported from the House committee but was never placed on a House Calendar.
SB 715/SB 914	Sen. Truan/ Sen. Shapleigh	The bills amended Water Code Section 17.927(b) to require the TNRCC, upon request of the Texas Water Development Board (TWDB), to make a written determination of the managerial, financial, and technical capability of an Economic Distressed Area Program applicant to operate the water or wastewater system for which assistance is being requested. The individual bills were not passed, but the provisions were placed in SB 1421 (Sen. Lucio).
SB 802	Sen. Ellis	Amended Section 16.054 of the Water Code by requiring that when a local water resource management, water conservation, or drought plan is submitted to the regional water planning group, under this section, the implementation of a desalinization program shall be considered if practical. Required staff review of any desalination program submitted as part of a water conservation or drought contingency plan. The bill was not considered by the Senate committee.
SB 958	Sen. Barrientos	Required the Commission to establish a uniform system of public notice for all applications filed with the commission for permits, renewals, and amendments. These requirements were to be uniform across all programs and consistent with federal law and legislative goals. In contrast to current practice in some programs, the bill required initial notice of application within 10 days of application filing. An additional notice would have been required after a draft is prepared but before final action by the commission. Notice would be required in both English and Spanish in areas which the majority of people speak Spanish. Content of the notices and specific recipients were defined as well. Required rulemaking and procedural changes to implement new notice requirements. The bill was not considered in the Senate committee.
SB 1174	Sen. Wentworth	Amended Chapter 232 of the Local Government Code, by adding Subchapter D - Alternate Subdivision Platting Requirements in Priority Groundwater Management Areas. The bill provided subdivision platting requirements (which are more extensive than the general platting requirements set out in Subchapter A of Chapter 232, Local Government Code and supplemented by Section 35.109, Water Code) applicable to land subdivided into 4 or more lots intended for primarily residential use which is located within the jurisdiction of a county and within a priority groundwater management area. The bill also required the subdivision's water and sewer service facilities comply with the model subdivision rules adopted by the TNRCC under Section 16.343 or 35.019, Water Code. Required definition of minimum state standards. The bill was reported out of the House committee and placed on the General State Calendar. However, the bill was not considered before the House deadline.

Bill Number	Author	Summary of Key Provisions/Intent
SB 1190	Sen. Harris	Amended Section 11.142 of the Water Code by adding a new paragraph authorizing the Executive Director of the TNRCC to file suit in District Court if the commission has reason to believe that a violation or threat of violation of this section which allows, without a permit, construction of dams or reservoirs for domestic and livestock purposes, or for surface coal mining, and allows taking of water from the Gulf of Mexico for oil & gas production. The bill was not considered by the Senate committee.
SB 1306	Sen. Brown	Made the state definition of hazardous waste consistent with the federal definition. Required rule change. The bill passed the House committee but was not placed on a House Calendar.
SB 1309	Sen. Brown	Amended the Water Code to help implement enforcement streamlining recommendations made by the Senate Natural Resources Committee. Required rulemaking. The bill was placed on the General State Calendar in the House but was not taken up before the deadline for consideration.
SB 1317	Sen. Armbrister	Required the state to opt into the federal clean fuel fleet program as opposed to continuing its current substitution program as directed by the last legislative session. Existing authority for the substitute program would be superseded. The TNRCC would have been required to determine which of its current fleet program statutes and rules would be superseded and report to the Governor, Lt. Governor, and Speaker of the House by September 1, 2000. The bill was not considered in the Senate committee.
SB 1433	Sen. Duncan	Authorized the TNRCC to assess penalties and interest on delinquent fees and unpaid recoverable costs owed to the TNRCC. The bill was placed on the General State Calendar in the House but was not taken up before the deadline for consideration.
SB 1434	Sen. Duncan	Required the comptroller to credit the amount due to the person claiming the refund against any other amount due to the state from the person, and refund the remainder. This bill authorized the comptroller to transfer money from one fund or account to another for issuance of the credit or refund. The bill was enrolled but vetoed by the Governor, who noted that its provisions were addressed by HB 3211.
SB 1456	Sen. West	Prohibited any facility that emits air contaminants and is within two miles of a school and "grandfathered" under Section 382.0518(g), from operating after January 1, 2003, unless an emissions reduction plan is submitted to the commission, BACT is incorporated into the facility, and a permit has been obtained for the facility. The commission would have had to adopt rules to implement this legislation by January 1, 2000, and applicants would have had to submit emission reduction plans by January 1, 2001. Rejected plans would have to be resubmitted to the commission within 120 days of rejection. Required the TNRCC to adopt criteria. The bill was not considered in the Senate committee.

Bill Number	Author	Summary of Key Provisions/Intent
SB 1471	Sen. Ratliff	Prohibited the TNRCC from adopting rules which might increase the use of MTBE unless the following conditions were met: (1) TNRCC performs a comprehensive environmental and economic analysis; and (2) certifies to the legislature's Natural Resources committees that the rule would reduce ozone by at least 25% of the reduction needed to meet the federal standard in each county and that the benefits outweigh the costs. The bill was not considered in the Senate committee.
SB 1476	Sen. Brown	Repealed exemptions from the special procedural and substantive requirements for interbasin transfers of 3,000 AF/year or less, to a county or city that straddles a basin line, for an emergency transfer, or for a transfer to an adjoining coastal basin. No action was taken by the Senate committee.
SB 1773	Sen. Zaffirini	Amended the Proposition 2 program to specify that an application for an ad valorem tax exemption must be filed before the property is placed into service. The bill was not considered by the Senate committee.
SCR 56	Sen. Lindsay	Encouraged the TNRCC to eliminate duplication between its Section 401 water quality certification program and the review conducted by the U.S. Army Corps of Engineers. The legislation was vetoed by the Governor.
SR 928	Sen. Armbrister	Required the TNRCC to create a select committee to review the regulation of the Edwards Aquifer. The bill was considered in the Senate committee but not reported.

**STUDIES REQUIRED BY LEGISLATION OR APPROPRIATIONS RIDERS
76TH LEGISLATIVE SESSION**

Legislation/Rider	Study
HB 1 (Junell) Article VI, TNRCC Appropriation, §16	Bosque River Water Quality Monitoring. Requires the TNRCC, as part of its water assessment and planning, to monitor the Bosque River's water quality.
HB 1 (Junell) Article VI, TNRCC Appropriation, §24	Agency Coordination/Scrap Tires. Requires the TNRCC and the Texas Department of Transportation (TXDOT) to coordinate their efforts on the acquisition and potential uses of crumb rubber and shredded tire pieces in highway construction. Requires the TNRCC and TXDOT to report to their respective legislative committees by January 1 of each fiscal year.
HB 1 (Junell) Article VI, TNRCC Appropriation, §30	Assessment of Poultry Operations. Requires the TNRCC to study the best management practices for poultry growing operations of all types. Study must include how to minimize odor and arsenic contamination, as well as a cost-benefit analysis of any recommended best management practices. Due to the Governor and Legislature on or before December 1, 2000.
HB 1 (Junell) Article VI, TNRCC Appropriation, §32	Air Pollution/Haze Study. Requires the TNRCC to study air pollution along the Texas/Mexico border, with particular emphasis on Big Bend National Park. Must include assessment of causes, effects, and possible remedies. Must be concluded before January 1, 2001.
HB 1 (Junell) Article VI TLLRWDA Appropriation, §3	Techniques for Managing Low-Level Waste. Requires the TNRCC to investigate techniques for managing low-level radioactive waste, including, but not limited to, above-ground isolation facilities. Originally a requirement of the Texas Low-Level Radioactive Waste Disposal Authority. Transferred to TNRCC as a result of HB 2954 (Gray).
HB 2660 (Swinford)	Drought Response. Requires the drought preparedness council chaired by the coordinator of the Governor's Division of Emergency Management, to prepare a drought preparedness plan and report to the Legislature by January 15 of each odd-numbered year regarding significant drought conditions.
HB 3079 (Kuempel)	Aquatic Vegetation. Requires the TNRCC, along with the Department of Agriculture and other entities, to assist the Texas Parks and Wildlife Department (TPWD) in the development of a state-wide aquatic vegetation management plan. There are no current plans, however, for TPWD to develop this plan because no appropriation was made.
SB 76 (Truan)	Rio Grande Water Supply Model. Requires the TNRCC, by December 31, 2003, to develop or obtain an updated water supply model of the Rio Grande River, taking into consideration the unique geology and hydrology for the region.
SCR 68 (Armbrister)	Disaster Assistance. Creates a committee to examine ways to improve disaster assistance after flooding and other natural disasters. The Governor's Division of Emergency Management serves as chair. The TNRCC has a representative on the committee. A report is due to the Legislature by January 2001.

Chapter IX. POLICY ISSUES

The policy issues were derived largely from staff and outside recommendations as to how the TNRCC's processes could be made more efficient. These issues were selected based on the following criteria which were themselves based on the questionnaire for the Self-Evaluation Report:

- Issues had to be significant.
- Issues had to be those which would benefit from significant discussion by the Legislature and the public.
- Issues had to be related to a statute or have a statutory basis.
- Issues had to focus on making the agency more efficient or improve the delivery of services.

It should be noted that, as directed by the questionnaire, support by the agency or its commissioners was not used as a criterion for inclusion in this section. The issues discussed below do represent issues which the agency and its commissioners believe are significant and merit further discussion and analysis.

POLICY ISSUE 1: SHOULD TNRCC'S FEE STRUCTURE BE CHANGED TO MORE APPROPRIATELY REFLECT AND ADEQUATELY SUPPORT THE AGENCY'S CURRENT ACTIVITIES?

Discussion. Dedicated fee revenues currently make up approximately 90 percent of all non-federal dollars appropriated to the TNRCC. The advantages to fee-based funding include reduced competition for general revenue tax dollars, financial support by the regulated community whose activities impact the environment, and support from the public who benefit from the agency's activities. However, the TNRCC's efforts over the last several years to consolidate its activities by function, rather than by media, have minimized these advantages. Under the existing organization, the use of dedicated funds creates a challenge to the agency's ability to respond in a timely manner to ever changing priorities and to satisfy new federal and state mandates.

The TNRCC's funding structure creates significant administrative, management, and legal challenges. These challenges complicate the agency's ability to plan and implement effective environmental management strategies. In addition the administrative cost to support a structure that requires reporting, accounting, billing, processing, and auditing functions for more than 50 fees paid by many thousands of fee payers is significant. The TNRCC's funding structure as it has evolved lacks flexibility, equity, and stability. A more efficient funding system would necessarily have the following characteristics:

- Flexibility – The lack of a flexible, broad-based approach severely limits TNRCC's ability to adequately respond to statutory requirements, public expectations, legislative priorities, and emergency situations. Greater flexibility in the use of its funds will allow the agency to maximize fee revenues and address the most significant risks to citizens and the environment. In addition, fees authorized along media lines ignore the realities of multimedia effects on the environment and the rapidly growing knowledge of the complex causes of environmental challenges.
- Equity issues – Fees are assessed very differently, creating widely varying impacts on TNRCC's regulated community. For example, a fee for waste deposited in a commercial hazardous waste landfill is assessed at a rate of \$30 a ton, while a fee of \$26 a ton is assessed for air emissions and a fee of less than \$1 a ton for pollutants for permitted wastewater discharges.

- Stability– Fees tied to levels of waste production or emissions are appropriate revenue sources to support the permitting, monitoring, and enforcement programs. However, these fee revenues can vary and are subject to fluctuations due to the economy and the success of TNRCC programs promoting reductions in waste and emissions generation. Since many of the agency’s fees are based on emissions and waste volumes, which are decreasing, revenues to the agency have begun to decrease, resulting in an unstable revenue source. Also, such rigidly aligned fees are limited in the ability to support developing new, yet proven, approaches to environmental protection, such as pollution prevention technical assistance and voluntary cleanups.

Options. A broad-based and flexible fee structure could support the agency’s efforts to respond adequately, and in a timely manner, to the state’s environmental challenges. A fee structure that is flexible, equitable, broad-based, stable, and cost-effective to administer could provide the TNRCC the support necessary to meet the environmental challenges of the 21st century.

Pros /Cons

Pros: Such a fee structure would increase flexibility, equity, stability, and efficiency.

- Flexibility would ensure that the agency has the financial ability to meet its statutory obligations and respond to emergency situations within its overall appropriation authority and allow the Legislature and the agency to re-direct existing resources in response to changing priorities.
- Equity among fee-payers would allow fees to reflect the costs of regulation and levels of pollutants to the environment. Similarly, an equitable structure would ensure that statutory caps and limits on fees are set to ensure that fees are assessed fairly between large and small operators. Finally, equitable fee assessments would reflect the ability of persons to pay the fee and result in similar costs for similar fee payers, particularly those paid by the general public.
- A broad-based fee would mean that programs of broadest public benefit would be supported by the broadest based revenue sources. The uses for the revenues collected from broad-based fees would be expanded to support activities throughout the agency. Fee programs, therefore, would be based on the delivery of benefits that are consistent with the costs imposed on fee payers.
- A predictable and stable fee structure would produce revenue sufficient to meet statutory requirements and legislative expectations. Fees based on relatively stable and predictable factors would ensure some certainty for the agency’s budget and strategic planning process, as well as predictability for the fee payers.
- A cost-effective fee structure would minimize the substantial administrative costs associated with the current system and provide for minimal administrative requirements that are understood by fee payers.

Cons: A broader fee base would spread the burden to more individuals. In addition, a more equitable fee structure would redistribute the burden among existing fee payers. In some cases, this could result in additional burdens. Finally, depending on its structure, a broad-based fee could require some entities to collect a fee in lieu of the TNRCC.

POLICY ISSUE 2: SHOULD ENVIRONMENTAL REGULATORY PROGRAMS BE CONSOLIDATED AND OTHER PROGRAMS TRANSFERRED?

Discussion. The TNRCC now has responsibility for several functions that are not intended to protect the environment or public health. These include inspections of aboveground storage tanks for compliance with insurance requirements, establishing rates for the provision of water and sewer service, administration of water rights, licensing and administration of grant funding for weather modification programs, and administration of the state's floodplain management program. These programs are related to programs administered by other state agencies. For instance, the rules for aboveground storage tanks are developed by the state fire marshal. Similarly, the Texas Water Development Board already assesses the availability of water in the state and provides funding for its management. The Public Utility Commission now establishes rates for telephone and electric utility service. These responsibilities were given to the TNRCC as part of the consolidation by media that occurred in 1985.

Options. The Sunset Commission should consider consolidating environmental programs and transferring responsibility for non-environmental functions to related agencies. The impact on the public and regulated entities should be a change in the locus of services provided. However, the benefit to the state could be more efficient and systematic regulation. Some suggestions for appropriate placement of programs include the following:

Consolidation

- Responsibility for recycling market development could be transferred from the General Land Office to the TNRCC.
- Spill response authority could be consolidated within one of the three agencies currently having jurisdiction over spills.
- TNRCC and the Texas Department of Agriculture could enter into an MOU for consolidated inspections.

Transfers

- Initial inspection of aboveground storage tanks for compliance with fire/insurance regulations could be transferred to the Office of the State Fire Marshal.
- Regulation of ratemaking for water utilities and district management could be transferred to the Public Utility Commission or the Texas Water Development Board.
- Weather modification could be transferred to either the Texas Water Development Board or the Texas Department of Agriculture.
- Floodplain management program could be transferred to either the Governor's Department of Emergency Management or Texas Water Development Board.
- Dam Safety Program could be transferred to either the Governor's Department of Emergency Management or Texas Water Development Board.
- Occupational licensing programs could be consolidated and considered for transfer to the State Department of Licensing and Regulation.
- Regulation of tourism development districts could be transferred to the Texas Department of Economic Development.

Pros/Cons

Pros:

Transfer of programs relating to emergency management, public safety, and occupational licensing would result in the TNRCC's responsibilities being more focused and comprehensible to the average citizen. In addition, the location to which each of these programs is proposed to be transferred already has similar responsibilities, which would limit the number of agencies doing the same kind of regulation. Transfer of programs relating to recycling and spill response would consolidate these types of activities and provide for a uniform, one-stop response.

Cons:

Transfer of programs could cause confusion on the part of the regulated community and public. Movement of programs will require the diversion of resources to the transfer process and away from the regulatory process. In addition, transferring staff to a different agency could affect morale. Transfer of certain of these programs could require the development of new expertise and could result in an entity being regulated by a different unfamiliar agency. This could make such transfers less efficient. For example, a receiving agency that previously had only an Austin location might be required to develop a new enforcement program with regional inspectors. Finally, programs such as water utilities have coordinated with programs designed to protect the environment to make both programs more efficient and environmentally sound. Transfer of such programs could disrupt this coordination.

POLICY ISSUE 3: SHOULD THE LEGISLATURE REDISTRIBUTE AUTHORITY OVER LOW-LEVEL RADIOACTIVE MATERIAL AND WASTE?

Discussion. At present, responsibility for low-level radioactive material is divided among three state agencies: the Texas Railroad Commission, the Texas Department of Health, and the TNRCC. The RRC is now charged with regulating radioactive materials and waste generated by oil and gas exploration and production. TDH presently has jurisdiction over the use, storage and processing of radioactive material, while TNRCC is charged with regulating its disposal. Within this general framework, there are also now areas of overlap, ambiguity and conflict. For instance, in addition to regulating disposal, TNRCC is charged with obtaining a disposal license. TNRCC, similarly, could have jurisdiction over the air emissions of radioactive material that otherwise is regulated by TDH. TDH also has the authority to classify some radioactive material as exempt from both TDH and TNRCC regulation.

There are several issues relating to licensing of commercial low-level radioactive waste disposal that will have crucial repercussions to the state and the TNRCC radiation program. These are listed below:

(1) Compact Waste: Since the federal Low-Level Radioactive Waste Policy Act (PL 96-573) was passed in 1980, there has been no real progress in development of new regional (or compact) Low-Level Radioactive Waste (LLRW) disposal facilities. Texas entered into a compact with Maine and Vermont in 1995, which was ratified by the US Congress in 1998. The compact law requires Texas to construct the first facility for disposal of compact-generated LLRW (Chapter 403, Health and Safety Code). The first application for a Texas LLRW disposal facility was submitted in 1992 and was formally denied by TNRCC commissioners in October 1998. Recent debate in the legislature has reopened the issue, with an emphasis on privatization; however, no guidance was given in the final legislation.

(2) Disposal Versus Assured Isolation: The 76th Texas Legislature, along with a number of states across

the country, considered “assured isolation” as an alternative to disposal. Assured isolation involves long-term storage of LLRW in above-ground concrete vaults with a high level of monitoring and maintenance. It may be more acceptable to the general public than disposal (because of the higher level of monitoring and maintenance), and to potential permit holders (because it requires a less stringent site selection process). The current Chapter 401, Health and Safety Code, does not address assured isolation. At the federal level also there are no existing regulations that address assured isolation as an alternative to disposal.

(3) DOE Waste: There was intense interest by the 76th Legislature regarding granting legislative approval for disposal in Texas of LLRW generated by the U.S. Department of Energy (DOE) at its various facilities around the country. A bill that would have allowed such disposal failed narrowly in the Legislature. The volume of DOE LLRW generated around the country is much larger than that from the Texas compact LLRW. Legislative approval of disposal of DOE LLRW in Texas must include consideration of the volumes of DOE and compact wastes, the potential for issuance of two or more licenses, and the impact of the requirement that the state must assume liability for the DOE waste.

(4) Conflicts of Interest: The 76th Texas Legislature, at the end of its regular session, passed HB2954 abolishing the Texas Low-Level Radioactive Waste Disposal Authority (TLLRWDA) on September 1, 1999, and transferring its powers, duties, obligations, rights, contracts, records, personnel, property, and unspent appropriations to the TNRCC. The TNRCC must incorporate the TLLRWDA’s responsibilities and functions without causing (or even leading to a perception of) conflict of interest between its LLRW facility *development* functions and its *licensing* functions. If disposal is selected as a LLRW management option, the TNRCC will be required to license the facility.

Resolution of these issues will affect Texas’ status under the compact, as well as large private entities such as TXU and Reliant Energy, public research institutions including UT and MD Anderson Hospital, and thousands of small businesses with equipment using radioactive material.

Options.

- The Legislature could consolidate all authority over non-exploration and production low level radioactive material and waste in TDH.
- The Legislature could establish by statute whether disposal or assured isolation is the preferred method for dealing with compact waste.
- The Legislature could establish by statute whether entities within Texas should be able to accept non-compact and/or DOE waste.
- The Legislature could establish by statute whether a private entity may hold a license in Texas and should fully address the policy and liability issues relating to approval of DOE LLRW disposal in Texas.
- If the Legislature decides that disposal is the preferred method for disposal of compact waste, and that a public entity should hold the license, the Legislature could either assign responsibility for seeking and holding the license to another entity or transfer jurisdiction to the TDH. If assured isolation is selected, the Legislature could clarify under which agency’s jurisdiction that practice should be regulated.
- If authority is not consolidated, the Legislature should clarify the TNRCC’s and TDH’s jurisdiction over exemption of radioactive materials.

Pros/Cons

Pros:

Consolidation of the radioactive waste program now housed in the TNRCC with the radioactive materials program located in TDH would be much more efficient. In addition, by reducing the number of regulators from three to two, it will make the regulatory system clearer than is presently the case. This would address overlaps such as the TNRCC being required to enforce TDH exemptions. In addition, it would make clear that TDH is the sole regulator of radioactive materials. Guidance as to disposal method, role of private entities, and acceptance of non-compact waste will assist regulators and generators of waste to understand their responsibilities. This guidance also may help to make the compact operational. This type of guidance should also help the public in understanding the state's role in radioactive materials and waste.

Cons:

Some types of clarification may be unpopular. Consolidation of waste disposal regulatory authority in TDH would mean that radioactive waste will be one of the few areas outside of exploration and production waste for which TNRCC is not responsible. In addition, environmental regulation is one of TNRCC's core functions.

POLICY ISSUE 4. SHOULD THE NOTICE PROVISIONS FOR THE PERMITTING PROCESSES AT TNRCC BE CONSOLIDATED AND MADE CONSISTENT?

Discussion. The provisions governing notice are scattered throughout the Health and Safety Code and Water Code. These provisions often contain very different requirements. For instance, one section may require the publication of notice in "a newspaper of general circulation in the county in which the facility is located or proposed to be located." In another, the requirement may be for publication in "the newspaper of largest circulation in the county in which the facility is located or proposed to be located." Some of these distinctions may be driven by federal requirements or differences between the likely affected population for air, water, and waste permits. However, some distinctions have little basis between media and are found strictly in state law. These varying requirements create confusion on the part of the regulated community and the public. This confusion may unintentionally have been heightened by passage of House Bill 801 during the 76th Legislature, Regular Session. House Bill 801 attempted to make the public participation process more predictable by creating a uniform practice. That legislation failed to repeal any of the existing provisions, however. As a result, a person seeking to understand the requirements for notice on a landfill might believe that the provisions contained in Chapter 361 of the Health and Safety Code controlled, unaware that Chapter 5 of the Water Code might contain different or additional requirements.

In addition, as a result of the recommendations in the Business Process Review, the TNRCC is implementing a standardized approach to permitting across all programs under which a given application will be processed on a path consistent with the complexity and environmental significance of the permit. One barrier to this consolidation is the divergent notice requirements contained in organic statutes which may or may not be based on the environmental significance of the authorization sought.

Options.

- The notice provisions found in Chapters 361 and 382, Health and Safety Code and Chapters 26 and 27, Water Code, could be repealed and/or harmonized so that, to the extent permitted by federal law and the need to adequately inform the public, they are clear and consistent with each other and Chapter 5 of the Water Code.
- As an initial step towards aligning notice with environmental significance, the statute could provide for the streamlining or elimination of notice requirements where the application will result in an environmental benefit.

Pros/Cons

Pros: Repeal of duplicate or conflicting notice provisions would make it easier for the public and the regulated community to understand exactly where and how notice should occur. In addition, harmonizing provisions so that they do not conflict with each other or House Bill 801 would make the agency's public participation process more consistent, and thus, more comprehensible. Finally, streamlining notice requirements where an environmental benefit will result should provide an incentive for applicants to do more to protect the environment.

Cons: Most notice provisions were the result of delicately balanced agreements, and elimination or harmonizing of the language could be perceived as upsetting such agreements. Some provisions cannot be made consistent without being inconsistent with federal notice requirements. Some inconsistencies are the result of differences between the nature of the media (i.e., publication may be more suitable for air emissions due to the larger group of potentially affected persons). Streamlining or eliminating notice requirements, even where a benefit is anticipated, may deprive the public of the opportunity to determine whether a benefit will indeed accrue.

POLICY ISSUE 5. HOW CAN THE TNRCC ENCOURAGE IMPROVED MANAGEMENT WATER AND WASTEWATER TREATMENT AND SOLID WASTE?

Discussion. Drinking water and wastewater facilities are facing an ever increasing demand on their resources to stay in compliance with provisions of the federal Safe Drinking Water Act and federal Clean Water Act. The costs associated with compliance are higher per person as the system size decreases. There is a serious concern that an increasing number of Texans are being served by systems that are unable to sustain the financial, managerial, and technical capability necessary to provide continuous and adequate service. Texas is facing a steady increase in new, small systems which will likely present the same financial, managerial, and technical capabilities problems being faced by existing systems.

In a similar vein, the development of regional solid waste facilities, transfer stations, and recycling drop-off locations may provide a more affordable alternative for county and municipal governments and special service districts charged with providing services to both rural areas and rapidly growing population centers beyond major urban centers.

Several options are available for improving financial, managerial, and technical capability in water systems. In many cases, regionalization may be the least cost, long-term solution for providing quality service. One of the goals of Senate Bill 1, passed by the 75th Legislature, was to encourage the use of the regionalization option so that existing managerial and technical resources would be used. However, the explicit recognition

of the role of regionalization contained in Senate Bill 1 was limited to the area of water utilities. That legislation also attempted to address deficiencies in management capability by requiring that an applicant for a certificate of convenience and necessity demonstrate that he or she had the financial, managerial, and technical capability necessary to provide continuous and adequate service.

In the case of solid waste facilities, technical assistance is available to local governments and special districts from the TNRCC and regional councils of government, and regional councils have grant funds available for helping to developing improved solid waste management systems and programs.

Options.

- Regionalization could be extended to the TNRCC's jurisdiction over wastewater permitting.
- Chapter 322, Community Wastewater Planning Rules, could be reviewed for use as a possible tool to encourage regionalization.
- The TNRCC could pursue formal agreements with the Texas Water Development Board, Texas Department of Housing and Community Affairs, and possibly other state, federal, and international agencies regarding facilitating water and wastewater regionalization initiatives.
- Chapter 26 of the Water Code, relating to wastewater treatment systems, could be amended so that it is consistent with the amendments made by Senate Bill 1 to Chapter 13. This would require applicants for wastewater treatment systems to demonstrate financial, managerial, and technical capability to provide continuous and adequate service before obtaining a permit for a wastewater treatment system and that regionalization is not feasible.
- The TNRCC could continue to encourage the development of regional solid waste facilities, transfer stations, and recycling drop off centers as cost-effective measures for providing solid waste services in rural areas of the state, as well as in rapidly urbanizing areas.

Pros / Cons

Pros: Promoting regionalization for water and wastewater facilities, to the extent permitted by statute, should heighten awareness of the opportunities for improvements in service and compliance with environmental regulations available through this option. In addition, seeking agreements with other entities may provide unexpected opportunities for regionalization or improved management. Clarification of the need for financial, managerial, and technical expertise for wastewater treatment systems and for a showing of impracticability of regionalization would help at the outset to reduce the chances that unqualified operators will run facilities.

Cons: The addition of regionalization and financial, managerial, and technical requirements would add another requirement in obtaining wastewater permits. This in turn could add time to the permitting process. Such a process could also increase some short-term development costs.

POLICY ISSUE 6. SHOULD VARIOUS SECTIONS OF THE HEALTH AND SAFETY AND WATER CODES BE REVIEWED TO CLARIFY AGENCY AUTHORITY AND TO STREAMLINE AGENCY PROCEDURES?

Discussion. The TNRCC has responsibility for executing programs created under several state and federal codes that were in existence prior to the creation of the agency in 1993. Consolidation of environmental programs has greatly improved the efficiency of service delivery and is intended to improve protection of the environment through elimination of overlaps and gaps in environmental programs. Nevertheless, several gaps and inconsistencies remain. There is a need to address a further cleanup of state environmental and health codes in order to improve the operating efficiency of TNRCC programs. The following recommendations deal with various instances of gaps and overlaps remaining in state law.

Options.

- Chapter 5 of the Water Code could be amended to clarify that TNRCC should provide compliance assistance to local government, small business, and agriculture without regard to media.
- The role that compliance history should play in agency permitting procedures could be clarified and made consistent across media.
- Requirements relating to closed containers and special routes could be eliminated from the limitations on Type IV landfills.
- Some remediation contract documents could be exempted from General Services Commission review.
- Subchapter F of Chapter 361 could be amended to allow a more streamlined approach for non-lead state Superfund sites.
- If the Legislature determines that TNRCC should retain authority over occupational licensing, it could consolidate that authority in a single, flexible statute.
- The 401 certification program could be streamlined.
- The TNRCC could work with the U.S. Environmental Protection Agency through its Performance Partnership Agreement and other means to provide the flexibility to administer federally delegated programs in a more coordinated and consistent fashion. This may include seeking national legislative relief from inconsistent, conflicting, redundant, or other provisions of federal law that hinder the effective implementation and enforcement of a unified state statute (or coordinated state statutes.)

Pros/Cons

Pros:

- Providing consistent statutory authorization for compliance assistance in all media would provide better criteria by which to judge the agency's performance and provide for more consistent expectations.
- Making compliance history provisions consistent would provide uniformity across media and predictability of results for the public and the regulated community.
- Streamlining of the remediation process would allow quicker cleanups of contaminated sites and better protection of public health with a minimal risk of wasting state funds.
- Reducing some special requirements for Type IV landfills would eliminate provision that add little to the protection of public health and increase costs to the public and the agency.

- Consolidation of the occupational licensing statutes would provide ease of use and consistency to the regulated community and the public.
- Working with the federal government to obtain flexibility could provide opportunities for additional consistency in delegated programs.

Cons:

- Providing a unified compliance assistance statute could be construed as an expansion of the program.
- Making compliance history provisions consistent could introduce delays in permit issuance in some programs.
- Streamlining requirements for remediation of contaminated sites would eliminate additional checks now present in the system.
- Consolidation of the occupational licensing statutes would mean that a particular set of requirements would no longer be found in the statute most directly related to the occupation and could change the requirements in some occupations.

Chapter X. ADDITIONAL INFORMATION CONCERNING THE TNRCC

INTRODUCTION

Six years ago the TNRCC was created to consolidate most of the state's major environmental and natural resource programs into a single agency, in order to offer comprehensive natural resource conservation service to Texas. Consolidation achieved several positive benefits almost from the start, including elimination of duplication of a number of administrative duties such as human resource, physical plant and vehicle fleet operations. Consolidation also set the stage for development of a Performance Partnership Agreement with the U.S. Environmental Protection Agency, allowing the TNRCC latitude in allocating resources and setting priorities based on the state's unique natural resource protection needs. This agreement was the culmination of a long period that saw the authorization of almost all major federal environmental programs to Texas for local administration on the basis of the state's strict environmental laws and regulations.

Consolidation also eliminated duplication of many natural resource protection programs at the state level, along with a conscientious effort by the TNRCC to develop a number of memoranda of agreement and other cooperative relationships with other state, regional and local agencies with shared jurisdiction for natural resource protection. Nevertheless, opportunities for improving the coordination of natural resource protection programs remain, as do the prospects for improving service delivery to the people of Texas. The recognition by TNRCC commissioners and staff that work remains to be done has resulted in several major reviews of agency operations in the past several years.

Each of these projects made specific recommendations for improvements, and were followed with implementation projects with specific goals and objectives. In 1997, the TNRCC undertook an extensive Business Process Review, that studied the agency's corporate culture and made specific recommendations for eliminating program overlaps and bridging gaps in compliance and enforcement by developing a more functional, multi-media program orientation. This project has led to a series of restructuring projects within the agency, culminating in the creation of multi-media offices for permitting, compliance and enforcement, field operations, small business and environmental assistance and strategic planning and assessment. In 1998, the agency developed a comprehensive Information Strategy Plan, to integrate the TNRCC's massive information resources and make them more user friendly for governments, the public and regulated entities alike. The Legislature reinforced the goals and objectives of the plan by providing funding for several projects aimed at improving the agency's information management. In 1998, the agency took a pro-active stance toward encouraging industry to reduce, reuse and recycle waste by instituting a Pollution Prevention Integration Project, which identifies opportunities for extending pollution prevention techniques throughout agency operations. Finally, consolidation has allowed the agency to move staff resources to its 16 field offices as part of an overall effort to develop a strong regional presence around the state. This has created some opportunities for reducing the square footage of rented office space for the TNRCC's Austin headquarters. The following discussion provides a brief overview of these projects and the progress made to date toward achieving their goals and objectives.

1. BUSINESS PROCESS REVIEW (November 1997 - May 1998)

In a move to evaluate agency efficiency and responsiveness, the Commission authorized a review of major processes in late 1997. Following a contract bid process, the TNRCC requested TechLaw, Inc. (formerly A.T. Kearney) to review a number of its key work processes in order to recommend process,

managerial and organizational improvements. The key work processes identified were: permitting, compliance, and monitoring/assessment and planning. The scope of these processes were:

- ! **Permitting**- reviewing and analyzing how permitting processes work within the agency using five selected types of permits as examples. These permits were identified by the TNRCC as New Source Review (NSR) Permits, Operating Permits, Wastewater Permits, Municipal Solid Waste (MSW) Permits, and RCRA Hazardous Waste Permits.
- ! **Compliance** - reviewing and analyzing how the TNRCC plans and targets compliance activities (e.g., inspections, monitoring, compliance assistance, and complaint investigation). The scope of this review did not include how the TNRCC performs inspections.
- ! **Monitoring/Assessment and Planning** - reviewing and analyzing how the TNRCC collects and uses data in planning and decision-making.

The project was conducted in two phases. Phase I of this project was to identify and assess current processes for the study areas. This information was documented in a Phase I Findings Report. The Phase I Findings Report provided a description of current process activities and drew conclusions about inefficiencies and ineffectiveness of each process. Phase II of this project was to formulate recommendations for process, management and organizational improvements for the three processes. This report, Proposed Organization, Management and Business Process Final Report, documents TechLaw's recommendations for each of the three processes.

Phase I

The Phase I Findings Report (February 1998) identified key findings and conclusions drawn from evaluating the current permitting, compliance, and monitoring, assessment and planning processes. Highlights of some of the significant findings which were used as a basis for the recommendations have been summarized below:

Permitting

The various media programs (e.g. air, water and waste programs) charged with issuance of permits have substantial differences in terminology, use unique quantitative standards, make differing use of compliance histories, differing levels of flexibility of conditions, and employ different prioritization protocols.

Phase I Findings: Permitting

- ! TNRCC customers applying for multiple permits are subjected to separate, long-lasting, and complicated permit application processes. Such differences lead to variations in the compliance and enforcement of TNRCC's permits.
- ! Lack of flexibility across permit programs.
- ! High number of administratively incomplete applications.
- ! Inconsistent and improper use of the Office of the Chief Clerk.

- ! Lack of multimedia permitting which can cause the TNRCC to lose site-wide perspective of permitted facilities, so that the agency cannot assess cumulative risks.
- ! Public notice requirements differing across programs.
- ! Permit writers becoming advocates of the permits they are issuing. This contributes to a high level of Notices of Deficiency (NODs) and contributes to more contested case hearings.

Phase 1 Findings: Compliance

- ! The TNRCC spends a large amount of time collecting a wealth of uncoordinated, unintegrated data. Relatively little attention is paid to creating a *pro-active* multi-media compliance plan.
- ! TNRCC's compliance planning is not integrated or coordinated across media programs. Each media derives its own inspection targeting priorities and approaches. Each media uses different compliance information and uses compliance information differently. Each media receives various levels of input from field staff.
- ! Monitoring activities are extremely fragmented. This hinders the effective use of data for big-picture compliance planning.
- ! Not only is there no single definition for "compliance assistance," but also *in-depth* compliance assistance is provided only in pockets of TNRCC.
- ! The TNRCC does not proactively pursue blind spots, (i.e. middle-sized facilities, non-notifiers, non-renewers, permit rejections).

Phase 1 Findings: Monitoring/Assessment and Planning

The TNRCC performs extensive monitoring/assessment and planning activities only in selected media programs.

Phase 1 Findings: Monitoring/Assessment and Planning (cont.)

- ! There is inadequate communication and coordination between media programs for the purpose of environmental planning.
- ! Interpretation of environmental data is limited.
- ! Databases are fragmented and incompatible.

Phase II

Phase II of the Business Process Review (BPR) included the analysis and formulation of recommendations for agency consideration.

There are several key themes to the recommendations. These include:

- ! The current permitting processes can be streamlined to free considerable resources.
- ! Compliance planning should be performed from a multimedia perspective.
- ! Environmental planning should be adequately prioritized.

The specific recommendations contained in the report are listed here by category:

Phase II Permitting Recommendations

- ! Standardize Permit Process with Multiple Paths.
- ! Conduct Pre-Permit Planning and Institute Early Public Notice.
- ! Reduce Notices of Deficiency.
- ! Standardize Definition and Approach Completeness Reviews.
- ! Reduce Permit Processing of Many Renewals.
- ! Define Roles and Responsibilities of Office of Chief Clerk.
- ! Maximize Permit Enforceability.
- ! Develop Additional Permit Exemptions and General Permits.
- ! Institute a Multimedia Permitting Approach.
- ! Provide Public Participation
- ! Change Approach to Permit Renewals.

Phase II Compliance Recommendations:

- ! Establish a Single, TNRCC-wide Compliance Planning Process.
- ! Ensure Compliance Planning Proactively Addresses Non-mandated Environmental Activities (i.e. unpermitted and medium-sized facilities for which there is no federal mandate to inspect.).
- ! Organize all TNRCC Compliance Activities by function, rather than by office.
- ! Improve Interaction Between Headquarters and Regional Offices.
- ! Coordinate and Integrate Compliance Data.
- ! Develop New Negotiation Approach for Federal and State Mandates.

Phase II Planning Recommendations:

- ! Institutionalize Environmental Planning in the Agency’s Strategic Planning Process.
- ! Establish a Strategic Environmental Planning Manager Position.
- ! Establish a Planning Advisory Group.
- ! Establish Program Office Planning Liaisons.
- ! Clarify the Capabilities of the Databases Maintained by the Agency for Planning Purposes and Establish a Core Set of Environmental Planning Data.
- ! Perform Monitoring/Assessment and Planning Activities on a Multimedia Basis.

Organizational Implications of Recommendations

The TNRCC is currently organized by both process (e.g., the enforcement portion of the Office of Compliance and Enforcement) and by media program (e.g., Office of Air Quality). Data collection, monitoring, assessment, planning and permitting are the key activities in the media program offices. One key finding from Phase I of this project was that planning activities are not prioritized at TNRCC. However, TechLaw believed that environmental planning and data assessment are the most important activities the TNRCC should be performing. TechLaw recommended that an Office of Planning be established to place significant importance on environmental planning activities. This would drive the agency toward multimedia planning and assessment.

While the recommendations made for permitting could occur within the media programs (short-term recommendations), TechLaw has also recommended that a senior level manager be accountable for all permitting activities and to ensure the implementation of the permitting recommendations. Since TechLaw has recommended an Office of Planning and there is already an Office of Compliance and Enforcement, creating an Office of Permitting as a framework to support process improvements is also recommended. In order to ease in a transition to a process driven organization, TechLaw has recommended that, in the short-term, the media divisions remain in the newly created Offices of Planning and Permitting. This short-term organization would be in place while the TNRCC determines which of the sections in the current media offices should be moved into other areas of the agency.

A long-term organizational recommendation is to completely functionalize the process-based organization. This would involve performing activities from a multimedia perspective. However, there are several barriers to overcome including:

- ! Information Management Systems must be linked so that data can be integrated and shared.
- ! The budgeting process (Federal and State monies) would need to be re-engineered so that program funds can be shared.

Current Status of BPR Recommendation Implementation

As of **July 30, 1999**, the following completion percentages were achieved:

Overall Implementation Complete - 74 %

Permitting Completion Status

11 Total Recommendations (72% Complete)

- Create Standard Permit Process. (74%)
- Institute Early Public Notice. (87%)
- Standardize Admin Completeness Reviews. (73%)
- Reduce Permit Renewal Processing Time. (74%)
- Institute Multi-media Approach to Permitting. (78%)
- Improve Public Participation in Permit Process. (74%)
- Change Approach to Permit Renewals. (53%)
- Reduce Notice of Deficiencies (66%)
- Define Chief Clerk Responsibilities Re: Public Notices (97%)
- Maximize Permit Enforceability (69%)
- Develop Additional Permit Exemptions and General Permits (50%)

Compliance Completion Status

6 Total Recommendations (75% Complete)

- Establish Single Compliance Planning Process (100%)
- Address Non-mandated Environmental Activities (100%)
- Functionalize Compliance Assistance (100%)
- Improve Interaction w/ Regional Offices (100%)
- Coordinate and Integrate Compliance Data (50%)
- New Approach for Federal/State Mandates (TBD)

Planning Completion Status

6 Total Recommendations (77%)

- Institutionalize Environmental Planning (100%)
- Establish Strategic Environmental Planning Manager (100%)
- Establish Planning Advisory Group (100%)
- Establish Planning Liaison Positions (100%)
- Establish Core Set of Environmental Planning Data (30%)
- Perform Multi-Media Monitoring/Assessment and Planning (30%)

Implementation of the recommendations from the BPR continue to be tracked monthly and reported on the Executive Information System Web page of the Agency Website.

2. INFORMATION STRATEGY PLAN (ISP) (FEB 1998 - SEP 1998)

In February of 1998, the TNRCC launched a process to develop an Information Strategy Plan (ISP). The primary purpose was to identify the necessary steps to achieve a more integrated, accessible, and functional use of the environmental information collected by the agency. The Agency had recognized that current information management resources and practices were not adequately supporting agency objectives. Specifically, while mechanisms are in place to help individual programs within the agency address information needs, TNRCC has not been able to adequately meet agency-wide information needs. Using the U.S. EPA One Stop Program for grants to improve environmental information management, the agency contracted through the U.S. EPA Region 6, for the services of Ross and Associates and Claremont Technology, Inc. to develop the TNRCC Information Strategy Plan. The methodology employed by the consultants to assist in developing the Plan included, as a foundation, an assessment of the Agency's information needs from a business process perspective. This was accomplished through a series of day-long needs assessment sessions with each of the major Offices in the Agency.

Thirteen such sessions were conducted, including three in the field offices resulting in a compilation of commonly needed agency-wide information. The meetings also identified areas in need of information management improvement. These needed improvements were documented in the Information Strategy Plan. Recommendations and rationale from the ISP were submitted as part of the Legislative Appropriations Request this year to substantiate requests for necessary resources to carry out the Plan recommendations.

Further pursuit of an overall Agency information access strategy included the involvement of major stakeholders. To attract the perspective and insights of the regulated community, the Executive and Legislative branches of state government, the environmental/citizen interest groups, and the EPA Region 6 offices, needs assessment sessions with staff representatives of the legislature, the Governor's Office, and the environmental and regulated communities also were held..

The development of the ISP included a phase of existing condition determination. The findings by the consultant served as the basis for evaluation and priority needs. As described in greater detail in Section III of the ISP, the agency has inherited a series of legacy systems from its predecessor agencies. In addition, since TNRCC is an environmental agency, its information management traditionally has been driven by the needs of individual environmental regulatory programs. The result of the legacy systems and the media-program organization is to present TNRCC with a series of technical and organizational challenges in establishing preferred environmental information management capabilities.

Specific objectives included in the decision to prepare the Information Strategy Plan were to:

- ! Clarify information needs as an agency rather than as a collection of individual programs;
- ! Define a concrete vision for the capabilities that information resources must provide the agency;
- ! Assess the ability to meet agency needs given existing information systems;

- ! Prepare a high level plan to support a systematic, incremental effort to improve the agency's information systems over time to meet its strategic and evolving needs, and
- ! Clarify and support funding needs for information management improvements.

The ISP is a high-level *strategic* plan. It is not a detailed technical document, intended to define and document needed technical decisions and investments. Rather, as a strategic document, it identifies the direction that the agency is headed and describes the types of information management capabilities that the agency needs. In short, the ISP has two key functions: 1) to define the vision for information management that the agency wants to create; and 2) to identify the agency's priorities for improving certain types of information as it works to achieve that vision. Both are necessary to allow the agency to focus on the important needs and not get distracted by lesser demands. By identifying the agency's vision and priorities for improvement, the ISP acts as a guide to orient the subsequent detailed investments and decisions that the agency will need to make regarding information system improvements.

The documented information needs of internal personnel and those of external parties are summarized in appendices of the ISP Final Report. As the agency implements the recommendations, these internal and external parties will be consulted further.

The report cites the existing challenges and how the agency continues to address its three main technical challenges. First, TNRCC's systems remain excessively fragmented within and between programs. There exist numerous data systems that contain similar or overlapping information. Most systems are not connected, cannot talk to one another, and require separate data entry and separate data query and analysis.

Second, many large and small agency data systems are difficult to use. Most users indicate that they have limited or no access to many key systems. When they do have access, users frequently indicate that the system functionality constrains their query of the systems to obtain meaningful information.

Third, data quality in many systems is perceived by users to be poor, probably as a result of the preceding two problems. The redundancy of information contained across the various information systems makes data entry and data update problematic: it is difficult to update/correct common data in every system in which it occurs. Inconsistency is the result. Further, system fragmentation and poor system functionality discourage ready and frequent system use. This means that data content and quality is not adequately scrutinized. According to the report "continued efforts by TNRCC are needed to address these technical challenges, to integrate key information, to eliminate redundancy in TNRCC systems, and to improve users' access to the systems and data they require."

There are two types of specific recommendations in the ISP: tactical and strategic. The tactical recommendations are designed to provide near-term, but narrow, benefit to staff. The strategic recommendations involve longer-term investments that are designed to provide comprehensive improvements in information management support.

Tactical ISP Recommendations

The review also recognized that, while long-term investments are warranted to effect comprehensive benefits in information management, there is also a need for near-term investments to alleviate current shortcomings in information management. The ISP, therefore, recommended three short-term, tactical projects to identify and implement improvements relatively quickly. The three tactical recommendations are:

- ! Improve access and functionality of a few major systems such as TRACS and PSDB.
- ! Improve access to and delivery of policy/procedure and regulatory information.
- ! Improve access to compliance histories of regulated entities.

Strategic ISP Recommendations

The highest priority for improvement was the identification of key business areas (a methodological term that refers to groupings of program functions [activities] and information) as follows:

- ! Universal identification of regulated entities.
- ! Improved characterization of environmental conditions.
- ! Better tracking of compliance and enforcement activity.
- ! Regulated entity activity/release characterization: the integration and sharing of key information about the activities and pollutant releases of regulated entities;
- ! Permit development and management: information about the permit development process and permit conditions;

ISP Implementation and Planned Activities

Mr. Bruce Humphrey was selected as the Information Strategy Plan Implementation Manager in December 1998. Mr. Humphrey is responsible for providing agency leadership and coordination for the tasks associated with implementation of ISP recommendations. The agency Information Technology Work Group (ITWG) has been reorganized to more effectively address the ISP recommendations in cooperation with the Office of Administrative Services and the Information Technology Division. The ITWG is developing new information technology procedures to address the ISP which are then approved by the Information Technology Steering Committee (ITSC). These procedures address how projects will be structured, tracked and funded. In further support of the ISP implementation, the ITSC approved the consolidation of all agency information technology funding control within the Information Technology Work Group to improve purchase methodology, consistency and conformity.

The recent legislative session approved several major projects on the agency exceptional items list that deal specifically with the implementation of the ISP. Included in that listing are the Water Availability Project (\$3.13 million), Central Registry (\$2.26 million), Consolidated Compliance and Enforcement

Database (\$3.2 million) and Water and Water Quality Improvement (\$1.6 million) for a total of approximately \$10.2 million funding to address elements of the ISP. In addition, the agency has completed the development and release of a Request for Offers (RFO) for contracting the design and implementation of major portions of the ISP structure. This contract will specifically address the first and second Strategic Recommendation, and prepare the technology specifications for the third and fourth Strategic Recommendations. An ISP implementation timeline has been developed to reflect the contractual effort and related activities for management visibility and tracking.

3. POLLUTION PREVENTION INTEGRATION

In 1998, the TNRCC launched a new initiative to increase pollution prevention integration into the agency's existing and future regulatory programs. The agency undertook this effort to promote the elimination of pollution at the source, what is known as "source reduction."

Under the direction of the agency's Pollution Prevention (P2) Steering Committee, the TNRCC has been implementing its Action Plan for Integrating Pollution Prevention into Regulatory Programs to reduce emissions and waste generation through source reduction strategies.

Pollution prevention integration at the TNRCC has three components:

- ! Pollution prevention is a routine consideration in all agency operations, including regulatory and policy development, permitting, compliance and enforcement, and inspections.
- ! Agency staff encourage emission sources and facilities to implement source reduction strategies before considering pollution control, waste minimization, recycling, treatment, and disposal.
- ! Agency staff have access to pollution prevention training and tools that increase P2 knowledge, career development, and information transfer, resulting in better environmental performance by industry, government, and the public.

To track results, the agency's Pollution Prevention Steering Committee has established performance measurement criteria:

- Pollution Prevention Actions Completed
- Pollution Prevention Staff Training
- Environmental Results

Pollution Prevention Actions Completed

The project's first performance status report was published in June 1999. The TNRCC has documented the number of pollution prevention integration actions or projects undertaken by staff in enforcement, field operations, permitting rulemaking, and the coatings sector project. The number of pollution prevention actions completed increased by 49 percent, rising from 52 in FY1998 to 106 as of June 1999. The following are examples of these actions:

- The number of Supplemental Environmental Projects (SEPs) has increased from 11 in FY1996 to 36 in FY1997, to 41 in FY1998, including 12 which involve pollution prevention and waste reduction initiatives. Two pollution prevention SEP case studies were developed in FY1999 and are being used in training and SEP outreach.

- The New Source Review Program has prepared a Source Reduction Alternatives Guidance for Best Available Control Technology (BACT) for ten industrial process areas. The purpose of the project is to integrate pollution prevention into the technical guidance documents used by permit writers and the regulated community in the preparation of air permits.
- The number of rules with pollution prevention components increased from zero in FY1998 to eight as of June 1999. In addition, the number of multi-media rulemaking teams at the agency increased from 10 in FY1998 to 24 in FY1999, which represents a more holistic approach to rulemaking.

Pollution Prevention Staff Training

The number of TNRCC staff attending agency pollution prevention training has increased by 63 percent with 390 training in FY1998 and 612 trained in FY1999. Other reports include:

- The Field Operations Division has incorporated a pollution prevention module into annual inspector training events and manuals, created an inspector pollution prevention certification for career development purposes, and established a pollution prevention referral system for pollution prevention technical assistance.
- In July 1999, a pollution prevention expert at E.I. du Pont conducted a process engineering pollution prevention seminar to TNRCC permit writers. This customized training was developed jointly with the permit staff, pollution prevention staff and du Pont.
- The Pollution Prevention Rules Training Module was launched in June 1999. This training program includes examples of state and federal rules incorporating pollution prevention and includes recommendations for staff on where pollution prevention can best be incorporated into the rules process.

Environmental Results

The agency is tracking the environmental results achieved via the agency's pollution prevention integration activities:

- The TNRCC Enforcement Office reported that 238 pollution prevention actions were taken by the regulated community, resulting from the issuance of Enforcement Orders and Judgments in FY1998. Over 2.5 billion pounds of contaminants and pollutants were reduced or eliminated as a result of these enforcement actions.
- The New Source Review Program estimates that at least 20,000 tons per year of criteria air pollutant reductions are attributable to source reduction. IN FY2000, the air permitting program will establish a database tracking system to measure reductions achieved via air permitting for both pollution control and prevention.
- Pollution prevention assistance providers conducted pollution prevention site assistance visits for five facilities as part of the Industrial Coatings Project and the Total Daily Maximum Load (TMDL) program. In early 2000, the TNRCC will survey these facilities to report VOC reductions, hazardous waste reductions, water conservation and energy savings resulting from site visits.

4. STRENGTHENING TNRCC FIELD OPERATIONS

The TNRCC has a major local presence in 16 regional offices, five satellite offices and two bay and estuary program offices distributed from the Gulf Coast to El Paso and from the Mexican Border to the Panhandle. Nevertheless, the agency has a highly centralized staffing pattern, with 2,100 of its 2,746 employees located at Austin headquarters at the end of FY1998.

The reasons for this concentration of staff include the need to centralize the expertise needed to prepare air, water and waste permits; to centralize the expertise for a variety of assessment functions, and for central administration purposes. The agency's FTE cap also makes it difficult to increase staffing in regional offices without making substantial changes in headquarters staffing.

The TNRCC has recognized the need for a stronger field presence in order to achieve more effective compliance with state and federal environmental laws. The TNRCC has begun a comprehensive effort to move more positions to field offices through reorganization also aimed at increasing central office efficiency.

The Small Business and Environmental Assistance Division has already undergone a significant reorganization that will permit the movement of 20 staff positions to field offices by the end of FY1999. These positions will be reconfigured as contact and outreach positions for local government, small business, pollution prevention and recycling programs of the agency. More transfers of positions are contemplated, and TNRCC has plans to move more than 100 positions to various field offices by the end of FY2000.

In order to further improve its service delivery at the local level, the TNRCC has also begun contracting with local entities and political subdivisions for projects that are best done on a local or regional level. For example, assessment projects involving the Total Daily Maximum Load Program, which will establish limits for pollutants in identified surface water bodies and stream segments, will involve considerable work by local assistance providers including local governments and universities. In the Houston area, several local government agencies already provide air monitoring services for the TNRCC in its efforts to establish whether the region is meeting federal clean air standards.

The TNRCC will continue and enhance its efforts to improve regional service delivery through a combination of strengthening field office staffs and through partnerships and contracts with local service providers for assessment, monitoring and other activities that support the compliance and enforcement activities of the agency.

Emphasizing regional office operations creates some additional opportunities for streamlining operations in Austin. The TNRCC leases 547,825 square feet of office space at its headquarters location, the Park 35 complex in Austin. As a result of various office consolidations and some relocation of personnel to field offices, pockets of office space have been created in the Austin headquarters, and more can be expected if the present move towards consolidation and movement to the field continues. All TNRCC regional offices have been redesigned to allow for an increase in personnel at each respective office. The agency has also planned to provide growth space sufficient to last the regional offices three years.

To date, the TNRCC has relinquished approximately 7,500 square feet of office space in building F of the Park 35 complex to the Texas Commission on Fire Protection. By November 1999, the TNRCC will give up another 600 square feet of office space to the Texas Commission on Fire Protection. Another 2,000 square feet has been provided to the Texas Pollutant Discharge Elimination System program for their records storage and retention requirements. The TNRCC's lease on Building F in the Park 35 complex will expire on November 2, 2002.

CONCLUSION

Consolidation of natural resource programs has produced many benefits to Texas. In its six years of existence, the TNRCC has achieved measurable results in reducing the release and transfers of toxic chemicals to air, land and water. Many of these results have been achieved by voluntary programs that rely on extensive partnerships between the TNRCC, local and regional governments and industries and other institutions. The overwhelming majority of Texans now get their drinking water from regulated systems that meet or exceed federal clean water standards. In other categories, facilities inspected by the TNRCC have very high rates of compliance with state and federal environmental regulations, and compliance rates in most categories have improved in recent years. Where regulated entities are not in compliance, the TNRCC has taken aggressive enforcement action that has earned millions of dollars in judgements and provided millions more for alternative community environmental projects.

The Texas experience with natural resource protection has demonstrated that a single, comprehensive natural resource and environmental protection agency can achieve economies of scale, reduce duplication and overlap of program delivery, and make progress toward closing gaps in compliance and enforcement. Such an agency, organized along functional and multi-media lines, can make the most efficient use of its personnel technical facilities and physical plant. The TNRCC has also moved away from “one size fits all” solutions to a more regionally based approach that takes the enormous diversity of the state’s natural resources into account. The agency is in the process of developing a strategic level planning capability that help to identify further opportunities for developing natural resource protection strategies that are most appropriate for the unique needs of each region of Texas.

Nevertheless, every TNRCC employee from commissioner to field inspector, understand the need to make continuous improvements in the agency in order to better serve the state’s interests. In moving toward that end, the agency has undertaken major reviews of its business processes, information management and opportunities for cross-program integration of pollution prevention projects. The agency is moving toward strengthening its field offices in order to further address the varying needs of the different regions of Texas. In short, the TNRCC is working to make the best use of its resources in order to improve the job it is doing of protecting the state’s resources: clean air, clean water and a fertile land.

ATTACHMENTS

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute.
 - Senate Bill 2, effective September 1, 1991, "relating to the creation, powers, and duties of the Texas Department of Natural Resources; transferring appropriations."
 - Texas Water Code, Chapter 5. Texas Natural Resource Conservation Commission

2. A **copy** of each annual report published by the agency from FY 1995 - 1999.

Publication No.	Title	Notes
GI-123 (1/97)	TNRCC 1996 Annual report	No annual report was published for FY 1995.
SFR-57/97 (1/98)	TNRCC Biennial Report to the 76 th Legislature Volume I (TNRCC 1997 report)	
SFR-57/98 (12/98)	TNRCC Biennial Report to the 76 th Legislature Volume II (TNRCC 1998 report)	
SFR-54/98 (12/98)	Pollution Prevention and Recycling in Texas - Report to the 76 th Legislature (Appendix 1 of 3 to the TNRCC Biennial Report to the 76 th Legislature)	
SFR-49/98 (12/98)	Status Report: Low-Emission Vehicles and Alternative Fuel Use - Report to the 76 th Legislature (Appendix 2 of 3 to the TNRCC Biennial Report to the 76 th Legislature)	
SFR-48/98 (12/98)	Used Oil Recycling Fiscal Years 97 & 98 - Report to the 76 th Legislature (Appendix 3 of 3 to the TNRCC Biennial Report to the 76 th Legislature)	
AS-132 (1/97)	Air Monitoring Report 1995	FY 1997 report not yet published
AS-132/98 (3/98)	Air Monitoring Report 1996	
SFR-36 (4/96)	Joint Groundwater Monitoring and Contamination Report - 1995	FY 1998 not yet published
SFR-56 (6/97)	Joint Groundwater Monitoring and Contamination Report - 1996	
SFR-56/97 (6/98)	Joint Groundwater Monitoring and Contamination Report - 1997	
SFR-32 (1/96)	Annual Report of the Hazardous and Solid Waste Program for Fiscal Year 1995	Next issue will cover both FY 1997 & 1998.

SFR-52)1/97)	Hazardous and Solid Waste Annual Report 1996	
SFR-25	State Small Business Advocate 1995 Annual Report	FY97 & 98 not yet published
SFR-39 (10/96)	1996 Annual Report Small Business Assistance Program	
N/A (12/98)	TNRCC Final Annual Enforcement Report FY 1998	

3. A **copy** of each internal or external newsletter published by the agency from FY 1998 - 1999.

**External Newsletters, FY 98-99
September 1997-August 1999**

Publication No.	Title	Notes
PD-003	Water District Update	issues not published regularly
PD-006	Small Business Advocate	no issues published for September 1997 and June 1998
PD-008	Market News	
PD-016	Texas Watch	
PD-018	BayLine	issues not published regularly, only one issue printed in FY 98-99
PD-020	Natural Outlook	
PD-021	VCP News	printed biannually
PD-022	Around the Bend	no issue published for Fall 1998

**Internal Newsletters, FY 98-99
September 1997-August 1999**

Title	Notes
Natural Resource	
Wellness Update	no issues published after December 1997
Working Solutions	no issue published for Fall 1997

4. A list of publications and brochures describing the agency.

Publication No.	Title
GI-001	Guide to the TNRCC
GI-012a	Organizational Listing
GI-032	Obtaining the TNRCC Rules
GI-054	TNRCC Web Site
GI-131	TNRCC Data Clearinghouse
GI-145	Local Government Guide to the TNRCC
GI-165	TNRCC Employee Guide
GI-233	Public Participation in Permitting
PD-001	TNRCC Publications Catalog
SFR-35A&B/98	Strategic Plan: Fiscal Years 19999-2003 (2 volumes)
SFR-51	Information Resources Strategic Plan, Fiscal Years 199-2003

5. A list of studies that the agency is required to do by legislation or riders adopted in the 76th Legislative Session.

Legislation/Rider	Study
HB 1 (Junell) Article VI, TNRCC Appropriation, §16	Bosque River Water Quality Monitoring. Requires the TNRCC, as part of its water assessment and planning, to monitor the Bosque River's water quality.
HB 1 (Junell) Article VI, TNRCC Appropriation, §24	Agency Coordination/Scrap Tires. Requires the TNRCC and the Texas Department of Transportation to coordinate their efforts on the acquisition and potential uses of crumb rubber and shredded tire pieces in highway construction. Requires the TNRCC and TxDOT to report to their respective oversight committees by January 1 of each fiscal year.
HB 1 (Junell) Article VI, TNRCC Appropriation, §30	Assessment of Poultry Operations. Requires the TNRCC to study the best management practices for poultry growing operations of all types. Study must include how to minimize odor and arsenic contamination, as well as a cost-benefit analysis of any recommended best management practices. Due to the Governor and Legislature on or before December 1, 2000.
HB 1 (Junell) Article VI, TNRCC Appropriation, §32	Air Pollution/Haze Study. Requires the TNRCC to study air pollution along the Texas/Mexico border, with particular emphasis on Big Bend National Park. Must include assessment of causes, effects, and possible remedies. Must be concluded before January 1, 2001.

Legislation/Rider	Study
HB 1 (Junell) Article VI TLLRWDA Appropriation, §3	Techniques for Managing Low-Level Waste. Requires the TNRCC to investigate techniques for managing low-level radioactive waste, including, but not limited to, above-ground isolation facilities. Originally a requirement of the Texas Low-Level Radioactive Waste Disposal Authority. Transferred to TNRCC as a result of HB 2954 (Gray).
HB 2660 (Swinford)	Drought Response. Requires the Drought Response and Monitoring Committee, Chaired by the Governor's Division of Emergency Management, to prepare a drought preparedness plan and report to the Legislature by January 15 of each Legislative year.
HB 3079 (Kuempel)	Aquatic Vegetation. Requires the TNRCC to assist Parks and Wildlife in the development of a state-wide aquatic vegetation management plan. There are no current plans, however, for Parks and Wildlife to develop this plan because no appropriation was made.
SB 76 (Truan)	Rio Grande Water Availability Model. Requires the TNRCC, by December 31, 2003, to develop or obtain a water availability model of the Rio Grande River, taking into consideration the unique conditions along the river.
SCR 68 (Armbrister)	Disaster Assistance. Creates a committee to examine ways to improve disaster assistance after flooding and other natural disasters. The Governor's Division of Emergency Management serves as chair. The TNRCC has a representative on the committee. A report is due to the Legislature by January 2001.

Attachments Relating to Policymaking Structure

6. Biographical information (e.g, education, employment, affiliations, honors) or resumes of all policymaking body members.

Robert J. Huston

Gov. George W. Bush appointed Robert J. Huston chairman of the Texas Natural Resource Conservation Commission on Jan. 7, 1999.

Most recently, Huston was chief financial officer of the Bonner Carrington Corporation-European market and is a co-owner of the Durham Trading and Design Co.

He is best known as co-founder of Espey, Huston & Associates Inc., an engineering and environmental consulting firm, where he served as executive vice president and chief operating officer. Planet Pacific Inc. (PPI) of Mission Viejo, Calif., acquired the firm in 1989. Huston moved to California to serve as vice president of operations for PPI from 1991 to 1993.

Huston, who holds a mathematics degree from the University of Texas at Austin, has long been active in the Texas Water Conservation Association (TWCA), where he has served as president and board chairman. He resides in Austin with his wife Shirley, and has two grown children, Stacey and Scott.

Huston's term will end Aug. 31, 2003.

R. B. "Ralph" Marquez

Ralph Marquez of Texas City was appointed by Governor George W. Bush to the Texas Natural Resource Conservation Commission (TNRCC) on May 1, 1995, and was confirmed by the Texas Senate on May 5, 1995. His current term expires August 31, 1999. The Governor has announced his intention to re-appoint Marquez for another term as Commissioner. He will be eligible for confirmation during the 77th Legislature's Regular Session.

Prior to his appointment, Marquez served on several TNRCC advisory committees and task forces. He is a registered professional engineer and has been a vice-chair of the Texas Chemical Council environmental committee, a board member of the Gulf Coast Water Authority, and served on the State of Texas Waste Reduction Advisory Committee. He also served as chairman of the City of Texas City Environmental Advisory Board.

From 1963 to 1993, Marquez worked for the Monsanto Company in various capacities, including internal company consultant for technical, regulatory and legislative environmental issues. He has a bachelor's degree in Chemical Engineering from the University of Texas and a master's degree from the University of Houston-Clear Lake.

John M. Baker, Jr.

John Baker, a native of Temple, was appointed by Governor George W. Bush to the Texas Natural Resource Conservation Commission (TNRCC) on September 8, 1995. He was confirmed by the Texas Senate on February 17, 1997 and his term expires on August 31, 2001.

Baker served as Agricultural Advisor to EPA Administrator William K. Reilly, from 1991 to 1993 during the Bush Presidency. He has more than 20 years experience with environmental and agricultural issues, and previously served on the Board of Directors of the Texas Corn Producers Board, the Lone Star Corn Growers Association, the Texas Beef Council and the Texas Farm Bureau. He also served on an advisory committee to the Texas Water Commission (a predecessor agency to the TNRCC) addressing the implementation of underground fuel storage tank regulations.

Baker is a former tenured professor of Soil Science and Agronomy at Oklahoma State University where he was awarded a doctoral degree in Soil Science in 1970. He also was awarded M.S. and B.S. degrees in Agronomy from Oklahoma State University and Texas A&I University, respectively. Baker is married and the father of two daughters, with five grandchildren.

7. A **copy** of the agency's most recent rules.
 - The Policy, Planning, and Regulation Support Division of the Office of Environmental Policy, Analysis, and Assessment keeps a printout of the most recent version of each rule, which is contained in a 3-drawer file cabinet. A listing of the rules is being provided with the boxes of attachments. They can also be accessed through the Internet at:
<http://www.tnrcc.state.tx.us/oprd/index.html>

Attachments Relating to Funding
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8. A **copy** of the agency's Legislative Appropriations Request for FY 2000-2001.
 - **SFR-37/00, revised 12/21/98** - TNRCC Legislative Appropriations Request for Fiscal Years 2000 and 20001, Submitted to the Governor's Office of Budget and Planning and the Legislative Budget Board
9. A **copy** of each annual financial report from FY 1996 - 1998.

Publication Number	Title
SFR-45 (11/96)	Annual Financial Report - Fiscal Year Ending August 31, 1996
SFR-45/97 (11/97)	Annual Financial Report - Fiscal Year Ending August 31, 1997
SFR-45/98 (11/98)	Annual Financial Report - Fiscal Year Ending August 31, 1998

10. A **copy** of each operating budget from FY 1996 - 1998.

Publication Number	Title
SFR-30a (2/96)	Operating Budget Fiscal Year 1996
SFR-37a (12/96)	Operating Budget Fiscal Year 1997
SFR-37a (12/97)	Operating Budget Fiscal Year 1998

Attachments Relating to Organization

11. An organizational chart of the agency that includes major divisions and programs, and that shows the number of FTEs in each division or program.
 - A copy of the agency's organizational chart is being provided in the boxes of attachments, along with a list by Office Cluster/Division, showing the budgeted FTEs in each.

12. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.
 - A copy of the agency's regional office map and a listing of regional office addresses and key staff are being provided in the boxes of attachments.

Attachments Relating to Agency Performance Evaluation

13. A **copy** of each quarterly performance report completed by the agency in FY 1997 - 1999.

Publication Number	Title
n/a (10/1/97)	TNRCC Annual Report on Performance Measures FY 1997 - 1997 Key Measures (unbound copy of annual report, quarterly reports no longer available)
SFR-55/98-1 (1/1/98)	TNRCC First Quarter Report of Performance Measures Fiscal Year 1998
SFR-55/98-2 (4/1/98)	TNRCC Second Quarter Report of Performance Measures Fiscal Year 1998
SFR-55/98-3 (7/1/98)	TNRCC Third Quarter Report of Performance Measures Fiscal Year 1998
SFR-55/98-4 (10/1/98)	TNRCC Fourth Quarter Report of Performance Measures Fiscal Year 1998
SFR-55a/99-1 (1/99)	TNRCC First Quarter Report on Performance Measures Fiscal Year 1999

SFR-55a/99-2 (4/99)	TNRCC Second Quarter Report on Performance Measures Fiscal Year 1999
SFR-55b/99-1 (1/99)	TNRCC First Quarter Report on Key Performance Measures Fiscal Year 1999
SFR-55b/99-2 (4/99)	TNRCC Second Quarter Report on Key Performance Measures Fiscal Year 1999

14. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.

TNRCC Business Process Redesign and Organization Review - Proposed Management, Organization and Business Process Final Report (TechLaw, Inc., 5/1/98)
Information Strategy Plan for Texas Natural Resource Conservation Commission - Final Report (Ross and Association Environment Consulting, Ltd, & Claremont Technology Group, Inc., 9/98)

15. A **copy** of the agency's current internal audit plan.

- TNRCC Internal Audit 1998-99 Biennial Plan

16. A **list** of internal audit reports from FY 1995 - 1999 completed by or in progress at the agency.

- **** The 1999 report will be added as it is completed.

Report No.	Title
MA 95-01	Grants Management: A Consolidated Approach (4/95)
MA 95-13	Self-Reported Fees: Optimizing Revenues, Collection and Customer Service (12/95)
SP 95-18	Fee Billing and Collection: A Select Review (12/95)
MA 96-01	Public Drinking Water Information Systems: Strengthening Security and Integrity (8/96)
FA 96-10	Cost Recovery: Establishing a Unified Process (6/97)
MA 96-12	Organization of the Field Operations Division: Enhancing Support to the Regions and Overall Communications (6/97)
MA 98-04	Waste Planning and Assessment Division: A Functional and Organizational Review (2/98)

MA 98-11	Employee Time System: Data Integrity and Security Review (4/98)
MA 98-15	Compliance and Enforcement Review: A joint project by TNRCC Internal Audit and the Texas State Auditors Office (8/98)
MA 98-13	Strengthening Contract Management (9/98)
EX 99-01	1998 Annual Internal Audit Report (10/98)

17. A **list** of State Auditor reports from FY 1997 - 1999 that relate to the agency or any of its functions.

- **** The 1999 State Auditor's Report will be added as it becomes available.

Report No.	Title
95-045	1994 Statewide Financial and Compliance Audit (2/95)
95-065	An Audit Report on Management Controls at the Texas Natural Resource Conservation Commission (2/95)
95-155	A Classification Compliance Audit Report on the Texas Natural Resource Conservation Commission (8/95)
97-004	An Audit Report on Contract Management Processes at the Texas Natural Resource Conservation Commission (9/96)
97-028	The Texas Natural Resource Conservation Commission's Oversight of Water Districts and Utilities (12/30/96)
97-358	Texas Natural Resource Conservation Commission - Effectiveness of Internal Audit Engagement (6/97)
98-070	A Review of the Enforcement Function at the Texas Natural Resource Conservation Commission (8/98)
99-019	A Follow-Up Audit Report on the Texas Natural Resource Conservation Commission (12/98)

U.S. Environmental Protection Agency Audit Reports

Report No.	Title
P5BGN7-06-0036-8300002 (12/9/97)	EPA Sikes Disposal Pits Site - Superfund Audit Report Cooperative Agreement No. V-006450-01 (Audit Period: 9/1/92 - 12/31/96)
E5BGN3-06-0083-4300006	Report on Interim Audit of Cooperative Agreements V006452, V006454, V006456, V006458, V006567 and V006571 awarded to Texas Water Commission, Austin, Texas, through 12/31/92

18. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim.

- N/A

19. A **list** of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions.

- **<http://www.sso.org/ecos>**

The Sunset staff will find many studies on the ECOS web site. The site contains innovative program ideas from many states with contact information, etc. The site also lists collaborative projects between the states and the U. S. Environmental Protection Agency.

20. Other relevant TNRCC studies or reports.

- Current MOU/MOA List
- Strategic Environmental Analysis Group Ranking Environmental Issues
- Analysis of Stakeholder Input on Sunset Self-Evaluation.