

**Chairman Kathleen White**  
**Commissioner Ralph Marquez**  
**Commissioner Larry Soward**

## **NEW BUSINESS AGENDA**

Friday, September 16, 2005  
Texas Commission on Environmental Quality  
9:30 a.m.  
Room 201S, Building E  
12100 Park 35 Circle

### **1. Discussion of the Monthly Enforcement Report.**

Item presented by Anne Dobbs of the Enforcement Division and John Racanelli of the Revenue Section of the Financial Administration Division.

No action taken.

### **2. Consideration of the FY 2006/2007 Biennial Internal Audit Plan and the FY 2006 External Audit Plan.**

Item presented by Steve Goodson, Chief Audit Executive of the Chief Auditor's Office.

Commissioners requested the collection process of enforcement penalties be added to the list.

The Commissioners moved to approve the FY 2006/2007 Biennial Internal Audit Plan and the FY 2006 External Audit Plan as amended. KW/LS; all agree.

### **3. Presentation by Keep Texas Beautiful.**

Item presented by Stacey Cantu, the Executive Director of Keep Texas Beautiful and John Howard of Vincent & Elkins.

Commissioners complimented Keep Texas Beautiful on its efforts and identified other potential avenues for coordination and cooperation.

No action taken.

### **4. Consideration of the Office of Compliance and Enforcement 2006 Draft Work Plan.**

Item presented by Jennifer Sidnel, Director of Field Operations Division and David Bower of the Field Operations Division.

A discussion of the components of the Fiscal Year 2006 Work Plan that were a direct result of the Enforcement Process Review was held. The Compliance Planning Projects process and the Risk Based Investigation Strategy (RBIS) criteria were also discussed. A brief discussion on the Resource Reallocation project addressed the Commissioners' concerns that risk should be applied to resources across media, not within each media.

No action taken.

**5. Consideration of the Agency's Enforcement Review regarding Compliance History Components, Classification and Use.**

Item presented by Matt Baker, Project Coordinator, Paul Sarahan, Director, Litigation Division of the Office of Legal Services, and John Sadlier, Director, Enforcement Division of the Office of Compliance and Enforcement.

The Compliance History issues and Steering Committee recommendations were discussed. The Commissioners requested the use of Compliance History be simplified, flexible, and logical. The Commissioners directed staff to seek feedback on Compliance History issues from a small group of interested parties in an informal forum in Austin. Stakeholder meetings regarding the Penalty Rule can proceed forward.

No action taken.

**6. Discussion of state and federal legislative issues potentially affecting the TCEQ. The commission may consider legislative proposals and federal rulemakings, as well as other state actions and state's participation in federal legislative and regulatory activities.**

Item presented by Leonard Olsen, Director of the Intergovernmental Relations Division.

No action taken.

**7. PUBLIC COMMENT SESSION: The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the *ex parte* prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.**

There were no registrants for this item.

No action taken.

**8. Closed Session:**

- a. Docket No. 2005-1137-EXE. The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**

The Commissioners did not meet in executive session.

- b. Docket No. 2005-1138-EXE. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**

The Commissioners did not meet in executive session.

- c. **Docket No. 2005-1139-EXE. The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**

The Commissioners did not meet in executive session.

**PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ COMMISSIONERS' WORK SESSION AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE WORK SESSION, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ WORK SESSION ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE WORK SESSION SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. REGISTRATION FOR WORK SESSION STARTS AT 9:00 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**