

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

**MARKED AGENDA**

Thursday, November 10, 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, Program Specialist with the Enforcement Division, and John Racanelli with the Revenue Section of the Financial Administration Division.

The Commissioners requested a schedule of the fees and penalties to attempt to look at the trends.

No action taken.

**2. Discussion of the Enforcement Process Review Implementation Status.**

Item presented by Anna Brulloths, Special Assistant with the Office of Compliance and Enforcement.

No action taken.

**3. Consideration of the Enforcement Initiation Criteria.**

Item presented by Jennifer Sidnell, Director of Field Operations Division, Jayme Sadlier, and Paul Sarahan.

The Enforcement Initiation Criteria (EIC) was discussed and general support was provided in favor of the proposed revisions. The Commissioners requested that they be kept advised of EIC revisions for any areas of concern they may have, as expressed at the Commissioners' Work Session, in regard to EIC. The EIC was referred to the Executive Director for final approval.

No action taken.

**4. 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.

5. **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.**

Presented by Leonard Olsen, Director of Intergovernmental Relations Division.

No action taken.

**6. 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.**
- 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.**
- 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.**

No action taken.

**(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 AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.) REGISTRATION FOR AGENDA 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.)**

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**11:00 a.m.  
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- 1. TCEQ Veteran's Day Ceremony to honor and recognize veterans and active duty service men and women.**

No action taken.