

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

MARKED AGENDA

**Friday, December 2, 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.

No action taken.

2. Consideration of the Field Citation Program.

Item presented by John Steib, Deputy Director of the Office of Compliance and Enforcement, Jennifer Sidnell, Director of Field Operations Division, John Sadlier, Division Director of the Enforcement Division, and Stephanie Bergeron Perdue, Acting Deputy Director of the Office of Legal Services. The commissioners approved development and implementation of the Field Citation Program with a request to review the proposed pilot program documentation (field citation form, supplemental information explaining the program, and the website announcement) prior to implementation.

The following individuals registered to speak on this issue: James Morriss of Thompson & Knight.

Approved the Field Citation Pilot Program. RM/LS; KW oppose

3. Consideration of the Supplemental Environmental Project Policy.

Item presented by Caroline Sweeney of the Litigation Division. The commissioners suggested revisions to portions of the SEP policy and asked to see the final draft before it is published.

Approved the Supplemental Environmental Project Policy. LS/RM All agree.

4. Consideration of Certificates of recognition for state or federal employees.

Item presented by Candy Garrett, Division Director of the Air Quality Planning and Implementation Division.

A Certificate of Appreciation for Guy Donaldson of the Regional Office of the Environmental Protection Agency was presented, approved and signed by the Commissioners. A Certificate of Appreciation was presented to Blas Coy for his service to the Commissioners as the Public Interest Counsel.

Approved. KW/RM All agree.

5. **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.

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.**

This item was not discussed.

7. **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 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.)