

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

**MARKED AGENDA
Friday, February 10, 2006
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 an analysis of whether or not the increased SEP offset was due to the fact that there are so many additional orders issued thus far or whether there were a few high dollar SEPs that increased the offset percentage. The Commissioners also requested a report identifying paid accounts and removal of paid accounts from the recalled accounts report.

No action taken.

2. Discussion of the Small Business Assistance Annual Enforcement Report.

Item presented by Matt Baker, Division Director of the Small Business and Environmental Assistance Division, and Tamra-Shae Oatman of the Small Business and Local Government Assistance Section.

The commissioners requested a breakout of the local government poor performers, and what type of violations (same as breakout as the Small Business report) for the next report.

No action taken.

3. Consideration of Enforcement Review Implementation status.

Item presented by John Steib, Deputy Director of the Office of Compliance and Enforcement, Jennifer Sidnell, Division Director of the Field Operations Division and John Sadlier, Division Director of the Enforcement Division.

No action taken.

4. Consideration of the Positive Use Determination Policy for tax exempt pollution control equipment.

Item presented by Brian Christian, Section Manager of the Pollution Prevention and Industry Assistance Section and Ron Hatlett.

No action taken.

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.

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

No action taken.

7. **Closed Session:**

- a. **Docket No. 2006-001-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. 2006-0002-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. 2006-003-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.