

**Chairman Kathleen White
Commissioner Larry Soward
Commissioner Martin Hubert**

**MARKED AGENDA
Tuesday, October 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 Eddie Molina, Director of the Financial Administration Division.

The Commission requested that staff provide additional historical information concerning Notices of Violations and Cases Screened and Accepted for Enforcement.

No action taken.

2. Discussion of Enforcement Review Implementation status, including the status of the Penalty Policy and Compliance History.

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

The Commission asked for a progress report in another 6 months on the Field Citation Pilot Program. At that time, they may consider any proposed revisions as appropriate to the program. With regard to Resource Reallocation, the Commission will address the appropriate ratio of investigative and enforcement staff for regional offices at a later work session once the full effects of implementing all the recommended changes from the Enforcement Process Review are known.

The Commission directed staff to schedule the outstanding penalty policy issues and the proposals related to the pending rulemaking for the compliance history rule on a future work session prior to the end of the calendar year. Chairman White requested that staff conduct an individual briefing with her prior to scheduling the issues for work session.

3. Discussion of agency use of the Air Pollution Watch List (APWL) to focus investigations, monitoring, pollution prevention activities and permitting resources, including the process of adding to or removing chemicals and areas from the APWL.

Implement a 30-day public comment period on proposed additions and deletions to the APWL. Include listserv information on all APWL related pages.

4. Consideration of the External Audit Plan for FY 2007

Approved. KW/MH; all agreed.

- 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.**

Item presented by Leonard Olson, Director of Intergovernmental Relations Division.

No actions taken by commissioners.

- 6. 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.**

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.