

*The Work Session agenda document below includes hyperlinks (item numbers highlighted in blue) that enable the user to view work session backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC) and distributed to the Commissioners for their consideration]. To view all work session backup in person including those documents not found in the hyperlinks below, please visit the OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*Backup documents filed with the OCC and distributed to the Commissioners will be added to this document daily until 5:00 p.m. Wednesday before the given work session date. Updates to backup documents will be noted by a purple indicator. Documents filed less than two days before the work session date will not be added to this document. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white.*

**Chairman H.S. Buddy Garcia**  
**Commissioner Larry R. Soward**  
**Commissioner Bryan W. Shaw, Ph.D.**

**MARKED AGENDA**

**Friday, January 18, 2008**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**9:30 A.M.**  
**12100 Park 35 Circle**  
**Room 201S, Building E**

This meeting is a work session for discussion between Commissioners and staff. Public comment will be accepted at the discretion of the Commissioners. The Commissioners may take action on items posted for consideration. The Commissioners will not take action on items posted for discussion only. The Commissioners may discuss or consider posted items in an order other than the order posted. The Commissioners may recess for a lunch break and not meet in Open Session from 12:00 pm to 1:00 pm. Unfinished items will be continued to the afternoon.

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

Item presented by Daphne McMurrer, Special Assistant to the Director of the Enforcement Division, and John Racanelli, Manager of the Revenue Section in the Financial Administration Division.

No action taken.

**Item 2. Discussion and consideration of agency policies, rules, and procedures regarding public notice requirements for water rights amendment applications subject to Texas Water Code Section 11.122(b), including the recommendations of the Water Rights Amendment Notice Advisory Group.**

Item presented by Todd Chenoweth, Director, Water Supply Division, Robin Smith, Attorney, Environmental Law Division, and Kellye Rila, Manager, Water Rights Permitting and Availability Section.

The Executive Director will require all pending applications to supplement their application to address the public interest criteria outlined by the Texas Supreme Court. The ED will develop a criteria and a process whereby he can evaluate applications to determine whether notice is required, considering the Supreme Court's guidance. The ED will make a notice recommendation, on individual applications, and those notice recommendations will be reviewed by the Commissioners. Following the Commissioners' decision, the ED will process each of those permits as directed by the Commission. Approximately six months from this date, the Commissioners will revisit this issue to evaluate the process and, as warranted, recommend revisions and provide additional direction. The ED is also directed to revise the application for water right amendments to require information from the applicant on the public interest criteria.

BS/LS; all agree.

Registrants: Rick Lowerre  
Ed McCurthy  
Martin Rochelle

### **Item 3. Closed Session.**

**a. Docket No. 2008-0001-EXE.** The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, 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 meeting 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 closed session.

**b. Docket No. 2008-0002-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 of the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on 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 closed session.

**c. Docket No. 2008-0003-EXE.** The Commission will conduct a closed meeting 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 meeting 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 closed 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.**

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: <http://www.texasadmin.com/cgi-bin/tnrcc.cgi>**