

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 may be posted here in black and white.

Chairman Bryan W. Shaw, Ph.D.
Commissioner Carlos Rubinstein
Commissioner Toby Baker

MARKED AGENDA

NEW BUSINESS AGENDA

September 14, 2012

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 Bryan Sinclair, Director, Enforcement Division; Lynley Doyen, Special Assistant to the Director of the Enforcement Division and Greg Yturralde, Revenue Operations Manager, Financial Administration Division.
No action taken.

Item 2. Consideration of the Executive Director's findings and recommendations on whether a watermaster should be appointed for the Brazos River Basin, the Brazos-Colorado Coastal Basin, the

Colorado River Basin, and the Colorado-Lavaca Coastal Basin. Texas Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the Executive Director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed, and report the findings and make recommendations to the commission. The commission shall include the findings and recommendations in the commission's biennial report to the legislature. The commission will also consider the Executive Director's Proposal to Address Water Use Reporting, proposed instructions, and proposed form.

Item presented by L'Oreal Stepney, Deputy Director, Office of Water; Kellye Rila, Director, Water Availability Division and Robin Smith, Environmental Law Division.
No action taken.

Registrants: Isaac Albarado, representing Representative Harvey Hilderbran
Ivan Langford, representing Gulf Coast Water Authority
Juan Longoria, representing the Brazosport Water Authority
Julie Woodard, representing the Dow Chemical Company
Bob Davee
Griffith Thomas, M.D.
Caroline Runge, representing the Menard County WCID
Brendan Callahan on behalf of Chris Ellis

Item 3. Consideration of revision to the Texas Commission on Environmental Quality's mission statement, as directed by the Sunset Advisory Commission.

Modify the Commission's mission statement as recommended by the Sunset Advisory Commission to replace the word "human" with "public health" so that the new mission statement will read: "The Texas Commission on Environmental Quality strives to protect our state's public health and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste."

CR/TB; all agree.

Item 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 the Public Comment Session.

Item 5. **CLOSED SESSION.**

a. **Docket No. 2012-0001-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.

No action taken.

b. **Docket No. 2012-0002-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.

No action taken.

c. **Docket No. 2012-0003-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.

No action taken.

PLEASE NOTE THAT THE TIME REQUIRED FOR THE OFFICE OF THE CHIEF CLERK TO MAKE ARRANGEMENTS FOR AUXILIARY AIDS OR SERVICES HAS CHANGED FROM TWO (2) WORK DAYS TO SIX (6) WORK DAYS.

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 SIX (6) 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/tceqw.shtml>**