

STRATEGIC PLAN

FISCAL YEARS 2017-2021



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FISCAL YEARS 2017 – 2021



Submitted to the
Governor's Office of Budget, Planning and Policy
and the Legislative Budget Board

SFR-035/17 | June 2016

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Published and distributed by the
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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How is our customer service? tceq.texas.gov/customersurvey

Agency Mission and Philosophy

The Mission of the TCEQ

The Texas Commission on Environmental Quality strives to protect our state's human and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.

The Philosophy of the TCEQ

To accomplish our mission, we will:

- Base decisions on the law, common sense, sound science, and fiscal responsibility.
- Ensure that regulations are necessary, effective, and current.
- Apply regulations clearly and consistently.
- Ensure consistent, just, and timely enforcement when environmental laws are violated.
- Ensure meaningful public participation in the decision-making process.
- Promote and foster voluntary compliance with environmental laws and provide flexibility in achieving environmental goals.
- Hire, develop, and retain a high-quality, diverse workforce.

EEO Commitment

The TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, or veteran status.

Operational Goals and Action Plans

Goal 1

To protect public health and the environment by accurately assessing environmental conditions and by preventing or minimizing the level of contaminants and waste released to the environment through regulation and permitting of facilities, individuals, or activities with potential to contribute to pollution levels.

Action Items to Achieve Our Goal

(all items ongoing through 2021)

Air

1. Review applications and issue minor and major new source review (NSR) air quality permits for construction of a new facility or modification of an existing facility. Reviews ensure that applicants properly apply Best Available Control Technology to protect public health and the environment.
2. Review applications and issue operating permits for sources subject to Title V of the federal Clean Air Act (FCAA) so as to codify all state and federal air requirements in an air authorization to ensure compliance.
3. Develop State Implementation Plans (SIPs) to attain and maintain National Ambient Air Quality Standards (NAAQS).
4. Continue the Texas Emissions Reduction Plan (TERP) program goal to reduce nitrogen oxide emissions from heavy-duty on-road vehicles and non-road equipment, marine vessels, locomotives, and certain stationary equipment, specifically in near-nonattainment and nonattainment counties, to achieve maximum nitrogen oxide reductions and compliance with the ozone NAAQS for the benefit of the state.
5. Track air contaminants released to the air throughout Texas from point, area, and mobile sources through the emissions inventory.
6. Maintain a network of stationary monitors that sample and analyze the air in Texas and report the results to the public and the U.S. Environmental Protection Agency.

Water

Water Availability

7. Review applications and issue water right permits in accordance with state law, including the Prior Appropriation Doctrine.
8. Assure accurate water right ownership transfers.
9. Coordinate Texas' groundwater-protection programs by facilitating the Texas Groundwater Protection Committee.
10. Provide timely, accurate, and efficient public outreach, education, and assistance for customers and stakeholders who are water right owners, water right permit applicants, and water well owners.
11. Offer timely, accurate, and efficient public assistance through the four watermaster programs.

Water Quality

12. Review applications and issue water quality discharge permits in accordance with state law, including the federally delegated Texas Pollution Discharge Elimination System Program (TPDES).
13. Continue to establish Texas Surface Water Quality Standards (TSWQS) to protect designated uses for water bodies, assess the condition of water quality, and establish permitting limits.
14. Assess surface water quality in Texas' water bodies to identify whether they meet established TSWQS. Monitor ambient water quality and manage surface water quality data. The data are used to assess environmental

conditions through a variety of activities, such as assessing water quality, establishing science-based wastewater permit limits, and developing watershed-based plans.

15. Develop and implement watershed-based plans—such as Total Maximum Daily Loads (TMDLs), associated TMDL Implementation Plans, and Watershed Protection Plans—that are designed to preserve and restore surface water quality.
16. Conduct special studies to gather data and address site-specific water-quality issues.

Waste

17. Decrease the amount of hazardous pollutants released into the environment from waste by diverting and reducing the amount of waste going to landfills consistent with state and federal law.
18. Ensure the proper and safe disposal of pollutants by monitoring the generation, treatment, storage, and disposal of solid, hazardous, and low level radioactive waste and assessing the capacity of disposal facilities.
19. Review and make determinations on waste management facility registrations and permitting applications.

Occupational Licensing

20. Issue and renew occupational licenses to ensure that environmental professionals are qualified and competent to operate water, wastewater, and waste facilities in a manner that complies with state and federal requirements to protect human health and the environment.

Legal Review

21. Offer legal advice and counsel to agency programs to help the offices achieve strategies and performance measurement targets related to air quality permitting; air quality assessment

and planning; waste management and permitting; radioactive-materials management; occupational licensing; water-resource permitting; water assessment and planning; safe drinking water; and river compact commissions. Also offer legal advice and counsel to the executive director, the deputy executive director, and the executive offices, including the Environmental Assistance Division.

How Our Goal or Action Items Support Each Statewide Objective

Statewide Objective 1: Accountability

Accountable to tax and fee payers of Texas.

- **Thorough and efficient air quality application reviews.** These reviews ensure that public health and the environment are protected. Also, consistent and timely reviews result in applicants receiving proper authorizations and good customer service.
- **SIP development.** When developing SIP revisions, the TCEQ solicits input from the general public and regulated entities and responds formally to all comments received, including comments made at public hearings. The commission also takes formal action at their agenda meetings on all SIP revisions developed by TCEQ staff. (These meetings are subject to the Texas Open Meetings Act and the general public and regulated entities may also provide input directly to the commission on SIP revisions during these meetings.)
- **The TERP program.** This program offers grants to owners and operators of heavy-duty on-road vehicles and non-road equipment to replace or upgrade those vehicles and equipment in order to help keep the air clean in Texas. The use of the funds improves air quality for Texas residents, particularly in those areas where ozone concentrations do not meet federal standards.

- **The Emissions Inventory.** This invaluable tool for understanding and improving air quality is used for developing SIPs, modeling, setting air-emission fees, tracking trends, placing air monitors, assessing potential emission reductions from air quality control strategies, and planning other air quality activities.
- **Development of TSWQS.** The TCEQ partners with work groups for the development of Texas Surface Water Quality Standards, the development of guidance for water-quality assessment, and the development and implementation of watershed-based plans. The TCEQ also coordinates activities and strategy development through the watershed planning process.
- **Decisions based on science and valid data.** The TCEQ seeks input from subject-matter experts inside and outside the agency, establishes standard operating procedures, uses quality-assurance project plans to establish procedures for data collection, and uses data that have been validated in its regulatory programs.
- **Thorough and efficient air, waste, water quality, water rights, and occupational permit and license review.** The TCEQ efficiently conducts thorough reviews of permit and license applications to ensure protection of public health and the environment.
- **Continue to assess reasonable annual fees and fees for air, water, and waste application reviews,** while minimizing the need to increase such fees despite growing demands and decrease in resources.
- **Superfund.** The TCEQ pursues responsible parties to recover the costs of state Superfund cleanups, which are funded through fees paid to the Hazardous and Solid Waste Remediation Fee Account.
- **Continuing to assess reasonable fees for the safe disposal of municipal, hazardous, and radioactive waste,** despite growing demands and a decrease in resources.

- **Staff training.** The TCEQ ensures that employees have sufficient training to be effective in performing their job duties, many of which are highly specialized.
- **Public access to information.** The TCEQ ensures the collection, analysis, and display of high-quality environmental data, including registrations, licenses, pending permit and enforcement actions, and compliance histories.
- **Timely authorization and permit processing.** Timelines track processing from the date of application receipt until final issuance.
- **Communication with the public.** The TCEQ coordinates with stakeholders and partner agencies, and offers access to information through its websites for projects, work groups, and regulatory programs.

Statewide Objective 2: Efficiency

Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including through the elimination of redundant and non-core functions.

- **Streamlined permitting.** The TCEQ offers electronic processes and correspondence, and applicants can apply for several authorizations through an electronic permitting system that eliminates the redundant step of data entry by the TCEQ.
- **Risk-based remediation.** The TCEQ provides a consistent corrective action process by incorporating risk assessment techniques to help focus investigations and to determine appropriate protective concentration levels for human health. The program sets reasonable and protective response objectives to ensure that available state funds are used to address environmental cleanups at higher risk sites.
- **The TERP program.** Over 95 percent of TERP funds are distributed through grants and contracts for projects to improve Texas' air quality, with only five percent allocated for

TCEQ administration. The agency establishes targets and criteria for the maximum amount that may be awarded for a grant in order to achieve reductions in NO_x emissions.

- **The Emissions Inventory.** The TCEQ updates and automates EI data submission practices to maximize staff resources and reduce direct program costs. As a result of the development and implementation of the web-based reporting system for the annual point source emission inventory, efficiencies have resulted from the reduction in printing, mailing, records handling, and storage costs.
- **Coordination of monitoring activities with agency partners.** The TCEQ works with local authorities and state and federal agencies to identify priorities, needs, and the use of resources when assessing air quality and surface water quality.
- **Checklists and forms.** The TCEQ utilizes a core data form for use across media and in permitting and compliance functions.
- **Electronic license submissions.** The TCEQ has increased electronic submittal of applications and examinations to reduce error and provide better exam scheduling for potential licensees. Electronic license submissions also eliminate the redundant step of data entry by the TCEQ.
- **Job task analysis for Occupational Licensing.** The TCEQ completes a job task analysis for each occupational license in order to develop effective examinations that reflect actual, up-to-date field conditions. Job task analyses provide a basis for improving and updating licensing courses and licensure examinations.
- **Air monitoring.** The TCEQ maintains one of the most extensive air-monitoring programs in the nation. Approximately half of the Texas air-monitoring network is owned and operated by the TCEQ, while the other half is owned and operated by partner organizations such as local governments, private companies, and

universities. This data is used in various TCEQ regulatory programs.

Statewide Objective 3: Effectiveness

Effective in successfully fulfilling core functions, measuring success in achieving performance measures, and implementing plans to continuously improve.

- **Effective permitting.** The TCEQ reviews NSR Air Quality Permit applications and Title V operating permit applications and includes permit conditions that ensure protection of public health and the environment. The TCEQ issues wastewater permits that are consistent with the federally delegated Texas Pollutant Discharge Elimination System (TPDES) program and the state water quality implementation plan; it also issues **waste permits** that are consistent with the federally delegated Resource Conservation and Recovery Act (RCRA) program and the state waste management plan. Air, water, and waste permits and authorizations are all issued while continuing to meet performance-measure goals, while limiting the amount of pollutants that are discharged and protecting the environment and public health.
- **SIP development.** The TCEQ submits SIP revisions by the deadlines established by federal regulations to avoid potential federal sanctions. Concentrations of air pollutants that are addressed by the Texas SIP have decreased significantly since 2000, as the state's population and economy continue to grow. Ozone, which is the primary air pollutant of concern in Texas, has decreased by 28 percent, while the statewide population has grown by roughly 30 percent over the past 15 years.
- **TERP program grants.** Since the establishment of the TERP in 2001, the agency has awarded over \$1 billion in TERP grants for projects that will reduce over 170,000 tons of NO_x emissions through fiscal 2015. The

TCEQ also tracks grant expenditures to ensure that grant obligations are realized. The awarding of grant funds and the emission reductions achieved by the grant-funded projects are detailed in the agency's performance measure reporting.

■ **Emissions inventory online reporting.**

The EI program has developed an online reporting system to further streamline reporting and increase the accuracy of reported information.

■ **Operating air monitors.** There are currently 639 air monitors operated in Texas. These monitors collect various combinations of scientific data about pollutants, such as ozone, nitrogen dioxide, carbon monoxide, sulfur dioxide, air toxics, lead, particulate matter of 10 microns or less, particulate matter of 2.5 microns or less, wind speed and direction, and more.

■ **Ensure accountability.** Continue to track submitted applications, staff performance, grant deliverables, quality of work, and performance measures to ensure accountability to agency goals and that core functions are fulfilled on time.

■ **Continuous water quality planning and monitoring.** The TCEQ works through a cycle of establishing TSWQS, monitoring and assessing, and developing and implementing plans for water-quality protection and restoration. This includes the following:

- Coordinating with agency partners.
- Establishing and implementing standard procedures and quality-assurance plans.
- Validating data used as the basis for decisions.
- Using subject-matter experts.
- Reviewing processes to identify improvements and reduce errors.
- Establishing workgroups to seek information and input from stakeholders and agency partners for TMDL projects, Surface Water Quality Standards, Nutrient Criteria Development, and others.

Statewide Objective 4: Customer Service

Provide excellent customer service.

■ **Effective permitting.** Agency staff works closely with applicants throughout the entire permitting process. Several permitting options are available to applicants for their specific needs, including an expedited permitting program. The regulated community and general public have access to detailed information on the permitting process and numerous guidance documents and useful web pages.

■ **SIP development.** The TCEQ responds to verbal and written inquiries about the Texas State Implementation Plan and development of SIP revisions in a thorough, professional, and timely manner. The TCEQ has a dedicated e-mail box (SIPRULES) for SIP inquiries, as well as detailed air quality data and a complete SIP history on the agency website. Also, TCEQ staff frequently present information on the SIP to stakeholders, including local governments, regulated industry, and the general public.

■ **TERP program tools.** The TERP programs use multiple customer communication tools, such as a dedicated website for TERP inquiries (www.terpgrants.org); an e-mail listserv for updates and information regarding the TERP grants; and a toll free phone number, 1-800-919-TERP (8377). The agency provides all solicitation and application documents for electronic download by applicants, and offers workshops in eligible areas prior to each grant application period. Staff members also provide information on the TERP programs at truck shows, trade shows, and seminars. Several members of the TERP staff speak fluent Spanish and are readily available to assist Spanish-speaking applicants.

■ **Emissions Inventory information.** The TCEQ maintains and annually updates an EI program web page, <www.tceq.texas.gov/airquality/point-source-ei/psei.html>, that explains program

requirements, provides program forms and data, and provides guidance documents to aid regulated entities in reporting. The EI program also coordinates and hosts an annual workshop and a dedicated help line, 512-239-1717, to assist regulated entities in reporting.

■ **Public access to air quality information.**

With the TCEQ's Geographical Texas Air Quality Monitoring (GeoTAM) viewer, the public can access information about air-quality monitors, view and print maps of areas of interest, and obtain details about selected air monitors and their surrounding area. Additionally, the TCEQ provides information—both online and through social media—related to the daily air-quality forecast for the state.

■ **eCommerce.** The agency offers electronic reporting via the State of Texas Environmental Electronic Reporting System (STEERS) for the regulated community. STEERS represents progress toward establishing an enterprise approach to eCommerce and a streamlined customer interface.

■ **Training.** The TCEQ provides staff development and training.

■ **Communication.** The TCEQ provides accurate and prompt communication to the public by:

- Establishing and implementing standard procedures to ensure consistent and accurate data collection.
- Using both internal and external subject-matter experts for agency decision-making.
- Reviewing and updating procedures.
- Developing informational materials and providing education and outreach.
- Working with stakeholders to implement our programs.

■ **Providing opportunities for public input and feedback.** Tools the TCEQ uses for public input and feedback include the following:

- Customer surveys
- Workgroups
- Stakeholder and public meetings

■ **Responding to public inquiries.** The TCEQ continues to provide outstanding customer service by responding to internal and public inquiries in a timely and accurate manner and by participating in training programs and workshops to inform and assist the public.

■ **Meeting application deadlines.** The TCEQ ensures application deadlines are met by providing more user-friendly information electronically, including through the agency website, and continuing to provide daily phone service to answer stakeholder questions.

■ **Offering pre-application meetings.** The TCEQ offers pre-application meetings to regulated entities seeking to file an application with the agency in order to limit the number of deficiency notices associated with an application as well as decrease the application processing time.

Statewide Objective 5: Transparency

Transparent, such that agency actions can be understood by any Texan.

■ **Updated permit and project information.**

The TCEQ posts information on its web pages regarding the various types of authorizations and permitting processes, as well as the status of ongoing projects.

■ **SIP development information.** The TCEQ provides information on copies of all proposed and adopted State Implementation Plan revisions on its public website, and TCEQ staff use plain-language writing principles when drafting SIP revisions and public web pages (www.tceq.texas.gov/airquality/sip/). The TCEQ also provides newspaper notification of all public hearings on SIP revisions in the affected areas of the state.

■ **TERP program information.** The agency provides updated program summaries and project lists on the TERP website, <www.terpgrants.org>. Information on the status of the TERP programs is also provided at workshops

and trade fairs. Staff continually provides information and updates to interested organizations and entities regarding the status and latest results of the TERP programs.

- **Emissions inventory information.** The agency provides updated program summaries, EI data, and EI improvement projects on the TCEQ website, <www.tceq.texas.gov/airquality/point-source-ei/psei.html>. Information on EI data is also provided at workshops and trade fairs. Staff continually provides information and updates to interested organizations and entities regarding EI data and trends.
- **Water-well owner education and outreach.** The Office of Water offers specific information for water-well-owner education and outreach, and an online database.
- **Participation opportunities for the public and the regulated community.** Customers can track, find, or participate in all media-related permitting, licensing, and registration projects and activities. Information and services available include:
 - Pre-application meetings
 - Lists of pending applications posted on the website
 - Multiple general e-mail boxes
 - Web pages that comply with the agency's plain-language and federal and/or state accessibility requirements
 - Web links to hot topics, such as current permit application status, as well as links to commonly used forms, checklists, and guidance documents
 - Advisory group meetings, including some that are webcast
 - Stakeholder meetings, including some that are webcast
 - Education and outreach efforts for permits, rules, and regulations
- **Promptly responding to public-information requests.** The TCEQ has established procedures for responding to inquiries.

- **Informational materials.** The TCEQ develops informative materials, including checklists and forms for the regulated community. The agency also provides additional public outreach opportunities to explain agency processes.
- **Ensuring transparency.** The TCEQ ensures transparency by:
 - Coordinating with agency partners and engaging stakeholders for TMDL projects, Surface Water Quality Standards, and Nutrient Criteria Development.
 - Establishing workgroups to seek input.
 - Providing program and project information through its websites.
 - Holding public meetings.
 - Operating a robust public information request program.

Goal 2

To protect public health and the environment by assuring the delivery of safe drinking water to the citizens of Texas consistent with requirements in the Safe Drinking Water Act; by providing regulatory oversight of water conservation and reclamation districts; and by promoting regional water strategies.

Action Items to Achieve Our Goal (all items ongoing through 2021)

Public Drinking Water System Supervision Water Supply

1. Provide drinking water compliance monitoring to determine compliance with state and federal regulations based on analytical reports of the drinking water samples collected and analyzed. Schedule and collect samples for chemical analysis through a third-party contractor to ensure compliance by public water systems. Perform enforcement referrals of public water systems that fail to comply with the Safe Drinking Water Act. Maintain the Safe Drinking Water Information System Database that includes data acquisition and data transfers for

- the drinking water inventory, violations, and action data to relay to the EPA.
2. Review plans for new or significantly modified public water systems, including the review of the financial, managerial, and technical capabilities of proposed public water systems. Review exceptions requests to TCEQ's rules to verify that regulations can be met that will be protective of the public health.
 3. Provide technical assistance by evaluating systems and providing detailed technical support to improve system operations. Provide drought response planning and other support to identify potential sources of drinking water contamination. Provide support to implement best management practices that will prevent contamination of drinking water sources and provide assistance and technical training to public water systems through the Financial, Managerial, and Technical Assistance Program and the Texas Optimization Program.
 4. Assist public water systems in obtaining temporary managers or entering receiverships. Assist public water systems experiencing water availability concerns due to natural disasters and assist with training related to water system security issues.
 5. Review and process water district applications. District applications include the review of bond applications for water and wastewater treatment infrastructures, district creations, and director appointments. To create, supervise, and dissolve certain water and water-related districts and to approve the issuance and sale of bonds for district improvements in accordance with the Texas Water Code. Reviews include a financial feasibility determination of districts funding water facilities.
 7. Assess surface water quality in water bodies in the state to determine whether the water bodies are meeting the established TSWQS.
 8. Monitor ambient water quality and manage surface water quality data. The data are used to assess water quality, establish science-based wastewater permit limits, and develop watershed-based plans.
 9. Develop and implement watershed-based plans designed to preserve and restore surface water quality, including Total Maximum Daily Loads (TMDLs), associated TMDL Implementation Plans, and Watershed Protection Plans.
 10. Conduct special studies to gather data and address site-specific water quality issues.
 11. Monitor and regulate private and public dams in Texas and develop plans to ensure an adequate, affordable supply of clean water by monitoring and assessing water quality.

How Our Goal or Action Items Support Each Statewide Objective

Statewide Objective 1: Accountability

Accountable to tax and fee payers of Texas.

- **Ensure that the public receives a safe and adequate public water supply.** Better compliance decisions allow public water systems and their customers to be notified timely of potential dangers to human health. Additionally, because the state is able to contract with the sample collection company, a benefit of scale is realized, allowing for a cost savings that many public water systems would not be able to match. Technical assistance is also provided to public water systems and associated utilities during times of need (such as drought) in order to help them maintain their compliance with state and federal law.
- **Review of plans and specifications for new and significantly modified public water systems.** This provides assurance that design standards are used that will be in compliance with the federal drinking-water rules. Reviewing

Water Quality

6. Establish the Texas Surface Water Quality Standards. The TSWQS are established to protect designated uses for water bodies, including as a public water supply.

the financial, managerial, and technical aspects of proposed public water systems ensures that public water systems are and can remain viable.

■ **Identify potential sources of contamination.**

The agency works to identify sources of contamination and implements best management practices to prevent contamination of drinking water sources.

■ **Implementation of Capacity Development Plans for Texas.** The TCEQ assists public water systems in the state to enhance or maintain financial, managerial, and technical (FMT) capability. With better FMT capability, systems are able to provide water more efficiently and at a potentially lower cost to both the utility and the utility's customers. There is a growing need for assistance due to increasing unfunded federal regulations and for assistance with emergency conditions, such as drought and, more recently, flood events.

■ **Provision of financial and technical assistance to public water systems.** The approved Capacity Development Plan is a requirement under the Drinking Water State Revolving Fund (DWSRF) in order for Texas to receive full grant funding. DWSRF grant funding provides low- and no-cost loans to public water systems and supports TCEQ compliance assistance activities. These activities support water systems in their ability to drill new wells or find new sources and provide continuing service to their customers while meeting safe drinking water requirements.

■ **Identification of at-risk public water systems.** The TCEQ provides assistance to keep public water systems in compliance before violations warrant formal enforcement action. When a water system fails, it is often due to financial and managerial weaknesses that culminate in technical violations. These violations can be difficult to overcome without significant assistance, funding, enforcement actions, and financial and managerial restructuring.

■ **Conduct periodic inspections of regulated dams that pose a high or significant hazard.**

The TCEQ makes recommendations and reports to dam owners to assist them in maintaining safe facilities.

■ **Availability of public information.**

- Coordinate with stakeholders and partner agencies.
- Provide access to information through websites for projects, workgroups, and programs.

■ **Base decisions on science and valid data.**

- Seek input from subject-matter experts.
- Use data that have been validated in its regulatory programs.

■ **Development of water quality processes and plans.**

- The TCEQ establishes workgroups for the development of TSWQS, development of guidance for water quality assessment, and development and implementation of watershed-based plans.
- The TCEQ coordinates activities and strategy development with stakeholders through a collaborative watershed planning process in order to ensure that TSWQS are met.

Statewide Objective 2: Efficiency

Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including through the elimination of redundant and non-core functions.

■ **Coordinate monitoring activities with agency partners,** including local authorities and state and federal agencies, to identify priorities, needs, and the best use of resources.

■ **Review policies and procedures periodically** to ensure that they are streamlined and adjusted in accordance with federal, state, and oversight-agency requirements and that redundant or non-core processes or policies are eliminated.

■ **Implement technological solutions** as resources allow, reducing opportunities for error.

■ **Conduct dam safety workshops.** The TCEQ presents practical and straightforward

information on issues that affect anyone who owns or operates a dam. Training includes information about state dam safety laws, regulations and enforcement, emergency action plans, inspections, and maintenance issues for all areas of a dam, and recommendations for improvements.

Statewide Objective 3: Effectiveness

Effective in successfully fulfilling core functions, measuring success in achieving performance measures, and implementing plans to continuously improve.

- **Assessment of processes.** The TCEQ has procedures in place to track and measure its action items and grant deliverables. These tracking mechanisms allow the TCEQ to ensure that it remains on target to meet its core deliverables (performance measures and grant deliverables). These mechanisms also allow the TCEQ to determine if more effectiveness can be gained from adjusting a process or procedure. Once an analysis is complete, the agency can make changes to accommodate an improved process.
- **Inspecting dams.** Inspections are conducted to ensure the safe design, construction, maintenance, repair, and removal of dams in the state. The percentage of inspections conducted on high- and significant-hazard dams allows a comparison of state performance to federal program recommendations every five years.

Statewide Objective 4: Customer Service

Provide excellent customer service.

- **Work cooperatively with entities to achieve compliance.** The TCEQ helps identify new or alternative water sources and possible funding sources for water treatment, provides technical expertise to water-system owners, and coordinates short- and long-term planning and possible regional solutions.
- **Offer technical assistance and templates for public water systems.** This ensures that public

notice requirements are met and that public notices are developed correctly, which promotes rapid dissemination of these materials by the public water system to the public.

- **Inform dam owners and operators.** The TCEQ maintains a document to answer the most commonly asked questions about hiring an engineer to initiate actions and repairs at dams. This document, along with several other links to helpful information—including guidance documents and information on current and past dam safety workshops—is available on the agency’s public website.
- **Communication.** The TCEQ provides accurate and prompt communication to the public by:
 - Establishing and implementing standard procedures to ensure consistent and accurate data collection.
 - Using internal and external subject-matter experts for agency decision-making.
 - Reviewing and updating procedures.
 - Developing informational materials and providing education and outreach.
 - Communicating promptly and accurately.
- **Training.** The TCEQ provides staff development and training.
- **Opportunities for public input and feedback.** Tools the TCEQ uses for public input and feedback include the following:
 - Customer surveys
 - Work groups
 - Stakeholder and public meetings
- **Public water system training and assistance.** The TCEQ promotes and provides training and financial, managerial, and technical assistance through various activities such as correspondence, workshops, conferences, and meetings.

Statewide Objective 5: Transparency

Transparent, such that agency actions can be understood by any Texan.

- **Participation opportunities for the public and regulated community.** The Water Supply

Division uses a variety of tools to allow internal and external customers to track, find, and, in some cases, participate in division activities, including the following:

- Access to information about the quality of customers' drinking water, through the Texas Drinking Water Watch database
- Access to the status of pending district application reviews, through the Water District Database
- Advisory group and stakeholder meetings, some of which are webcast
- Education, outreach, and online database for water-well owners
- **Providing access to data** through websites and by responding to requests for data.
- **Promptly responding to public information requests.**
- **Coordinate and participate in communication and educational outreach with the public and regulated community** at conferences and other relevant organizational meetings. The TCEQ also provides program and project information through its websites, establishes work groups to seek input, and holds public meetings.

Goal 3

To protect public health and the environment by administering enforcement and environmental assistance programs. To support compliance with environmental laws and regulations and voluntary efforts to prevent pollution. And to offer incentives for demonstrated good environmental performance, while providing strict, sure, and just enforcement when environmental laws are violated.

Action Items to Achieve Our Goal

(all items ongoing through 2021)

Legal Review

1. Advise the executive director and agency management on legal matters related to

- enforcement; compliance history; the Texas Environmental, Health, and Safety Audit Privilege Act; and the Public Information Act.
2. Provide legal support to the Office of Compliance and Enforcement, the Office of Waste, the Office of Air, and the Office of Water.
3. Support the agency's program areas in carrying out rulemaking functions.
4. Conduct timely and complete investigations for environmental crimes committed in the State of Texas.
5. Work proactively with local prosecutors to timely and fairly prosecute environmental crimes.

Compliance Assistance and Enforcement

6. Help small businesses and local governments comply with environmental rules through a toll-free hotline and hands-on technical assistance.
7. Promote pollution prevention to industry and the general public through presentations, booths, and workshops.
8. Promote compliance with environmental laws and regulations by conducting field investigations and responding to citizen complaints.
9. Take enforcement action as appropriate for documented violations of environmental laws.

How Our Goal or Action Items Support Each Statewide Objective

Statewide Objective 1: Accountability

Accountable to tax and fee payers of Texas.

- **Provide compliance assistance.** Compliance assistance can improve efficiency and avoid costs associated with enforcement (including agency administrative costs and penalty costs for regulated entities). Enforcing environmental laws protects the public health and creates a level playing field for entities whose business has the potential to affect the environment.
- **Consistent application of policies.** The TCEQ ensures that enforcement policies and

practices, including assessment of administrative penalties, comport with state law and are applied consistently.

- **Provide ongoing training and supplies for staff.** The TCEQ ensures that employees have the requisite knowledge and support materials to enable them to be effective in carrying out their job duties.

Statewide Objective 2: Efficiency

Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including through the elimination of redundant and non-core functions.

- **Provide technical assistance.** Compliance activities for regulated entities are used to calculate an overall Compliance History classification that is then used by the TCEQ in many regulatory decisions, such as determination of issuance or renewal of permits, development of stricter permit conditions, or even assessment of higher enforcement penalties for documented violations.
- **Encourage voluntary audits.** In accordance with statute, the TCEQ implements the Texas Environmental, Health, and Safety Audit Privilege Act, which offers incentives for regulated entities to conduct voluntary audits at their facilities or operations. These audits assess their compliance with environmental, health, and safety regulations and their implementation of prompt corrective action. By offering this audit incentive, regulated entities have been able to identify and disclose violations and achieve compliance without the agency undertaking the traditional investigation and enforcement process.
- **Timely processing of civil enforcement cases and criminal investigations.** The agency processes cases and investigations using effective and efficient methods to obtain optimum results.
- **Cross-training staff.** The TCEQ assigns division FTEs in the most efficient manner by cross-training staff in more than one area of expertise,

in the event that additional assistance is needed in another area.

- **Staffing effectively.** The TCEQ redirects vacant positions in one section to another when needed to respond to new environmental priorities.

Statewide Objective 3: Effectiveness

Effective in successfully fulfilling core functions, measuring success in achieving performance measures, and implementing plans to continuously improve.

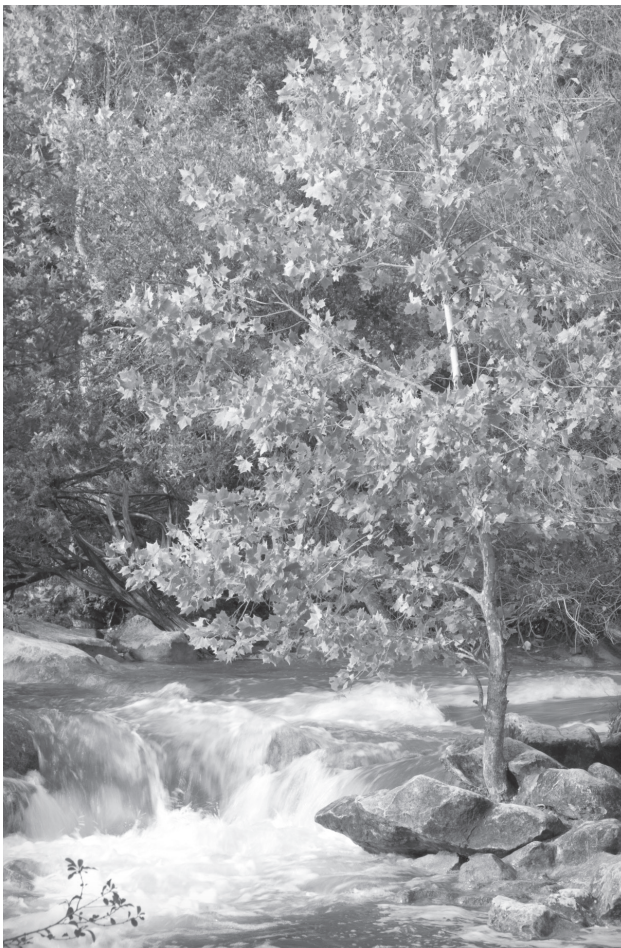
- **Assist small businesses and local governments.** Each year, the TCEQ assists over 66,000 small businesses and local governments, and provides pollution prevention assistance through 125 presentations, booths, and workshops. This assistance helps achieve the core function of compliance.
- **Conduct investigations.** Each year, the TCEQ conducts over 100,000 compliance investigations of regulated entities, including 4,000 as a result of complaints received. On average, the TCEQ issues over 15,000 Notices of Violation and approximately 1,800 administrative orders each year.
- **Promptly enforce against respondents.** The TCEQ timely initiates enforcement and adheres to established timelines, thereby ensuring that there is not a backlog of enforcement cases.
- **Improve criminal investigations through partnerships.** The TCEQ continuously improves the criminal investigation process by developing and maintaining good relationships with Texas Environmental Task Force participants (including Texas Parks and Wildlife Department; Texas Railroad Commission; Texas Attorney General's Office; Texas Department of Public Safety; Texas General Land Office; Travis County; U.S. Department of Transportation; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; the Federal Bureau of Investigation; and the U.S. Coast Guard). This creates

additional opportunities for improvement in investigative techniques and leverages resources across state and federal agencies.

Statewide Objective 4: Customer Service

Provide excellent customer service.

- **Customize compliance assistance.** The TCEQ meets the specific needs of the regulated entity seeking compliance help. Additionally, the TCEQ has a dedicated 24-hour, toll-free complaint hotline, as well as an online form for submitting complaints. Complaints within the TCEQ's jurisdiction are prioritized and responded to in a timely manner. To ensure that the TCEQ is meeting its commitments under its Compact with Texans, the TCEQ makes available a Customer Service Survey at the conclusion



of every investigation and provides the survey link on all agency correspondence and on the agency's website. When surveys are received indicating dissatisfaction with the TCEQ's service, staff makes efforts to address the concerns.

Statewide Objective 5: Transparency

Transparent, such that agency action can be understood by any Texan.

- **Produce plain-language communications and guidance.** The TCEQ strives to write guidance documents and all communications so that any Texan can understand environmental regulations and issues.
- **Present activities online.** The TCEQ has an extensive public website where the public can track complaints and enforcement activities.
- **Simplify the process for creating as well as reporting activities and expenses for supplemental environmental projects.** The TCEQ has reduced the length of the SEP form and made the report more user-friendly.

Goal 4

To protect public health and the environment by identifying, assessing, and prioritizing contaminated sites, and by assuring timely and cost-effective cleanup based on good science and current risk factors.

Action Items to Achieve Our Goal

(all items ongoing through 2021)

1. Identify, assess, and remediate Superfund sites and other sites contaminated by hazardous material, and respond to releases that threaten human health and the environment.
2. Assess and remediate sites contaminated by hazardous and nonhazardous pollutants released into the environment, and remediate leaking underground storage tanks.
3. Facilitate voluntary cleanup activities at contaminated sites to restore unused or under-used properties to economically productive use.

How Our Goal or Action Items Support Each Statewide Objective

Statewide Objective 1: Accountability

Accountable to tax and fee payers of Texas.

- **Oversee assessment and cleanups.** This ensures that human health and the environment are adequately protected.
- **Ensure that fees for cleanup oversight are charged and used appropriately.**
- **Recover costs.** When appropriate, the TCEQ seeks to recover the state's costs from responsible parties. If a responsible party is unknown, or unwilling or unable to perform necessary cleanup actions, state funds may be used to perform the cleanup.
- **Ensure that grants and state funds allocated for cleanups are spent appropriately.**

Statewide Objective 2: Efficiency

Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including through the elimination of redundant and non-core functions.

- **Implement cleanup rules and guidance.** The TCEQ has established a clear and consistent risk-based corrective-action process directed toward the protection of human health and the environment, while providing flexibility in achieving cleanup goals in a cost-effective manner.

Statewide Objective 3: Effectiveness

Effective in successfully fulfilling core functions, measuring success in achieving performance measures, and implementing plans to continuously improve.

- **Measure and report the number of contaminated sites** where no further corrective action is needed due to environmental cleanup requirements being met.
- **Measure and report on the number of contaminated sites that are assessed and prioritized for remediation and how efficiently these remediation goals are achieved.**

Statewide Objective 4: Customer Service

Provide excellent customer service.

- **Standardize reports.** The TCEQ uses standardized reports to ensure timely review and that cleanups move forward. Processes are in place to meet statutory deadlines for processing remediation program applications and cleanup activities.
- **Respond to customer inquiries.** The TCEQ responds to customers and maintains up-to-date information on the TCEQ Remediation Division website.
- **Connect with the public.** The TCEQ holds public meetings and outreach events to provide the public with relevant information and to seek meaningful input.

Statewide Objective 5: Transparency

Transparent, such that agency action can be understood by any Texan.

- **Clear communication on the web.** The TCEQ provides current, clear, and concise information—including report forms and records—to the public through the TCEQ Remediation Division website.

Goal 5

To provide effective and efficient administration of all agency programs and functions through executive leadership, information technology, telecommunications management, financial administration, human resources, legal services, procurement and contracts, fleet management, asset and risk management, mail and messenger services, and other key support services.

Action Items to Achieve Our Goal

(all items ongoing through 2021)

1. Provide central administration functions, through the offices of the Commissioners, the Executive Director, Administrative Services, and Legal Services.

2. Provide information resource functions—including enterprise applications, data, telecommunication systems, and records management—to further the agency’s mission.
3. Provide other support services necessary to ensure that program responsibilities are met.
4. Advise the executive director and agency management on legal matters related to employment law, government ethics, procurements, grants and contracting, and the Public Information Act.
5. Provide legal support to the Office of Administrative Services.
6. Support the agency’s program areas in carrying out rulemaking functions.
7. Provide administrative support to the Office of Legal Services.

How Our Goal or Action Items Support Each Statewide Objective

Note: Some bullet items repeat.

Statewide Objective 1: Accountability

Accountable to tax and fee payers of Texas.

- **Adopt and maintain written policies and procedures.** Policies and procedures are crafted by subject-matter experts; reviewed and adjusted periodically to meet federal, state, and oversight-agency requirements; and accessible online to all staff.
- **Implement technological solutions,** as resources allow, reducing opportunities for error.
- **Develop and publish all required financial and budget reports,** such as the Annual Financial Report, the Operating Budget, the Legislative Appropriations Request, etc., to show that the agency is operating in a fiscally prudent manner.
- **Increase the number of records to which the public has 24-hour access.**
- **Operate a file room** open to the public during regular business hours.

- **Operate a robust public information request program.**
- **Encourage fraud reporting.** The public and staff may submit allegations of fraud, waste, or abuse anonymously.
- **Comply with state contracting and procurement laws.**
- **Maintain the Chief Auditor’s Office** to provide assurance and advisory services that help meet agency goals and objectives.
- **Protect the agency from unnecessary legal risk,** by ensuring that appropriate policies and practices are in place for contracts, grants, procurement, employment law, records retention, public-service ethics, and the processing and distribution of information for the public.
- **Support business practices that are compliant with state procurement laws and** ensure competitive contracting processes that will result in the best value for the state.
- **Train all agency personnel on ethics in state government,** placing the public trust above personal interests as we carry out our duties.

Statewide Objective 2: Efficiency

Efficient such that maximum results are produced with a minimum waste of taxpayer funds, including through the elimination of redundant and non-core functions.

- **Adopt and maintain written policies and procedures.** Policies and procedures are crafted by subject-matter experts; reviewed and adjusted periodically to meet federal, state, and oversight-agency requirements; and accessible online to all staff.
- **Implement technological solutions,** as resources allow, reducing opportunities for error.
- **Develop and publish all required financial and budget reports,** such as the Annual

Financial Report, the Operating Budget, the Legislative Appropriations Request, etc., to show that the agency is operating in a fiscally prudent manner.

- **Operate a cost-saving-suggestions program.** All agency staff may suggest areas of potential cost savings.
- **Facilitate faster staff and public access to information** by increasing the volume of the agency's electronic records and data available online.
- **Implement and support online services** relating to license renewal, permitting, registrations, reporting, paying, and filing, and commenting regarding the commissioners' agenda.
- **Provide effective administrative support for the Office of Legal Services, which** enables them to focus on their core tasks and improves their efficiency.

Statewide Objective 3: Effectiveness

Effective in successfully fulfilling core functions, measuring success in achieving performance measures, and implementing plans to continuously improve.

- **Adopt and maintain written policies and procedures.** Policies and procedures are crafted by subject-matter experts; reviewed and adjusted periodically to meet federal, state, and oversight agency requirements; and accessible online to all staff.
- **Implement technological solutions,** as resources allow, reducing opportunities for error.
- **Replace core agency information systems using current technology.**
- **Reduce the risk of employment-related legal actions** against the agency by working with management to proactively address complaints and disputes.
- **Ensure agency contracts are protective of** agency interests and compliant with regulations

and the law, while at the same time ensuring that the desired outcome is achieved.

- **Provide paralegal support for public information requests** to ensure timely and appropriate responses. Identify and seek Attorney General Opinions on confidential information in accordance with the Public Information Act.

Statewide Objective 4: Customer Service

Provide excellent customer service.

- **Adopt and maintain written policies and procedures.** Policies and procedures are crafted by subject-matter experts; reviewed and adjusted periodically to meet federal, state, and oversight agency requirements; and accessible online to all staff.
- **Implement technological solutions,** as resources allow, reducing opportunities for error.
- **Develop and publish all required financial and budget reports,** such as the Annual Financial Report, the Operating Budget, the Legislative Appropriations Request, etc., to show that the agency is operating in a fiscally prudent manner.
- **Increase electronic records and agency data to which the public has 24-hour access online.**
- **Operate a file room open to the public during regular business hours.**
- **Operate a robust public information request program.**
- **Expand agency business that customers can conduct online.**
- **Offer customers the agency's customer service survey.**
- **Operate an anonymous waste, fraud, and abuse phone line.**
- **Ensure external customers are directed to appropriate, knowledgeable staff.**
- **Promptly respond to internal requests for legal assistance** with high-quality, well-written, well-researched opinions, advice, guidance, and recommendations.

Statewide Objective 5: Transparency

Transparent, such that agency action can be understood by any Texan.

- **Adopt and maintain written policies and procedures.** Policies and procedures are crafted by subject-matter experts; reviewed and adjusted periodically to meet federal, state, and oversight agency requirements; and accessible online to all staff.
- **Implement technological solutions,** as resources allow, reducing opportunities for error.
- **Develop and publish all required financial and budget reports,** such as the Annual Financial Report, the Operating Budget, the Legislative Appropriations Request, etc., to show that the agency is operating in a fiscally prudent manner.
- **Increase electronic records and agency data to which the public has 24-hour access online.**
- **Operate a file room open to the public during regular business hours.**
- **Operate a robust public information request program.**
- **Prioritize customer service** and ensure that staff is available to answer inquiries from the public.
- **Continuously improve the agency website** to ensure the public's access to the latest information.
- **Inform the public of commission actions** by posting Commissioner's Agenda and backup documents online and streaming Commissioner's Agenda.
- **Train all staff on ethics in public service.**

Redundancies and Impediments

Service, Statute, Rule, or Regulation (provide specific citation, if applicable)	Why the Services, Statute, Rule, or Regulation Is Resulting in Inefficient or Ineffective Agency Operations	Agency Recommendation for Modification or Elimination	The Estimated Cost Savings or Other Benefit Associated with Recommended Change
Water Rights Change of Ownership (Texas Water Code, Section 11.040; Texas Property Code)	The current process to convey a water right makes it difficult to research the chain of title, requiring significant staff resources and time to determine ownership.	Require that the conveyance of a water right be stated in the conveyance instruments, and that the complete chain of title and conveyance instruments be filed with the TCEQ at the time of the transaction.	This will result in improved administration and enforcement of water rights and the watermaster programs. It will also result in more efficient use of staff resources.
Expiration of Wastewater Discharge Permits by Watershed (Texas Water Code, Sections 26.0285 and 26.0135(d))	The statute results in the issuance of permits for a shorter duration than the 5 years allowed by the EPA, causing more frequent renewal applications.	Repeal the requirement that permits within the same watershed or segment have the same expiration date.	Permits will be issued for the maximum 5-year term allowed, resulting in a more efficient permitting process and allowing staff resources to be dedicated elsewhere.
Air Permitting Electronic Communications (Texas Health and Safety Code, Sections 382.055 and 382.056)	The statute requires that certain communications during the air permit application process be done by postal mail. This results in postage costs and time delays associated with postal mail.	Allow the use of electronic communications, when appropriate, instead of standard postal mail for all aspects of air permitting.	This will result in cost savings for postage, and more efficient communication with the applicant and the public.
Air Permitting Electronic Notice (Texas Health and Safety Code, Sections 382.05199, 382.056, and 382.0562)	The statute requires that permit application notices be published in a newspaper, resulting in newspaper publication expenses and permitting delays due to the time it takes to arrange newspaper publication.	Allow the use of electronic publication of notices via the Texas Register and/or a dedicated TCEQ webpage and listserv.	Applicants will save the cost of two newspaper publications. TCEQ: This will result in an estimated cost savings of \$12,000 for each standard permit rule package. No rule packages are planned for FY16–17.

continued on next page

Redundancies and Impediments (continued)

Service, Statute, Rule, or Regulation (provide specific citation, if applicable)	Why the Services, Statute, Rule, or Regulation Is Resulting in Inefficient or Ineffective Agency Operations	Agency Recommendation for Modification or Elimination	The Estimated Cost Savings or Other Benefit Associated with Recommended Change
Municipal Setting Designations Certificate Notification (Texas Health and Safety Code, Sections 361.805 and 361.807)	The statute requires that certain private well owners, regardless of whether they submitted comments on the MSD application, be provided a copy of the issued MSD certificate. Information about the MSD is provided upon application and again upon issuance and, therefore, is redundant.	Publish the MSD certificate on the TCEQ website.	This will result in cost savings and more efficient communication with certain private well owners.
Annual Report of Nonfinancial Data (Texas Government Code, Section 2101.0115)	This report contains information that was previously in the Annual Financial Report. The comptroller deemed the information non-essential, and so the nonfinancial schedules were moved into the Annual Report of Nonfinancial Data, created in 2001. It is doubtful that this report is utilized.	Eliminate this report.	This will eliminate the costs associated with compiling and printing this little-used report.

STRATEGIC PLAN

FISCAL YEARS 2017–2021



Supplemental Schedules

A. AGENCY BUDGET STRUCTURE, FISCAL YEARS 2018–2019 S-2

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SCHEDULE A

Agency Budget Structure, Fiscal Years 2018-2019

Goal 1: Assessment, Planning and Permitting

Protect public health and the environment by accurately assessing environmental conditions, by preventing or minimizing the level of contaminants released to the environment through regulation and permitting of facilities, individuals, or activities with potential to contribute to pollution levels.

Objective 1.1: Reduce Toxic Releases

Decrease the amount of toxic chemicals released into the environment via air, water, and waste pollutants in Texas by at least 2 percent, comparing the current Toxic Release Inventory (TRI) values to the previous reported TRI reporting year values and reduce air, water, and waste pollutants through assessing the environment.

Outcome Measures

- 1.1 oc 1 Percent of stationary and mobile-source pollution reductions in ozone nonattainment areas
- 1.1 oc 2 Nitrogen oxides (NO_x) emissions reduced through the Texas Emissions Reduction Plan (TERP)
- 1.1 oc 3 Percent of Texans living where the air meets federal air quality standards
- 1.1 oc 4 Percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state
- 1.1 oc 5 Percent of Texas classified surface waters meeting or exceeding water quality standards
- 1.1 oc 6 Percent of solid waste diverted from municipal solid waste landfills
- 1.1 oc 7 Percent decrease in the toxic releases in Texas
- 1.1 oc 8 Percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills

- 1.1 oc 9 Percent of high and significant hazard dams inspected within the last five years
- 1.1 oc 10 Number of acres of habitat created, restored, and protected through implementation of Estuary Action Plans

Strategy 1.1.1: Air Quality Assessment and Planning

Reduce and prevent air pollution by monitoring and assessing air quality, developing and/or revising plans to address identified air quality problems, and assist in the implementation of approaches to reduce motor vehicle emissions.

Output Measures

- 1.1.1 op 1 Number of point source air quality assessments
- 1.1.1 op 2 Number of area source air quality assessments
- 1.1.1 op 3 Number of on-road mobile source air quality assessments
- 1.1.1 op 4 Number of non-road mobile source air quality assessments
- 1.1.1 op 5 Number of air monitors operated
- 1.1.1 op 6 Tons NO_x reduced through Emissions Reduction Plan
- 1.1.1 op 7 Number of vehicles repaired and/or replaced through LIRAP assistance

Efficiency Measures

- 1.1.1 ef 1 Percent of valid data collected by TCEQ continuous and non-continuous air-monitoring networks
- 1.1.1 ef 2 Average cost per air quality assessment
- 1.1.1 ef 3 Average cost of LIRAP vehicle emissions repairs/retrofits
- 1.1.1 ef 4 Average cost per ton of NO_x reduced through TERP Expenditures

Explanatory Measures

- 1.1.1 ex 1 Number of days ozone exceedances are recorded in Texas

Strategy 1.1.2: Water Resource Assessment and Planning

Develop plans to ensure an adequate, affordable supply of clean water by monitoring and assessing water quality and availability.

Output Measures

- 1.1.2 op 1 Number of surface water assessments
- 1.1.2 op 2 Number of groundwater assessments
- 1.1.2 op 3 Number of dam safety assessments

Efficiency Measures

- 1.1.2 ef 1 Average cost per dam safety assessment

Explanatory Measures

- 1.1.2 ex 1 Percent of Texas rivers, streams, reservoirs, wetlands, and bays protected by site-specific water quality standards
- 1.1.2 ex 2 Number of dams in the Texas Dam Inventory

Strategy 1.1.3: Waste Management Assessment and Planning

Ensure the proper and safe disposal of pollutants by monitoring the generation, treatment, and storage of solid waste and assessing the capacity of waste disposal facilities; and by providing financial and technical assistance to municipal solid waste planning regions for the development and implementation of waste reduction plans.

Output Measures

- 1.1.3 op 1 Number of active municipal solid waste landfill capacity assessments

Efficiency Measures

- 1.1.3 ef 1 Average number of hours per municipal solid waste facility capacity assessment

Explanatory Measures

- 1.1.3 ex 1 Number of Council of Government regions in the state with ten years or more of disposal capacity

Objective 1.2: Review and Process Authorizations

Review and process 90 percent of air, water, and waste authorization applications within established time frames.

Outcome Measures

- 1.2 oc 1 Percent of air quality permit applications reviewed within established time frames
- 1.2 oc 2 Percent of water quality permit applications reviewed within established time frames
- 1.2 oc 3 Percent of water-rights permit applications reviewed within established time frames
- 1.2 oc 4 Percent of waste management permit applications reviewed within established time frames

Strategy 1.2.1: Air Quality Permitting

Perform complete and timely reviews of applications to release pollutants into the air.

Output Measures

- 1.2.1 op 1 Number of state and federal new source review air quality permit applications reviewed
- 1.2.1 op 2 Number of federal air quality operating permits reviewed
- 1.2.1 op 3 Number of emissions banking and trading transaction applications reviewed

Explanatory Measures

- 1.2.1 ex 1 Number of state and federal air quality permits issued
- 1.2.1 ex 2 Number of federal air quality permits issued

Strategy 1.2.2: Water Resource Permitting

Perform complete and timely reviews of applications to utilize the state's water resources or to discharge to the state's waterways.

Output Measures

- 1.2.2 op 1 Number of applications to address water quality impacts reviewed

- 1.2.2 op 2 Number of applications to address water-rights impacts reviewed
- 1.2.2 op 3 Number of Concentrated Animal Feeding Operation (CAFO) authorizations reviewed

Explanatory Measures

- 1.2.2 ex 1 Number of water quality permits issued
- 1.2.2 ex 2 Number of water-rights permits issued or denied

Strategy 1.2.3: Waste Management and Permitting

Perform complete and timely reviews of applications relating to management and disposal of municipal and industrial solid and hazardous waste.

Output Measures

- 1.2.3 op 1 Number of new system waste evaluations conducted
- 1.2.3 op 2 Number of municipal non-hazardous waste permit applications reviewed
- 1.2.3 op 3 Number of industrial and hazardous waste permit applications reviewed

Explanatory Measures

- 1.2.3 ex 1 Number of municipal non-hazardous waste permits issued
- 1.2.3 ex 2 Number of industrial and hazardous waste permits issued
- 1.2.3 ex 3 Number of corrective actions implemented by responsible parties for solid waste sites

Strategy 1.2.4: Occupational Licensing

Establish and maintain occupational certification programs to ensure compliance with statutes and regulations that protect public health and the environment.

Output Measures

- 1.2.4 op 1 Number of applications for occupational licensing
- 1.2.4 op 2 Number of examinations processed
- 1.2.4 op 3 Number of licenses and registrations issued

Explanatory Measures

- 1.2.4 ex 1 Number of TCEQ licensed environmental professionals and registered companies
- 1.2.4 ex 2 Average cost per license and registration

Objective 1.3: Ensure Proper and Safe Recovery and Disposal

Ensure the proper and safe recovery of source material and disposal of low-level radioactive waste.

Strategy 1.3.1: Radioactive Materials Management

Ensure the proper and safe recovery of source material and disposal of radioactive materials.

Output Measures

- 1.3.1 op 1 Number of radiological monitoring and verification of air, water, soil/sediment, and flora samples collected

Explanatory Measures

- 1.3.1 ex 1 Amount of revenue deposited to the general revenue fund generated from the 5% gross receipts fee of the disposal of low-level radioactive waste and other radioactive substances
- 1.3.1 ex 2 Volume of low-level radioactive waste accepted by the state of Texas for disposal at the Texas Compact Waste facility

Goal 2: Drinking Water

Protect public health and the environment by assuring the delivery of safe drinking water to the citizens of Texas consistent with requirements in the Safe Drinking Water Act; by providing regulatory oversight of water and sewer utilities; and by promoting regional water strategies.

Objective 2.1: Increase the Number of Texans Served by Safe Drinking Water Systems

Supply 95 percent of Texans served by public drinking water systems with safe drinking water as required by the Safe Drinking Water Act, to provide regulatory oversight of water and sewer utilities and to promote regional water strategies.

Outcome Measures

- 2.1 oc 1 Percent of Texas population served by public water systems which meet drinking water standards

Strategy 2.1.1: Safe Drinking Water Oversight

Ensure the delivery of safe drinking water to all citizens through monitoring and oversight of drinking water sources consistent with the requirements of the Safe Drinking Water Act.

Output Measures

- 2.1.1 op 1 Number of public drinking water systems that meet primary drinking water standards
 2.1.1 op 2 Number of drinking-water samples collected
 2.1.1 op 3 Number of district applications processed

Goal 3: Enforcement and Compliance Assistance

Protect public health and the environment by administering enforcement and environmental assistance programs that promote compliance with environmental laws and regulations, voluntary efforts to prevent pollution, and offer incentives for demonstrated environmental performance while providing strict, sure, and just enforcement when environmental laws are violated.

Objective 3.1: Increase Compliance and Response to Citizen Inquiries

Maintain at least 95 percent of all regulated facilities in compliance with state environmental laws and regulations, to respond appropriately to citizen inquiries and complaints and to prevent pollution, conserve resources, and enhance compliance.

Outcome Measures

- 3.1 oc 1 Percent of investigated air sites in compliance
 3.1 oc 2 Percent of investigated water sites and facilities in compliance
 3.1 oc 3 Percent of investigated waste sites in compliance

- 3.1 oc 4 Percent of identified noncompliant sites and facilities for which timely and appropriate enforcement action is taken
 3.1 oc 5 Percent of investigated occupational licensees in compliance
 3.1 oc 6 Percent of administrative orders settled
 3.1 oc 7 Percent of administrative penalties collected

Strategy 3.1.1: Field Inspections and Complaint Response

Promote compliance with environmental laws and regulations by conducting field inspections and responding to citizen complaints.

Output Measures

- 3.1.1 op 1 Number of investigations of air sites
 3.1.1 op 2 Number of inspections and investigations of water rights sites
 3.1.1 op 3 Number of investigations of water sites and facilities
 3.1.1 op 4 Number of investigations of waste sites

Efficiency Measures

- 3.1.1 ef 1 Average days from air, water, or waste investigation to report completion

Explanatory Measures

- 3.1.1 ex 1 Number of citizen complaints investigated
 3.1.1 ex 2 Number of emission events investigations
 3.1.1 ex 3 Number of spill cleanup investigations

Strategy 3.1.2: Enforcement and Compliance Support

Maximize voluntary compliance with environmental laws and regulations by providing educational outreach and assistance to businesses and units of local governments; and assure compliance with environmental laws and regulations by taking swift, sure, and just enforcement actions to address violations.

Output Measures

- 3.1.2 op 1 Number of environmental laboratories accredited
 3.1.2 op 2 Number of small businesses and local governments assisted

Efficiency Measures

- 3.1.2 ef 1 Average number of days to file an initial settlement offer

Explanatory Measures

- 3.1.2 ex 1 Amount of administrative penalties paid in final orders issued
- 3.1.2 ex 2 Amount required to be paid for supplemental environmental projects issued in final administrative orders
- 3.1.2 ex 3 Number of administrative enforcement orders issued

Strategy 3.1.3: Pollution Prevention, Recycling, and Innovative Programs

Enhance environmental performance, pollution prevention, recycling, and innovative programs through technical assistance, public education, and innovative program implementation.

Output Measures

- 3.1.3 op 1 Number of presentations, booths, and workshops conducted on pollution prevention/waste minimization and voluntary program participation
- 3.1.3 op 2 Number of quarts of used oil diverted from improper disposal

Explanatory Measures

- 3.1.3 ex 1 Tons of hazardous waste reduced as a result of pollution prevention planning
- 3.1.3 ex 2 Tons of waste collected by local and regional household hazardous waste collection programs
- 3.1.3 ex 3 Number of registered waste tire facilities and transporters

Goal 4: Pollution Cleanup Programs to Protect Public Health and the Environment

Protect public health and the environment by identifying, assessing, and prioritizing contaminated sites, and by assuring timely and cost-effective cleanup based on good science and current risk factors.

Objective 4.1: Contaminated Site Cleanup

Identify, assess, and remediate 6 additional Superfund sites and/or other sites contaminated by hazardous materials, and identify, assess and remediate the known leaking petroleum storage tank (LPST) sites.

Outcome Measures

- 4.1 oc 1 Percent of leaking petroleum storage tank sites cleaned up
- 4.1 oc 2 Number of superfund remedial actions completed
- 4.1 oc 3 Percent of voluntary and brownfield cleanup properties made available for redevelopment, community, or other economic reuse
- 4.1 oc 4 Percent of industrial solid and municipal hazardous waste facilities cleaned up

Strategy 4.1.1: Storage Tank Administration and Cleanup

Regulate the installation and operation of underground storage tanks and administer a program to identify and remediate sites contaminated by leaking storage tanks.

Output Measures

- 4.1.1 op 1 Number of petroleum storage tank self-certifications processed
- 4.1.1 op 2 Number of emergency response actions at petroleum storage tank sites
- 4.1.1 op 3 Number of petroleum storage tank clean-ups completed

Efficiency Measures

- 4.1.1 ef 1 Average days to authorize a state lead contractor to perform corrective action activities

Strategy 4.1.2: Hazardous Materials Cleanup

Aggressively pursue the investigation, design, and cleanup of federal and state Superfund sites; and facilitate voluntary cleanup activities at other sites and respond immediately to spills that threaten human health and the environment.

Output Measures

- 4.1.2 op 1 Number of immediate response actions completed to protect human health and environment
- 4.1.2 op 2 Number of superfund site assessments
- 4.1.2 op 3 Number of voluntary and brownfield cleanups completed
- 4.1.2 op 4 Number of Superfund sites in Texas undergoing evaluation and cleanup
- 4.1.2 op 5 Number of Superfund remedial actions completed
- 4.1.2 op 6 Number of dry cleaner remediation program (DCRP) site assessments initiated
- 4.1.2 op 7 Number of dry cleaner remediation program site cleanups completed

Efficiency Measures

- 4.1.2 ef 1 Average days to process dry cleaner remediation program applications

Explanatory Measures

- 4.1.2 ex 1 Number of state and federal Superfund sites in post-closure care (O&M) phase
- 4.1.2 ex 2 Number of dry cleaner remediation program (DCRP) eligible sites

Goal 5: Ensure Delivery of Texas' Equitable Share of Water

The Texas River Compact Commissions will ensure the delivery of Texas' equitable share of quality water from the commissions' respective rivers and tributaries.

Objective 5.1: Ensure Delivery of 100 Percent of Texas' Equitable Share of Water

Ensure delivery of 100 percent of Texas' equitable share of quality water annually as apportioned by each commissions' respective compact.

Outcome measures

- 5.1 oc 1 Percentage received of Texas equitable share of quality water annually as apportioned by the Canadian River Compact

- 5.1 oc 2 Percentage received of Texas equitable share of quality water annually as apportioned by the Pecos River Compact
- 5.1 oc 3 Percentage received of Texas equitable share of quality water annually as apportioned by the Red River Compact
- 5.1 oc 4 Percentage received of Texas equitable share of quality water annually as apportioned by the Rio Grande River Compact
- 5.1 oc 5 Percentage received of Texas equitable share of quality water annually as apportioned by the Sabine River Compact

Strategy 5.1.1: Canadian River Compact

The Canadian River Compact will ensure the delivery of Texas' equitable share of quality water from the Canadian River and its tributaries as apportioned by the Canadian River Compact.

Strategy 5.1.2: Pecos River Compact

The Pecos River Compact will ensure delivery and maximize the availability of Texas' equitable share of quality water from the Pecos River and its tributaries as apportioned by the Pecos River Compact.

Strategy 5.1.3: Red River Compact

The Red River Compact will ensure delivery of Texas' equitable share of quality water from the Red River and its tributaries as apportioned by the Red River Compact.

Strategy 5.1.4: Rio Grande River Compact

The Rio Grande River Compact will ensure delivery and maximize the availability of Texas' equitable share of quality water from the Rio Grande and its tributaries as apportioned by the Rio Grande Compact.

Strategy 5.1.5: Sabine River Compact

The Sabine River Compact will ensure delivery of Texas' equitable share of quality water from the Sabine River and its tributaries as apportioned by the Sabine River Compact.

Performance Measures and Definitions, Fiscal Years 2018-2019

The State of Texas uses a set of organized procedures known as the Strategic Planning and Budgeting System, in which funding and other decisions are based on what an agency is *accomplishing*, rather than just on what it is doing. As an important element of the monitoring phase of budgeting, *performance measures* serve as specific targets that indicate the level of success attained in accomplishing agency goals.

Performance Measures

There are four types of performance measures, as follows:

1. **Outcome Measures (oc)**—are used to assess an agency's effectiveness in serving its customers and in achieving its mission and goals. An outcome measure is typically expressed as a percentage, rate, or ratio.
2. **Output Measures (op)**—are used to count the services and goods produced by an agency. They are helpful in assessing agency workload and demand for services as well as agency efforts to address those demands. The number of people receiving a service and the number of services delivered are often used as measures of output.
3. **Efficiency Measures (ef)**—are used to quantify costs, unit cost, or productivity associated with a given outcome or output.
4. **Explanatory Measures (ex)**—reflect the agency's operating environment and explain factors that are relevant to the interpretation of other agency measures.

Measure Definitions

The definition of a performance measure follows a format prescribed by the Texas Legislative Budget Board.

This format has eight components, as follows:

1. **Short Definition**—provides a brief explanation of the measure, with enough detail to give a general understanding of it.
2. **Purpose/Importance**—describes the intended purpose of the measure and its significance.
3. **Source/Collection Data**—describes the source of the data or information and how it is collected.
4. **Method of Calculation**—clearly specifies how the measure is calculated.
5. **Data Limitations**—identifies any limitations and factors beyond the control of the agency that may affect reported performance.
6. **Calculation Type**—specifies whether the information is cumulative or non-cumulative from quarter to quarter.
7. **New Measure**—identifies whether the measure is new or has been significantly changed.
8. **Desired Performance**—clarifies whether the optimal level of performance is above or below projections.



Performance Measures and Definitions

The following is a listing of the TCEQ's performance measures and their definitions for fiscal years 2018–2019.

Outcome

1.1 oc 1 **Percent of stationary and mobile-source pollution reductions in ozone nonattainment areas (key)**

Short Definition: This measure quantifies changes in criteria pollutants or precursors for criteria pollutants from emission sources within an area that failed to meet the ozone National Ambient Air Quality Standard.

Purpose/Importance: The measure reflects trends of ozone criteria pollutants and/or precursors in ozone nonattainment areas. These changes are potential indicators of strategies put in place to reduce emissions which will result in meeting ozone attainment status.

Source/Collection of Data: The sources of data include the annual inventory of point sources and the triennial inventory of non-point sources.

Method of Calculation: This measure is calculated by subtracting NO_x and VOC emissions totals of the most recent emissions inventory from the total emissions of the previous year, divided by a base year (previous year) emissions. This measure is calculated on a calendar year (Jan. 1 through Dec. 31) basis because the inventories are developed on a calendar year schedule as required by the EPA.

Data Limitations: The lack of consistency between the methods of conducting emissions inventories for point and non-point sources result in the inability to compile detailed annual trend analyses.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 2 **Nitrogen oxides (NO_x) emissions reduced through the Texas Emissions Reduction Plan (TERP) (key)**

Short Definition: This measure is intended to show the amount of NO_x emissions reduced through implementation of the TERP incentive grants for cleaner on-road and off-road heavy-duty engines.

Purpose/Importance: The TERP program was established by the 77th Legislature (Senate Bill 5) to offset emission reductions required of construction equipment operation and required accelerated purchase of cleaner diesel engines by providing incentives purchase or retrofit of cleaner on-road and off-road diesel engines.

Source/Collection of Data: Emissions reduced is the difference between emissions estimated for current equipment and emissions from new purchase or retrofit equipment as reported by grant recipients over the life of the projects.

Method of Calculation: Tons per year NO_x reduced is generated by totaling the annual emissions reduction reported by each grant recipient. That number is divided by an estimated number of days in an operational year: either 250 or 365 days, depending on the type of project. The final amount is expressed as tons per day reductions.

Data Limitations: None identified; grant recipients are required to report emissions reduced by the funded projects.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 3 **Percent of Texans living where the air meets federal air quality standards (key)**

Short Definition: Percent of Texans living where the air meets federal air quality standards.

Purpose/Importance: This measure reflects compliance with federal air quality standards.

Source/Collection of Data: Population in counties in metropolitan areas that exceed federal air quality standards.

Method of Calculation: The percentage of Texas population in areas meeting federal clean air standards is measured by identifying the population within the counties in which the federal standards are being exceeded and subtracting this population figure from the statewide total population figure. This number is then divided by the total population and multiplied by 100 to derive a percentage. Population for Texas and Texas counties are taken from the most recent yearly population estimates released by the Texas State Data Center. This measure is calculated on a calendar year (Jan. 1 through Dec. 31) basis because data cannot be quality-assured in a timely manner so that it is available on a fiscal year basis.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 4 **Percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state**

Short Definition: Annual percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state.

Purpose/Importance: This measure reflects the reduction in the pollution load from all facilities discharging to the waters of the state.

Source/Collection of Data: Using a TCEQ database maintained by the Water Quality Division, staff will report the total permitted pounds per day of the Five Day Biochemical Oxygen Demand (BOD5) or the Five Day Carbonaceous Biochemical Oxygen Demand (CBOD5) and the total permitted flow for the month of June of each year.

Method of Calculation: The total permitted pollution load from all facilities discharging to the waters of the state will be divided by the total permitted discharge flow to the waters of the state. The permitted pollution load will be subtracted from the previous year's permitted pollution load divided by the previous year's permitted pollution load, and multiplied by 100 to determine the percent reduction from the previous year.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 5 **Percent of Texas classified surface waters meeting or exceeding water quality standards (key)**

Short Definition: Percent of Texas classified surface water meeting or exceeding water quality standards.

Purpose/Importance: This is a measure of the agency's success in developing and implementing state water quality management programs. The Texas surface water quality standards establish goals for water quality in the surface waters of Texas. The extent to which water quality standards are attained is an environmental measure of water quality in Texas rivers, reservoirs, and estuaries, as well as a reflection of monitoring intensity.

Source/Collection of Data: The Surface Water Quality Information System Database has summary information on the water quality status for water bodies in Texas. The information is generated by comparing water sampling data collected by the agency and its cooperators with criteria for the classified water bodies established in the Texas Surface Water Quality Standards (30 TAC 307). Classified water bodies are the larger water bodies in Texas, and their watersheds are the focus of water quality management efforts. There are approximately 375 classified water bodies in Appendix A. Standards attainment is reported in TCEQ's Texas Integrated Report for Clean Water Act, sections 305(b) and 303(d).

Method of Calculation: Summary totals are reported from the most recently EPA approved Integrated Report. The percent of Texas classified surface waters meeting or exceeding water quality standards is the amount of rivers, reservoirs, and estuaries meeting or exceeding standards divided by the total amount of rivers, reservoirs, and estuaries assessed for the reporting period. The amounts assessed are expressed as miles for rivers, acres for reservoirs, and square miles for estuaries. The overall percent of waters meeting standards for the state is then calculated by totaling the percent of rivers, reservoirs, and estuaries meeting standards divided by three.

Data Limitations: The Integrated Report is prepared in even numbered years, adopted by the Commission and submitted as a draft document to the EPA for approval. The draft documents are posted on the agency website and used for reporting and planning purposes. The measure calculations are based on the most recent Integrated Report approved by the EPA. Compliance with water quality standards is based on the most recent sampling data typically for a period of seven years. The assessment integrates natural variability in water quality, and overall change in this measure, reflecting actual conditions, is relatively slow. Because the Integrated Report is updated only every two years, this measure remains constant for two years. If the EPA changes the requirement for the Integrated Report to a period other than every two years, the measure will also remain constant for that period of time.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 6 Percent of solid waste diverted from municipal solid waste landfills

Short Definition: The annual percent of solid waste diverted from municipal solid waste landfills in the state.

Purpose/Importance: Provide a general indicator of the effectiveness of statewide solid waste diversion and planning efforts.

Source/Collection of Data: Waste diversion data is obtained from the annual reporting program for municipal solid waste landfills and processing facilities.

Method of Calculation: The percent diverted is determined by the formula: total amount diverted divided by the (total amount diverted plus total amount disposed) times 100.

Data Limitations: This measure only captures data for solid waste that arrives at a landfill or processing facility and is then diverted from disposal. It does not capture data for solid waste that is diverted to recycling before it gets to the landfill or processing facility. Economic factors and natural disasters are important but are not currently considered in the calculation.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 7 Percent decrease in the toxic releases in Texas (key)

Short Definition: Annual percent decrease in the toxic releases in Texas.

Purpose/Importance: This measure reflects industry efforts to make reductions in their toxic releases.

Source/Collection of Data: Using the adjusted data reported in the annual Toxic Release Inventory, the amount of toxic releases during the reporting period, to air, land, and water will be subtracted from the previous year's level, and this difference will be divided by the previous year's level and multiplied by 100 to calculate the percent reduction.

Method of Calculation: Using the adjusted data reported in the annual Toxic Release Inventory, the amount of toxic releases during the reporting period, to air, land, and water will be subtracted from the previous year's level, and this difference will be divided by the previous year's level and multiplied by 100 to calculate the percent reduction.

Data Limitations: Data depends on the timely retrieval of information from the Toxic Release Inventory maintained by the EPA.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 8 Percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills

Short Definition: Annual percent change in the amount of municipal solid waste going into Texas municipal solid waste landfills.

Purpose/Importance: This measure reflects recycling and conservation efforts to reduce the amount of solid waste going into Texas municipal solid waste landfills.

Source/Collection of Data: The disposal amount in tons is based on the most current set of complete data obtained through annual reports required for all permitted municipal solid waste landfills.

Method of Calculation: The percent change in the amount of waste going into Texas municipal solid waste landfills will be computed by subtracting the disposed amount in tons for the previous year from the disposed amount in tons for the reporting period. This difference will then be divided by the disposed amount in tons for the previous year and multiplied by 100 to determine the percent change.

Data Limitations: Due to the continued growth in population in the state, there will more than likely be an increase in municipal solid waste going to municipal solid waste landfills despite the best efforts to encourage recycling and reuse for some time to come.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

1.1 oc 9 Percent of high and significant hazard dams inspected within the last five years

Short Definition: Percent of high-hazard and significant-hazard dams that have had safety inspections performed within the last five years. Inspections include on-site investigations as well as in-house review of owner's engineer and contractor's inspection reports involving high-hazard and significant-hazard dams.

Purpose/Importance: The inspections are conducted to ensure the safe design, construction, maintenance, repair, and removal of dams in the state. The percent of inspections conducted on high-hazard and significant-hazard dams allows a comparison of state performance to federal program recommendations of inspections every five years.

Source/Collection: Dam Safety staff enter investigation information into the Dam Safety Module, which interfaces with several TCEQ databases, including Consolidated Compliance and Enforcement Database (CCEDS).

Method of Calculation: Using information obtained by running queries of the data in CCEDS, performance is calculated using the following formula: (number of high and significant-risk dams that have been inspected within the last five years divided by the total number of high and significant-risk dams) times 100.

Data Limitations: None

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1 oc 10 **Number of acres of habitat created, restored, and protected through implementation of Estuary Action Plans**

Short Definition: Number of acres of habitat created, restored, and/or protected through implementation of Galveston Bay Estuary Program (GBEP) and Coastal Bend Bay Estuary Program (CBBEP) estuary action plans.

Purpose/Importance: Loss of habitat is one of the greatest threats facing the health of the Coastal Bend and Galveston Bay estuaries, designated by the EPA as estuaries of national significance. Habitat restoration and protection is critical for protecting significant fish and wildlife communities. Conservation areas, including wetlands, function to maintain water quality in the estuaries and surrounding tributaries. This measure must be reported by the estuary programs to the EPA and would be used in the future to express success of the Texas Coastal Management Program.

Source/Collection of Data: GBEP and CBBEP initiate and track habitat restoration projects within their established boundaries. These projects will be manually calculated for each program, added together, and reported by the Office of Water's Water Quality Planning Division.

Method of Calculation: Annual measure is determined by computing the area of habitat restored, created, or protected using aerial photography. Habitat types include tidal flats, inter-tidal marsh, freshwater and forested wetland, bird-nesting islands, coastal prairie, riparian, oyster reefs, and submerged aquatic vegetation. The measure is expressed in acres, inclusive of both wetland and upland areas.

Data Limitations: Actual acreage gained is influenced by changes in cost of land, availability of dredge material, changes in fuel cost, weather and partner monetary and in-kind contributions. Individual projections by GBEP and CBBEP will consider differences in land cost in the two geographical areas.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

1.1.1 op 1 **Number of point source air quality assessments (key)**

Short Definition: The number of point source emissions inventories reviewed and loaded into a TCEQ database.

Purpose/Importance: The measure reflects the number of emissions inventories submitted from point sources in Texas and loaded into a TCEQ database. The emissions inventory data are used for planning activities such as State Implementation Plans and are submitted to the EPA as required in the federal Clean Air Act of 1990 and they are also used for permit modeling, emissions fee verification, and compliance and enforcement activities.

Source/Collection of Data: Data are collected through point-source emissions inventories that are submitted annually to the Commission by entities that are subject to the emissions inventory reporting requirements.

Method of Calculation: The count is based on the number of emissions inventories that are quality assured and loaded into a TCEQ database during each quarter of the fiscal year.

Data Limitations: Data is affected by the number of non-attainment areas in the state or by the NAAQS levels; should the number of non-attainment areas or the level or number of NAAQS change, the number of emissions inventories reviewed and entered will also change.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.1 op 2 **Number of area source air quality assessments (key)**

Short Definition: The number of area source categories for which emissions are inventoried or calculated by county and loaded into a TCEQ database.

Purpose/Importance: The measure reflects the number of area source emissions inventories developed for each area-source category and the affected counties in the State of Texas. The emissions inventory data are used for planning activities such as State Implementation Plans and are submitted to the EPA as required in the federal Clean Air Act of 1990.

Source/Collection of Data: Area sources are defined as a wide variety of stationary sources that generate air pollution but are not required to report as a point source. The emissions inventory data are developed for area-source categories by making regional or county emissions estimates. The estimates are derived from either a “top-down” approach that applies an emission factor to activity data such as county total population or a “bottom-up” approach that uses local area surveys. Each area-source emissions inventory is quality assured and loaded into a TCEQ database.

Method of Calculation: The number of assessments is calculated by multiplying the number of emissions inventories developed for an area-source category by the number of counties with active sources.

Data Limitations: The variety in the level of work performed on any particular area-source category limits its usefulness as an easily measured output measure.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.1 op 3 Number of on-road mobile source air quality assessments (key)

Short Definition: The evaluation of the number of on-road mobile source transportation-related scenarios. On-road mobile sources include vehicles used on roads for transportation of passengers or freight for which emissions are estimated.

Purpose/Importance: On-road mobile sources in large urban areas make up a very significant source of air emissions. In some ozone non-attainment areas, they are considered the largest source of ozone-forming pollutants. Emissions from these sources are included in strategies associated with ozone non-attainment area State Implementation Plans. Assessments are also used to evaluate the impacts of different vehicle inspection/maintenance (I/M) programs, roadway construction projects, and transportation-control measures.

Source/Collection of Data: Emission calculations and assessments are dependent on the inputs to the computer model used to develop emission factors, as well as on the travel activity applied to emission factors to calculate emissions. Variables assessed in different travel scenarios include measured vehicle miles of travel, speeds, fleet composition, fuels, controls in place, and other information pertinent to the area of concern. Much of the travel-related data is provided by transportation planning agencies, at both the state and local level.

Method of Calculation: EPA computer models are the primary tool used to calculate mobile-source emissions. A particular set of inputs to the model will constitute a specific scenario being modeled. Collecting the input data, setting up and running the model, and applying the vehicle activity to estimate emissions for that scenario is considered one assessment. The number of assessments reported is based on a quarterly summation of weekly staff counts of mobile scenarios.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.1 op 4 Number of non-road mobile source air quality assessments

Short Definition: The number of non-road mobile source categories for which emissions are inventoried or calculated by county and loaded into a TCEQ database.

Purpose/Importance: The measure reflects the number of non-road mobile-source emission inventories developed for specific analysis years needed for State Implementation Plan (SIP) development and other analyses. The data is collected at the county-level. Non-road mobile sources make up a very significant source of air emissions in the state. Emissions from these sources are included in strategies associated with non-attainment area State Implementation Plans.

Source/Collection of Data: Non-road mobile sources include mobile engines, mobile equipment, and vehicles used off road for construction, agriculture, transportation, recreation, and many other purposes. The emissions inventory data are developed for non-road mobile-source categories by making regional or county emissions estimates. The estimates are derived from either a “top-down” approach that applies an emission factor to activity surrogates such as county equipment population or a “bottom-up” approach that uses local area surveys. Each non-road mobile-source emissions inventory is quality assured and loaded into a TCEQ database.

Method of Calculation: The number of assessments is calculated by summing the number of non-road mobile-source categories within each county for which emissions are developed during the reporting period.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.1 op 5 Number of air monitors operated

Short Definition: Number of air monitors operated.

Purpose/Importance: This measure provides an indication of the agency's ability to collect scientific data concerning the level of air pollutants to which Texas citizens are being exposed. The number of air monitors operated includes a count of the total number of individual monitors that are funded with state and/or federal funds and collect air pollutant data including ozone, nitrogen dioxide, carbon monoxide, sulfur dioxide, air toxics, lead, particulate matter of 10 micrometers or less, and particulate matter of 2.5 micrometers or less. This number does not include monitors that collect only meteorological outputs, such as wind speed/direction.

Source/Collection of Data: The source of the data is the Texas Air Monitoring Information System (TAMIS), a secure system of record for air monitoring data in Texas. TAMIS is the data system that displays monitoring information on the TCEQ website.

Method of Calculation: The number of air monitors is compiled from TAMIS using standardized reports which filter data by funding source and calculate a total number of air monitors operated with state and/or federal funds.

Data Limitations: This measure provides a reliable indication of the state's air pollution monitoring capability. The number of air monitors in operation across the state is limited by funding and staffing levels.

Calculation Type: Non-cumulative

New Measure: Yes

Desired Performance: Above projections

1.1.1 op 6 Tons NO_x reduced through Emissions Reduction Plan (key)

Short Definition: This measure is intended to show the amount of NO_x emissions projected to be reduced through projects funded by TERP incentive grants awarded each year. Note that the corresponding outcome measure (1.1 oc 2) then shows the results of the projects as reported each year.

Purpose/Importance: The TERP program was established by the 77th Legislature (Senate Bill 5) to offset emission reductions required of construction equipment operation and required accelerated purchase of cleaner diesel engines by providing incentives for the purchase or retrofit of cleaner on-road and off-road diesel engines.

Source/Collection of Data: The grant applications include information that is used to calculate the number of tons of NO_x that will be reduced by that project.

Method of Calculation: The total tons projected to be reduced by each project are calculated using the methodologies established in the TCEQ's Guidelines for Emissions Reduction Incentive Grants (RG-388). The calculations are different for each type of projects. Only those projects funded under the TERP Emissions Reduction Incentive Grants (ERIG) and Rebate Grants Programs, as included in the guidelines, are included in the calculation.

Data Limitations: None identified; the calculations use data provided with the grant applications. The projected tons that will be reduced must be calculated in order to evaluate the project and make the grant award.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.1 op 7 Number of vehicles repaired and/or replaced through LIRAP assistance (key)

Short Definition: Number of vehicle (units) repaired or replaced in the Low-Income Vehicle Repair Retrofit and Accelerated Retirement Assistance Program (LIRAP). The program is also known as Air Check Texas Drive A Clean Machine.

Purpose/Importance: This measure determines the number of vehicle repairs and replacements that have taken place in the program.

Source/Collection of Data: This measure is generated from quarterly reports gathered by each program county for each quarter.

Method of Calculation: The cumulative number of vehicle repairs and replacements in each participating county for each quarter.

Data Limitations: Quarterly reports submitted by each participating county are not due until 30 days after the end of each quarter. To meet the performance measure timeline established, data will be reported from electronic data available as of the close of the quarter from each participating county. The data will then be updated, if necessary, based on the final quarterly reports submitted by the participating counties.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

1.1.1 ef 1 Percent of valid data collected by TCEQ continuous and non-continuous air-monitoring networks

Short Definition: Percent of valid data collected by TCEQ continuous and non-continuous air-monitoring networks.

Purpose/Importance: The percent of valid data collected by the TCEQ's state and/or federally funded ambient air-monitoring networks provides an indication of the TCEQ's ability to collect complete and representative data concerning the level of air pollutants to which Texas citizens are being exposed.

Source/Collection of Data: Valid measurements are defined as measurements that meet the data quality objectives stated in the TCEQ's quality system, including federal monitoring criteria. Total possible measurements for continuous monitoring are defined as the number of samples that should theoretically be collected during the reporting period. Only valid data collected using state and/or federally funded air pollutant monitors are reported in this measure, and the source of the data is the TCEQ's data system (Texas Air Monitoring Information System). The data are reported once they are validated for the entire quarter (for most data, this is the quarter after it is collected), and the sampling periods are those described by federal regulations: January–March, April–June, July–September, and October–December.

Method of Calculation: The percentage of valid data collected for each pollutant is determined by dividing the number of valid measurements by the total possible measurements, then multiplying by 100. The final reported percentage is determined by averaging the percentages of valid data collected for all samples.

Data Limitations: The percent of valid data collected is limited by equipment failures and logistics (i.e., continuous power supply).

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1.1 ef 2 **Average cost per air quality assessment**

Short Definition: This measure accounts for the funds expended by the Air Quality Division on salaries and other operating expenses related to staff working on air quality assessments divided by the number of assessments performed during the period.

Purpose/Importance: This measure reflects agency efforts to produce air quality assessments in an efficient manner. It also relates operating expenses to a combination of four output measures: point-source assessments, area-source assessments, non-road mobile-source assessments, and on-road mobile-source assessments.

Source/Collection of Data: Operating expense data is taken from Business Object Enterprise 11 (BOEXI) reports for the Air Quality Division. Staff in the Air Quality Division compile the number of assessments for the period.

Method of Calculation: The average cost per assessment is the total funds expended and encumbered through the reporting period of salaries and operating costs for staff performing point-source, area-source, and non-road mobile and on-road mobile-source air quality assessments divided by the total number of point-source, area-source, and non-road mobile and on-road mobile-source air quality assessments conducted during the reporting period.

Data Limitations: Since the outputs used to calculate this measure are not reported from a computer data file but are dependent on staff recording and reporting the number of assessments conducted, the reporting process is time consuming and subject to large variation. The resources expended on assessments vary widely between the different types of assessments, and the work load for mobile-source and area-source assessments is highly dependent on customer demand.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

1.1.1 ef 3 **Average cost of LIRAP vehicle emissions repairs/retrofits (key)**

Short Definition: Average cost of repairs/retrofits to cars participating in the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) that fail the vehicle emissions portion of the Inspection and Maintenance test.

Purpose/Importance: This measure seeks to provide a better understanding of the amount of funds a county might expect to allocate for vehicle repairs or retrofits.

Source/Collection of Data: This measure will be generated from quarterly reports gathered by each program county.

Method of Calculation: An average cost of LIRAP repairs and retrofits will be calculated each fiscal year by averaging data collected from participating county quarterly reports. Participating counties report monies allocated to each repair station for repairs and retrofits.

Data Limitations: Data is limited by the accuracy and efficiency of data reporting conducted by each program county.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

1.1.1 ef 4 Average cost per ton of NO_x reduced through TERP Expenditures (key)

Short Definition: This measure is intended to show the average cost per ton of NO_x emissions projected to be reduced through projects funded by TERP incentive grants awarded each year.

Purpose/Importance: The TERP program was established by the 77th Legislature (Senate Bill 5) to offset emission reductions required of construction equipment operation and required accelerated purchase of cleaner diesel engines by providing incentives for the purchase or retrofit of cleaner on-road and off-road diesel engines.

Source/Collection of Data: The grant applications include information that is used to calculate the number of tons of NO_x that will be reduced by that project.

Method of Calculation: The total tons projected to be reduced by each project funded are divided by the incentive amount for that project. The total tons projected to be reduced by each project are calculated using the methodologies established in the TCEQ's Guidelines for Emissions Reduction Incentive Grants (RG-388). The calculations are different for each type of projects.

Data Limitations: None identified; the calculations use data provided with the grant applications. The projected tons that will be reduced must be calculated in order to evaluate the project and make the grant award. The total tons projected to be reduced by the projects funded each year will be divided by the total grant awards for that year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Explanatory

1.1.1 ex 1 Number of days ozone exceedances are recorded in Texas

Short Definition: The number of days per year that the most recent ozone standard is exceeded at any regulatory air monitoring station throughout Texas.

Purpose/Importance: The measure reflects the frequency with which monitored areas measure levels of ozone concentrations higher than the National Ambient Air Quality Standards (NAAQS).

Source/Collection of Data: This information is tracked using the TCEQ's air quality database.

Method of Calculation: The sum of days that the ozone concentrations at any regulatory monitor in Texas exceeds the NAAQS. Ozone exceedances will be determined using regulatory air monitoring stations throughout Texas. If more than one regulatory air monitor exceeds the standard on any given day, that day would only count once. The exceedances will be based on the NAAQS standard in place at the beginning of the fiscal year (to be updated as necessary) for ozone.

Data Limitations: The measure depends on which federal standard is in place. This work is performed as needed.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Output

1.1.2 op 1 Number of surface water assessments (key)

Short Definition: Number of surface water assessments includes a diverse assemblage of assessment types performed and reported by multiple divisions within the Office of Water.

Purpose/Importance: The measure attempts to quantify the surface water quality assessment activities of the agency. Assessment of water quality is essential to the identification of impacted water bodies, and the development of water quality standards, effluent standards for wastewater discharges, and watershed strategies.

Source/Collection: The Water Quality Division compiles and reports quarterly Water Quality Management Plan (WQMP) updates for new or amended projected effluent limitations, service area population and designated management agencies information for entities applying for the State Revolving Fund Loan, and proposed waste load allocations for new dischargers and revisions for Total Maximum Daily Load (TMDL) updates; and performs Receiving Water Assessments.

The Water Quality Planning Division performs and reports the Clean Water Act (CWA) Sections 305(b) and 303(d) Integrated Report, including the Nonpoint Source (NPS) Assessment; Clean Rivers Program Assessments; WQMPs (CWA Sec. 604(b)); NPS Annual Report; NPS Management Program; Estuary Program Assessments finalized by Galveston Bay Estuary Program or Coastal Bend Bays and Estuaries Program; Use Attainability Analyses; special studies supporting surface water quality assessment activities; and TMDLs and TMDL I-Plans.

Method of Calculation: This measure represents the sum of the number of surface water assessments completed during the reporting period. Each assessment unit/parameter pair counts as one output for TMDLs, I-Plans, and TMDL equivalents. Each water body counts as one output for use-attainability analyses. The assessments are tracked manually.

Data Limitations: The individual assessments included in the measure range from assessments requiring as little as one week to ten years to complete. Some assessments are recurring at various intervals while others are grant deliverables that occur only once, or are performed as needed based on permitting demands for documentation of stream conditions, stream standards, and reasonable uses. Within the fiscal year, the performance for the number of surface water assessments varies from quarter to quarter based on demand and available resources. In general, water quality assessment activities are scheduled for completion later in the fiscal year.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.2 op 2 Number of groundwater assessments (key)

Short Definition: Number of groundwater assessments. The reports completed evaluate environmental or programmatic data related to groundwater quality or quantity issues.

Purpose/Importance: The measure attempts to quantify the groundwater assessment activities of the agency. Assessments range in complexity and effort from a basic data report compiling and analyzing the results of a field sampling trip to a major report evaluating the water resources, future demand and recommended management strategies for a multi-county area. Assessment of groundwater quality and quantity issues is essential to the protection and conservation of limited groundwater resources.

Source/Collection: The Water Availability Division (WAD) of the Office of Water performs and reports groundwater quality assessments, regional groundwater vulnerability assessments, groundwater management program assessments, pesticides in groundwater assessments for a range of state and federal mandates.

Method of Calculation: The assessments will be tracked manually with completion recorded in an electronic database and reported to the Strategic Planning and Assessment Section by the respective division identified above along with any explanation of variance required. The number of assessments by Office and the total of all assessments are reported quarterly for the agency by the Strategic Planning and Assessment Section.

Data Limitations: The individual assessments included in the measure range from assessments requiring as little as one week to one year to complete. Certain assessments come due each year and some every other year. Some assessments address federal or state mandates that may vary little or greatly from one fiscal year to the next. Within the fiscal year, the performance for the number of assessments varies from quarter to quarter. A straight-line projection of performance cannot describe the assessment activities. As such, the distribution cannot be normalized over a given time frame.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.1.2 op 3 Number of dam safety assessments (key)

Short Definition: Number of dam safety assessments conducted. Assessments include on-site investigations as well as in-house review of plans and specifications for dams, spillway adequacies, breach analyses, emergency action plans, engineering reports, water-use permit applications involving dams, and water district creation reviews involving dams.

Purpose/Importance: The measure reflects the combined workload of the agency and the agency's contractor associated with ensuring the safety of dams in the state. Assessments are conducted to ensure the safe design, construction, maintenance, repair and removal of dams in the state.

Source/Collection of Data: Using the Dam Safety Module—which interfaces with several TCEQ databases, including CCEDS—this measure is the total number of dam safety and security assessments completed in the reporting period.

Method of Calculation: Query of agency database

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

1.1.2 ef 1 Average cost per dam safety assessment

Short Definition: Average cost per dam safety assessment completed. Assessments include on-site safety and security investigations as well as in-house review of plans and specifications for dams, spillway adequacies, breach analyses, emergency action plans, engineering reports, and water-use permit applications involving dams, and water district creation reviews involving dams.

Purpose/Importance: Assessments are conducted to ensure the safe design, construction, maintenance, repair, and removal of dams in the state. The average cost measures how efficiently these assessments are conducted.

Source/Collection of Data: Investigators enter investigation information into the Dam Safety Module, which interfaces with several TCEQ databases, including CCEDS. Each reporting period, the Dam Safety Section retrieves from the database the number of assessments completed. Unified Statewide Accounting System (USAS) expenditure figures for the Dam Safety Program are used to determine costs.

Method of Calculation: Database query retrieves the total number of assessments completed during the reporting period. Average cost per assessment is calculated by dividing total funds expended as reported in the USAS for the Dam Safety Program by the total number of dam safety assessments conducted through the reporting period.

Data Limitations: Average cost figures may vary considerably due to the number and complexity of assessments performed.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Explanatory

1.1.2 ex 1 Percent of Texas rivers, streams, reservoirs, wetlands, and bays protected by site-specific water quality standards

Short Definition: Percent of Texas' rivers, streams, reservoirs, wetlands, and bays protected by site-specific water quality standards.

Purpose/Importance: The Texas Surface Water Quality Standards establish explicit numerical goals for water quality in the surface waters of Texas. The percentage of water bodies that have been assigned site-specific water quality standards is a measure of how well the standards have been tailored to individual water bodies and in the state. Using the Texas Water Quality Inventory, the percentage of state waters with designated site-specific standards is determined for each major water body type. These numbers are then averaged in order to develop a single statewide percentage. Calculated annually.

Source/Collection of Data: The TCEQ Texas Water Quality Inventory is used as a data source to provide the size of individual water bodies, and also to provide the total amount of each water body type in the state. The Water Quality Inventory is a publicly available document that is periodically reviewed and updated by the TCEQ. The Texas Surface Water Quality Standards, which are established as Chapter 307 in Title 30 of the Texas Administrative Code, are used to determine the list of water bodies that are assigned site-specific water quality standards.

Method of Calculation: Water body types are defined as rivers, reservoirs, estuaries, and wetlands. The amount (area or length) of "classified" and "partially classified" waters with site-specific standards is determined for each water body type from the Texas Water Quality Inventory (TWQI) and the Texas Surface Water Quality Standards (TSWQS). Changes to the amount of each water body type with site-specific standards is determined from the most recently adopted TSWQS. For each water body type, the percent of waters with site-specific standards is calculated. The percentages of each water body type are averaged to obtain a single statewide percentage.

Data Limitations: The designation of water bodies with site-specific standards is typically revised every three years. Therefore, the rate of change of this measure is relatively slow.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.1.2 ex 2 Number of dams in the Texas Dam Inventory

Short Definition: Number of dams in the Texas Dam Inventory.

Purpose/Importance: This measure reflects the number of dams in the state subject to dam safety assessments.

Source/Collection of Data: The Dam Safety Section will use information from field inspections, aerial photography, and new water-rights permit applications to maintain and update an existing database of approximately 7,250 dams. The database will be updated weekly by the additional listing of new dams and updated changes in the attributes of existing dams.

Method of Calculation: A query of the data maintained in state databases is run to obtain the number of existing dams.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

1.1.3 op 1 Number of active municipal solid waste landfill capacity assessments (key)

Short Definition: The number of annual capacity assessments for active municipal solid waste landfills reviewed by the Waste Permits Division.

Purpose/Importance: To gather current and accurate landfill capacity data to assist in the development of regional solid waste management plans required by legislation (Chapter 363, Texas Health and Safety Code). This information is critical in determining whether sufficient disposal capacity exists to manage the quantity of municipal solid waste generated in the state.

Source/Collection of Data: Capacity assessment forms are prepared and downloaded to the agency's website annually and notice regarding submittal deadline is sent to municipal solid waste landfills by the Waste Permits Division. Customers have the option to submit hard-copy reports or report through the agency's e-reporting system. All data will be entered into an agency database. Data will be reviewed for consistency with previously reported capacity data, as well as for consistency with related permit and fee data. The first quarter of the fiscal year is spent preparing the Annual Report form, preparing and sending out the report notice, and assisting customers with completion of the forms. The majority of reviews are performed in the second and third quarters. Preparation of the annual summary report occurs in the fourth quarter.

Method of Calculation: The measure is calculated by tallying the number of capacity assessment reviews completed. A capacity assessment review is considered completed when: a report has been received and entered into the online report system; data has been checked for accuracy and compared with other data; and any discrepancies have been resolved.

Data Limitations: The number of capacity assessments depends wholly on the number of permitted landfills actively receiving waste in the state. This number may be affected by the issuance of new permits as well as by facility closures. Therefore, there may be some variance from the projected number of assessments.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

1.1.3 ef 1 Average number of hours per municipal solid waste facility capacity assessment

Short Definition: Average number of hours spent per municipal solid waste facility capacity assessments.

Purpose/Importance: This measure reflects agency efforts to conduct municipal solid waste facility capacity assessments in an efficient manner.

Source/Collection of Data: The number of hours spent by the staff and management on gathering and evaluating municipal solid waste facility capacity assessments, evaluating the data, and preparing a statewide report on the data will be tracked. A program cost account (PCA) code is used strictly for tracking this efficiency measure. The total number of hours charged monthly to this PCA code will be acquired through the USPS accounting system.

Method of Calculation: The average hours per capacity assessments is reported as the number of hours attributed to the PCA code divided by the total number of capacity assessments received during the reporting period.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Explanatory

1.1.3 ex 1 Number of Council of Government regions in the state with ten years or more of disposal capacity

Short Definition: Of the 24 council of government (COG) regions in the state, the number with 10 years or more of projected municipal solid waste landfill capacity remaining.

Purpose/Importance: To identify those regions of the state with projected capacity to handle disposal needs for the next 10 years. Meeting this need may require more detailed solid waste management planning, possibly at the local level.

Source/Collection of Data: Capacity data are obtained through the annual reporting program for municipal solid waste landfills.

Method of Calculation: Capacity data entered into the program database is sorted geographically by COG region. Capacity is reported in cubic yards, and landfill compaction rates in pounds per cubic yard, as based on actual field measurements or on allowable estimation methods. With these data, capacity is then converted to tons. Landfill life expectancy in years for each COG region is then projected by dividing the capacity in tons by the number of tons disposed of in landfills during the annual reporting period. If results indicate a shortage of landfill capacity, staff reviews the anticipated capacity increases and/or disposal capacity utilized by a neighboring region. If analysis shows an actual shortage exists, the number is reported and planning is initiated.

Data Limitations: A number of landfills report capacity and compaction estimates rather than the results of actual field measurements. In addition, projected landfill life expectancies assume no changes in reported landfill size, disposal amounts, and compaction rates. Further, not all of total waste disposal is determined by actual scale weight, with much of waste disposal in the state determined by volume estimates.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Outcome

1.2 oc 1 Percent of air quality permit applications reviewed within established time frames

Short Definition: The percentage of total air quality permit applications reviewed within respective time frames for various application categories; the measure considers applications for both New Source Review (NSR) and Title V permits. Established time frames will not apply to applications for which a hearing has been requested.

Purpose/Importance: This measure indicates the extent to which the Air Permits Division (APD) reviews air quality permit applications within established time frames. The time frames are based on permitting history and an evaluation of reasonable workload for permit-application reviewers.

Source/Collection of Data: The sources of data are NSR and Title V applications. Time frames for NSR applications: new permits-285 days; amendments-315 days; new federal permits (such as, prevention of significant deterioration, non-attainment, 112[g] or [j]) and major modifications-365 days; permits by rule, standard permits without public notice, changes to qualified facilities, and relocations-45 days; standard permits with public notice-150 days; standard permits for concrete batch plant-195 days; multiple plant permits-330 days; alterations and other changes, de minimis requests-120 days; renewals-270 days; and maintenance, startup, shutdown (MSS) permits-365 days. Time frames for Title V applications: site operating permits (SOP) initial issuance, revisions, and renewals-365 days; SOP voids and operating permit (OP) notifications-60 days; general operating permits (GOP) initial issuances-120 days; GOP revisions-330 days; GOP renewals-210 days; and GOP voids-60 days.

Method of Calculation: The number of applications reviewed within the target time frame divided by the total number of applications reviewed. Queries are conducted on the NSR and Title V Permits Information Management Systems (IMS) databases which count each complete permit application and number of days from the receipt date to the final action date. The processing times for each application are then compared to the target time frames. NSR applications are considered reviewed when the permit action is signed by the Executive Director or designee (ED), or when the application is considered void. Title V applications are considered reviewed when a grant letter or permit is signed by the ED, or the date on which the ED takes action to deny/void the application, or when the applicant withdraws the application.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2 oc 2 Percent of water quality permit applications reviewed within established time frames

Short Definition: This measure includes non-contested wastewater permit applications. The percent of municipal and industrial wastewater permits reviewed within targeted time frames will be determined by dividing the number of applications reviewed within targeted time frames in that quarter by the total number of permits reviewed during that quarter and does not include contested permits or permits under additional review by the EPA. This information is tracked using databases administered in the wastewater permitting program. The targeted time frame for the review of municipal and industrial wastewater permits is established by statute, agency rules, or agency standard operating procedures.

Purpose/Importance: This measure indicates whether the agency is in compliance with established time frames for processing permit applications.

Source/Collection of Data: Staff enters all pertinent application information into the wastewater permitting databases as the application is processed. Staff queries this database and total the number of completed reviews within the fiscal year. Staff then subtracts the permit issuance date from the application received date to determine the review time for all reviews completed within the fiscal year.

Method of Calculation: The number of reviews completed within established time frames are summed and divided by the total number of reviews completed within the fiscal year.

Data Limitations: Applications are excluded from the count when suspended from processing in accordance with either agency rules or agency policy.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2 oc 3 Percent of water-rights permit applications reviewed within established time frames

Short Definition: This measure includes non-contested water-rights permit applications. The percent of water rights permit applications reviewed within targeted time frames will be determined by dividing the number of applications reviewed within the targeted time frame by the total number of permits issued or recommended for denial in the fiscal year. This information is tracked using water-rights databases. The targeted time frame for the review of water rights permits is established by statute, agency rules or agency standard operating procedures.

Purpose/Importance: This measure indicates to what extent the Water Availability Division staff is in compliance in processing permit applications within established time frames.

Source/Collection of Data: Staff enters all pertinent application information into the water-rights permitting databases as the application is processed. Staff queries this database and total the number of completed reviews within the fiscal year. Staff then subtracts the completed date from the date of receipt to determine the review time for all reviews completed within the fiscal year.

Method of Calculation: The total number of reviews completed within established time frames are summed and divided by the total number of reviews completed for the reporting period.

Data Limitations: Applications are excluded from the count when suspended from processing in accordance with either agency rules or agency policy.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2 oc 4 **Percent of waste management permit applications reviewed within established time frames**

Short Definition: Percent of waste management permit applications reviewed within established time frames. An application is considered reviewed upon transmittal of the final draft permit from the program to the Chief Clerk's Office for completion of other final actions, or the return/withdrawal of the application to the applicant either at the applicant's request or as the result of administrative or technical deficiencies.

Purpose/Importance: This measure reports whether the agency is in compliance with established time frames for reviewing permit applications.

Source/Collection of Data: Using an automated tracking system maintained by the Office of Waste, this measure will track the number of waste permit applications reviewed within the prescribed agency time frames during the fiscal year. This process will be completed on the following waste permit applications: (1) new, renewals, major and minor amendments, and Class 1, Class 1ED, Class 2, or Class 3 modifications, post closure orders and regulatory flexibility orders, for industrial nonhazardous solid waste facilities and hazardous waste treatment, storage, and disposal facilities, (2) new, renewals, major and minor amendments, and minor modifications for UIC Class I and Class III Injection Wells, (3) authorizations and new permits and revisions for UIC Class IV and V Injection Wells, (4) new, registrations, major and minor amendments, and notice and no-notice modifications for municipal solid waste, and (5) new, renewals, and major and minor amendments for radioactive material licenses and disposal.

Method of Calculation: Query agency databases for the number of applications reviewed and determine those reviewed within established time frames. The percent of waste permit applications reviewed is the total number of waste permit applications reviewed within the target time frames divided by the total number of waste permit applications reviewed for the fiscal year. A reviewed application is defined as transmittal of the final draft permit, license, or order from the program to the Chief Clerk's Office, the return/withdrawal of the application to the applicant either by the applicant's request or as the result of administrative or technical deficiencies, or the transmittal of an authorization or modification letter to the applicant.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

1.2.1 op 1 **Number of state and federal new source review air quality permit applications reviewed (key)**

Short Definition: The total number of new permits, permit amendments, permit alterations, and permit-by-rule (PBR) applications reviewed under the Texas Clean Air Act and the federal New Source Review (NSR) permitting programs.

Purpose/Importance: This measure quantifies the permitting workload of the Air Permits Division staff assigned to review state and federal new source review permit applications. The count includes those applications that are withdrawn or denied (which therefore do not result in permit approval or issuance) and application received and issued through ePermits system. Application types in this count include General Permits, Standard

Permits (STDPMT), Flexible Permits, and federal Prevention of Significant Deterioration (PSD) and Non-Attainment Area (NAA) permits.

Source/Collection of Data: The source of the data for this measure is the NSR Permits Information Management System (IMS) database. Data entry for each application is closed when it is approved, issued, denied, or withdrawn. Completion of the review process occurs when permits are signed by the Executive Director (or designee) of the TCEQ, or when the application is considered void.

Method of Calculation: The measure is calculated as the sum of the total number of applications for new permits, permit amendments, permit alterations and permit-by-rule applications reviewed and processed by the Air Permits Division. The data is retrieved by query of the NSR IMS.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.1 op 2 **Number of federal air quality operating permits reviewed (key)**

Short Definition: The total number of applications for federal air quality operating permits reviewed under Title V of the federal Clean Air Act (CAA), see additional detail, next section.

Purpose/Importance: This measure quantifies the permitting workload of the Air Permits Division staff assigned to review federal operating permit applications. This count includes those applications that are withdrawn, voided, or denied and which therefore do not result in permit authorization, approval, or issuance.

Source/Collection of Data: The source of the data for this measure is the Title V Information Management System (IMS) database. An entry for each project is created in the database when the project is received in the Air Permits Division. Application reviewers are responsible for tracking certain elements of their assigned projects' progress through the review process, and ensuring that these tracking elements are entered into the database. Data entry for each project is closed when the project is approved, issued, denied, voided or withdrawn. Completion of the review process occurs when grant letters (GOP) and permits (SOP) are signed by the Executive Director (or designee) of the TCEQ, when the Executive Director (or designee) takes action to deny or void the application, or when the applicant withdraws the application.

Method of Calculation: The measure value is calculated as the sum of the total number of applications for federal air quality operating permits reviewed under Title V of the CAA. The necessary data is retrieved by query of the Title V IMS.

Data Limitations: A potential limitation of data accuracy is the time lag between completion of a project element and the entry of the completed tracking elements into the database. Generally, this time lag is less than one week.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.1 op 3 **Number of emissions banking and trading transaction applications reviewed**

Short Definition: The total number of Emissions Banking and Trading (EBT) transaction applications for the Emission Reduction Credits, Discrete Emission Reduction Credits, Mass Emissions Cap and Trade, Emissions

Banking and Trading of Allowances, and Highly Reactive Volatile Organic Compound Emissions Cap and Trade programs reviewed by the Air Quality Division, see additional detail next section.

Purpose/Importance: This measure quantifies the EBT workload of the Air Quality Division staff assigned to review EBT applications. This count includes those applications that are withdrawn or denied, and which therefore do not result in transaction approval or credit issuance. Application types include emission credit and discrete emission credit certifications, emission credit and discrete emission credit notices of intent to use, cap and trade level of activity certifications, cap and trade annual reports, and credit/allowance transfers.

Source/Collection of Data: The source of data for this measure is the Emission Banking and Trading information management system database. An entry for each project is created in the database when the project is received in the Air Quality Division. Application reviewers are responsible for tracking certain elements of their assigned projects' progress through the review process, and ensuring that these tracking elements are entered into the database by data entry staff. Data entry for each project is closed at the time the project is approved, denied, withdrawn, or issued. The data is retrieved by running a query on the EBT database.

Method of Calculation: This measure is calculated as the sum of the total number of EBT transactions applications for the period of interest.

Data Limitations: A potential limitation to data accuracy is the time lag between completion of a project and the entry of the completion tracking elements into the database. Generally, this time lag is less than one week.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Explanatory

1.2.1 ex 1 Number of state and federal air quality permits issued

Short Definition: The number of state and federal new source review (NSR) air quality permits that were actually issued or approved. For purposes of NSR permits, "issued" means the Executive Director (or designee) of the TCEQ has signed the permits.

Purpose/Importance: This measure quantifies those NSR air quality permits applications, reviewed under the Texas Clean Air Act and the federal NSR permitting programs, which resulted in issued or approved permits.

Source/Collection of Data: The source of data for this measure is the NSR Permits Information Management System (IMS) database. The data is retrieved by running a query on the NSR IMS.

Method of Calculation: The measure value is calculated as the sum of the state and federal NSR permits issued or approved during the reporting period.

Data Limitations: A potential limitation of the data is the time lag between completion of a project element and the entry of the tracking element into the database. Generally, this time lag is less than one week.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2.1 ex 2 Number of federal air quality permits issued

Short Definition: The number of federal air quality operating permits reviewed under Title V of the federal Clean Air Act (CAA) that was actually issued. For purposes of operating permits, “issued” means EPA review has been completed, and the Executive Director (or designee) has signed the grant letters and/or permits.

Purpose/Importance: This measure quantifies those federal air quality operating permits applications, reviewed under Title V of the CAA, which resulted in issued or approved permits.

Source/Collection of Data: The source of the data for this measure is the Title V Permits Information Management System (IMS) database. The data is retrieved by running a query on the Title V Permits IMS.

Method of Calculation: The measure value is calculated as the sum of the number of federal operating permits issued or approved during the reporting period.

Data Limitations: A potential limitation of the data is the time lag between completion of a project element and the entry of the tracking element into the database. Generally, this time lag is less than one week.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

1.2.2 op 1 Number of applications to address water quality impacts reviewed (key)

Short Definition: Number of applications to address water quality impacts reviewed.

Purpose/Importance: This measure reflects agency workload with regard to the review of water quality permit applications.

Source/Collection of Data: The Water Quality Division (WQD) will provide the number of municipal and industrial wastewater permits drafted each reporting period and filed with the Chief Clerk for public notice. The total number of bio solids beneficial use registrations and permits and sewage sludge processing and disposal permits will be provided. The number of water treatment plant residual land application registrations and disposal permits will also be included. The number of general permits Notice of Intent (NOI), No Exposure Certifications (NECs), and Erosivity Waivers processed will be included. This measure does not include authorizations by rule or pretreatment audits. In addition to the information provided by the Wastewater Permitting Section, this measure includes Edwards Aquifer (EA) protection plans reviewed and applications reviewed for on-site sewage facilities (OSSF) by the OCE staff.

Method of Calculation: The WQD provides data from their database. For the permits and registrations, filing of draft permits with the Chief Clerk completes the program review. For general permits, mailing the confirmation letter completes the program review. OCE provides their data to the WQD. This information will be based on EA plan reviews that are completed and entered into the Central Registry Application Registration Tracking (CR-ARTS) database during the reporting period and OSSF applications that are reviewed and entered into CCEDS during the reporting period. These two numbers are added together to provide the number of applications reviewed.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.2 op 2 **Number of applications to address water-rights impacts reviewed**

Short Definition: This measure is the number of permitting action reviews completed and is calculated by totaling the number of water-rights applications, ownership transfers, temporary permits by Water Rights and regional staff, and water supply contracts processed and reviewed during the reporting period.

Purpose/Importance: This measure reflects agency workload with regard to the review of water rights permit applications.

Source/Collection of Data: Water Rights Permitting staff enter milestone information into databases. Staff queries these databases for application reviews completed this quarter and reviews monthly activity reports for ownership changes and supply contracts. The numbers reported by Water Rights Permitting do not include Region numbers. The OCE provides data to the Water Availability Division.

Method of Calculation: The sum of applications, ownership changes, and contracts as reported from an agency database, and the number of applications provided by OCE staff, for the reporting period.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.2 op 3 **Number of Concentrated Animal Feeding Operation (CAFO) authorizations reviewed (key)**

Short Definition: Number of concentrated animal feeding operation (CAFO) authorizations reviewed.

Purpose/Importance: This measure reflects agency workload with regard to processing CAFO authorizations.

Source/Collection of Data: Using information maintained by the Water Quality Assessment Section, this measure will be reported at the end of each quarter by calculating the total number of concentrated animal feeding operation individual permits and Notices of Intent (NOIs) for coverage under the general permit reviewed/processed by the staff. Transmittal of reviewed applications from the program to the Chief Clerk's Office denotes process completed by the program. The mailing of the confirmation letter to the applicant for NOIs submitted for coverage under the general permit denotes the completion of the program review.

Method of Calculation: Using information maintained on the PARIS database for individual permits and the ARTS database for NOIs, this measure will be reported at the end of each quarter by calculating the total number of concentrated animal feeding operation permits reviewed by the staff and the total number of confirmation letters mailed for coverage under the general permit. Transmittal of reviewed applications from the program to the Chief Clerk's Office denotes process completed by the program.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Explanatory

1.2.2 ex 1 Number of water quality permits issued

Short Definition: This measure will report the total number of water quality permits approved by the Executive Director or by the Commissioners.

Purpose/Importance: To report the number of TPDES, State, and Agricultural permits issued for the year.

Source/Collection of Data: This information is tracked in a database maintained by the Chief Clerk's Office.

Method of Calculation: This information is pulled from the database maintained in the Chief Clerk's Office and is supplied by a query to the database by the date the permit was signed.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2.2 ex 2 Number of water-rights permits issued or denied

Short Definition: The total number of water-rights permits approved or recommended for denial by the Executive Director or by the Commissioners.

Purpose/Importance: This measure represents the number of water-rights permits issued or recommended for denial for the fiscal year.

Source/Collection of Data: This information is tracked in a database maintained by the Water Availability Division and is supplied by a query to the database by the date the permit was signed or the denial letter was sent.

Method of Calculation: The sum of the number of water-rights permits issued or denied for the reporting period.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

1.2.3 op 1 Number of new system waste evaluations conducted

Short Definition: Audits conducted on generators' self-classification of their industrial waste.

Purpose/Importance: That wastes are correctly classified to ensure appropriate management, disposal, and fee assessment.

Source/Collection of Data: The data are collected through the waste stream notifications submitted by waste generators regulated by the TCEQ. In the case of out-of-state wastes written submissions from the generators are used. Waste streams are audited on a random basis or manually selected from a database maintained by the Waste Permits Division when there is sufficient information to suspect the wastes were classified incorrectly.

Method of Calculation: On a monthly basis the total number of completed audits is maintained in a division spreadsheet. On a quarterly basis the total is derived, reconciled against information from the division

maintained database, and reported. Audits are considered complete when: (1) the auditee submits sufficient data for the TCEQ to review, and (2) the TCEQ has sufficient time to complete the review.

Data Limitations: Data could be affected by lack of response from generators or incorrect written submissions received from the generators.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.3 op 2 Number of municipal non-hazardous waste permit applications reviewed (key)

Short Definition: Number of non-hazardous waste permit applications and other authorizations reviewed. This includes the number of permit and registration application reviews for new, modified, or amended MSW storage, treatment, and processing permits, which includes recycling and disposal facilities. This also includes the number of notifications and other authorizations reviewed.

Purpose/Importance: This measure quantifies the number of reviews conducted to ensure that proposed facilities meet design and operational requirements and are protective of human health and the environment.

Source/Collection of Data: Information regarding the status of individual MSW permit applications is maintained in a database maintained by the Waste Permits Division. Date of review of a permit is entered into the database by a TCEQ staff member when a permit application is deemed technically complete. Using an agency database maintained by the Waste Permits Division, this measure will calculate the total of (1) the number of final draft permits for new, modified, and/or amended municipal solid waste storage, treatment, and disposal facilities; (2) the number of technical completions prepared for municipal solid waste landfills; (3) the number of municipal solid waste landfill applications denied and withdrawn by the Commission; (4) the number of new and modified MSW registrations; and (5) the number of notifications and other authorizations acknowledged.

Method of Calculation: Totals are calculated by adding the numbers for each category together. For permit and registration applications, review is considered complete upon issuance of the final draft permit or registration. For modifications, completion of review is upon final draft modification or final action as appropriate for the type of modification. For notifications and other authorizations, review is considered complete upon issuance of the acknowledgement letter.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.3 op 3 Number of industrial and hazardous waste permit applications reviewed (key)

Short Definition: Number of permits, orders, licenses, and authorizations reviewed, denied, or withdrawn. Includes all permitting and authorization actions for hazardous waste facilities, industrial non-hazardous waste storage and processing facilities, and commercial industrial non-hazardous waste storage and processing facilities (new, renewed, major and minor amendments, modifications (Class 1, Class 1 with prior approval of the Executive Director (Class 1 ED), Class 2, and Class 3), post closure care orders and regulatory flexibility orders and Class I, Class III, Class V Underground Injection Control (UIC) wells (new, renewed, major and minor amendments, minor modifications, and regulatory flexibility orders), and radioactive-material facilities (new, renewed, and major and minor amendments).

Purpose/Importance: This measure quantifies the number of environmentally protective authorizations recommended by the TCEQ staff. A reviewed application is defined as: transmittal of the final draft permit, license, or order from the program to the Chief Clerk's Office, the return/withdrawal of the application to the applicant either by the applicant's request or as the result of administrative or technical deficiencies, or the transmittal of an authorization or modification letter to the applicant.

Source/Collection of Data: Using an agency database maintained by the Waste Permits Division, this measure will calculate the total of (1) the number of final draft permits/orders for new, renewals, major and minor amendments, Class 1ED, 2, 3 modifications, regulatory flexibility orders, and post closure care orders for hazardous, industrial, and/or commercial industrial non-hazardous waste storage, treatment and disposal facilities; (2) the number of Class 1 modifications for hazardous, and industrial, and/or commercial industrial non-hazardous waste storage, treatment, and disposal facilities; (3) the number of final draft permits for new, renewed, amended and modified underground injection control wells; (4) the number of new and amended authorizations for underground injection control wells; and (5) the number of applications returned and/or withdrawn.

Method of Calculation: Totals are calculated by adding the number of reviewed items together. Data maintained in the database includes the facility name, identification number, date application is received, and date reviewed, or returned/withdrawn prior to final draft permit, or date of authorization or modification letter. Data is entered after the action has occurred.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Explanatory

1.2.3 ex 1 Number of municipal non-hazardous waste permits issued

Short Definition: Number of non-hazardous waste permits issued.

Purpose/Importance: This measure reflects agency workload with regard to the number of permits issued. This measure quantifies the number of permits issued for facilities that are protective of human health and the environment.

Source/Collection of Data: Using an agency database maintained by the Waste Permits Division, this measure will be reported by calculating the number of permits and registrations issued or notifications and other authorizations acknowledged for municipal facilities in the fiscal year. A permit issued is one that has been signed by either the Executive Director (or designated representative) or by the Commission. Date of issuance of a permit is entered into the database by the TCEQ staff member when a copy of the issued permit is received by the Waste Permits Division from the Chief Clerk's Office. Date of the notification or other authorization acknowledged is entered into the database when the notification or other authorization is acknowledged by letter and assigned a notification or authorization number.

Method of Calculation: Query agency databases for reported performance. Totals are calculated by adding the numbers of issued permits, registrations, modifications, and amendments.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2.3 ex 2 Number of industrial and hazardous waste permits issued

Short Definition: Number of hazardous waste permits or orders; industrial non-hazardous waste storage and processing permits or orders, commercial industrial non-hazardous waste storage and processing permits or orders; UIC permits, orders, and authorizations.

Purpose/Importance: This measure reflects agency workload with regard to the number of permits, orders, authorizations issued.

Source/Collection of Data: Using an agency database maintained by the Office of Waste, this measure will be reported by calculating the number of permits, orders, and authorizations issued for hazardous waste facilities, industrial non-hazardous storage and processing waste facilities, commercial industrial non-hazardous waste storage and processing waste facilities, UIC Class I injection wells, UIC Class III injection wells, and UIC Class V injection wells. A permit, order, or authorization issued is one that has been signed by either the Executive Director (or designated representative) or by the Commission.

Method of Calculation: Query agency database for reported performance. Totals are calculated by adding the numbers of issued permits, orders, and authorizations.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2.3 ex 3 Number of corrective actions implemented by responsible parties for solid waste sites

Short Definition: Number of corrective actions at non-hazardous solid waste landfills.

Purpose/Importance: This measure reflects the number of corrective actions being performed by responsible parties to remediate releases from municipal solid waste and commercial industrial non-hazardous waste landfills.

Source/Collection of Data: Using an agency tracking system and manual record reviews maintained by the Waste Permits Division, this measure will be reported by calculating the number of municipal solid waste and commercial industrial non-hazardous waste landfill facility corrective action plans received and reviewed by staff, then implemented by responsible parties in accordance with their approved plans during the reporting period. This includes all corrective action activities (including groundwater and landfill gas remediation) at permitted municipal solid waste and commercial industrial non-hazardous waste landfill facilities. A corrective action is considered complete upon issuance of a letter by the agency to the responsible party indicating approval of corrective-action activities.

Method of Calculation: Query agency database and verify results with appropriate project managers.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

1.2.4 op 1 Number of applications for occupational licensing

Short Definition: The number of individual applications for environmental professional licensure and registration that are received by the agency and are entered into the Consolidated Compliance and Enforcement Data System (CCEDS), and either issued a license, a deficiency letter, or a failure letter during the reporting period.

Purpose/Importance: This measure indicates the number of new and renewal applications received. It is a primary measure of workload and it indicates the number of potential licensed or registered professionals or companies.

Source/Collection of Data: The Permitting and Registration Support Division staff scans or manually enters data into the CCEDS for the applications received during this period.

Method of Calculation: This measure is calculated by running a query of CCEDS of all applications for environmental professional licensure and registration received by the agency during the reporting period.

Data Limitations: Receiving some applications at the central office may be dependent on the designated agents submitting them timely.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.4 op 2 Number of examinations processed (key)

Short Definition: The number of individual examinations received by the agency and entered into the Consolidated Compliance and Enforcement Data System (CCEDS) for processing.

Purpose/Importance: This measure indicates the number of exams administered to applicants who are potential licensees.

Source/Collection of Data: The Permitting and Registration Support Division staff scans or enters exam information into the Consolidated Compliance and Enforcement Data System (CCEDS) after examinations are administered by the commission's designated agents, the Permitting and Registration Support Division, and Field Operations Support Division staff.

Method of Calculation: This measure is calculated by running a query of CCEDS for all examinations processed during the reporting period.

Data Limitations: Receiving the examinations at the central office for processing is dependent on the designated agents submitting it timely.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.2.4 op 3 Number of licenses and registrations issued

Short Definition: The number of new, newly upgraded, or renewed licenses and registrations issued to individuals and companies during the reporting period.

Purpose/Importance: This measure indicates the number of licenses that were issued or renewed for individuals and companies who have met licensing or registration requirements.

Source/Collection of Data: The Permitting and Registration Support Division staff generates certificates and licenses for qualified applicants and maintain this information in the Consolidated Compliance and Enforcement Data System (CCEDS).

Method of Calculation: This measure is calculated by running a query of the CCEDS database for new, newly upgraded, or renewed licenses and registrations issued to individuals and companies during the reporting period.

Data Limitations: Licensed individuals and companies may have change of addresses that go unreported to the agency. This may result in the loss of the license or registration due to failure to renew.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Explanatory

1.2.4 ex 1 Number of TCEQ licensed environmental professionals and registered companies

Short Definition: The total number of environmental professional licenses and registrations currently registered with the agency.

Purpose/Importance: This measure presents the order of magnitude of the TCEQ licensing programs. It provides basic information for workload evaluation.

Source/Collection of Data: The Permitting and Registration Support Division maintains this information in the Consolidated Compliance and Enforcement Data System.

Method of Calculation: This measure is calculated by querying CCEDS for all active licenses and registrations.

Data Limitations: None

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

1.2.4 ex 2 Average cost per license and registration

Short Definition: The average annual cost per license and registration.

Purpose/Importance: Reflects the average cost for the licensing program per number of active licenses and registrations maintained by the agency.

Source/Collection of Data: The Operator Licensing Section annual budget is obtained from USAS. The licensing and registration data is maintained in the Consolidated Compliance and Enforcement Data System (CCEDS).

Method of Calculation: This measure is calculated by dividing the Operator Licensing Section total annual salary budget by the total number of licensees/registrants in force by the agency at the end of the reporting period.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Output

1.3.1 op 1 **Number of radiological monitoring and verification of air, water, soil/sediment, and flora samples collected**

Short Definition: The number of radiological monitoring and verification samples of air, water, soil/sediment, and flora collected to address and evaluate any threat to human health and safety and the environment and/or to initiate a quality control check on licensees' monitoring program.

Purpose/Importance: This measure provides an indication of the number of actual samples taken by the agency to be analyzed for early warning of the migration and/or past movement of radiological constituents from regulated activities to protect human health and safety and the environment.

Source/Collection of Data: This measure will use an agency database or other data storage to track all samples taken by staff during inspections, confirmatory surveys, reclamation confirmations, and any other environmental monitoring and sampling events.

Method of Calculation: Using an agency database maintained by the Radioactive Materials Division, at the end of each quarter, the total number of samples taken during that quarter is determined. The total for each quarter is added to the total for any previous quarters during that fiscal year to come up with a cumulative total of samples taken during that fiscal year.

Data Limitations: None known at this time

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Explanatory

1.3.1 ex 1 **Amount of revenue deposited to the general revenue fund generated from the 5% gross receipts fee of the disposal of low-level radioactive waste and other radioactive substances**

Short Definition: The total annual amount of revenue received by the TCEQ and deposited into the General Revenue Fund generated from the 5 Percent Gross Receipts Fee on the disposal of low-level radioactive and other radioactive substances at any Texas disposal facility.

Purpose/Importance: This measure provides an indication of the gross receipts of private, commercial operations that are accepting radioactive substances, and specifically low-level radioactive waste, from others for permanent disposal within the boundaries of the State of Texas.

Source/Collection of Data: This measure will use an agency database to track all revenue received by the TCEQ and deposited into the General Revenue Fund generated from the 5 Percent Gross Receipts Fee on the disposal of low-level radioactive waste and other radioactive substances at any Texas disposal facility.

Method of Calculation: Using an agency database maintained by the Radioactive Materials Division and information from the Revenues Section of the Financial Administration Division, at the end of each quarter, the total of deposits made during that quarter is determined. The total for each quarter is added to the total for any previous quarters during that fiscal year to come up with a cumulative total deposited during that fiscal year.

Data Limitations: None known at this time

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

1.3.1 ex 2 **Volume of low-level radioactive waste accepted by the state of Texas for disposal at the Texas Compact Waste facility**

Short Definition: The total volume of low-level radioactive waste accepted by the State of Texas for disposal at the Texas Compact Waste Facility.

Purpose/Importance: This measure provides an indication of the total volume of low-level radioactive waste arriving in shipments at the Compact Waste Disposal Facility, taken title of by the TCEQ on behalf of the State of Texas, and subsequently permanently disposed of in the state-owned facility.

Source/Collection of Data: This measure will use an agency database to track all material received.

Method of Calculation: Using an agency database maintained by the Radioactive Materials Division at the end of each quarter, the total volume accepted by the State of Texas for disposal at the Texas Compact Waste Facility during that quarter is determined. The total volume for each quarter is added to the total for any previous quarters during that fiscal year to come up with a cumulative total volume taken during that fiscal year.

Data Limitations: None known at this time

Calculation Type: Cumulative

New Measure: No

Desired Performance: Below projections

Outcome

2.1 oc 1 **Percent of Texas population served by public water systems which meet drinking water standards (key)**

Short Definition: This measure will report the percent of the total Texas residential population served by all public water systems (PWSs) that have not had maximum contaminant level (MCL) violations, lead action level violations, or treatment technique violations.

Purpose/Importance: Measures the success of regulatory activities conducted by the TCEQ to protect the public health of Texans receiving water from a public drinking-water system. This measure reflects the percent of the population in Texas served by drinking-water systems that meet drinking-water standards.

Source/Collection of Data: Population information is gathered during each comprehensive compliance investigation (CCI) survey of a public water system (PWS) conducted by field staff. Violation data is obtained from the review of chemical and microbiological sample analysis data that is submitted to the TCEQ from accredited certified laboratories after samples are collected by the PWS personnel or by contract sample collectors. Chemical and microbiological sample analysis data reports are kept in the TCEQ Central Records. Population, sample analysis, and violation data are kept in the Safe Drinking Water Information System (SDWIS).

Method of Calculation: Using the SDWIS, the measures are based on the total Texas population served by PWSs that have not had maximum contaminant level (MCL), lead action level, or treatment technique violations, as described by the Public Drinking Water Standards. This population figure is divided by the total Texas population served by all public water systems and multiplied by 100 to derive a percentage.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

2.1.1 op 1 Number of public drinking water systems that meet primary drinking water standards (key)

Short Definition: Number of public drinking-water systems that meet drinking-water standards.

Purpose/Importance: Measures the success of all regulatory activities conducted by the TCEQ to protect the public health of Texans receiving water from a public drinking-water system. This measure will report the total number of all public water systems that have not had maximum contaminant level (MCL), lead action level, or treatment technique violations.

Source/Collection of Data: Public water system information is gathered during each comprehensive compliance investigation (CCI) of a public water system (PWS) conducted by field staff. Violation data is obtained from the review of chemical and microbiological sample analysis data that is submitted to the TCEQ from accredited laboratories after samples are collected by PWS personnel or by contract sample collectors. CCI reports, as well as chemical and microbiological sample analysis data reports, are kept in the TCEQ Central Records. Population, sample analysis, and violation data are kept in the Safe Drinking Water Information System (SDWIS).

Method of Calculation: Using the SDWIS, the measures will report the number of PWSs that have not had maximum contaminant level, lead action level, or treatment technique MCL violations as described by the Public Drinking Water Standards.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

2.1.1 op 2 Number of drinking-water samples collected (key)

Short Definition: Number of drinking-water samples collected.

Purpose/Importance: Chemical samples are collected from public water systems (PWSs) to protect public health by determining if the PWS is providing water that meets public drinking-water standards to its customers. Samples must be collected in order to be analyzed.

Source/Collection of Data: Chemical samples are collected by PWS personnel, contract sample collectors, or TCEQ regional staff. The numbers are reported to the Water Supply Division on a monthly basis. Original data are kept in the Central Records facility located at TCEQ headquarters. It is also maintained electronically in the Safe Drinking Water Information System (SDWIS). Each reporting period, TCEQ regional staff submits the number of samples collected to the Water Supply Division.

Method of Calculation: The number of chemical samples is set by the requirements of the Public Drinking Water Standards, and the anticipated number is maintained in the SDWIS. Chemical samples collected from PWSs are reported from two sources. The number of chemical samples collected by the Water Supply Division

contractor is tracked by the Water Supply Division, while samples collected by TCEQ regional staff will be reported by them to OCE staff on a monthly basis. The number of samples reported will be totaled by OCE staff and sent to the Water Supply Division on a quarterly basis.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

2.1.1 op 3 Number of district applications processed

Short Definition: Number of district applications processed.

Purpose/Importance: This measure reflects the number of major and minor district applications reviewed.

Source/Collection of Data: Using the agency's Water Utilities Database (WUD) system, this measure will report on the number of all district applications reviewed that receive either administrative approval, are referred to the Commission for action, or are dismissed or withdrawn.

Method of Calculation: Using the agency's WUD system, the number of district applications reviewed each quarter are summed and reported to Strategic Planning and Assessment.

Data Limitations: The number of district applications received is related to the economy and development activity in the state.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Outcome

3.1 oc 1 Percent of investigated air sites in compliance (key)

Short Definition: Percent of investigated air sites in compliance.

Purpose/Importance: The measure reflects investigation activity as regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates of sites following investigations allows the agency to determine if regulatory assistance, investigation, and enforcement programs are effective. Lower compliance rates may indicate a need for increased assistance to the regulated community to ensure that they understand their responsibilities.

Source/Collection of Data: This information is tracked using CCEDS. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (the EPA, OAG, Remediation Division, or regional offices for Superfund, voluntary cleanup, or emergency removal action).

Method of Calculation: The percent of investigated air sites in compliance is derived by calculating the total number of sites investigated for compliance with air rules, regulations, and statutes minus the total number of air cases screened and approved for enforcement action, dividing this difference by the total number of sites investigated for compliance with air rules, regulations, statutes, multiplied by 100.

Data Limitations: The agency can encourage compliance through regulatory assistance and ensuring that a strong and fair enforcement program exists. However, the TCEQ cannot control the will or financial status of the regulated community regarding their ability to comply.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1 oc 2 **Percent of investigated water sites and facilities in compliance (key)**

Short Definition: Percent of investigated water sites and facilities in compliance.

Purpose/Importance: This measure reflects investigation activity as regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates following investigations allows the agency to determine if regulatory assistance, investigation, and enforcement programs are effective. Lower compliance rates may indicate a need for increased assistance to the regulated community to ensure that they understand their responsibilities.

Source/Collection of Data: The enforcement and investigation information is tracked using CCEDS, and the number of public water supply and wastewater treatment facilities is tracked using the federal Safe Drinking Water Information System, Integrated Compliance Information System, and National Pollutant Discharge Elimination System databases. The total number of cases screened and approved for enforcement action does not include occupational certification program activities. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (the EPA, OAG, Remediation Division, or regional offices for Superfund, voluntary cleanup, or emergency removal action).

Method of Calculation: The percent of investigated water sites and facilities in compliance is derived by taking the total number of facilities investigated for compliance with water rules, regulations, and statutes, including water-rights sites, wastewater treatment facilities, public water supply systems, sludge and septage transporters, beneficial use sites, stormwater facilities, on-site sewage facilities, and livestock and poultry operations; plus the number of wastewater and public water supply facilities required to self-report and/or conduct chemical analyses; minus the total number of water cases (for the categories described above) screened and approved for enforcement action; and dividing this difference by the total number of facilities investigated and evaluated for compliance with water rules, regulations, and statutes, including self-reporting requirements, as described above; multiplied by 100.

Data Limitations: The agency can encourage compliance through regulatory assistance and ensuring that a strong and fair enforcement program exists. However, the TCEQ cannot control the will or financial status of the regulated community regarding their ability to comply.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1 oc 3 **Percent of investigated waste sites in compliance (key)**

Short Definition: Percent of investigated waste sites in compliance.

Purpose/Importance: The measure reflects investigation activity as regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates following investigations allows the agency to determine if regulatory assistance, investigation, and enforcement programs are effective. Lower compliance rates may indicate a need for increased assistance to the regulated community to ensure that they understand their responsibilities.

Source/Collection of Data: This information is tracked using CCEDS. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (the EPA, OAG, Remediation Division, or regional offices for Superfund, voluntary cleanup, or emergency removal action).

Method of Calculation: The percent of investigated waste sites in compliance is derived by calculating the total number of facilities investigated for compliance with waste rules, regulations, and statutes minus the total number of cases screened and approved for enforcement action, dividing this difference by the total number of facilities investigated for compliance with waste rules, regulations, and statutes, multiplied by 100. Waste sites include industrial and hazardous waste, municipal solid waste, petroleum storage tank, underground injection control, and radioactive waste sites.

Data Limitations: The agency can encourage compliance through regulatory assistance and ensuring that a strong and fair enforcement program exists. However, the TCEQ cannot control the will or financial status of the regulated community regarding their ability to comply.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1 oc 4 Percent of identified noncompliant sites and facilities for which timely and appropriate enforcement action is taken (key)

Short Definition: Percent of identified noncompliant sites and facilities for which appropriate action is taken.

Purpose/Importance: This measure compares enforcement actions that the agency takes during a fiscal year and determines whether they have been taken within appropriate time frames. Timeliness of enforcement processes is important to ensure that the regulated entity returns to compliance as soon as possible.

Source/Collection of Data: Using CCEDS, the Enforcement Division will determine the total number of formal enforcement actions taken during the reporting period and will evaluate whether or not the actions were completed timely. Formal actions include issuance of an order, compliance agreement, or referral to an appropriate agency or division (the EPA, OAG, or Remediation or Field Operations Divisions for Superfund, voluntary cleanup, or emergency removal action), as determined according to agency guidelines. Each of these actions taken will be evaluated to determine whether or not the action was completed within internal agency time frames in order to determine whether appropriate action was taken, using the date of screening as the start date and the date of the order, compliance agreement, or referral as the end date.

Method of Calculation: The percentage will be calculated by taking the total number of cases with actions taken within appropriate time frames against noncompliant facilities divided by the total number of cases with formal action taken, multiplied by 100 to derive a percentage.

Data Limitations: Time frames for completion of enforcement actions involve processes that cannot be solely controlled by the TCEQ. The respondents in these cases can create delays in processing the orders and compliance agreements if they request hearings or if the technical requirements are complex, requiring extensive negotiation.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1 oc 5 Percent of investigated occupational licensees in compliance

Short Definition: Percent of investigated licensees in compliance.

Purpose/Importance: The measure reflects investigation activity as occupational certification licensees are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates following investigations allows the agency to determine if regulatory assistance, investigation, and enforcement programs are effective. Lower compliance rates may indicate a need for increased assistance to the regulated community to ensure that they understand their responsibilities.

Source/Collection of Data: This information is tracked using CCEDS. An enforcement action is defined as issuance of an order, compliance agreement, or referral to the OAG.

Method of Calculation: The percent of investigated licensees in compliance is derived by calculating the total number of licensees investigated minus the total number of occupational certification cases screened and approved for enforcement action, dividing this difference by the number of investigations, multiplied by 100.

Data Limitations: The agency can encourage compliance through regulatory assistance and ensuring that a strong and fair enforcement program exists. However, the TCEQ cannot control the will or financial status of licensees regarding their ability to comply.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1 oc 6 Percent of administrative orders settled

Short Definition: Percent of Administrative Orders Settled by the Enforcement Division

Purpose/Importance: Reflects agency effectiveness in quick settlement of enforcement matters.

Source/Collection of Data: This information is tracked using CCEDS.

Method of Calculation: Using CCEDS, the percent of administrative orders settled by the Enforcement Division is calculated by determining the total number of administrative orders issued during the fiscal year and the number of those orders that contain a “settlement achieved by Enforcement Coordinator” date in the database. The number of orders settled by the Enforcement Division will then be divided by the total number of orders issued for the fiscal year and multiplied by 100.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1 oc 7 Percent of administrative penalties collected (key)

Short Definition: Percent of administrative penalties collected.

Purpose/Importance: This measure reflects the success of administrative penalty collection efforts by the agency.

Source/Collection of Data: This measure will be calculated using databases maintained by the Financial Administration Division.

Method of Calculation: Using databases maintained by the Financial Administration Division, this measure will be reported by dividing the total amount of administrative penalty invoices outstanding at the end of the fiscal year by the total amount of administrative penalties invoiced and due for the fiscal year. This calculation times 100 will yield the percent of administrative penalties not collected during the fiscal year. Subtracting this calculation from 100 percent provides the percent of administrative penalties collected during the fiscal year.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: N/A

Output

3.1.1 op 1 Number of investigations of air sites (key)

Short Definition: Number of investigations completed at regulated air sites.

Purpose/Importance: Regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment.

Source/Collection of Data: Using the Consolidated Compliance and Enforcement Data System CCEDS, this measure is calculated by adding the total number of investigations completed for air entities during the reporting period. An investigation is defined as the evaluation of a regulated entity against a standard and includes all (initial and follow up) compliance investigations, file reviews, site assessments, and agent evaluations. Site is defined as a geographic location or place where regulatory activities of interest to the agency occur or have occurred. The number does not include citizen complaint investigations or emissions events investigations.

Method of Calculation: Each reporting period, OCE staff retrieves from CCEDS the number of investigations completed in the regional offices as well as those completed by city and/or county local programs for certain air related activities. An investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and the manager's approval date has been reflected in CCEDS.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

3.1.1 op 2 Number of inspections and investigations of water rights sites (key)

Short Definition: Number of inspections and investigations completed at regulated water-rights sites.

Purpose/Importance: The measure reflects agency efforts to divide the water of the streams and regulate the controlling works of reservoirs in accordance with the adjudicated water rights.

Source/Collection of Data: Using a manual count of records maintained by the Watermaster Program, this measure is the total number of Watermaster diversion site inspection and investigations performed as a result of a request to divert water.

Method of Calculation: Each reporting period, the Water Availability Division retrieves from the database the number completed by the Watermaster staff.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

3.1.1 op 3 Number of investigations of water sites and facilities (key)

Short Definition: This measure includes the number of investigations completed at regulated water sites and facilities, OSSF installation and follow-up investigations, as well as Edwards Aquifer Protection Program (EAPP) compliance and follow-up investigations. This measure does not include citizen complaint investigations, or watermaster investigations; and does not include OSSF or EAPP plan review investigations, that data is included in the *Number of applications to address water quality impacts reviewed measure*.

Purpose/Importance: Regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment.

Source/Collection of Data: Using data retrieved from the Consolidated Compliance and Enforcement Data System (CCEDS), this measure is calculated by adding the total number of investigations completed for water entities during the reporting period. An investigation is defined as the evaluation of a regulated entity against a standard and includes all (initial and follow up) compliance investigations, file reviews, site assessments, and agent evaluations. Site is defined as a geographic location or place where regulatory activities of interest to the agency occur or have occurred.

Method of Calculation: Each reporting period, OCE staff retrieves from CCEDS the number of investigations completed in the regional offices for certain activities. An investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and the manager's approval date has been reflected in CCEDS.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

3.1.1 op 4 Number of investigations of waste sites

Short Definition: Number of investigations completed at waste sites. Site is defined as a geographic location or place where regulatory activities of interest to the agency occur or have occurred.

Purpose/Importance: Regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment.

Source/Collection of Data: Using CCEDS, this measure is calculated by adding the total number of investigations completed at regulated municipal solid waste (MSW), industrial and hazardous waste (IHW), radioactive material recovery or waste disposal, and petroleum storage tank (PST) entities during the reporting period. Investigation is defined as the evaluation of a regulated entity against a standard and includes all (initial and follow up) compliance investigations, file reviews, site assessments, and agent evaluations. This number does not include citizen complaints investigations.

Method of Calculation: Each reporting period, OCE retrieves from CCEDS the number of investigations completed in the regional offices as well as those completed by OCE staff, contracted staff, and city and/or county local programs for certain activities. An investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and the manager's approval date has been reflected in CCEDS.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

3.1.1 ef 1 Average days from air, water, or waste investigation to report completion

Short Definition: Average time to complete an investigation of air, water, or waste sites. Investigation is defined as the evaluation of a regulated entity against a standard.

Purpose/Importance: The measure reflects how efficiently the agency completes investigations of air, water, or waste sites. An investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and the manager's approval date has been reflected in the database.

Source/Collection of Data: All investigation and report-completion data is entered into CCEDS.

Method of Calculation: This measure is derived by calculating the total number of calendar days between the date of an investigation and the date of completion, divided by the total number of completed investigations reported during the reporting period. An investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and management's approval date has been reflected in CCEDS.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Explanatory

3.1.1 ex 1 Number of citizen complaints investigated

Short Definition: Number of citizen complaints investigated.

Purpose/Importance: Regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment.

Source/Collection of Data: A complaint is considered investigated when the investigation has been conducted, a report has been written, management has approved, and management's approval date has been reflected in the database. The data for the number of citizen complaints investigated is collected in the Consolidated Compliance and Enforcement Data System (CCEDS).

Method of Calculation: Each reporting period, OCE retrieves from CCEDS the number of complaints investigated by the agency as well as those investigated by city or county local programs for certain activities. This measure is calculated by adding the total number of citizen complaints investigated during the reporting period.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1.1 ex 2 Number of emission events investigations

Short Definition: Number of emissions events investigations. An investigation is defined as the evaluation of a regulated entity against a standard. A reported emissions event is considered investigated when either an evaluation has been conducted and the incident has been closed, or a report has been written and approved by management in the database.

Purpose/Importance: Regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment. An emissions event is any upset event or unscheduled maintenance, startup, or shutdown activity, from a common cause, that results in unauthorized emissions of air contaminants from one or more emissions points at a regulated entity. Potential violations are identified through investigations of reports and records of these emissions. Investigations may include either: an onsite investigation conducted immediately following a major emissions event; a scheduled onsite investigation covering emissions events at the site from the most recent 12-month period; and an in-house investigation of an emissions event.

Source/Collection of Data: Using the Consolidated Compliance and Enforcement Database System (CCEDS), this measure is calculated by adding the total number of emissions events investigations.

Method of Calculation: OCE retrieves the data for the measure from CCEDS. The data represents the sum of the number of reported emissions events investigations conducted during the reporting period.

Data Limitations: The TCEQ has no control over the number of emissions events that occur.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

3.1.1 ex 3 Number of spill cleanup investigations

Short Definition: Number of spill cleanup investigations. A spill cleanup is considered investigated when the investigation has been conducted, a report has been written, management has approved, and management's approval date has been reflected in the database.

Purpose/Importance: Regulated entities are investigated to determine compliance with rules, regulations, and statutes designed to protect human health and the environment.

Source/Collection of Data: Using the Consolidated Compliance and Enforcement Data System (CCEDS), this measure is calculated by adding the total number of reported spills investigated. An investigation is defined as the evaluation of a regulated entity and includes all (initial and follow-up) on-site investigations, file reviews, site assessments, and emergency response activities. Investigations are conducted to ensure compliance of regulated entities with rules, regulations, and statutes designed to protect human health and the environment.

Method of Calculation: OCE retrieves the data for the measure from CCEDS; the data represents the number of spill cleanup investigations conducted during the reporting period.

Data Limitations: The TCEQ has no control over the number of spills that occur.

Calculation Type: Non-cumulative

New Measure: Yes

Desired Performance: Below projections

Output

3.1.2 op 1 Number of environmental laboratories accredited (key)

Short Definition: Number of environmental laboratories accredited according to Texas Water Code 5.801, et seq.

Purpose/Importance: The measure reflects the number of environmental laboratories accredited according to standards adopted by the National Environmental Laboratory Accreditation Conference.

Source/Collection of Data: Each accreditation is documented by a certificate prepared by the Monitoring Division.

Method of Calculation: Accreditation information is compiled from primary records maintained by division staff.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1.2 op 2 Number of small businesses and local governments assisted (key)

Short Definition: The number of small businesses and local governments assisted includes the following types of direct assistance: answers to hotline inquiries regarding permit and regulatory applicability; site assistance visits; notification of rule changes; outreach activities; industry specific workshops; and government sponsored conferences.

Purpose/Importance: This measure provides an indication of the responsiveness of Small Business and Local Government Assistance (SBLGA) staff to small business and local government inquiries. This measure also indicates pro-active activities provided by SBLGA staff to assist small businesses and local governments.

Source/Collection of Data: The data is collected using an electronic tracking and reporting system maintained by SBLGA staff.

Method of Calculation: A total number is obtained by adding the types of assistance provided to small businesses and local governments as indicated in the above definition.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

3.1.2 ef 1 Average number of days to file an initial settlement offer

Short Definition: Average number of days to file the initial settlement offer through either mailing a proposed order or filing an Executive Director's Preliminary Report and Petition (EDPRP).

Purpose/Importance: Reflects agency efficiency in filing notices notifying violators of the violations alleged and penalties sought.

Source/Collection of Data: This information is tracked using CCEDS.

Method of Calculation: Using CCEDS, the average number of days to file an initial settlement offer will be calculated as the sum of the number of days from assignment of the Enforcement Action Referral to the mailing date of the initial proposed order or the filing date of the initial EDPRP on a case, divided by the total number of initial draft orders and EDPRPs. EDPRPs for failed expedited orders will not be counted since the initial proposed orders will already have been counted in this category.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Explanatory

3.1.2 ex 1 **Amount of administrative penalties paid in final orders issued**

Short Definition: Amount of administrative penalties required to be paid in final administrative orders issued.

Purpose/Importance: Reflects penalties required to be paid. Note: This is not the amount that is paid to TCEQ, but rather the amount that the administrative orders require to be paid; some may have payment schedules and some may be default orders.

Source/Collection of Data: Using CCEDS, this measure will be reported at the end of the fiscal year by calculating the total penalty amounts required to be paid in final administrative orders issued.

Method of Calculation: This measure will be derived by calculating the total penalty amounts required to be paid in final administrative orders issued.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: N/A

3.1.2 ex 2 **Amount required to be paid for supplemental environmental projects issued in final administrative orders**

Short Definition: Amount required to be paid for supplemental environmental projects (SEPs) issued in administrative orders.

Purpose/Importance: Reflects money required to be paid or projects required to be conducted in addition to penalty amounts paid in enforcement orders. The SEPs are normally designed to benefit the communities or the environment where the violations occurred.

Source/Collection of Data: Using CCEDS, this measure will be reported at the end of the fiscal year for the total dollar amount specified in the administrative orders that must be spent on SEPs approved by the agency.

Method of Calculation: This measure will be derived by calculating the total dollar amount specified in the administrative orders that must be spent on supplemental environmental projects approved by the agency.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: N/A

3.1.2 ex 3 Number of administrative enforcement orders issued

Short Definition: Number of administrative enforcement orders issued

Purpose/Importance: Reflects agency enforcement efforts.

Source/Collection of Data: Using CCEDS, this measure will be reported at the end of the fiscal year for the number of administrative orders issued.

Method of Calculation: This measure will be derived by calculating the number of administrative orders issued during the fiscal year.

Data Limitations: The agency has very limited control over the number of administrative enforcement orders that are issued in a given year. This number is determined by the number of violations committed by the regulated community. In addition, finalization of enforcement orders cannot be solely controlled by the TCEQ. Due process of law allows all respondents for enforcement orders the opportunity for hearing. The timing for the hearing is then the decision of the administrative law judge at the State Office of Administrative Hearings. In addition, delays can occur when the technical requirements necessary to achieve compliance are complex, requiring extensive negotiations.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Below projections

Output

3.1.3 op 1 Number of presentations, booths, and workshops conducted on pollution prevention/waste minimization and voluntary program participation (key)

Short Definition: Total number of pollution prevention/waste minimization and voluntary program workshops, booths, and presentations conducted by Environmental Assistance and Take Care of Texas staff for promotion of pollution prevention/waste minimization and voluntary program participation.

Purpose/Importance: This measure provides an indication of Environmental Assistance and Take Care of Texas staff's ability to conduct outreach and information dissemination of pollution prevention and voluntary program information to Texas businesses and organizations.

Source/Collection of Data: Workshops, booths, and presentations are tracked by Environmental Assistance staff, who include workshop, booth, and presentation information in the section's events database. This information is then pulled from the database and compiled in a spreadsheet.

Method of Calculation: The number of workshops, booths, and presentations conducted during each quarter are summed. Fiscal year totals are calculated by adding quarterly totals.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

3.1.3 op 2 **Number of quarts of used oil diverted from improper disposal**

Short Definition: Number of quarts of used oil collected for processing instead of potential disposal in a landfill or release to land or water.

Purpose/Importance: This number indicates the amount of used oil that, if not collected by the registered collection centers, could otherwise be delivered to landfills or improperly disposed of, potentially causing harm to human health and the environment. The number is a quantitative measurement of pollution prevention. This number represents the total volume of used oil, expressed in quarts, that was reported to the agency by used oil collection centers. The collection centers collect and prepare the oil for recycling before reuse or resale to the public.

Source/Collection of Data: Using an automated agency system maintained by the Permitting and Registration Support Division, this measure tracks the quantities of used oil reported annually by used oil collection centers. The report is due on January 25 of each year and reflects activities for the previous year. No information is received during the first quarter and the totals are collected from forms received during the second quarter and late filings during the third quarter.

Method of Calculation: Performance data are obtained from querying automated agency systems for the number of quarts of used oil collected for processing.

Data Limitations: The TCEQ has no control over the number of quarts of used oil received by collection centers. Therefore, the number may fluctuate and there may be a wide range in this measure from year to year. TCEQ staff continues to work with the collection centers to ensure that reported values are accurate and representative of actual oil collected.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Explanatory

3.1.3 ex 1 **Tons of hazardous waste reduced as a result of pollution prevention planning**

Short Definition: This measure indicates the level of hazardous waste reduction by Texas facilities and provides information regarding the agency's efforts to reduce toxics released in Texas.

Purpose/Importance: This information is not measured by any other program at the TCEQ and provides information that is independent of economic factors such as production.

Source/Collection of Data: The source of the data is the information provided by facilities on the annual progress report required by Waste Reduction Policy Act (WRPA). This information is maintained in an Oracle database.

Method of Calculation: The measure is calculated by adding up the source reduction number from all facilities reporting.

Data Limitations: Data is dependent on accurate and timely reporting by facilities. In addition, the data reported reflects actual values from the prior year. For example, data reported in September 2000 will represent data received from industry in July 2000, which is for their calendar year 1999.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1.3 ex 2 Tons of waste collected by local and regional household hazardous waste collection programs

Short Definition: The tons of waste collected through household hazardous waste collection programs, reported annually by the programs to the TCEQ.

Purpose/Importance: This measure provides data on how much household hazardous waste and other waste was collected and properly disposed of in Texas through household hazardous waste collection programs, thus reducing the impact on the environment.

Source/Collection of Data: Reports from collection programs. This data reports results of collection programs as submitted by entities with programs. Staff maintains the data in a spreadsheet database.

Method of Calculation: Summation of all reports submitted for related programs in Texas.

Data Limitations: Data quality is limited to quality of reports submitted to the agency.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

3.1.3 ex 3 Number of registered waste tire facilities and transporters

Short Definition: Number of Registered Waste Tire Facilities and Transporters.

Purpose/Importance: The number depicts the quantity of regulated facilities involved in scrap tire management, who have complied with the agency's rules and provide reports on tire management and recycling. The number can also indicate any trends in scrap tire management, such as increase or decrease in number of facilities from year to year.

Source/Collection of Data: The number is obtained from either the Tires Management System (TMS) or an alternate database file from TMS. This number represents the universe of facilities that either transport, store, process, recycle or burn for energy recovery, scrap tires.

Method of Calculation: OCE registers and maintains data on these facilities. The number is a sum total of all entries in the database.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Outcome

4.1 oc 1 Percent of leaking petroleum storage tank sites cleaned up (key)

Short Definition: The percentage of leaking petroleum storage tank sites at which no further corrective action is required, compared to the total population of known leaking petroleum storage tank sites.

Purpose/Importance: This measure provides an indication of the agency’s efforts to clean up leaking petroleum storage tank sites relative to the total population of known leaking petroleum storage tank sites.

Source/Collection of Data: This measure uses an agency database maintained by the Remediation Division.

Method of Calculation: Using an agency database maintained by the Remediation Division, the number of leaking petroleum storage tank sites issued “no further action” letters is divided by the total number of reported leaking petroleum storage tank sites, multiplied by 100 to derive a percentage.

Data Limitations: Most “no further action” letters are issued upon a written request from responsible parties and the agency has limited control when these requests are submitted. Therefore, the percentage reported may represent fewer sites than would otherwise actually qualify for “no further action” status.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

4.1 oc 2 **Number of superfund remedial actions completed (key)**

Short Definition: The number of state and federal Superfund sites with completed remedial actions since program inception.

Purpose/Importance: This measure reflects long-term agency efforts to clean up Superfund sites.

Source/Collection of Data: Using an automated agency system maintained by the Remediation Division the total number of state and federal Superfund sites since program inception attaining completion of the remedial action is calculated.

Method of Calculation: The total combined number of state and federal Superfund sites with completed remedial actions since program inception. The remedial action is considered complete when a site is deleted from the State Registry or the National Priorities List, upon the completion of construction, or upon documentation that no further action is needed.

Data Limitations: The agency has limited control over the federal Superfund program listings, progression of federal site cleanups and deletions. The progression of sites through the federal Superfund program is directly related to federal funding issues, scheduling, and the final approval of submittals, which are reviewed by the EPA. Department of Defense and Department of Energy funding issues that are beyond the TCEQ’s control also affect the progress of Superfund sites that are federal facilities.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

4.1 oc 3 **Percent of voluntary and brownfield cleanup properties made available for redevelopment, community, or other economic reuse (key)**

Short Definition: The percentage of voluntary and brownfield properties/sites returned to a productive use within a community.

Purpose/Importance: This percentage provides a measure of the overall efficiency of the VCP to meet the goals of applicants in receiving certificates of completion. The percentage derived is indicative of the trend of the willingness of applicants to voluntarily address their contaminated sites through the VCP and the adequacy of the VCP in meeting the review deadlines necessary for completing property transactions.

Source/Collection of Data: From information collected in a database, adding the total number of certificates of completion issued since the inception of the program and the total number of VCP applications accepted since the inception of the program.

Method of Calculation: The percentage is obtained by dividing the total number of VCP certificates of completion issued since the inception of the program by the total number of VCP applications accepted since the inception of the program, multiplied by 100.

Data Limitations: The TCEQ has no control over the number of applicants who voluntarily enter the VCP. Certificates are issued to applicants when they demonstrate a site has attained a remedy standard. The TCEQ has limited control of when these standards are attained.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

4.1 oc 4 **Percent of industrial solid and municipal hazardous waste facilities cleaned up**

Short Definition: Percent of industrial solid and municipal hazardous waste facilities cleaned up.

Purpose/Importance: This measure tracks the achievement of final cleanup goals at industrial solid waste and municipal hazardous waste facilities. It evaluates the reduction of the number of contaminated facilities across the state, and is a measure of the protection of human health and the environment.

Source/Collection of Data: The data source is correspondence sent out from the Industrial and Hazardous Waste Corrective Action Program. Correspondence and the facility status are logged in a database maintained by the Remediation Division.

Method of Calculation: The number of facilities with no further action in the Industrial and Hazardous Waste Corrective Action Program is divided by the total number of reported facilities in the program, and then multiplied by 100. The percentage is reported annually, at the end of the fiscal year.

Data Limitations: This measure involves review and approval of documents required by agency orders, permits, and compliance plans, as well as self-implemented cleanup allowed by the regulations. The agency does not have control over the number of cleanup projects, the number of documents submitted, or the types or quality of documentation submitted to pursue self-implemented cleanups.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Output

4.1.1 op 1 **Number of petroleum storage tank self-certifications processed**

Short Definition: Number of petroleum storage self-certifications processed.

Purpose/Importance: The measure reflects agency workload in processing PST self-certifications.

Source/Collection of Data: Using an automated agency data system maintained by the Permitting and Registration Support Division, this measure will track the number of owner/operator self-certifications processed in Texas each year.

Method of Calculation: The automated agency systems will be queried for the number of self-certifications processed.

Data Limitations: None identified

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

4.1.1 op 2 Number of emergency response actions at petroleum storage tank sites

Short Definition: The number of leaking petroleum storage tank sites to which a state lead contractor is dispatched to address an immediate threat to human health or safety (e.g., an explosion or fire hazard, vapor impacts to buildings, or surface water impacts).

Purpose/Importance: This measure provides an indication of the number of leaking petroleum storage tank sites that have an emergency situation requiring action by the agency to protect human health or safety.

Source/Collection of Data: Using an agency database maintained by the Remediation Division, the number of leaking petroleum storage tank sites to which a state lead contractor is dispatched to address an emergency situation is tracked.

Method of Calculation: At the end of each quarter, the database is used to arrive at a total number of sites to which a state lead contractor was dispatched to address an emergency situation during that quarter. The total for each quarter is added to the total for any previous quarters during that fiscal year, to come up with a cumulative total of sites addressed during that fiscal year.

Data Limitations: Most response actions to leaking petroleum storage tank emergency situations are performed on a demand basis. Therefore, the number of sites that will require emergency response actions is unpredictable.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Below projections

4.1.1 op 3 Number of petroleum storage tank cleanups completed (key)

Short Definition: The number of leaking petroleum storage tank sites at which no further corrective action is required.

Purpose/Importance: This measure provides an indication of the agency's efforts to clean up leaking petroleum storage tank sites during the reporting period.

Source/Collection of Data: This measure uses an agency database maintained by the Remediation Division.

Method of Calculation: Using an agency database maintained by the Remediation Division, the number of leaking petroleum storage tank sites issued "no further action" letters during the reporting period is calculated.

Data Limitations: Most "no further action" letters are issued upon a written request from responsible parties and the agency has limited control when these requests are submitted. Therefore, since the number of these letters issued during a reporting period is primarily determined by the number submitted by the responsible parties, the reported number may represent fewer sites than would otherwise actually qualify for "no further action" status.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

4.1.1 ef 1 Average days to authorize a state lead contractor to perform corrective action activities (key)

Short Definition: Average number of days for the agency to authorize, through a work order, a state lead contractor to perform corrective action activities at Leaking Petroleum Storage Tank (LPST) sites.

Purpose/Importance: This measure provides an indication of the agency's efforts to clean up state lead LPST sites.

Source/Collection of Data: This measure uses an agency database maintained by the Remediation Division.

Method of Calculation: Using an agency database maintained by the Remediation Division, the number of state lead work-order proposals received is tracked, the number of days to review and respond to each proposal through issuance of a work order is recorded, and the average response time is calculated for the reporting period.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Output

4.1.2 op 1 Number of immediate response actions completed to protect human health and environment

Short Definition: The number of immediate response actions completed to protect human health and the environment.

Purpose/Importance: This measure reflects the number of immediate response actions completed by the Remediation Division in an effort to protect human health and the environment and prevent sites from progressing into the Superfund program.

Source/Collection of Data: Using an agency database maintained by the Remediation Division, this measure will report the total number of incidents where immediate response actions were completed to protect human health and the environment.

Method of Calculation: At the end of a reporting quarter, a program database query will report the number of immediate response actions completed for that quarter. The immediate response action may be completed at the conclusion of field work (e.g., soil excavation); when the site is proposed to the State Registry or National Priorities List (e.g., for private water-well filtration system operation); or when the state participates in cost sharing of a complete response action by a federal agency. Additionally, the fiscal-year cumulative total will be reported each quarter in the year-to-date performance.

Data Limitations: Potential factors affecting this measure may be property access, lack of sites requiring response actions, budgetary or funding constraints, a determination that an incident is not time critical, the magnitude of required response activities, and community involvement.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Below projections

4.1.2 op 2 Number of superfund site assessments

Short Definition: The number of potential Superfund sites that have undergone an eligibility assessment for either the state or federal Superfund program.

Purpose/Importance: This measure provides an indication of the Remediation Division efforts to prioritize and assess sites under Superfund program eligibility criteria during the reporting period.

Source/Collection of Data: Using an agency database maintained by the Remediation Division, the number of Superfund program eligibility assessments completed are tracked by completion date.

Method of Calculation: At the end of each quarter, a database query is conducted to arrive at a total number of Superfund program eligibility assessments completed during that quarter. The total for each quarter is added to the total for any previous quarters during that fiscal year to determine a cumulative total of eligibility assessments completed during that fiscal year.

Data Limitations: Eligibility assessments are conducted on sites referred to the Site Discovery and Assessment Program by various entities (consisting of but not limited to the U.S. Environmental Protection Agency, TCEQ Enforcement and Field Operations Emergency Response Programs, the State Attorney General's Office, and bankruptcy courts). The number of eligibility assessments that are completed each fiscal year is dependent on the number and complexity of referrals received by the program. Time critical factors may require the diversion of staff resources to immediate response actions rather than assessment activities.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

4.1.2 op 3 Number of voluntary and brownfield cleanups completed (key)

Short Definition: The number of voluntary cleanup and brownfields sites that have attained a remedy standard protective of human health and the environment.

Purpose/Importance: Upon attainment of a remedy standard, a certificate of completion is issued to the applicant for the site which states that all non-responsible parties are released from liability to the state for past contamination. This liability protection provides significant incentives for both site owners/operators and prospective purchasers to voluntarily bring contaminated sites into the Voluntary Cleanup Program (VCP).

Source/Collection of Data: Once a remedy standard is attained and a certificate is issued, certificates of completion are entered into a VCP database maintained by the Remediation Division.

Method of Calculation: The VCP database is queried for the quarterly and cumulative totals of certificates issued for the fiscal year.

Data Limitations: The TCEQ has no control over the number of applicants who voluntarily enter the VCP. Certificates are issued to applicants when they demonstrate a site has attained a remedy standard. The TCEQ has limited control of when these standards are attained.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

4.1.2 op 4 Number of Superfund sites in Texas undergoing evaluation and cleanup (key)

Short Definition: The combined number of Superfund sites in Texas that are undergoing evaluation and cleanup activities in the state and federal Superfund process.

Purpose/Importance: Reflects the combined number of state and federal Superfund sites in Texas that are undergoing remedial investigation, feasibility study, remedial design, or remedial action activities and progressing toward completion of the remedial action and delisting from the Texas Registry and the National Priorities List.

Source/Collection of Data: Using an automated agency system maintained by the Remediation Division, data will be collected to reflect the combined number of state and federal Superfund sites in Texas that are undergoing evaluation and cleanup.

Method of Calculation: Database query

Data Limitations: The agency has limited control over the federal Superfund program listings or the progression of federal site cleanups and deletions. The progression of sites through the federal Superfund program is directly related to federal funding issues, scheduling, and the final approval of submittals, which are reviewed by the EPA. Department of Defense and Department of Energy funding issues that are beyond the TCEQ's control also affect the progress of Superfund sites that are federal facilities. Additionally, the agency cannot accurately predict how many federal sites will be discovered and added to the program during any given year. Since Superfund sites are abandoned or inactive sites, each site is unique and has inherent unknowns (e.g., the nature and extent of the contamination problems) to be investigated before a remedy can be formulated.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

4.1.2 op 5 Number of Superfund remedial actions completed (key)

Short Definition: The combined number of state and federal Superfund sites that completed remedial actions during a reporting period.

Purpose/Importance: Reflects the combined number of state and federal Superfund sites in a reporting period no longer posing an unacceptable risk to human health or the environment due to the completion of remedial actions.

Source/Collection of Data: A program database maintained by the Remediation Division calculates the combined number of state and federal Superfund sites attaining remedial action completion status in a reporting period.

Method of Calculation: A program database query will report the number of state and federal Superfund sites that completed remedial actions for that quarter. The fiscal year cumulative total will be reported each quarter in the year-to-date performance. The remedial action is considered complete when a site is deleted from the State Registry or National Priorities List, upon the completion of construction, or upon documentation that no further action is needed. Completion of remedial action does not include post-completion care of the remedy, such as maintenance of treatment systems and on-site waste containment, long-term groundwater monitoring, or maintenance of site security.

Data Limitations: The agency has limited control over the federal Superfund program listings or the progression of federal site cleanups and deletions. The progression of sites through the federal Superfund program is directly related to federal funding issues, scheduling, and the final approval of submittals, which are reviewed by the EPA. Department of Defense and Department of Energy funding issues that are beyond the TCEQ's control also affect the progress of Superfund sites that are federal facilities. Since Superfund sites are abandoned or

inactive sites, each site is unique and has inherent unknowns that may delay attainment of the projected remedial action completion date.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

4.1.2 op 6 Number of dry cleaner remediation program (DCRP) site assessments initiated

Short Definition: The number of Dry Cleaner Remediation Program site assessments initiated. Site assessments are considered initiated upon the issuance of the first work order on the site.

Purpose/Importance: This measure provides an indication of the agency's efforts to clean up known dry-cleaning facilities contaminated by dry-cleaner solvents.

Source/Collection of Data: The Dry Cleaner Remediation Program database, maintained by the Remediation Division, will contain DCRP site data, including site assessment data.

Method of Calculation: The total number of site assessments initiated by the Dry Cleaner Remediation Program will be determined from the program's database. Quarterly and year-to-date totals will be generated for specific time periods as required by reporting schedules.

Data Limitations: The TCEQ has no control over the number of eligible dry-cleaner sites applying to the Dry Cleaner Remediation Program, since their choice controls the number of sites that enter the DCRP and the completion of tasks necessary to initiate site assessments.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

4.1.2 op 7 Number of dry cleaner remediation program site cleanups completed (key)

Short Definition: The number of Dry Cleaner Remediation Program (DCRP) sites that have had necessary response actions completed through either the removal or control of contamination to levels that are protective of human health and the environment.

Purpose/Importance: This measure reflects the agency's efforts to clean up known eligible dry-cleaning sites contaminated by dry-cleaner solvents.

Source/Collection of Data: The Dry Cleaner Remediation Program database, maintained by the Remediation Division, contains all program applicants and associated dry-cleaner facility data.

Method of Calculation: The DCRP database is queried for the quarterly and yearly totals of DCRP sites that have been issued "no further action" letters.

Data Limitations: The TCEQ has no control over the number of DCRP applications received. Dry-cleaner sites may or may not be deemed eligible for DCRP assessment and cleanup activities. The DCRP is required to investigate the nature and extent of the contamination for each site. Therefore, assessment and cleanup may vary depending on unique site conditions. In addition, the TCEQ is required to give consideration to sites that pose a higher relative risk to human health and the environment.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Above projections

Efficiency

4.1.2 ef 1 Average days to process dry cleaner remediation program applications

Short Definition: Texas Health and Safety Code, Chapter 374, mandates that the agency's review and ranking of applications to the Dry Cleaner Remediation Program is not to exceed 90 days.

Purpose/Importance: This measure provides the average number of days for the agency to process Dry Cleaner Remediation Program applications.

Source/Collection of Data: This measure is calculated using the Dry Cleaner Remediation Program database maintained by the Remediation Division.

Method of Calculation: Using the Dry Cleaner Remediation Program database, the number of program applications received is tracked, the number of days to review and rank each application is recorded, and the average review and ranking time is calculated for the reporting period.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Below projections

Explanatory

4.1.2 ex 1 Number of state and federal Superfund sites in post-closure care (O&M) phase (key)

Short Definition: The combined number of Superfund sites in Texas that require state funding for continued operation and maintenance (O&M) activities.

Purpose/Importance: Reflects the combined number of state and federal Superfund sites in Texas that have completed the remedial action process and now require continued state funding to ensure that the remedy remains effective during post-completion care. Activities may include maintenance of treatment systems and on-site waste containment, long-term groundwater monitoring, and maintenance of institutional controls or site security.

Source/Collection of Data: Using an automated agency system maintained by the Remediation Division, data will be collected to reflect the combined number of state and federal Superfund sites that are in a post-closure phase.

Method of Calculation: The sum of the number of state and federal Superfund sites in post-closure care phase, for the reporting period, as determined by a database query.

Data Limitations: None identified

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

4.1.2 ex 2 Number of dry cleaner remediation program (DCRP) eligible sites

Short Definition: The number of Dry Cleaner Remediation Program sites that have been ranked, prioritized, and evaluated for corrective action.

Purpose/Importance: This measure provides an indication of the agency's efforts to clean up known dry-cleaning facilities contaminated by dry-cleaner solvents.

Source/Collection of Data: The Dry Cleaner Remediation Program database, maintained by the Remediation Division, will contain DCRP site data.

Method of Calculation: The total number of eligible Dry Cleaner Remediation Program sites prioritized and added to the DCRP database. Quarterly and year-to-date totals will be generated for specific time periods as required by reporting schedules.

Data Limitations: The TCEQ has no control over the number of eligible dry-cleaner sites applying to the Dry Cleaner Remediation Program, since their choice controls the number of sites that enter the DCRP.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Outcome

5.1 oc 1 **Percentage received of Texas equitable share of quality water annually as apportioned by the Canadian River Compact**

Short Definition: The interstate Canadian River Commission will complete an annual accounting of water stored in each state to determine compact compliance. The accounting of water stored in Texas' reservoirs will be used to determine the percent entitlement of water that Texas receives. Due to recent drought conditions, Texas currently stores approximately 100,000 acre-feet annually. The accounting will be completed during the third quarter of the following fiscal year, and will be for the previous calendar year.

Purpose/Importance: The measure is intended to show the extent to which Texas is receiving its share of waters as apportioned by the compact, and serves as an indicator of New Mexico's compliance with the terms of the compact. Continued performance of less than target could indicate that New Mexico has not met its delivery obligation for that year and Texas did not receive its equitable share. Performance of less than target could result in Texas initiating legal proceedings or action, and can serve as an indicator of increased resource needs to rectify any under-delivery. Occasional intermittent performance of less than target could be the result of lower than normal precipitation conditions. Precipitation conditions will need to be monitored to determine if a compact violation has occurred.

Source/Collection of Data: Annual reports of water storage as presented to the Canadian River Commission at its annual meeting.

Method of Calculation: This measure is calculated by dividing the actual amount of water stored in Texas' reservoirs (primarily Lake Meredith and Palo Duro Reservoir) by 100,000 acre-feet and converting to a percentage. The 100,000 acre-feet is the average amount of water Texas has in storage during recent years and with New Mexico complying with the compact.

Data Limitations: The accounting is for the previous calendar year, therefore information reported in a given year indicates actual performance for the prior calendar year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

5.1 oc 2 **Percentage received of Texas equitable share of quality water annually as apportioned by the Pecos River Compact**

Short Definition: Using the water accounting report of the Pecos River Master and approved by the U.S. Supreme Court, water delivered to Texas will be computed. The water received, including any current credits of past over-deliveries of water, will be divided by the actual amount of water New Mexico is required to deliver under the terms of the compact, as determined by the water accounting report. The accounting of water delivered to Texas is computed during the fourth quarter and will be for the previous calendar.

Purpose/Importance: Measure is intended to show the extent to which Texas is receiving its share of waters as apportioned by the compact, and serves as an indicator of New Mexico's compliance with compact terms. Performance of less than 100 percent in any given year indicates that New Mexico has not met its delivery obligation for that year and that Texas did not receive its equitable share. Performance of less than 100 percent could result in Texas initiating legal proceedings/action, and can also serve as an indicator of increased resource needs to rectify under-delivery.

Source/Collection of Data: Annual water accounting report prepared by the Pecos River Master and approved by the U.S. Supreme Court.

Method of Calculation: Measure is calculated by dividing the actual amount of water received by Texas, including any current credits of past over-deliveries of water (as determined by the annual accounting), by the amount of water New Mexico was required to deliver (as determined by the annual accounting) and converting to a percentage.

Data Limitations: Accounting of water is conducted by the River Master and Supreme Court during the fourth quarter. The accounting is for the previous calendar year; therefore, information reported in a given year indicates actual performance for the prior year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

5.1 oc 3 **Percentage received of Texas equitable share of quality water annually as apportioned by the Red River Compact**

Short Definition: Using the reports of the engineering and legal committees of the interstate commission, water shortages to Texas' users will be evaluated. If no shortages exist, Texas has received 100 percent of its equitable share. As used in this measure, "equitable share" is defined as lack of water shortages.

Purpose/Importance: Measure is intended to show whether Texas' users of the Red River have experienced any water shortages. Because the quantity of water of the Red River is plentiful and is usually not an issue, a formal accounting of water deliveries to each state has not yet been initiated by the commission. Due to these factors, at this time it is more meaningful to assess whether needs of Texas' users of the Red River are being met, rather than whether each state is meeting its delivery obligation (as in the measures for the Pecos and Rio Grande). Performance of less than 100 percent in any given year indicates that shortages have been experienced and will serve as an indicator that rules for more reaches must be developed and more formal accounting procedures must be implemented.

Source/Collection of Data: Reports prepared by the engineering and legal committees of the interstate commission.

Method of Calculation: Measure is calculated by determining if there have been any water shortages to Texas' users. Engineer advisors from each state meet annually to discuss water use related to the compact and to identify any shortages.

Data Limitations: The Red River Compact Commission has not initiated formal accounting of water deliveries to each state, therefore "water shortages" is used as a proxy for determining whether Texas has received its equitable share of waters under the terms of the compact. To date, there have been no water shortages and performance has been 100 percent. If shortages occur, and once the commission approves rules for the basin-wide accounting, a formal water accounting will commence. Reports used in calculating this measure will be completed after the commission's annual meeting, usually in the third quarter. Reporting will be on an annual basis for the previous calendar year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

5.1 oc 4 Percentage received of Texas equitable share of quality water annually as apportioned by the Rio Grande River Compact

Short Definition: Using the water accounting report prepared by the engineer advisors and approved by the Commission, water delivered to Texas will be computed. The water delivered, including any current credits or debits of past over/under-deliveries allowable under the compact, will be divided by the actual amount of water Colorado and New Mexico are required to deliver under the terms of the compact, as determined by the water accounting report. The accounting of water delivered to Texas is computed during the third quarter and will be for the previous calendar year.

Purpose/Importance: Measure is intended to show the extent to which Texas is receiving its share of waters as apportioned by the compact, and serves as an indicator of Colorado's and New Mexico's compliance with compact terms. Performance of less than target in any given year may indicate that the compact signatories have not met their delivery obligation for that year and that Texas did not receive its equitable share. Performance of less than target could result in Texas initiating legal proceedings/action, and can also serve as an indicator of increased resource needs to rectify under delivery.

Source/Collection of Data: Annual water accounting report prepared by the engineer advisors and approved by the Commission.

Method of Calculation: Measure is calculated by dividing the actual amount of water received by Texas, including any current credits or debits of past over/under-deliveries allowable under the compact (as determined by the annual accounting), by the amount of water the signatory states were required to deliver (as determined by the annual accounting), and converting to a percentage.

Data Limitations: Accounting of water is conducted at the annual meeting (3rd quarter) of the Commission. The accounting is for the previous calendar year, therefore information reported in a given year indicates actual performance for the prior year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

5.1 oc 5 Percentage received of Texas equitable share of quality water annually as apportioned by the Sabine River Compact

Short Definition: Using the water accounting of water diversions published in the annual report of the Sabine River Compact Administration, the acre-feet of water diverted by Texas will be compared to the historical average for the last five years.

Purpose/Importance: Measure shows whether Texas is receiving its equitable share of quality water from the Sabine River. As used in this measure “equitable share” means that Texas water use, did not exceed the maximum allowed under the compact (i.e., that sufficient water was available to meet the water needs of Texas users). Water quantity on the Sabine is plentiful. Texas and Louisiana may each use 50 percent of the waters, however, to date neither state uses the full amount to which it is entitled. This measure can also serve to indicate whether diversions are increasing over prior years (indicated when percentage reported exceeds 100 percent), and indirectly, whether the amount of excess water available is diminishing. A sustained increase in water diversions may indicate the need for formal accounting procedures.

Source/Collection of Data: Annual report of the Sabine River Compact Administration.

Method of Calculation: Measure is calculated by dividing the actual amount of water diversion by the historical average of diversions for the last five years.

Data Limitations: The Sabine River Compact Commission has not initiated formal accounting of water deliveries to each state. As a result, amount of water diverted is one of the few indicators (or proxies) available for use in calculating “Percent received of Texas’ equitable share.” The commission does not control water usage (diversions). Reporting will be on an annual basis for the previous calendar year.

Calculation Type: Non-cumulative

New Measure: No

Desired Performance: Above projections

Historically Underutilized Business Plan

Mission Statement

The Historically Underutilized Business (HUB) program of the TCEQ encourages the use of HUBs in procurements and contracts for commodities and services by promoting full and equal business opportunities for all businesses in Texas.

Policy

The TCEQ has adopted Title 34, Texas Administrative Code, Subchapter 20B (34 TAC 20B). Additional guidance is provided in the TCEQ's Operating Policies and Procedures and Guide to Administrative Procedures (GAP) Manual.

Definition

A HUB is defined by the Texas Government Code, Chapter 2161, and 34 TAC 20.10–12 as a business formed for the purpose of making a profit, provided the following criteria are met:

- The principal place of the business must be in Texas.
- The proprietor of the business must be a resident of the State of Texas.
- At least 51 percent of the assets and at least 51 percent of all classes of the shares of stock or other equitable securities in the business must be owned by one or more persons whose business enterprises have been historically underutilized (economically disadvantaged), because of their identification as members of at least one of the following groups: African American, Hispanic American, Asian Pacific American, Native American, American women, and service-disabled veterans.

- The individuals mentioned above must demonstrate active participation in the control, operation, and management of the business.
- The business must be involved directly in the manufacture or distribution of the contracted supplies or materials, or otherwise warehouse and ship the supplies or materials.
- The business must be classified as a small business consistent with the U.S. Small Business Administration's size standards and based on the North American Industry Classification System code.

Program Staff

The TCEQ has two FTEs—a coordinator and an assistant coordinator—focused solely on the HUB program. The HUB coordinator communicates directly with the executive director, serves as a resource to other TCEQ management and program staff, and reports and responds to oversight entities as required. HUB staff are involved in standard HUB-related activities: vendor outreach, staff education on program requirements, reporting, and contract compliance. In addition to HUB program staff, other TCEQ staff involved in procurement and contracting are required to implement state and agency HUB-related rules, as identified in operating policies and procedures posted agency-wide.

Program Performance, Goals, Objectives, and Strategies

Table C.1 reflects 2014 and 2015 HUB program performance. Following the table are the operational

Table C.1. Agency-Specific HUB Goals and TCEQ Performance

Category	Goals for FYs 2014–2015	Performance		Goals for FYs 2016–2021
		2014	2015	
Commodity Contracts	21.1%	31.2%	42.0%	21.1%
Other Services Contracts	26.0%	34.2%	35.0%	26.0%
Professional Services Contracts	23.7%	20.1%	12.4%	23.7%
Special Trades*	32.9%	7.3%	9.4%	32.9%

* The TCEQ has limited decision-making ability in the special trades. Procurement decisions in this category are primarily vested in the leaseholders.

goals, objectives, and strategies that the TCEQ employs in working to meet its HUB-related mission.

Outreach to Vendors

Goal 1. Increase the utilization of HUB-certified vendors through external outreach.

Objective 1.1. Encourage HUB participation through external outreach.

Strategy 1.1.A. Advise vendors, business associations, and others of the agency's procurement processes and opportunities.

Strategy 1.1.B. Assist service-disabled-veteran-, minority-, and women-owned businesses in acquiring HUB certification.

Strategy 1.1.C. Evaluate the structure of procurements to determine whether additional HUB opportunities could be furthered by initiatives such as segmenting large procurements or offering alternative bonding or insurance criteria.

Strategy 1.1.D. Facilitate mentor-protégé agreements to foster long-term relationships between contractors and HUBs.

Strategy 1.1.E. Conduct outreach activities that foster and improve relationships among HUB vendors, prime contractors, and purchasers.

Outreach to Purchasers and Key Decision Makers

Goal 2. Increase the utilization of HUB-certified vendors through internal outreach and procurement practices and policies.

Objective 2.1. Encourage directors, purchasers, project managers, and other personnel responsible for procurement of goods and services to maximize use of HUBs.

Strategy 2.1.A. Educate agency staff on HUB statutes and rules through online avenues, teleconferencing, and classroom training.

Strategy 2.1.B. Review existing policies and procedures and amend as necessary to encourage HUB utilization.

Strategy 2.1.C. Report HUB utilization data throughout the fiscal year so that each office can keep abreast of its ongoing performance.

SCHEDULE D

Statewide Capital Plan

Integrated Campus Planning System

Texas Higher Education Coordinating Board

06/20/16

Environmental Quality, Texas Commission on (582)

Capital Expenditure Plan (MP1) Summary Report (Fiscal Years 2017 - 2021) as Reported in FY 2016

Project Name	Building Number	Building Name	Condition	Pri	GSF	E&G	Acres	CIP	Deferred Maintenance to be Addressed	Total Cost	Start Date	End Date
Critical Technology Upgrade Project	All			1	0	0	0		\$0	\$27,000,000	9/2017	8/2023
					0	0	0		\$0	\$27,000,000		

Totals by Project Type

Project Type	Number of Projects	GSF	E&G	Acres	Total Cost
Addition		0	0	0	\$0
New Construction		0	0	0	\$0
Repair and Renovation		0	0	0	\$0
Land Acquisition		0	0	0	\$0
Infrastructure		0	0	0	\$0
Information Resources		1	0	0	\$27,000,000
Leased Space		0	0	0	\$0
Unspecified		0	0	0	\$0
Totals		1	0	0	\$27,000,000

Summary of Planned Expenditures by Year

Project Type	2017	2018	2019	2020	2021	Balance	Total Cost
Addition	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Repair and Renovation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Land Acquisition	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Infrastructure	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Information Resources	\$0	\$5,000,000	\$5,000,000	\$4,850,000	\$4,850,000	\$7,300,000	\$27,000,000
Leased Space	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Unspecified	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Totals	\$0	\$5,000,000	\$5,000,000	\$4,850,000	\$4,850,000	\$7,300,000	\$27,000,000

Totals by Funding Sources

Funding Source	Number of Projects	Total Cost
Auxiliary Enterprise Fund	0	\$0
Auxiliary Enterprise Revenues	0	\$0
Available University Fund	0	\$0
Designated Tuition	0	\$0
Energy Savings	0	\$0
Federal Funds	0	\$0
Federal Grants	0	\$0
General Revenue	0	\$0
Gifts/Donations	0	\$0
Higher Education Assistance Fund Proceeds	0	\$0
Housing Revenue	0	\$0
Lease Purchase other than MLPP	0	\$0
Legislative Appropriations	1	\$27,000,000

Master Lease Purchase Program	0	\$0
Other	0	\$0
Other Local Funds	0	\$0
Other Revenue Bonds	0	\$0
Performance Contracting Energy Conservation	0	\$0
Permanent University Fund	0	\$0
Private Development	0	\$0
Private Development Funds	0	\$0
Revenue Financing System Bonds	0	\$0
Student Fees	0	\$0
Tuition Revenue Bond Proceeds	0	\$0
Unexpended Plant Funds	0	\$0
Unknown Funding Source	0	\$0
Unspecified	0	\$0
Totals		\$27,000,000

S C H E D U L E E

Health and Human Services Strategic Plan

This schedule is not applicable to the TCEQ.

Workforce Plan, Fiscal Years 2017–2021

*This document is also provided separately
to the State Auditor's Office.*

Key Factors Facing the Agency

During the next five years, the TCEQ expects challenges as it fulfills its mission and goals. Key economic and environmental factors affecting the agency's workforce include an aging workforce; retention of qualified, experienced employees; and turnover. Economic conditions and high unemployment have previously kept the TCEQ's turnover rate relatively low. Typically, during these climates, working for governmental agencies is seen as more attractive and applicant pools increase. The competition to recruit and retain highly skilled employees remains a priority. Since fiscal 2012, turnover at the TCEQ has increased by 2.3 percent. By 2021, 36.2 percent of the TCEQ's workforce will be eligible to retire. To address these factors, the agency must continuously adapt and focus on implementing attractive recruitment and retention strategies to differentiate itself in the increasingly competitive job market.

The ability to compete for highly skilled applicants, particularly in hard-to-fill occupations, will continue to prove critical in our efforts to maintain a diverse and qualified workforce necessary for the agency to carry out its mission. The attractive benefits and retirement package afforded state employees was altered in an effort to address funding shortfalls. These changes will affect our ability to recruit applicants and retain staff.

The TCEQ does not expect significant changes in its mission, strategies, or goals over the next five years, but it does recognize the need to adapt readily to any changes required by legislation. Any new state and federal requirements will be demanding in light of budget and FTE reductions and will likely point to a need to rely more heavily on program changes, process redesign, and technological advancements.

Retirement and Attrition

The departure of employees due to retirement and other reasons is, and will continue to be, a critical issue facing the TCEQ. Within the next five years, 36.2 percent of the TCEQ's workforce will be eligible to retire, with 19.9 percent eligible to retire by the end of fiscal 2016.

Likewise, turnover is increasing. Although well below the state average of 17.5 percent for fiscal 2015, the TCEQ experienced turnover at 13 percent in fiscal 2015, with voluntary separations, excluding retirement, making up 64.1 percent of total separations. This potential loss of organizational experience and institutional knowledge poses a significant need for continued careful succession planning for key positions and leadership roles.

An ongoing focus on organizational development and training will also be required. Training and mentoring emerged as the primary strategy identified by agency offices to address skill gaps due to retirements, with hiring methods ranking second.

Table F.1 demonstrates the projected increases in the number of employees eligible to retire from fiscal 2016 through fiscal 2021. The TCEQ estimates that approximately 977 employees (36.2 percent) will become eligible to retire by the end of fiscal 2021. Retirement of the agency's workforce at this level could significantly affect the agency's ability to deliver programs and accomplish its mission.

Table F.1. Projection of TCEQ Employees Eligible for Retirement, FYs 2016–2021

Fiscal Year	Projected Retirements	Percent of Total Agency Headcount (2,698)
2016	538	19.9
2017	630	23.3
2018	722	26.7
2019	815	30.2
2020	891	33
2021	977	36.2

Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

New and Changing Requirements and Initiatives

New federal and state requirements, as well as internal initiatives, will continue to have an agency-wide impact. Offices may be required to change and modify, eliminate, or add programs, processes, and procedures. Also, as a means to provide more timely data, the agency's use of technology to report and receive information is expanding.

Among other expected program changes, mandates, and initiatives are the following:

- **Critical Technology Upgrade.** Replacing legacy applications at the core of the agency's mission with contemporary technology.
- **Central Accounting and Payroll/Personnel System (CAPPS).** Adopting a common state-wide system supporting accounting, payroll, and personnel functions.
- **Accessibility Requirements.** Agency roles and responsibilities under Section 508 are increasing and will require more time and expertise when creating documents, webpages, and learning content.
- **Oil and Gas.** The massive growth and technology advancement in the oil and gas industry has resulted in substantial workload increases for the Air Permits Division (APD). In last five years, the APD has seen a sharp increase in the number of air authorizations resulting from the growth of the industry. The APD's workload has more than doubled since 2010. Workload-planning tools include process-streamlining, all-electronic correspondence, and technology updates to allow for a more automated review (including e-Permitting).
- **New EPA Standards and Regulations.** The EPA continues to promulgate more stringent air-quality standards and rules, such as the proposed source-determination definition for the oil and gas industry, new maximum achievable control technology requirements, and lower National Ambient Air Quality Standards (NAAQS).

The new standards and regulations result in significant workload increases, specifically in

processing air-permit authorizations, and managing the Tax Relief for Pollution-Control Property (Prop 2) and the Emissions Banking and Trading programs. It will be necessary to increase proactive planning and ensure that staff is provided guidance on how to implement all new federal requirements. The Office of Air will continue to provide feedback and available data that demonstrates any undue regulatory burden associated with the EPA's revised or new air-quality standards and rules.

- **Expedited Permitting.** The APD began a new expedited permitting program in November 2014. Applicants may request an expedited review of an application filed under 30 TAC, chapters 106, 116, or 122. The challenge for the APD is the limitations on resources. The program requires additional resources through employee overtime or contract labor to review projects designated as expedited.
- **State Implementation Plan (SIP).** SIP revision development and coordinating is becoming more complex and the technical requirements are expanding, requiring an intimate knowledge of agency procedures and federal regulations, as well as computing and analytical abilities. This, combined with the constant changes in the air-quality field due to new regulations and new technologies, creates a high need for experienced, knowledgeable staff.

The EPA reviews all NAAQS criteria pollutants on a five-year cycle. It is possible and expected that Texas will also be designated non-attainment for pollutants other than ozone and SO₂ within the 2017 through 2021 timeframe, as well as potential further ozone nonattainment area designations. Each nonattainment area will require SIP revision development, along with potential control strategies specific to the pollutant. For example, with the recent SO₂ standard changes and additional requirements per the Data Requirements Rule, the Office of Air will be required to complete four SIP

revisions and three attainment demonstrations. Also, transport and infrastructure SIP revisions specific to each revised criteria pollutant will be due within three years of promulgation of the revised NAAQS.

In addition to these SIP revisions, Texas is expected to continue to develop maintenance plans for certain criteria pollutants to show how an area will maintain its attainment status. The EPA's current review schedule for criteria pollutants is: lead in 2016, primary and secondary nitrogen dioxide and secondary SO₂ in 2017, and primary sulfur dioxide in 2019. The next review dates for carbon monoxide, ozone, and particulate matter are not known at this time.

- **Regional Haze SIP.** The agency will also be developing a Regional Haze SIP for the Guadalupe Mountains and Big Bend national parks for visibility protection. In Texas, the pollutants influencing visibility are primarily NO_x, SO₂, and PM. Regional Haze program requirements include progress reports due to the EPA every five years to demonstrate progress toward the visibility goal, in addition to another Regional Haze SIP in 2018.
- **EPA's Clean Power Plan (CPP).** The U.S. Supreme Court placed a stay on the CPP on Feb. 8, 2016. If the stay is lifted, this could become a work-force issue during this planning period.
- **Texas Emission Reduction Plan (TERP) Program.** The workload demands for TERP continue to increase due to the additional 1,000 to 1,500 contracts that enter into the monitoring portion of the program each biennium. These contracts are added to the over 10,000 contracts that are currently being monitored by the program.
- **Drought Issues.** Drought may continue to affect water resources and increase the cost of water to consumers, which in turn leads to: an increase in the number of consumer-assistance requests received from the public; an increase in technical assistance; an increase in the need for emergency approvals, including bond

approvals; and an increase in requests for emergency authorizations and exceptions that require staff to perform expedited technical and engineering reviews.

- **Database Development.** Developing new enterprise databases for entire programs, such as the Surface Water Rights Database, using existing program staff that is already fully tasked.
- **Public Interest Counsel Support.** Texas Water Code 5.274(b) provides that the agency's public-interest counsel may obtain and use outside technical support to carry out its functions under this code. Use of outside technical assistance allows the office to carry out its statutory responsibilities in a more effective manner. Additional funding to provide for outside technical support could assist the office in implementing its statutory obligations without increasing the number of employees.
- **Ongoing Water Issues.** Water rights and public-drinking-water demands, as well as increased dust complaints have continued due to recurring drought conditions.
- **Population Growth.** Areas of the state experiencing tremendous growth leads to an increased regulatory universe in the form of business, water and wastewater infrastructure, waste generation, and air emissions, in addition to urban areas encroaching on previously rural areas. Increased issues and complexity of issues associated with heavy growth areas create challenges in providing adequate responses to citizen complaints; investigations to determine compliance with applicable air, waste, and water regulations; and education of regulated entities.
- **Monitoring Surface Water Quality.** Expand and enhance the continuous monitoring of surface water quality to provide the real-time and integrated evaluation of the physical, chemical, and biological conditions of affected segments.
- **Access to Information.** Maintaining a balance between the public's access to information through the Emergency Planning and

Community Right to Know Act and protection of confidential information due to homeland-security concerns for the Tier II Chemical Reporting Program.

- **Reductions in Federal Funding.** Expansion of federal grant commitments and performance measures (Government Performance and Results Act) with decreases to funding. The EPA reduced Resource Conservation and Recovery Act (RCRA) funding to Texas from \$8,500,000 to \$7,280,350 per year (14.35%), with the reduction phased in over a five-year period. The grant reduction affects several programs in the Office of Waste and the agency at large.
- **Program Changes.** The Dry Cleaner Remediation Program is set to expire in 2021.
- **Waste Reduction and Recycling.** The TCEQ continues to promote waste-reduction and recycling programs, with ongoing implementation of the computer and television recycling programs, and potentially, other legislative mandates related to electronics recycling and product stewardship.
- **Travel in Rural Areas.** Increased industrial activity in rural areas of the state has affected daily travel requirements to conduct investigations and respond to complaints.
- **Communication with Elected Officials.** Agency staff strives to effectively communicate technical and complex environmental-quality and natural-resource issues of the agency to the state's leadership, elected officials, and stakeholders. Developing effective working relationships with new members of the state legislature during a time of significant turnover in office-holders is vital to the TCEQ and its executive management, as is providing timely and accurate analysis of legislation affecting the agency.

Information Technology

To maintain and enhance the agency's level of service, respond to increasing customer demands and expectations, and implement legislative changes, the TCEQ

must prepare for a number of issues in the area of information technology (IT). They include:

- **Accessibility Requirements.** Agency roles and responsibilities under Section 508 are increasing and will require more time and expertise when creating documents, webpages, and learning content.
- **New regulatory programs routinely require IT components to be developed and supported;** the agency is providing more data and expanding the use of technology for reporting information and receiving authorizations. In order to implement the flow of electronic information between the regulated community and the public, business processes must be analyzed and documented. The program areas will need to develop proficiency in analysis and design in order to facilitate implementation. The challenge will be to ensure that staff is capable of building and using these tools effectively and efficiently.
- **Modifying, maintaining, expanding, and/or automating existing database, reporting, and storage capabilities,** as well as new initiatives to allow greater public access to agency records, will require large commitments in funding and manpower resources.
- **Keeping the skill levels of employees up to speed with constantly changing Web and related technology,** including advocating for increased skill-sets around the agency, remains a challenge.
- **In response to an increased demand for real-time data,** additional staff will require training on applicable technology in the areas of environmental and compliance monitoring.
- **Maintaining and improving online access and navigation (both internal and external)** allows for quick dissemination of information to large groups, both in "real time" and customized, through increasing and varied access points, such as mobile devices, collaboration tools, and social media. This includes restructuring to adequately support content management.

- TCEQ’s Authorization and Remediation Tracking System (ARTS) database, CCEDs, Central Registry, and PARIS are being tapped to flow data electronically to the EPA National Environmental Information Enterprise Network (NEIEN). The EPA is seeking changes to rules implementing the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA), as well as revising guidelines for the implementation of those programs.
- Skills are needed to implement the four primary IT goals in the Information Strategic Plan:
 - Improve internal and external access to information.
 - Promote effective and efficient service delivery.
 - Enable strategic management of information.
 - Support a high-performing, next-generation workforce.

Equipment, technology, and training resources are not sufficient to maintain competencies and improve efficiencies. The agency will continue to monitor funding and examine program efficiencies, monitor and manage staff workloads, and evaluate the need for projects as funding reductions affect the agency.

Current Workforce Profile (Supply Analysis)

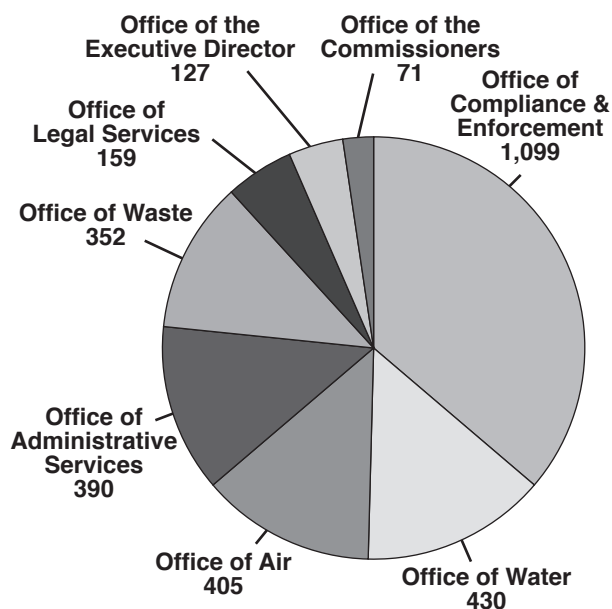
In fiscal 2015, the TCEQ employed a cumulative total of 2,698 employees, which includes 360 separated employees. The following chart (Figure F.1) summarizes the agency workforce by office. The totals indicate an actual head count of employees, not full-time equivalents (FTEs), and do not include contractors or temporary personnel.

Location of Employees

As of Aug. 31, 2015, 685 employees—or 25.4 percent of the total workforce—were located throughout the 16 regional offices (see Figure F.2). In an effort to facilitate delivery of the agency’s services at the point of contact and to increase efficiencies, 134 employees (5%)

were matrix-managed staff who worked in regional offices, but were supervised from the Central Office.

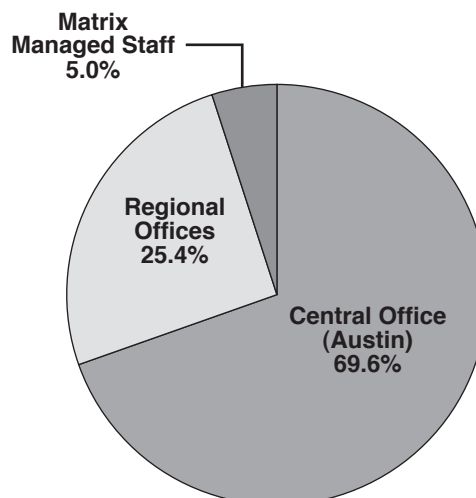
Figure F.1.
TCEQ Employees by Office, FY 2015



Note: Data includes separations.

Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Figure F.2.
TCEQ Employees by Location, FY 2015



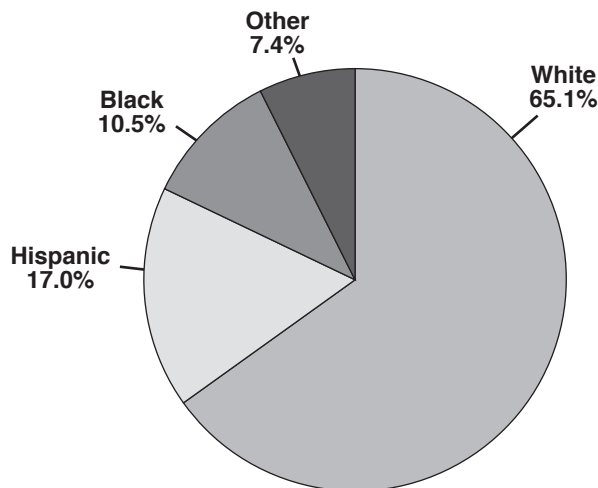
Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Workforce Demographics

Figures F.3 and F.4 illustrate the agency's workforce during fiscal 2015. Blacks and Hispanics constituted 27.5 percent of the agency's workforce, with other ethnic groups representing over 7 percent. The available Texas labor force for Blacks is 11.2 percent; for Hispanics, it's 35.9 percent. This reveals an under-utilization of over 18 percent for Hispanics.

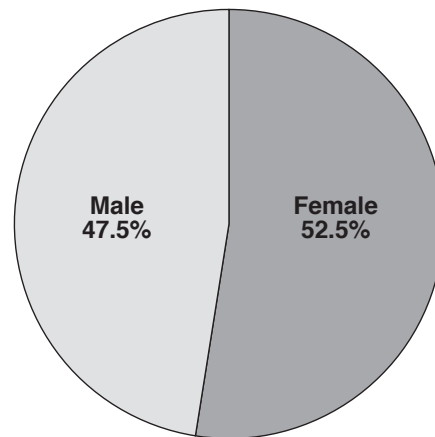
In fiscal 2015, the TCEQ workforce was 47.5 percent male and 52.5 percent female. These percentages indicate a small change from the last reporting period of fiscal 2013 (males, 47.3%; females, 52.7%). The available Texas labor force for males is 55 percent; for females, it's 45 percent. This is a 7.5 percent under- and over-utilization, respectively, in these categories.

Figure F.3.
TCEQ Employees by Ethnicity, FY 2015



Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Figure F.4.
TCEQ Employees by Gender, FY 2015



Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

The TCEQ Workforce Compared to the Available Texas Civilian Labor Force

The TCEQ workforce comprises four employee job categories, as established by the Equal Employment Opportunity Commission (EEOC). These categories are: Official/Administrator, Professional, Technical, and Administrative Support.

Table F.2 and figures F.5, F.6, and F.7 compare the agency workforce as of Aug. 31, 2015, to the available statewide civilian labor force as reported in the *Equal Employment Opportunity and Minority Hiring Practices Report*, a publication of the Civil Rights Division of the Texas Workforce Commission (January 2015). This table reflects the percentages of Blacks, Hispanics, and females within the available statewide labor force (SLF)

Table F.2. TCEQ Workforce Compared to Available Statewide Labor Force, 8/31/15

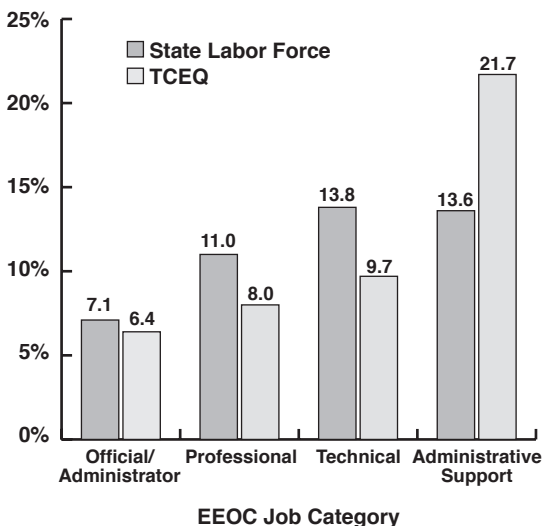
EEOC Job Category	Black		Hispanic		Female	
	SLF	TCEQ	SLF	TCEQ	SLF	TCEQ
Official/Administrator	7.1%	6.4%	20.9%	12.8%	37.5%	42.1%
Professional	11%	8%	19%	15.8%	54.9%	46.5%
Technical	13.8%	9.7%	28.8%	15.3%	51.3%	29%
Administrative Support	13.6%	21.7%	33%	24.2%	72.8%	84.4%

Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

and the TCEQ workforce. Although minorities and females are generally well represented at the TCEQ, the agency's ability to mirror the available statewide labor force remains difficult.

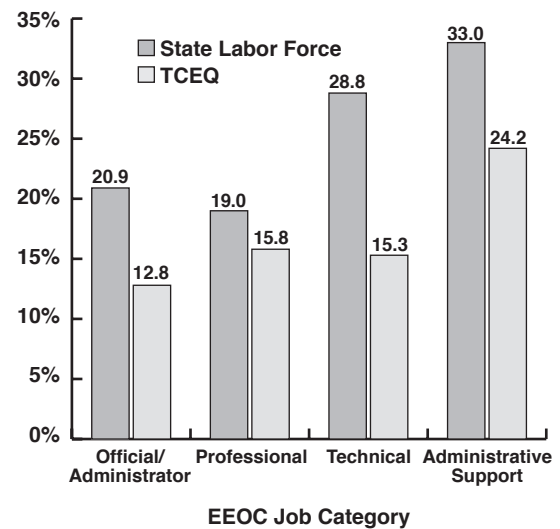
Compared to fiscal 2013, the SLF percentages decreased for Blacks in all job categories, except Administrative Support, which remained the same. The Black workforce at the TCEQ remained relatively unchanged, with slight decreases in the Official/Administrator and Professional job categories. The Black workforce is well represented in the Administrative Support job category. While the Hispanic SLF percentages increased, the TCEQ remains under-represented in all job categories for Hispanics. The female SLF percentages increased significantly in the Technical job category; however, the agency remains under-represented by 22 percent. Females within the agency are under-represented in the Professional job category, and are well represented in the Administrative Support and Official/Administrator job categories. The agency continues to strive to employ a labor force representative of the available Texas workforce.

Figure F.5.
TCEQ Black Workforce Compared to Available
Statewide Black Labor Force, FY 2015



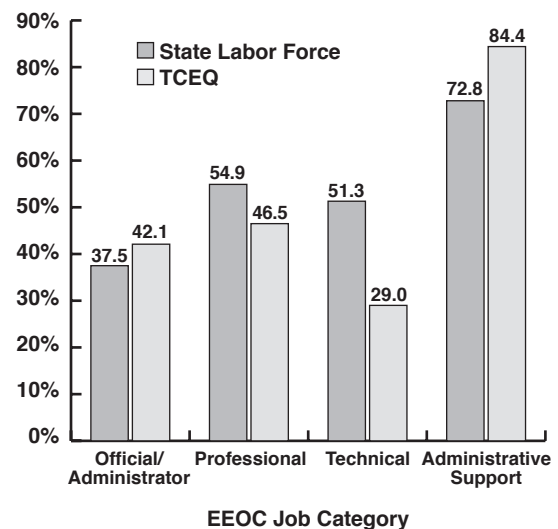
Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Figure F.6.
TCEQ Hispanic Workforce Compared to Available
Statewide Hispanic Labor Force, FY 2015



Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Figure F.7.
TCEQ Female Workforce Compared to Available
Statewide Female Labor Force, FY 2015



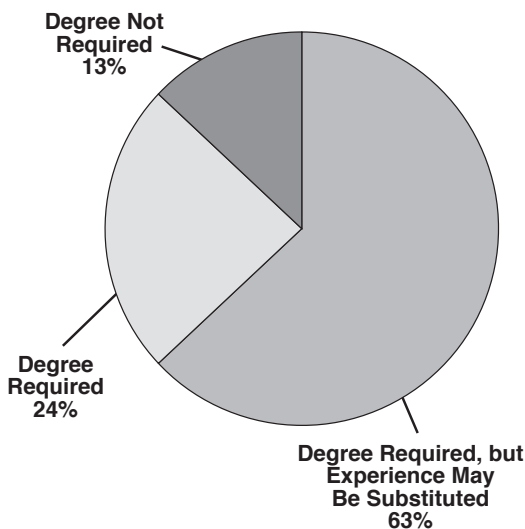
Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Workforce Qualifications

The TCEQ employs a highly qualified workforce in a variety of program areas, performing complex and diverse duties. Strong employee competencies are critical to meet program objectives and goals.

Over 24 percent of the TCEQ's job classifications require a bachelor's degree (see Figure F.8). Another 63 percent require a degree; however, related experience may substitute for this requirement. The remaining positions not requiring a degree constitute 13 percent of the agency's workforce.

Figure F.8.
Education Requirements of
TCEQ Employees, FY 2015

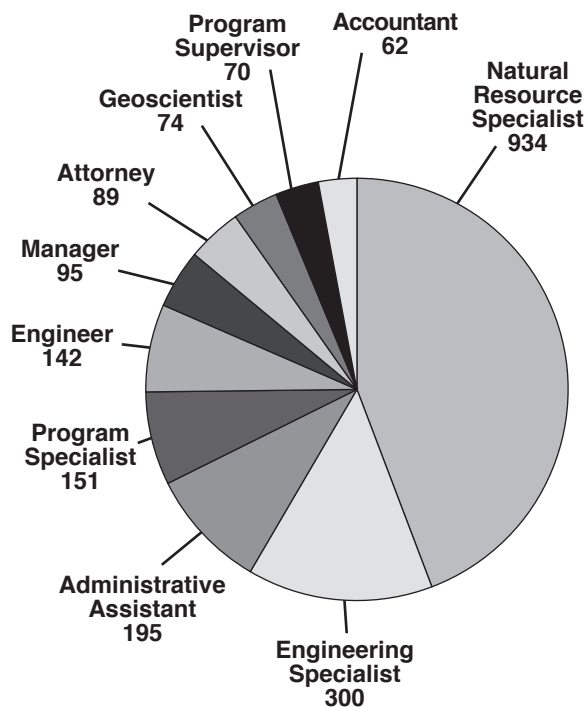


Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Workforce Profile by Job Classification

Although over 75 percent of the agency's employees are categorized as Officials/Administrators and Professionals, the work fulfilled by TCEQ employees is diverse, requiring the use of over 300 job classifications and sub-specifications. Figure F.9 represents the ten most frequently used job classification series in fiscal 2015.

Figure F.9.
TCEQ Employees by Job Classification Series,
FY 2015



Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

In fiscal 2015, the TCEQ supplemented its workforce with 43 contracted staff to provide vital program support, manage workloads, and perform various information technology functions as a means of meeting agency goals and objectives.

Employee Turnover

Turnover has increased to its highest level since 2013. Although the agency's turnover has increased (see Figure F.10), it consistently remains below statewide turnover. For example, in fiscal 2015, the statewide turnover rate was 17.5 percent, in comparison to the TCEQ's turnover rate of 13 percent. While this rate is higher than the fiscal 2014 turnover rate of 11.9 percent,

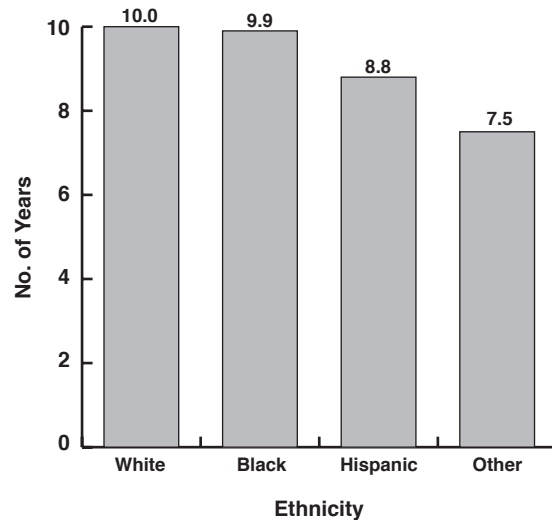
the agency continues to enjoy a lower turnover than the reported statewide turnover. This can be attributed to the agency's retention efforts, as well as to the current economic climate. It is incumbent that the agency use strategies to attract and retain highly skilled staff.

Another key concern is ensuring that agency salaries keep pace with the cost of living and that increases and salaries are competitive. Recruitment and retention of qualified staff is critical to the ability of the agency to effectively carry out its objectives. It is imperative that quality replacements be found, trained, and retained. Certified and licensed staff are highly marketable outside of the agency, which results in turnover and lower experience levels in the remaining staff. Ensuring that agency salaries are competitive with other organizations using similar skill sets continues to be a challenge.

While the TCEQ has been very fortunate to retain a highly qualified workforce, changes to the state's retirement and benefits plan, as well as a recovering economy, may affect future retirement decisions, as well as our ability to recruit.

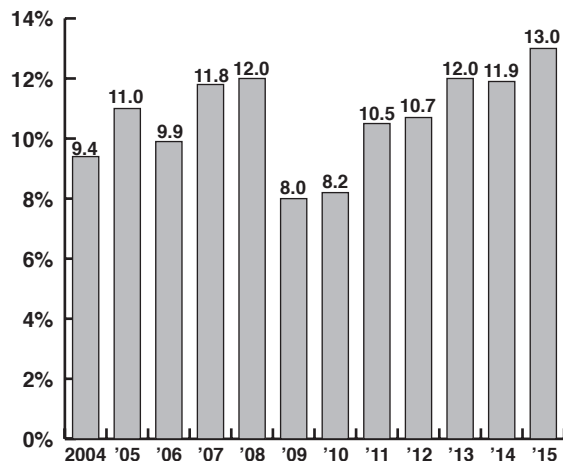
See Figures F.11 and F.12 for additional information about the average tenure of the TCEQ workforce.

Figure F.11.
TCEQ Employee Average Tenure
by Race, FY 2015



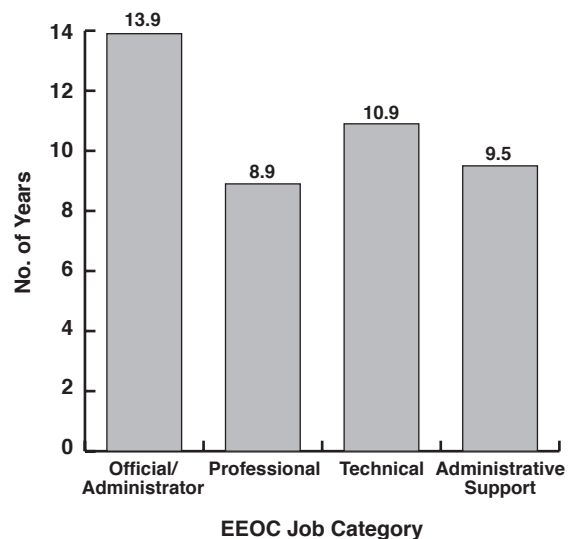
Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Figure F.10.
TCEQ Employee Turnover Rate, FYs 2004–2015



Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Figure F.12.
TCEQ Employee Average Tenure
by EEOC Job Category, FY 2015




Data Source: Texas Uniform Statewide Accounting System, as of 8/31/15.

Future Workforce Profile (Demand Analysis)

The TCEQ carries out its mission through broad and diverse activities. These activities require that

employees demonstrate a high level of proficiency in a variety of critical skills, also referred to as competencies. Table F.3 is a listing of sets of critical “competencies” that have been identified as the skill sets necessary to accomplish the agency’s mission.

Table F.3. Critical Workforce Competencies within the TCEQ Offices

Administrative Support	Problem Solving
Computer skills Mail processing Record keeping	Analysis Critical thinking Decision making Innovation
Communication	Project Management
Customer service Cultural awareness Marketing and public relations Teamwork Translating technical information into layperson’s terms Oral – public speaking and presentation Written – composition and editing	Coordination Managing multiple priorities Organizing Planning Quality analysis and process improvement
Financial Management	Technical Knowledge <i>(may be unique to a certain program area)</i>
Contract management Financial administration Grant management	Agency policies, procedures, and programs Auditing skills Litigation skills Local, state, and federal laws, rules, and regulations Inventory management Policy analysis and development Regulation analysis and development Research Specialized technical knowledge Statistical analysis Technical analysis
Information Development & Management	
Accessibility Computer-assisted tools Database development, management, and integration Electronic reporting Graphic design Software proficiency Web development and maintenance	
Management/Leadership	
Building effective teams Delegation Facilitation Interpersonal skills Managerial courage Mentoring Performance management Strategic planning	

The agency continues to emphasize and support workforce and succession planning. This process involves building a viable talent pool that contributes to the current and future success of the agency, including the need for experienced employees to mentor and impart knowledge to their potential successors. Such initiatives will enable the agency to identify the skills, knowledge, and abilities needed to maintain our organizational excellence and to strengthen the skills of up-and-coming staff.

The agency strives to compete in the marketplace for certain disciplines, such as science and engineering. The predominant occupations used at the TCEQ—such as, for example, environmental engineer, scientist, and geoscientist—require STEM (science, technology, engineering, and math) degrees. The Texas Workforce Investment Council reported that there is a growing divide between the number of qualified, technically skilled, and available job applicants and the number needed by Texas employers. The number of applicants is getting smaller relative to the number of positions that need to be filled.

The Texas Economy (a website of the Texas Comptroller of Public Accounts) states that STEM jobs will be 5 percent of all jobs in Texas in 2018, representing a 22 percent increase. According to the U.S. Bureau of Labor Statistics, these occupations are projected to grow nationally by 13 percent by 2022, compared to 11 percent for non-STEM occupations. STEM occupations command higher wages, earning nearly double the average wage of their non-STEM counterparts. This makes it difficult to recruit and retain staff in the STEM job fields. The occupations with the fastest growth in upcoming years—such as operations research analysts, statisticians, and biomedical engineers—all call for degrees in STEM fields.

The ability to recruit people with information-technology skills will also be essential. The Bureau of Labor Statistics states that seven out of the 10 largest STEM occupations are related to computers. Information-security analysts are projected to have faster than average job growth, at 37 percent, with computer-systems analysts, software developers, and web developers maintaining a high profile as fast-growing occupations in Texas and elsewhere.



Gap Analysis

Each office within the TCEQ analyzed the anticipated need for each competency and the possible risk associated with the skill being unavailable over the next five

years. Competencies that are “at risk” are indicated in Table F.4, prioritized by “low,” “medium,” or “high,” reserving the “high” designation for those gaps that will require action to address them.

Table F.4. Competency Checklist and Gap Analysis

LEGEND									
CO – Office of the Commissioners ED – Office of the Executive Director OAS – Office of Administrative Services OCE – Office of Compliance & Enforcement					OLS – Office of Legal Services OA – Office of Air OOW – Office of Waste OW – Office of Water				
Skill Category	Skill	CO	ED	OAS	OCE	OLS	OA	OOW	OW
Administrative Support	Computer skills			High					
	Mail processing								
	Record keeping								
	Other: Document reproduction services (OAS)			High					
Communication	Customer service								
	Cultural awareness				Med				
	Marketing and public relations						Med		
	Teamwork								
	Translating technical information into layperson's terms			Med			Med		Med
	Oral: Public speaking and presentation			Med					Med
	Written: Composition and editing			High					
	Other: Public participation, publications (OA)						Med		
Financial Management	Contract management			High			Med	High	High
	Financial administration				High		Med	High	High
	Grant management						Med		High
Information Development & Management	Accessibility	Med		High					Med
	Computer-assisted tools			Med			Med		High
	Database development, management, and integration	High		High	High		High		High
	Electronic reporting	Med		Med	High		Med	High	Med
	Graphic design								
	Software proficiency	Med		Med			Med		High
	Web development and maintenance	Med		Med					Med

continued on next page

Table F.4. Competency Checklist and Gap Analysis (continued)

Skill Category	Skill	CO	ED	OAS	OCE	OLS	OA	OOW	OW
Management/Leadership	Building effective teams			High					
	Delegation								
	Facilitation			Low					
	Interpersonal skills			High					
	Managerial courage	High		Low				High	
	Mentoring	Med		High	High		Med		Med
	Performance management						Med		
	Strategic planning			High			Med		
	Other: Employee recognition (OAS)			Med					
Problem Solving	Analysis			High			Med		
	Critical thinking						High		
	Decision making						Med		High
	Innovation	Low		Low			High		High
Project Management	Coordination			Med					
	Managing multiple priorities						Med		
	Organizing								
	Planning								
	Quality analysis and process improvement	Low			High		High		
Technical Knowledge (may be unique to a certain program area)	Agency policies, procedures, and programs	Med					Med		
	Auditing skills	High							
	Litigation skills								
	Local, state, and federal laws, rules, and regulations	Med			High		Med		
	Inventory management	Low		Med					
	Policy analysis and development			Low	High		Med		
	Regulation analysis and development			Med			Med		
	Research								
	Specialized technical knowledge	Med		High	High		High	High	High
	Technical analysis								High
	Other: Strategic-plan development, fiscal-note process, performance-measure analysis and development (OAS)			High					

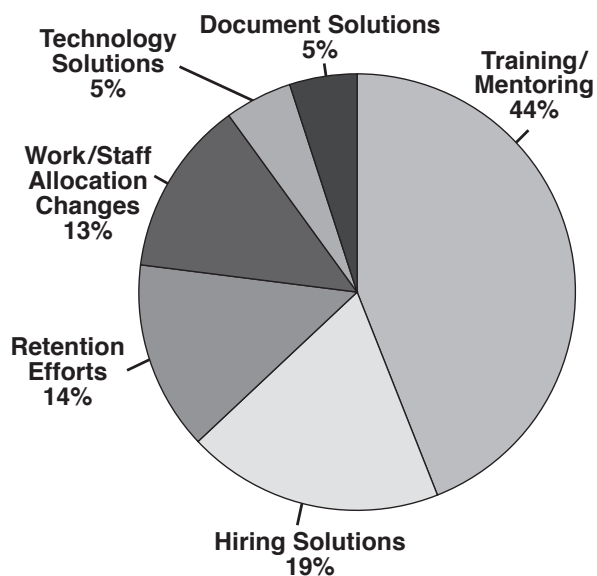
Strategy Development

The TCEQ anticipates implementing key strategies, which are discussed in the following sections, to address expected skill gaps. Figure F.13 displays the strategies that were identified by agency offices.

As in past assessments, Training and Mentoring will be the primary focus, followed by Hiring Solutions, to ensure that the TCEQ aligns appropriate personnel with the necessary skill sets to fulfill the agency's core functions. The use of strategies as indicated below

reflects the fact that there is a critical need to continue developing current staff skills, while also developing future workforce skills.

Figure F.13.
TCEQ Strategies to Address Skill Gaps



Data Source: Office Workforce Plan, TCEQ, March 2016.

Some of the specific strategies mentioned by agency offices are:

- Increase recruiting efforts to attract qualified engineers and water chemists and scientists.
- Ensure that agency salary keeps up with cost-of-living increases, and is competitive with other government agencies that have similar positions (i.e., city, county, state, and federal agencies).
- Obtain the equipment, technology, and training necessary to maintain a competent workforce within budgetary constraints.
- Participate in recruiting and training efforts as turnover of staff due to retirement and economic issues creates loss of knowledge and skills in critical program areas.
- Provide opportunities for management and technical experts to mentor, train, or facilitate on a regular basis.

- Recruit and retain staff with critical skill sets to ensure quality control in managing data functions and modifying processes to meet demands.
- Develop viable options to recruit, obtain access to, contract with, or train staff in critical-needs areas.
- Seek transition positions to allow new junior, interim, or training positions until full technical positions become available through attrition or retirement.
- Continue to document processes and procedures for core functions and produce guidance documents to record the protocol used for specialized decision-making.
- Develop tools (checklists, flow diagrams, guidance documents, desktop tools) to assist staff and the regulated community.
- Assign staff to special projects to increase their knowledge base.
- Assign backups to positions where medium and high gaps are identified and include these responsibilities on the backup's performance plan.
- Hold peer-review meetings to discuss common areas of concern and to ensure consistency in the processing of approvals, applications, permits, and authorizations.

Training and Mentoring

It is evident that mentoring, job shadowing, on-the-job training, and cross-training will continue to be critical to maintaining institutional knowledge and technical expertise as well as to developing and enhancing critical workforce competencies. This will allow less-tenured staff to work with senior subject-matter experts, with the goal of developing and sharpening specific skills. It is also vital that the TCEQ provide quality training and professional-development opportunities that focus on agency and division critical skills, competencies, and technical requirements for all employees. Staff should be afforded the opportunity and encouraged to attend training that promotes professional development.

Travel funds could affect efforts to ensure that staff remains knowledgeable of scientific and technological

changes, by limiting the ability to attend specialized technical training or to participate in national technical organizations and initiatives. As agency resources are limited, the Human Resources and Staff Services (HRSS) Division is asked to enhance technical and leadership training, while maximizing training dollars. As a means to accommodate budget constraints, the agency utilizes internally developed classes and online training, as well as subject-matter-expert (SME) offerings that are free to the agency, whenever possible. In addition, the agency has increased the use of video conferencing (VTC) when appropriate, to save travel funds.

Hiring Solutions

While the agency has limitations on FTE levels, offices may address these restrictions by realignment, the elimination of unnecessary programs, and documenting and streamlining business processes to maintain a consistent level of regulatory oversight and customer service. Offices will pursue hiring above the entry level for jobs that are hard to fill due to the competitive market base. In addition, the continuation of internship programs has proven to be a successful avenue for hiring employees that have an interest and experience in environmental work.

The TCEQ has a commitment to employing a qualified and diverse workforce. The recruitment program maintains a strong diversity focus and is committed to building a quality workforce. Recruitment events are regularly planned to target qualified ethnic minority and female candidates. The increased recruitment efforts necessitate a continued presence at events, while operating within limited agency resources.

The TCEQ will continue to analyze hiring practices and determine opportunities for enhanced workforce diversity through usage of the Express Hire Program at diversity-focused events and predominantly minority colleges and universities. This program allows hiring supervisors to identify and hire qualified applicants for job vacancies on the spot at recruiting events. A final review of the applicant's qualifications, along with other hiring requirements, is conducted later.

Hiring supervisors also have the benefit of utilizing the agency's Transitions Hiring Program, which provides a diverse applicant pool to expedite hiring for entry-level positions requiring a degree. Recruiters actively recruit at colleges and universities and at professional events throughout the state. Hiring supervisors have access to a pool of graduating or recently graduated college students from diverse backgrounds for professional entry-level positions.

Retention Efforts

Retention of qualified staff remains a continuing challenge in a competitive market. Offices plan to retain individuals who possess essential competencies by providing opportunities for increased responsibility (promotions) and salary enhancements to recognize and reward exceptional performance. The TCEQ will also continue to provide developmental opportunities for employees to focus on critical skills, competencies, and technical requirements needed by the agency. It is vital to develop employees to offset potential losses in staff with technical expertise, institutional knowledge, and management experience.

Other retention strategies will include the continued use of recognition, administrative-leave awards, and flextime or other alternative work-hour schedules to support a more flexible and mobile workforce. In addition, HRSS administers employee programs to promote the health, well-being, and education of employees, and to promote a sense of community throughout the TCEQ.

Work and Staff Allocation Changes

Managers continue to review workforce needs and available skill sets to ensure that adequate staff are assigned to meet the business needs of the agency. Offices indicate that the strategies most utilized in this area will be to assign backups to every position, include these backup responsibilities in their performance plans, restructure jobs, revise functional job descriptions, and, in some instances, involve entry- and journey-level positions in senior decision making. Managers may also pursue process redesign

as a means to improve efficiencies and reduce the risk associated with a potential loss of specialized skill sets.

Documentation and Technology Solutions

Managers understand the need for documenting processes and procedures to ensure that tools are available for training purposes and continuity of operations. Documenting processes and procedures also provides a basis for streamlining core functions and

can be used for specialized decision-making. Development of tools (checklists, flow diagrams, guidance documents, desktop tools) that can be used by both staff and the regulated community will also streamline and communicate processes and answer frequently asked questions. Technological solutions will continue to allow the agency to reallocate its human resources. Offices are encouraged to research and seek approval to purchase appropriate technology as well as utilize existing technology.

S C H E D U L E G

Report on Customer Service

This report was submitted to the Legislative Budget Board on May 13, 2016. It reflects the information we gathered from our customers during the period March 1, 2014, through Feb. 29, 2016. We obtained this information through Customer Satisfaction Surveys that we received during this time, available online and as hard copy in various locations.



Texas Commission on Environmental Quality

Report on Customer Service

March 1, 2014 – February 29, 2016

Introduction

The Texas Commission on Environmental Quality (TCEQ) is the state's leading environmental agency and provides many services related to air and water quality, water supply, and waste management. Almost all of our services require interaction with our customers, Texans and people in other states and countries.

Texas Government Code Chapter 2114 requires state agencies to establish customer service standards, called a *Compact with Texans*. Under our compact, we commit to:

- Respond to requests for public information through telephone calls, correspondence, and e-mail in a timely, efficient and courteous manner, in accordance with all applicable state and federal statutes and regulations;
- Provide clear, concise, and accurate information related to all applicable permitting, licensing and registration procedures, through written materials, phone assistance, and our official website;
- Establish channels for public participation in all aspects of our operations, including, but not limited to, permitting, rulemaking and compliance, and customer service assistance;
- Track and respond to customer service complaints in a timely manner; and
- Maintain safe, clean, and accessible facilities across the state.

Chapter 2114 also requires state agencies to gather information about certain service elements provided by that agency (such as internet services and complaint-handling) and then report every two years on this gathered information. The TCEQ developed the Customer Satisfaction Survey to gather this information and to also help verify compliance with our Compact with Texans.

About our Survey

We designed the survey for use by all of our customers that interact with us or our website. The survey contains eleven questions – the first three questions ask the customer to give general information about themselves while the remaining questions ask them to rate their level of satisfaction with certain service elements (on a scale of 1 to 5, with 5 being the highest). Next is a comment section, followed by an optional contact information section. See [Appendix C: Customer Satisfaction Survey](#) for a copy of our survey, containing text in English and Spanish.

Distribution

The most cost-effective method for reaching all of our customers is to distribute a web page link for the online survey; <tceq.texas.gov/customersurvey> for the English version and <tceq.texas.gov/encuesta> for the Spanish version. You will find these links in many locations, found typically on our:

- Web pages;
- Response emails from program-area email boxes (i.e., proxy boxes);
- Emails from the email service GovDelivery;
- Letters; and
- Publications.

Besides the online survey, we also have hardcopies available in the foyer of our regional offices and office headquarters in Austin. This allows survey access to anyone visiting our offices. Also, staff commonly distribute hardcopies to their customers that are undergoing an investigation.

Excluded Customers

While our survey is open to all Texans and our other customers, some of them may not be aware of the survey. This would include customers who never interact with us and our website, as well as some customers who interact with us solely by phone.

Survey Design Notes

The following subsection describes some of the potential nuances of the data based on design. See the section [Opportunities for the Future](#) for a further discussion on improving survey data.

In question one, customers identify themselves by selecting one of the eight customer categories. We have customers that can fit into multiple categories, which might cause a customer to accidentally score a survey under a potentially less accurate category. For example, a customer that marks *Citizen* on the survey, but bases their satisfaction solely on their interactions with us as a consultant, would impact the *Citizen* statistics instead of the *Attorney/Consultant* statistics.

In addition, a customer that selects the customer category *Other* might actually fall into another customer category. This could impact the *Other* statistics instead of the statistics for another customer category.

On survey questions four through 11, the customer rates their satisfaction level on a scale of one to five, with five being the highest. A customer might rate differently than another customer because of different interpretations of this scale (e.g., one customer's five might be another person's three).

Also, customers can base their survey on one or many TCEQ-related interactions; meaning one customer might base it on several interactions, while another could base it on only one (such as one telephone call, or a visit to our website). This can cause issues when attempting to identify trends should a significant amount of customers base their surveys (or specific survey questions) on older interactions.

Processing

Once we receive a survey, we determine which program area(s) would benefit from the information and send it to them. This includes customers suggesting improvements to our services. We also check the survey to see if the customer needs any assistance. For example: if a customer is very unsatisfied with the ease of finding information on our website (i.e., enters a score of one for survey question #10), we may:

- Contact them to find out what information they were looking for;
- If they couldn't find it, send this information to them;
- Ask for their suggestions to improve our website; and then
- Send those suggestions to the appropriate program area.

An important note: we can only provide assistance to those who enter their phone number or email address in their survey. The time it takes to provide assistance varies, depending on the type of assistance needed.

Received Surveys

During this reporting period, we received 2,235 surveys – 834 hardcopy and 1,401 online. See Table 1: *Total Received Surveys*, for a comparison to the previous reporting period (March 1, 2012 through February 28, 2014).

Table 1: Total Received Surveys

	Previous Period	This Period	% Difference
Total Hardcopy	1,282	834	-35%
Total Online	1,121	1,401	+25%
Total	2,403	2,235	-7%

Costs

Some of the variables we need to determine the total cost for our survey are not available. For example, some surveys might require time from four or more staff members to provide the customer with an appropriate response, but we don't log their time or wages because it would impact the speed of our response time and increase staff costs from the time spent logging this information. However, we can estimate some of the costs associated with our survey.

One of the costs associated with our hardcopy survey is postage (i.e., we pay for the mailing costs when the customer returns the survey). We received 834 hardcopy surveys during this period; the current rate for mailing a one-ounce letter is \$0.49, so we estimate our postage cost at \$408.66. Our hardcopy survey also has an associated publication cost; we estimate that there were no publication costs during this reporting period because we only used hardcopy surveys printed in the previous reporting period. For our electronic survey, and excluding staff costs, we estimate a zero-cost because there are no direct costs for this distribution method.

Limitations

During this reporting period, an unknown amount of customers submitted the 735 anonymous surveys (33% of the total surveys). We cannot determine a precise number of customers for these surveys; therefore, we based many of the values in the [Survey Results](#) section on the number of surveys received instead of the number of customers surveyed. This allows us to include all surveys into the results.

Response Rate

Typically, you calculate a response rate by dividing the number of customers surveyed by the number of customers who received the survey. Our survey method does not fit this model. As discussed in the previous subsection, we cannot determine the number of customers surveyed during this reporting period. In addition, we cannot determine the number of customers who received a survey because:

- For hardcopy surveys – logistically, it would be inefficient to track the number of customers who took a hardcopy survey; and
- For online surveys – we cannot track the number of customers who went to our webpage and noticed the survey link.

Survey Results

This section highlights the results from our survey during this reporting period. See the following section, [Opportunities for the Future](#), for a discussion on any of the issues mentioned below.

General

The following survey results include surveys received March 1, 2014 through February 29, 2016. In Table 2: *Customer Survey Performance Measures*, you will see general information and results from this period, with an explanation for each of the results in the following bullets.

Table 2: Customer Survey Performance Measures

Survey reporting period	March 1, 2014 – February 29, 2016
Total number of surveys	2,235
Percentage of surveys rating overall satisfaction with the TCEQ	80%
Percentage of surveys identifying ways to improve our services	4%
Total estimated customers served	27,699,157
Total customers identified	1,405
Total customers surveyed	Unknown
Total customer groups inventoried	8
Average response time	4 days

- **Total number of surveys:** We received 2,235 surveys from March 1, 2014 through February 29, 2016.
- **Percentage of surveys rating overall satisfaction with the TCEQ:** A total of 2,114 surveys provided a score for question four, how satisfied are you with the TCEQ. There were 1,691 surveys with a score of 4 or 5 (i.e., overall satisfied). This means that 80% of these surveys expressed overall satisfaction with the TCEQ, an increase of about 4% compared to the last reporting period.
- **Percentage of surveys identifying ways to improve our services:** Out of the 2,235 surveys, 87 suggested an improvement which is 4% of the total surveys. The majority of suggested improvements were suggestions for improving our website.
- **Total estimated customers served:** As the leading environmental agency for the state, we serve all Texans, including people that interact with us from other states or countries. We are unable to calculate the number of customers outside of Texas, but estimate the average number of Texans during this period at 27,699,157 (based on the Texas Department of State Health Service's population estimates for 2014 through 2016).
- **Total customers identified:** From the 1,500 surveys submitted with contact information, we identified approximately 1,405 customers that took our survey; 72 of these customers submitted multiple surveys.
- **Total customers surveyed:** This value is unknown because we cannot determine who submitted the 735 anonymous surveys and if any of these customers submitted more than one anonymous survey.
- **Total customer groups inventoried:** As shown on the survey, there are eight customer categories – seven descriptive categories, and the category *Other*.
- **Average response time:** We identified 206 surveys where customers needed assistance. The average time it took us to respond was four days.

Overall Satisfaction

In Table 3: *Overall Satisfaction*, you will see the percent of surveys with a score of 4 or 5, for each customer category and survey question. The customer category with the fewest surveys (32), and the lowest percentage of satisfaction, was *Neighborhood or Community Representative*. The customer category with the most surveys (1,049), and some of the highest percentages, was *Owner or Employee of a Regulated Company*.

The survey question with the lowest percentages was question 10, the ease of finding information on our website. Survey question 6, staff is professional, received the highest percentage of satisfaction.

Table 3: Overall Satisfaction

	Attorney or Consultant	Citizen	Environmental Group Representative	Industry or Association Representative	Neighborhood or Community Representative	Other	Owner or Employee of a Regulated Company	Public or Elected Official	Combined
Satisfied with the TCEQ	75%	62%	82%	88%	44%	83%	88%	85%	80%
Staff is sufficiently knowledgeable	85%	69%	91%	89%	67%	89%	94%	93%	87%
Staff is professional	88%	72%	91%	95%	69%	90%	96%	97%	89%
How we handle telephone calls or e-mail inquiries	81%	67%	85%	88%	61%	90%	91%	91%	84%
Timeliness of our response to customer complaints	81%	66%	83%	88%	60%	89%	91%	91%	83%
Accuracy and helpfulness of our written information	81%	64%	77%	84%	54%	89%	89%	84%	81%
Ease of finding information on our website	55%	53%	60%	63%	38%	68%	70%	67%	63%
Usefulness of information on our website	68%	57%	75%	79%	54%	76%	80%	83%	73%

Descriptive Statistics

You can find the following information in [Appendix A: Survey Descriptive Statistics for March 1, 2014 – February 29, 2016](#):

- **Number of Surveys Received:** The number of surveys we received for each customer category.
 - **NOTE:** We received incomplete surveys so the total number of scores for each question varies. For example, there are 32 surveys in the customer category *Neighborhood or Community Representative*, but only 20 have a score for question eight (timeliness of our response to customer complaints).
- **Mean:** The average score.
- **Median:** When you arrange all of the values in ascending order, it is the middle score. If the median is five, it means that 50% or more scored a five.
- **Mode:** The most common score.
- **Standard Deviation:** The amount of scoring variability. The bigger the number, the more variation in the scores.

This is the first report to include the mean, median, mode, and standard deviation; therefore, we attached [Appendix B: Survey Descriptive Statistics for March 1, 2012 – February 28, 2014](#) for comparison of values between these two periods.

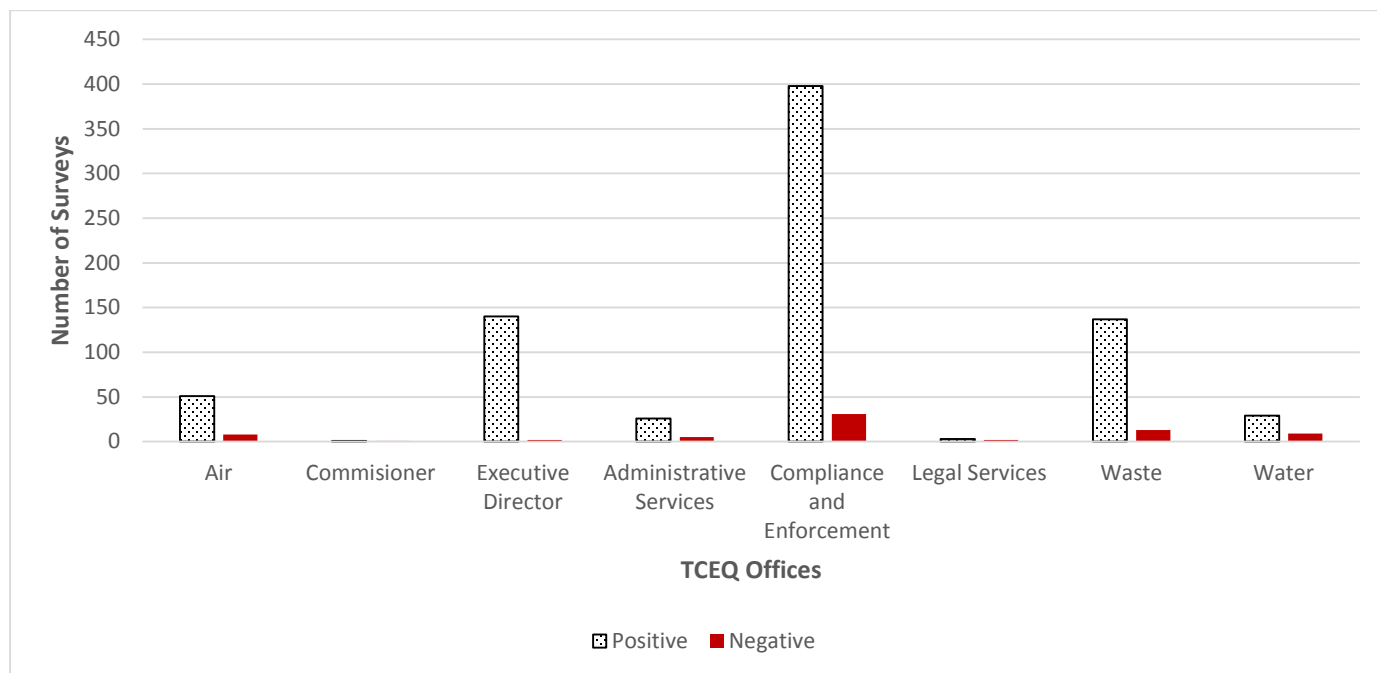
Both appendices do not include confidence intervals for the mean (an interval containing the population mean, within a certain amount of confidence). This is because confidence intervals require random sampling, but our sample was not random (e.g., customers submitting multiple surveys). Since we only interact with a portion of our entire customer population, it is very unlikely we could have a true random sample and get significant results.

Survey Comments

For the reporting period, 1,398 surveys included comments. We categorized each comment by its service elements and staff interactions, and also noted if the customer's experience with that service (or staff member) was a positive or negative experience.

From the comments about staff, 92% of our customers said it was a positive experience, and these customers scored staff professionalism and knowledgeability (survey questions five and six) the highest on their surveys. Figure 1 shows the total number of positive and negative experiences with staff, grouped together at the office-level.

Figure 1: Customers' Experiences with Staff



From the comments about our services, the one mentioned the most was our website, and 88% of these customers had a negative experience; specifically, many stated that they went to our website looking for something but couldn't find it (or find it easily).

Opportunities for the Future

For this reporting period, 80% of the surveys reported overall satisfaction with the TCEQ. Even with this high value (which is higher than the previous reporting period), we strive to do better. This section suggests opportunities to improve our survey data, increase the amount of survey data, and most importantly, improve our services.

Improving Survey Data

In the subsection [Survey Design Notes](#), we discussed potential nuances of the data based on the survey's design. We might minimize these nuances, thereby improving our survey data, if we change our survey. For example, we could reword survey question one, along with the customer

categories, to help customers select the most accurate customer category. However, any changes may have negative impacts that we will need to study.

Increasing Survey Data

In 2012, we removed redundant survey questions which reduced publications costs (and saved paper) for our hardcopy surveys. Now using a shorter survey, we expected an increase of surveys from the customers that were discouraged by the longer survey. However, we had seven percent fewer surveys this period which suggests there are other factors that influence a customer's decision to submit a survey. For the next reporting period (March 1, 2016 – February 28, 2018), we will test other distribution methods, including the use of new advertising graphics on our website, to encourage more customers to submit surveys.

Improving Our Services

Website

The subsection [Overall Satisfaction](#) shows survey question 10 (ease of finding information on our website) with the lowest percentages; nonetheless, it is about 4% higher than the previous reporting period's combined overall satisfaction score. The majority of negative comments about our website mentioned navigation issues – many stated that they went to our website looking for something but couldn't find it (or find it easily). Staff will continue to revise text and links to use plain language, and to test and implement new strategies on our website to improve navigation.

Customer Complaints

As discussed in the subsection [Processing](#), we review surveys to see if a customer needs any assistance – this includes customer complaints. In the previous reporting period, the average response time was seven days after we received the survey; for this reporting period, it was four days. This decrease could be partly due to our new, faster response procedures we started in September 2015. In addition, this quicker response time could be one of the reasons why our combined overall satisfaction for survey question eight (timeliness of our response to customer complaints) increased from an average of 3.9 to 4.3. We will continue to use our new response procedures when any surveyed customers need assistance.

Appendix A: Survey Descriptive Statistics for March 1, 2014 – February 29, 2016

	Attorney or Consultant	Citizen	Environmental Group Representative	Industry or Association Representative	Neighborhood or Community Representative	Other	Owner or Employee of a Regulated Company	Public or Elected Official	Combined
Number of Surveys Received	111	559	59	183	32	145	1,049	97	2,235

Survey Questions

Satisfied with the TCEQ	4.0	3.5	4.3	4.4	2.9	4.3	4.4	4.4	4.2
	5, 5, 1.4	5, 5, 1.8	5, 5, 1.3	5, 5, 1.1	3, 1, 1.8	5, 5, 1.2	5, 5, 1	5, 5, 1	5, 5, 1.3
Staff is sufficiently knowledgeable	4.4	3.8	4.6	4.5	3.8	4.5	4.6	4.7	4.4
	5, 5, 1.1	5, 5, 1.6	5, 5, 0.8	5, 5, 0.9	5, 5, 1.6	5, 5, 1.1	5, 5, 0.8	5, 5, 0.8	5, 5, 1.1
Staff is professional	4.5	4.0	4.7	4.7	3.9	4.7	4.8	4.8	4.6
	5, 5, 1	5, 5, 1.5	5, 5, 0.7	5, 5, 0.8	5, 5, 1.7	5, 5, 0.9	5, 5, 0.6	5, 5, 0.6	5, 5, 1
How we handle telephone calls or e-mail inquiries	4.2	3.8	4.4	4.5	3.6	4.6	4.5	4.6	4.3
	5, 5, 1.4	5, 5, 1.7	5, 5, 1.1	5, 5, 1	5, 5, 1.7	5, 5, 0.9	5, 5, 0.9	5, 5, 0.9	5, 5, 1.2
Timeliness of our response to customer complaints	4.2	3.6	4.3	4.5	3.6	4.5	4.6	4.6	4.3
	5, 5, 1.3	5, 5, 1.8	5, 5, 1.2	5, 5, 0.9	5, 5, 1.8	5, 5, 1.1	5, 5, 0.9	5, 5, 0.8	5, 5, 1.3
Accuracy and helpfulness of our written information	4.1	3.6	4.1	4.4	3.4	4.6	4.5	4.4	4.2
	5, 5, 1.3	5, 5, 1.7	5, 5, 1.2	5, 5, 1	4, 5, 1.6	5, 5, 1	5, 5, 0.9	5, 5, 1	5, 5, 1.3
Ease of finding information on our website	3.4	3.3	3.7	3.8	3.0	3.9	3.9	3.9	3.7
	4, 4, 1.3	4, 5, 1.6	4, 5, 1.4	4, 5, 1.2	3, 3, 1.5	4, 5, 1.3	4, 5, 1.2	4, 5, 1.2	4, 5, 1.3
Usefulness of information on our website	3.7	3.4	4.0	4.1	3.0	4.1	4.2	4.3	4.0
	4, 4, 1.3	4, 5, 1.6	4, 5, 1.1	4, 5, 1	4, 4, 1.6	5, 5, 1.2	5, 5, 1	5, 5, 1	4, 5, 1.3

KEY

Mean (average score)
Median (middle score), Mode (most common score), Standard Deviation (variability)

Appendix B: Survey Descriptive Statistics for March 1, 2012 – February 28, 2014

	Attorney or Consultant	Citizen	Environmental Group Representative	Industry or Association Representative	Neighborhood or Community Representative	Other	Owner or Employee of a Regulated Company	Public or Elected Official	Combined
Number of Surveys Received	90	495	84	161	45	123	1,239	166	2,403

Survey Questions

Satisfied with the TCEQ	4.3	3.3	4.2	4.2	3.1	4.2	4.3	4.1	4.0
	5, 5, 1.1	4, 5, 1.7	5, 5, 1.1	4, 5, 1.1	4, 1, 1.8	5, 5, 1.2	5, 5, 0.9	4, 5, 1.1	4, 5, 1.2
Staff is sufficiently knowledgeable	4.6	3.8	4.5	4.4	3.8	4.6	4.6	4.6	4.4
	5, 5, 0.9	5, 5, 1.5	5, 5, 1	5, 5, 0.9	5, 5, 1.7	5, 5, 1	5, 5, 0.8	5, 5, 0.9	5, 5, 1
Staff is professional	4.7	4.1	4.7	4.6	4.2	4.6	4.7	4.7	4.6
	5, 5, 0.8	5, 5, 1.4	5, 5, 0.8	5, 5, 0.8	5, 5, 1.2	5, 5, 1	5, 5, 0.7	5, 5, 0.8	5, 5, 0.9
How we handle telephone calls or e-mail inquiries	4.5	3.7	4.1	4.3	3.4	4.3	4.4	4.2	4.2
	5, 5, 0.9	4, 5, 1.6	5, 5, 1.2	5, 5, 0.9	4, 5, 1.7	5, 5, 1.1	5, 5, 0.9	5, 5, 1.1	5, 5, 1.1
Timeliness of our response to customer complaints	4.3	3.2	3.8	4.0	2.6	4.1	4.3	4.2	3.9
	5, 5, 1.2	3, 5, 1.7	4, 5, 1.5	4, 5, 1.3	2, 1, 1.8	5, 5, 1.4	5, 5, 1	5, 5, 1.2	5, 5, 1.4
Accuracy and helpfulness of our written information	4.3	3.5	4.2	4.2	3.5	4.3	4.4	4.3	4.2
	5, 5, 1.1	4, 5, 1.6	5, 5, 1.1	5, 5, 1.1	4, 5, 1.7	5, 5, 1.2	5, 5, 1	5, 5, 1.1	5, 5, 1.2
Ease of finding information on our website	3.7	3.3	3.9	3.5	3.1	3.9	3.8	3.6	3.7
	4, 4, 1.2	4, 5, 1.5	4, 5, 1.2	4, 4, 1.1	4, 5, 1.6	4, 5, 1.1	4, 5, 1.1	4, 4, 1.2	4, 5, 1.2
Usefulness of information on our website	4.1	3.4	4.1	3.9	3.5	4.2	4.1	4.0	3.9
	4, 5, 1.1	4, 5, 1.5	4, 5, 1.1	4, 4, 1.1	4, 5, 1.5	5, 5, 1.1	4, 5, 1	4, 5, 1	4, 5, 1.2

KEY

Mean (average score)
Median (middle score), Mode (most common score), Standard Deviation (variability)

Appendix C: Customer Satisfaction Survey



**Texas Commission on
Environmental Quality**
**Comisión de Calidad
Ambiental de Texas**

Customer Satisfaction Survey Encuesta de Satisfacción del Cliente

1. Please identify yourself: (mark only one) *Favor de identificarse: (marque sólo una)*

☐ Citizen *Ciudadano*

☐ Environmental Group Representative
Representante de grupo ambiental

☐ Industry/Association Representative
Representante de industria/asociación

☐ Owner/Employee of Regulated Company
Dueño/empleado de una compañía regulada

☐ Public/Elected Official
Funcionario público/elegido

☐ Attorney/Consultant *Abogado/asesor*

☐ Neighborhood/Community Representative
Representante comunitario/de vecindad

☐ Other (please describe) *Otro (favor de describir)*

2. What Texas county do you live in? *¿En cuál condado de Texas vive?*

3. What was the nature of your contact with us? (mark only one)
¿Cuál era la naturaleza de su contacto con nosotros? (marque solo uno)

☐ General Information
Información general

☐ Problem Resolution
Resolución de problemas

☐ Technical Assistance *Ayuda técnica*

☐ Permitting/Licensing Assistance
Ayuda con permiso/licencia

☐ Investigation/Inspection
Investigación/Inspección

☐ Other (please describe)
Otro (favor de describir)

How satisfied are you? (on a scale of 1 to 5, with 5 being very satisfied)
¿Qué tan satisfecho está? (en una escala de 1 a 5, 5 siendo lo muy satisfecho)

4. With the Texas Commission on Environmental Quality <i>Con la Comisión de Calidad Ambiental de Texas</i>	5	4	3	2	1	N/A
5. That our staff is sufficiently knowledgeable <i>Que nuestro personal está suficientemente informado</i>	5	4	3	2	1	N/A
6. That our staff is professional <i>Que nuestro personal es profesional</i>	5	4	3	2	1	N/A
7. With how we handle your telephone calls or e-mail inquiries <i>Sobre cómo atendemos sus preguntas por teléfono o correo electrónico</i>	5	4	3	2	1	N/A
8. With the timeliness of our response to customer complaints <i>Con la puntualidad de nuestras respuestas a quejas de clientes</i>	5	4	3	2	1	N/A
9. With the accuracy and helpfulness of our written information <i>Con la exactitud y utilidad de nuestra información escrita</i>	5	4	3	2	1	N/A
10. With the ease of finding information on our website <i>Con la facilidad de encontrar información en nuestro sitio web</i>	5	4	3	2	1	N/A
11. With the usefulness of information on our website <i>Con la utilidad de información en nuestro sitio web</i>	5	4	3	2	1	N/A

12. Comments: (on staff performance, agency service, or suggested improvement)

Comentarios: (sobre el desempeño de nuestro personal, el servicio de la agencia, o sugerencias para mejorar)

Additional space for comments on the back. *Espacio adicional para comentarios al dorso.*

Contact Information: (optional) *Información de contacto (opcional)*

Name: *Nombre:*

Phone Number: *Número de teléfono:*

E-mail: *Correo electrónico:*

Note: An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential in most, but not all, cases. See more information at <www.tceq.state.tx.us/goto/privacy>. Also, individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

Nota: Una dirección de correo electrónico de un miembro del público que se proporciona para el propósito de comunicarse electrónicamente con una entidad gubernamental es confidencial en la mayoría, pero no todos, de los casos. Vea más información en <www.tceq.state.tx.us/goto/privacy>. Además, individuos tienen derecho de pedir y examinar su información personal que la agencia reúne en sus formularios. También tienen derecho de que se corrija cualquier error que haya en su información. Para examinar tal información, comuníquese con nosotros al 512-239-3282.

TCEQ-10333 (12/13)

S C H E D U L E H

Assessment of Advisory Committees

*This schedule comprises documents generated by
five different advisory committees.*

DRY CLEANER ADVISORY COMMITTEE

MUNICIPAL SOLID WASTE MANAGEMENT AND
RESOURCE RECOVERY ADVISORY COUNCIL

IRRIGATOR ADVISORY COUNCIL

SMALL BUSINESS COMPLIANCE ADVISORY PANEL

TAX RELIEF FOR POLLUTION CONTROL
PROPERTY ADVISORY COMMITTEE

DRY CLEANER ADVISORY COMMITTEE

Assessment, April 2016

Meeting Minutes, Nov. 4, 2011

Meeting Minutes, Nov. 9, 2012

Meeting Minutes, Nov. 7, 2014

Texas Health and Safety Code, 374.004

ASSESSMENT OF ADVISORY COMMITTEES
April, 2016
(Enter Agency # and Name)

To assist in the process required by Chapter 2110, Texas Government Code, state agencies should submit an assessment of advisory committees using the format provided. Please submit your assessment for each advisory committee under your agency's purview. Include responses for committees created through statute, administrative code or ad-hoc by your agency. Include responses for all committees, whether ongoing or inactive and regardless of whether you receive appropriations to support the committee. Committees already scheduled for abolishment within the 2016-17 biennium are omitted from the scope of this survey. When submitting information for multiple advisory committees, right-click the sheet "Cmte1", select Move or Copy, select Create a copy and move to end.

NOTE: Only the items in blue are required for inactive committees.

SECTION A: INFORMATION SUBMITTED THROUGH ADVISORY COMMITTEE SUPPORTING SCHEDULE IN LEGISLATIVE APPROPRIATIONS REQUEST

Committee Name:

Dry Cleaner Advisory Committee

Number of Members:

5. Currently have 4 with one vacancy.

Committee Status
(Ongoing or Inactive):

Ongoing

Note: An Inactive committee is a committee that was created prior to the 2014-15 biennium but did not meet or supply advice to an agency during that time period.

Date Created:

9/1/2003

Date to Be Abolished:

9/1/2021

Budget Strategy (Strategies)
(e.g. 1-2-4)

04.01.02

Strategy Title (e.g. Occupational
Licensing)

Hazardous Materials Cleanup

Budget Strategy (Strategies)

Strategy Title

State / Federal Authority

State Authority
State Authority

State Authority
Federal Authority
Federal Authority
Federal Authority

Select Type

Identify Specific Citation

Statute	Texas Health & Safety Code, Chapter 374

Advisory Committee Costs: This section includes reimbursements for committee member costs and costs attributable to agency staff support.

Committee Members' Direct Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$1,500	\$0	\$1,700
Personnel	\$0	\$0	\$0
Number of FTEs			0.0
Other Operating Costs	\$0	\$0	\$0
Total, Committee Expenditures	\$1,500	\$0	\$1,700

Committee Members' Indirect Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$0	\$0	\$0
Personnel	\$2,350	\$0	\$2,450
Number of FTEs	0.2	0.0	0.2
Other Operating Costs	\$0	\$0	\$0
Total, Committee Expenditures	\$2,350	\$0	\$2,450

Method of Financing

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Method of Finance			
1 - General Revenue Fund	\$0	\$0	\$0
5093 - GR Dedicated - Dry Cleaning Fa	\$3,850	\$0	\$4,150
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0
Expenses / MOFs Difference:	\$0	\$0	\$0

Meetings Per Fiscal Year

1	0	1
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Committee Description:

The Dry Cleaner Advisory Committee (Committee) is composed of three representatives of the dry cleaning industry, one public representative of urban areas, and one public representative of rural areas appointed by the TCEQ Executive Director. The Committee provides input to the TCEQ on the development of rules to implement the Dry Cleaner Remediation Program (DCRP). In addition, the Committee provides input on the Annual DCRP Report and the Biennium Report that is submitted to the Governor and Legislature on or before December 1st of each even-numbered years.

SECTION B: ADDITIONAL COMMITTEE INFORMATION

Committee Bylaws: Please provide a copy of the committee's current bylaws and most recent meeting minutes as part of your submission. (Attached meeting

1. When and where does this committee typically meet and is there any requirement as to the frequency of committee meetings?

The Committee meets the first week of November of each even numbered years. The meeting is always held at the TCEQ Park 35 Offices in Austin, Texas.

2. What kinds of deliverables or tangible output does the committee produce? If there are documents the committee is required to produce for your agency or the general public, please supply the most recent iterations of those.

The Committee provides input on the Annual DCRP Report and the Biennial Report that is submitted to the Governor and the Legislature on or before December 1st of each even-numbered year.

3. What recommendations or advice has the committee most recently supplied to your agency? Of these, which were adopted by your agency and what was the rationale behind not adopting certain recommendations, if this occurred?

The Committee is called upon at different times to assist the Commission staff on technical issues regarding operational standards for dry cleaner facilities. For example, on April 4, 2016, the Advisory Committee Members provided assistance regarding the use of separator water being introduced into an onsite steam boiler. In addition, the Committee assisted in technical questions regarding the use of small quantities of chlorinated solvents for pre-spotting operations.

4a. Does your agency believe that the actions and scope of committee work is consistent with their authority as defined in its enabling statute and relevant to the ongoing mission of your agency ?

Yes

4b. Is committee scope and work conducted redundant with other functions of other state agencies or advisory committees?

No

5a. Approximately how much staff time (in hours) was used to support the committee in fiscal year 2015?

8 hours

5b. Please supply a general overview of the tasks entailed in agency staff assistance provided to the committee.

Dry Cleaner Remediation Program staff and Dry Cleaner Registration staff answer questions or concerns posed by the Committee. Staff also prepares reports for the committee's review on the status of the program.

6. Have there been instances where the committee was unable to meet because a quorum was not present?

No

Please provide committee member attendance records for their last three meetings, if not already captured in meeting minutes.

7a. What opportunities does the committee provide for public attendance, participation, and how is this information conveyed to the public (e.g. online calendar of events, notices posted in Texas Register, etc.)?

Committee Meeting notices are sent out to through the TCEQ Dry Cleaner e-mail list server at least two weeks prior to the date of the meeting. In addition, the meeting notice is posted on the TCEQ Dry Cleaner Advisory Committee web page.

7b. Do members of the public attend at least 50 percent of all committee meetings?

Yes

7c. Are there instances where no members of the public attended meetings?

Yes

8. Please list any external stakeholders you recommend we contact regarding this committee.

Mr. Alan Johnson, stakeholder. Peerless Cleaners. 361-855-7343

9a. In the opinion of your agency, has the committee met its mission and made substantive progress in its mission and goals?

Yes

9b. Please describe the rationale for this opinion.

The Committee provides valuable input to the TCEQ based on the professional and practical experience of it's members. The Committee provides input every year for the Annual Dry Cleaner Status Report and the Biennium Report prepared for the Texas Legislature.

10. Given that state agencies are allowed the ability to create advisory committees at will, either on an ad-hoc basis or through amending agency rule in Texas Administrative Code:

10a. Is there any functional benefit for having this committee codified in statute?

No

10b. Does the scope and language found in statute for this committee prevent your agency from responding to evolving needs related to this policy area?

No

10c. If "Yes" for Question 10b, please describe the rationale for this opinion.

11a. Does your agency recommend this committee be retained, abolished or consolidated with another committee elsewhere (either at your agency or another in state government)?

Retain

11b. Please describe the rationale for this opinion.

The TCEQ relies on the Committee for advice and recommendations regarding the DCRP. If the Committee were abolished, the TCEQ would lose valuable input from the regulated community and the public.

12a. Were this committee abolished, would this impede your agency's ability to fulfill its mission?

No

12b. If "Yes" for Question 12a, please describe the rationale for this opinion.

13. Please describe any other suggested modifications to the committee that would help the committee or agency better fulfill its mission.

Dry Cleaner Advisory Committee

Meeting Minutes
November 4, 2011

Opening:

The regular meeting of the Texas Commission on Environmental Quality Dry Cleaner Advisory Committee was called to order at 10:00 a.m. on November 4, 2011 in Austin, Texas, by Michael Bame.

Present:

Advisory members in attendance were Dr. Charles Riggs, Mr. James Cripe, Ms. Shirley French Reichstadt, Mr. Norberto Garcia, and Mr. Rick Sims. Texas Commission on Environmental Quality employees in attendance were Beth Seaton, Jonathan Walling, Michael Bame, Richard Scharlach, Don Kennedy, Martha Glasgow, Barbara Watson, Laressa Wong, Merrie Smith, Mandi Thomas, Wendy Hutchinson, Kristine Elliott and David Cullen.

A. Handouts

The handouts included the meeting agenda and the Dry Cleaner Environmental Response Program Status Report for Fiscal Year 2011 (Status Report).

B. Introductions

All committee members were introduced. Beth Seaton was introduced as the new Remediation Division Director.

C. Request by members of public to address the Committee

Committee members allowed a request from a member of the public to address the Committee at this time. Paul Gosselink introduced himself as the lawyer representing the Pilgrim's Cleaners site in Leon Valley, part of the Bandera Road Federal Superfund Site. Mr. Gosselink also introduced Phil Bullock, who is a geologist with AMEC Geomatrix, Inc. Mr. Gosselink and Mr. Bullock presented information to the Committee regarding the Bandera Road site, and discussion ensued between the Committee, TCEQ staff, Mr. Gosselink, and Mr. Bullock regarding the site.

D. Usual Business

The regularly scheduled agenda commenced beginning with the Status Report. Martha Glasgow of the Registration and Reporting Section (Registration) was introduced. Martha summarized the registration data collected for 2011. The registrations for the fiscal year included 1419 facility registrations. Of those, 928 facilities reported gross

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receipts over \$150,000.00, and 491 facilities reported gross receipts under \$150,000.00. Drop station registrations numbered 1384, with 440 drop stations reporting gross receipts over \$150,000.00, and 944 drop stations reporting gross receipts under \$150,000.00. Registration received 183 property owner registrations and 23 solvent distributor registrations. Ms. Glasgow referenced the chart included in the Status Report, where the above numbers are broken down further. She also referenced the handout showing data for all fiscal years. She stated that due to the ongoing nature of registration, the numbers change every day, therefore current numbers will be slightly different than those in the report. She discussed a new initiative to identify unregistered dry cleaners in the state. The initiative, which began in September 2011, involved contacting the Texas Comptroller of Public Accounts' office and requesting a list of the dry cleaners registered with them under the appropriate NAICS [North American Industry Classification System] code. The TCEQ cross-referenced the data from the Comptroller's office with its own database and sent letters to 964 owners (representing 1272 sites) who were not registered with the TCEQ. The TCEQ has received 120 responses, and phone calls to the section have doubled since sending the letters. Additionally, Registration contacted owners who have not been registered since 2007 (the year 2007 was chosen because the last similar initiative occurred just prior to 2007), and has received 163 responses from those owners. Registration staff also combed through the yellow pages of 16 region cities and sent 138 additional letters to unregistered dry cleaners listed there. Ms. Glasgow stated that Registration is trying and working hard to get responses.

Shirley Reichstadt asked if the numbers of people reported as using perchloroethylene (perc) included only people currently using perc or also those who have used perc at one time. Ms. Glasgow stated that the number reflects current perc users.

Ms. Reichstadt asked if the 29 exempt people on the list were people who really weren't dry cleaners and Ms. Glasgow responded that yes, the 29 locations were facilities exempt from the regulations for one reason or another.

Chairman Riggs stated that the response rate seemed "pretty low" and was only 15%, to which Ms. Glasgow responded that the project is ongoing, had only begun one-and-a-half weeks ago, and that the responses have been constant at about 25 letters a day. Ms. Glasgow stated that registrations are higher this fiscal year than previous years.

Shirley Reichstadt commended Registration on their efforts.

Chairman Riggs asked what the next step in the initiative would be once responses ceased coming in. Ms. Glasgow explained that they may begin phone calls to people who have not yet responded and use that to update the database with registrations.

Norberto Garcia asked if they have made onsite visits to facilities who have not registered. Ms. Glasgow replied that Registration does not make site visits. Merrie Smith of the Field Operations Support Division (Field Operations) stated that they have regional investigators that go out and look at dry cleaner facilities, however, they were

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not given full time employees (FTEs) to investigate dry cleaners. Therefore most investigations of dry cleaners that they do conduct are on a complaint basis.

Mr. Bame gave accolades to Registration's proactive initiative and then introduced the next order of business, which was to discuss the Dry Cleaning Facility Release Fund (Fund), Fund 5093. He stated that in fiscal year 2011, a little over 5 million dollars was brought into the Fund; \$3 million from registration fees, \$1.5 million from solvent sales, and \$570,000 from deductibles, penalties and interest. He explained further that, since the inception of the program, the Fund has collected approximately \$49 million. The current Fund balance as of October 25, 2011 was approximately \$17.5 million. This amount, he said, does not include open encumbrances or what has yet to be paid out, which is approximately \$2 million, therefore the Fund amount after payment of corrective actions is approximately \$15 million.

Rick Sims asked if there was a minimum amount necessary to remain in the Fund while it was in effect. Mr. Bame responded, "No".

Mr. Bame asked for questions.

Shirley Reichstadt asked if solvent fees were coming in on time, to which Martha responded, "Yes, they are".

Norberto Garcia asked if the solvent fee is assessed to the owner if it goes above a certain number of gallons, to which Ms. Reichstadt responded that it was per gallon. Rick Simms interjected that depending on the solvent it is either \$3.00 or \$20.00 per gallon.

Mr. Bame then introduced Merrie Smith again to discuss compliance and enforcement. Merrie stated that in the 2011 fiscal year the Enforcement Division processed eight administrative orders against dry cleaning facilities, resulting in a total of \$47,660 in penalties. After deferred penalties there was \$38,470.00 payable. Field Operations conducted 21 total investigations. Of those, 14 were onsite investigations, with a majority conducted in the Harlingen region. These investigations were conducted in the Harlingen region because they had a half-time FTE devoted to dry cleaner investigations. The results of the investigations showed that facilities in Harlingen had largely come into compliance.

Mr. Bame introduced corrective action as the next topic of discussion. He reported that in fiscal year 2011, 14 applications to the Dry Cleaner Remediation Program (DCRP) were received. Since its inception, a total of 209 sites have been accepted into the program. Of those 209 sites, 17 are in the pre-assessment phase, 107 are in the assessment phase, and 43 are in the remediation phase. He stated that to date, 42 sites have been closed. He brought attention to the DCRP Prioritization list as a reference for these data. He stated that in fiscal year 2011, the program had 109 active and 60 postponed sites. So far for fiscal year 2012, the program has 68 active sites and 99 postponed sites. Funding reduction has led to a decrease in active sites.

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Rick Sims asked if the program knew of the average cost to clean up a site. Richard Scharlach commented that for the 42 closures, the average invoiced cost is about \$68,000 per site, which is conservative because that amount does not include the cost for the required site survey.

Rick Sims stated that the original estimate when the program began was \$350,000 to \$500,000 to close a site. Mr. Scharlach responded that the sites we have closed are the 'easy closures'. Mr. Bame commented that costs will range depending on the amount of contamination. Sites with a quarter-acre plume would cost significantly more than \$108,000. After 10-15 years, the average may increase. He stated further that some of the sites coming to the program were formerly in the Voluntary Cleanup Program (VCP) where they might have spent, for example, \$200,000 of their own dollars on assessment work before coming into the DCRP.

Rick Sims inquired as to whether there were new technologies that could decrease the cost of cleanup. Mr. Scharlach responded that we are working more and more sites and seeing some success, possibly reflecting better and smarter application of existing technologies rather than new technologies.

Rick Sims asked about the sunset clause and if the Fund was up for renewal at the time of sunset.

Barbara Watson answered that the statute states that after the sunset of the Fund, the program can spend the money remaining in the Fund to do a certain amount of work, but that the legislature may or may not make a change before the sunset date. Right now the law states that the Fund will sunset in 2021.

Chairman Riggs asked if the Status Report goes on the website and asked that wording be developed to explain why there is \$17 million in the Fund but that the program had postponed sites due to funding limitations. Mr. Bame stated that a section could be added to explain what amount was appropriated per year. Chairman Riggs asked about the appropriations bill and if the agency has control over the amount of appropriations. Discussions regarding the Status Report explanation continued and it was decided that the second sentence of the "Active/Postponed and Closed DCRP Sites" Section of the Status Report would state, "In FY 2010, the DCRP postponed corrective action on lower priority sites based on legislative appropriated funding." Chairman Riggs asked if the Legislature was prevented from sweeping the DCRP funds into another general category. Barbara Watson stated that she wasn't aware of language that would prevent that. Ms. Reichstadt commented that this money is in the general fund, and Mr. Bame concurred. There was some discussion of general versus dedicated funds, and the legislative history regarding the Fund.

Rick Sims asked what the administrative cost was of running the program, to which Mr. Bame responded that it was approximately \$350,000 per year. Chairman Riggs asked if the 15% allowed for administrative costs is 15% percent of what is collected or the appropriated amount. The agreed response was that it is 15% of what is collected.

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Laressa Wong then provided an update for the Small Business and Environmental Assistance Division (SBEA). Ms. Wong stated that in fiscal year 2012, outreach would be focused on the dry cleaner registration reminder cards, which they send out to facilities that have registered the previous year but have not yet registered for the current year. Those will be sent out in the next few weeks. They will send out 455 postcards. Last fiscal year they sent out 548. This year they fielded 74 calls from dry cleaners in the state, published a schedule for fees in the quarterly newsletter, *The Advocate*, and also conducted 17 site visits through the compliance assistance program. The compliance assistance program is a free program through which a dry cleaner can have a contractor, contracted through the SBEA, come out and do a free site visit that is confidential and separate from TCEQ's enforcement/investigation side. SBEA will continue to do compliance assistance visits this year, and will also publish fee due-dates in *The Advocate* again this year.

Mr. Bame asked if any members of the public would like to address the Advisory Committee. None came forward.

Adjournment:

Meeting was adjourned at 11:10 by Michael Bame.

Minutes submitted by: Kristine Elliott

Approved by: Michael Bame

Dry Cleaner Advisory Committee

Meeting Minutes

November 9, 2012

Opening:

The regular meeting of the Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Advisory Committee was called to order at 10:00 a.m. on November 9, 2012 in Austin, Texas.

Present:

Advisory member in attendance was Ms. Shirley French Reichstadt. TCEQ employees in attendance were Beth Seaton, Ken Davis, Michael Bame, Richard Scharlach, Dan Switek, Kristine Elliott, David Cullen, Don Kennedy, Martha Glasgow, Barbara Watson, Kera Bell, Will Wyman, Mandi Thomas, Wendy Hutchinson, Charmaine Backens, Elizabeth Slone, and Lynne Haase.

A. Handouts

The handouts included the TCEQ Dry Cleaner Environmental Response Program Status Report for Fiscal Year 2012 and Dry Cleaning Activities: Report to the 83rd Texas Legislature.

B. Introductions

Ms. Reichstadt and present TCEQ employees were introduced.

C. Discussion of Reports

Michael Bame, Dry Cleaner Remediation Program Manager, introduced the legislative report and summarized the four goals of the report. These are to document: 1) the funds collected and deposited to the Dry Cleaning Facility Release Fund (the Fund); 2) the disbursements from the Fund; 3) the extent of corrective action conducted at Dry Cleaner Remediation Program (DCRP) sites; and 4) the ranking of sites as of the day of the report. Mr. Bame also stated that \$6.4 million from registration fees, \$2.4 million from solvent fees, and \$400,000.00 from deductibles, penalties and interest resulted in a total collection over the Fiscal Year (FY) 2011 – 2012 biennium of \$9.2 million.

Martha Glasgow of the TCEQ Dry Cleaner Registration Section summarized registration data in the report, stating that as of October 2012, 33 solvent distributors were registered with the TCEQ, of which 26 were active distributors. Property owner registrations increased to 193, while 1509 facilities and 1766 drop stations were also registered. In addition, 726 facilities reported using perchloroethylene (PERC), while 783 reported using other solvents.

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Ms. Reichstadt asked a question about the 726 facilities apparently still using PERC, if this number could possibly reflect mistakes in filling out TCEQ registration forms. Ms. Glasgow replied that she did not think so.

The disbursements from the Fund were discussed. Corrective action costs over the biennium totaled \$9.8 million, and an additional \$855,000.00 covered administrative costs for a total disbursement from the Fund of approximately \$10.6 million. The DCRP received 12 applications in FY11, and 9 in FY12, for a total of 21 applications during the biennium. Additionally, to date the DCRP has accepted 214 applications for ranking. Of those 214, 167 sites currently remain in the DCRP, and corrective action has been completed at 47 sites. Of the 167 sites currently in the DCRP, 86 are in postponed status and 81 are in active status. The Legislative Budget Board has decreased the site closure requirement to two sites per year. The Advisory Committee's approval of the legislative report was requested. Ms. Reichstadt approved.

The next item discussed was the TCEQ Dry Cleaner Environmental Response Program Status Report for Fiscal Year 2012. The current numbers show that registrations for 2012 have increased over 2010 and 2011. The TCEQ Registration and Reporting Section has worked to increase registrations by comparing the Texas Comptroller of Public Accounts' list of dry cleaners with the TCEQ's registration list. Based on that comparison, the Registration and Reporting Section mailed 2,410 letters to potentially unregistered dry cleaning facilities and drop stations. The Registration and Reporting Section also made 450 phone calls to potentially unregistered facilities. In March, 2012, a second letter was sent out. In addition, the Registration and Reporting Section conducted 333 site visits to potentially unregistered dry cleaning facilities and drop stations, located in Killeen, Dallas, San Antonio, Austin, Houston and the Rio Grande Valley. Ms. Glasgow stated that the initiative was very effective, with a net increase of 472 registered sites, and \$788,000 invoiced fees resulting from those new registrations.

Ms. Reichstadt commended this effort.

Revenues for 2011 and 2012 were discussed. The total revenues for 2011 were \$4.5 million and for 2012, \$4.7 million. Revenue from registrations increased, but revenue from solvent fees decreased. Ms. Reichstadt pointed out that "piece count" was down at all dry cleaners, and that facilities are using less solvent, and being better stewards of their solvent. She expects that trend to continue.

Will Wyman of the TCEQ Small Business and Local Government Assistance (SBLGA) program described the outreach SBLGA conducted to dry cleaning facilities by sending out postcards, and assisting facilities with questions. Mr. Bame asked if SBLGA could send out a registration reminder postcard for fiscal year 2013. Mr. Wyman replied that they could.

Mr. Bame then again summarized the fees brought in to the Fund. In 2012, registration fees, solvent fees, and deductibles, penalties and interest totaled approximately \$4.7 million and the total collected to date is approximately \$53 million. The Fund's current

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balance is approximately \$19 million. Kera Bell, of the Field Operation Support Division (FOS), stated that during FY 2012 the TCEQ FOS conducted 38 investigations at dry cleaning facilities. Thirty-five of these investigations were conducted in the Dallas/Ft. Worth region. Of those 35, 32 were onsite investigations and three were file reviews. An additional two investigations were conducted in the Houston region and one was conducted in the Corpus Christi region. These efforts resulted in 19 Notices of Violation (NOVs) and 8 Notices of Enforcement (NOEs).

Mark Oliver of the TCEQ Enforcement Division discussed enforcement actions and penalties. Two orders of enforcement were issued in FY12. The fines payable resulting from the orders of enforcement during FY12 were greater than \$11,000.00.

Ms. Reichstadt asked if there was a trend in the type of violations. Mr. Oliver agreed that there are trends in violations regarding hazardous waste handling and secondary containment. Ms. Reichstadt then asked if this is something that the SBLGA program can address. The SBLGA agreed to send out the regulatory guidance about waste determination and handling.

Mr. Bame continued the meeting by stating that there has been no new dry cleaner legislation, however the legislative session does begin in January of 2013. Corrective actions for FY12 were also discussed. The table, "Corrective Action Status of DCRP sites" was discussed as was the prioritization list attached to the report.

Mr. Scharlach discussed the new prioritization system for the DCRP. In FY13 the DCRP slightly changed how sites are ranked and prioritized semiannually. The TCEQ dry cleaner rules require that the DCRP develop a numerical ranking system, and specify what criteria are used to rank and prioritize sites. The program continues to grow in total numbers. The new priority classification is based on two things: one, the specific risks the site poses and exposure-based criteria, and two, the sites' historical data. The DCRP wanted to maximize the use of funds on sites that were actually impacting or threatening environmental receptors. For example, the DCRP wants to work those sites that may be affecting residential areas, and keep successful remediation systems active. Also the DCRP wants every site coming into the program to have at least minimal assessment so the DCRP understands what risks it poses. The DCRP wants to ensure that lower-risk sites are visited at least once every three years to check up on wells, assess current conditions, etc. These sites are priority classes 1 through 3, and will most likely be funded. For a majority of sites that don't have those concerns, the DCRP will address them in order of their queue. Beth Seaton added that this system is similar for the majority of TCEQ remediation programs; the remediation division looks at risk to prioritize and determine which sites are worked.

Ms. Reichstadt asked whether there are any new technologies or efficient methods for cleanup. Mr. Scharlach responded that the methods are not new, but possibly implemented with more success. In the program, the two closures were achieved utilizing active remedial technologies. Some successful sites utilized bioremediation. It is a cheaper method, but a successful technology that removes contaminant mass.

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Ms. Reichstadt expressed interest in what could be done to complete corrective action at a large number of sites within the next year or two. Ms. Seaton explained that this is a difficult question, considering the differences among sites with respect to costs of corrective action.

Ms. Reichstadt had no questions and thanked TCEQ staff for attending.

Adjournment:

Meeting was adjourned at 10:51 by Michael Bame.

Minutes submitted by: Kristine Elliott

Approved by: Michael Bame

**Texas Commission on Environmental Quality
Dry Cleaner Advisory Committee Meeting
November 7, 2014
12100 Park 35 Circle, Building B, Room B-201A
Austin, TX 78753
10:00am – 12:00pm**

Opening:

The regular meeting of the Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Advisory Committee was called to order at 10am by Michael A. Bame, P.G., Dry Cleaner Remediation Program Manager.

Attendees:

Advisory members in attendance were Vicky Maisel, Dr. Charles Riggs, Shirley Reichstadt and Rick Sims.

TCEQ employees in attendance were Kera Bell, David Cardona, David Cullen, Ken Davis, Martha Glasgow, Jenn Grossman, Lynne Haase, Wendy Hutchinson, Don Kennedy, Kerry Martin, Mark Oliver, Beth Seaton, and Mandy Thomas.

Also in attendance was Allan Johnson, III, National President of Dry Cleaning & Laundry Institute International.

Agenda:

Report to the 84th Texas Legislature:

Pursuant to Texas Health and Safety Code, Chapter 374, the Dry Cleaning Activities Report is prepared by the TCEQ, approved by the Dry Cleaner Advisory Committee, and submitted to the Texas Legislature each even numbered year prior to the legislative session.

The following items were noted prior to opening the topic for discussion:

- The Solvent Fees referenced in Table 1 of the report should be corrected to \$1,802,938.00 increasing the Total Collections to \$8,558,399.00.
- As denoted by the asterisk in Table 4, Corrective Action costs reflects obligated costs versus actual invoices because not all FY 2014 invoices have been submitted and paid. The difference between obligated costs and actual invoices is approximately \$20,000.
- The Administrative costs listed in Table 4 are far below the 15% allowed by statute. Administrative costs in FY 13 and FY 14 were \$134,000 and \$119,000 as compared to the allowable amount of \$659,000 and \$624,000 respectively.

Committee members also asked about ranking by category. The ranking system was explained in more detail, including how the rankings are done twice a year as required by statute. The statute

requires that the rankings be listed by site number, versus ranking, in this report. A list of the sites by their ranking is attached to the Status Report. Rankings are available on the website in the format as attached to the Status Report.

There was additional discussion about active status and also about the number of contractors associated with the program. Mr. Bame explained that there are currently two Dry Cleaner Engineering contracts and four Dry Cleaner Site Activities contracts held by a total of four contractors. New Dry Cleaner Engineering contracts will be procured in FY 2015 and new Dry Cleaner Site Activities contracts will be procured in FY 2016.

Dr. Riggs moved to approve the report with corrections to Table 1.

Rick Sims seconded the motion.

The report is approved by a vote of 4-0.

Program Status Report – Fiscal Year 2014:

A Program Status Report is prepared each year and presented to the Committee for approval. Upon approval, the report is posted on the program website and made available to the Legislature. Martha Glasgow addressed the Registration and the Dry Cleaning Registration Initiative sections of the report by explaining the tables as well as the Initiative Program details on pages 3-5. There was discussion about the registration numbers, the possible enforcement penalties and the enforcement authority of the DCRP.

Ms. Glasgow reviewed the Initiative Program numbers for FY 2014 to illustrate how the program impacts registration. Ms. Glasgow spoke in detail about the Final Results table on page 5 of the report by going over the process for how businesses are selected; how those businesses are contacted by mail and the response to that mail out; the areas in Texas where site visits take place; how many businesses were visited and what the results of those visits were.

Mr. Bame spoke about the Dry Cleaning Facility Release Fund (Fund 5093) on page 5. As requested by the committee, the last sentence on page 5 will be amended to reflect the actual percentage of funds expended for administration of the program.

Kera Bell, Program Support Section, and Mark Oliver, Enforcement Division discussed the Compliance and Enforcement Action portion of the report.

Ms. Bell spoke about site visits completed in FY 2014, most of which were done in the Dallas—Fort Worth area. Questions and discussion about the inspection process and requirements followed her review.

Mr. Oliver spoke about the enforcement actions at dry cleaner facilities in FY 2014. He further explained that the enforcement cycle can run from one fiscal year to the next so the number of actions in FY 2014 is not a reduction as compared to the previous year. Members asked the amount of assessed penalties actually collected. Mr. Oliver indicated he would get that number from Financial Administration. He further explained that enforcement fees and penalties go to the General Revenue Fund and not to the DCRP fund.

Mr. Oliver gave additional information about the historical data of enforcement actions with respect to dry cleaning. The most prevalent of those enforcement actions being registration violations and the second most being secondary containment violations. He stated the top four

violations are registration, secondary containment, not maintaining records, and not conducting inspections. He added to this that in FY 2014, the top violation with respect to enforcement was secondary containment over registration. This updated was followed by a discussion about secondary containment.

There was discussion about corrective action and what the future expectations are for FY 2015 as well as the Legislative Budget Board requirements for FY 2015.

There was also discussion about the attachments to the reports. Mr. Bame explained the priority point system used in those attachments. Online registration was also discussed. Ms. Glasgow reported that a formal request was made for this in July 2014.

The TCEQ will report back to the Committee on the follow-up items listed below:

- The TCEQ's Shut-Down Authority and the scope of that authority as it relates to registration.
- The number of registered versus non-registered dry cleaners where site visits were completed in FY 2014.
- The inspection check list that field inspectors use when doing a site visit to dry cleaner's facilities and drop stations.
- The letter that will be sent to 150 dry cleaners that still need to comply with the secondary containment regulation that begins January 1, 2015.
- Forms/calendars available for dry cleaners to use for reference on TCEQ forms and due dates.

The Dry Cleaner Environmental Response Program Fiscal Year 2014 Status Report is approved with the agreed change to page 5. Mr. Bame will send the corrected copy to the members via email.

Public comments:

Allan Johnson, III provided updates and comments on behalf of the Dry Cleaning & Laundry Institute International (DLI) regarding the sunset of dry cleaning legislation in 2020. Mr. Johnson mentioned the DLI will continue to look into trying to extend the program and funding.

Mr. Bame clarified that the sunset date of the program is currently September 1, 2021. All remediation work accepted in the DCRP will be completed based on available funding. Funding remaining after that cleanup goes to the general revenue fund after the program is officially closed. If the program is not continued by future legislation, all remediation will stop on or before September 1, 2021 if the funding source is depleted prior to the sunset date.

Other Business:

Norberto Garcia resigned from the Committee. The TCEQ will be soliciting for a replacement member and may request assistance from the current committee members.

Adjournment:

The meeting was adjourned by Michael Bame.

Texas Health & Safety Code
Chapter 374. Dry Cleaner Environmental Response

Sec. 374.004. ADVISORY COMMITTEE. (a) The executive director shall appoint an advisory committee composed of:

- (1) three representatives of the dry cleaning industry who shall provide professional and practical expertise to the commission;
- (2) one public representative of urban areas; and
- (3) one public representative of rural areas.

(b) The advisory committee shall:

- (1) review and comment on the methodology the commission uses to rank contaminated sites under Section 374.154;
- (2) review and comment on the report the commission prepares each biennium under Section 374.056; and
- (3) assist in the ongoing development of rules to implement, administer, and enforce this chapter.

(c) A member of the committee serves at the will of the executive director.

(d) A member of the advisory committee serves without compensation but is entitled to be reimbursed by the commission for actual and necessary travel expenses related to the performance of committee duties.

Added by Acts 2003, 78th Leg., ch. 540, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1110 (H.B. 2376), Sec. 2, eff. September 1, 2005.

**MUNICIPAL SOLID WASTE MANAGEMENT AND
RESOURCE RECOVERY ADVISORY COUNCIL**

Assessment, April 2016

Committee Bylaws (TH&SC 363.041)

ASSESSMENT OF ADVISORY COMMITTEES
April, 2016
(Enter Agency # and Name)

To assist in the process required by Chapter 2110, Texas Government Code, state agencies should submit an assessment of advisory committees using the format provided. Please submit your assessment for each advisory committee under your agency's purview. Include responses for committees created through statute, administrative code or ad-hoc by your agency. Include responses for all committees, whether ongoing or inactive and regardless of whether you receive appropriations to support the committee. Committees already scheduled for abolishment within the 2016-17 biennium are omitted from the scope of this survey. When submitting information for multiple advisory committees, right-click the sheet "Cmt1", select Move or Copy, select Create a copy and move to end.

NOTE: Only the items in blue are required for inactive committees.

SECTION A: INFORMATION SUBMITTED THROUGH ADVISORY COMMITTEE SUPPORTING SCHEDULE IN LEGISLATIVE APPROPRIATIONS REQUEST

Committee Name:	Municipal Solid Waste Management and Resource Recovery Advisory Council (MSWRRAC)		
Number of Members:	18		
Committee Status (Ongoing or Inactive):	Ongoing	Note: An inactive committee is a committee that was created prior to the 2014-15 biennium but did not meet or supply advice to an agency during that time period.	
Date Created:	Oct-89	Date to Be Abolished:	N/A
Budget Strategy (Strategies) (e.g. 1-2-4)	01-01-03	Strategy Title (e.g. Occupational Licensing)	Waste Management Assessment & Planning
Budget Strategy (Strategies)	01-02-03	Strategy Title	Waste Management Assessment & Permitting

State / Federal Authority
State Authority
State Authority

State Authority
Federal Authority
Federal Authority
Federal Authority

Select Type	Identify Specific Citation
Statute	Tx. Health & Safety Code, Ch. 363, Subchapter C
Admin Code	30 TAC Chapter 5, Subchapter B

Advisory Committee Costs: This section includes reimbursements for committee member costs and costs attributable to agency staff support.

Committee Members' <u>Direct</u> Expenses		Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel		\$0	\$0	\$0
Personnel		\$0	\$0	\$0
Number of FTEs		0.0	0.0	0.0
Other Operating Costs		\$0	\$0	\$0
Total, Committee Expenditures		\$0	\$0	\$0
Committee Members' <u>Indirect</u> Expenses		Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel		\$0	\$0	\$0
Personnel		\$0	\$0	\$0
Number of FTEs		0.5	0.2	0.2
Other Operating Costs		\$19,582	\$16,155	\$16,639
Total, Committee Expenditures		\$19,582	\$16,155	\$16,639
Method of Financing		Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Method of Finance				
549 - GR Dedicated - Waste Management		\$19,582	\$16,155	\$16,639
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
Expenses / MOFs Difference:		\$0	\$0	\$0
Meetings Per Fiscal Year		4	4	4

Committee Description:	The MSWRRAC consists of 18 members appointed by the Commission in accordance with THSC Title 5, Section 363.041. The advisory council shall: (1) review and evaluate the effect of state policies and programs on municipal solid waste management; (2) make recommendations to the executive director and the commission on matters relating to municipal solid waste management; (3) recommend legislation to the commission to encourage the efficient management of municipal solid waste; (4) recommend policies to the commission for the use, allocation, or distribution of the planning fund that include: (A) identification of statewide priorities for use of funds; (B) the manner and form of application for financial assistance; and (C) criteria, in addition to those prescribed by Section 363.093(d), to be evaluated in establishing priorities for providing financial assistance to applicants; and (5) recommend to the executive director special studies and projects to further the effectiveness of municipal solid waste management and resource recovery.
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SECTION B: ADDITIONAL COMMITTEE INFORMATION

Committee Bylaws: Please provide a copy of the committee's current bylaws and most recent meeting minutes as part of your submission.

1. When and where does this committee typically meet and is there any requirement as to the frequency of committee meetings? TCEQ, 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas. Yes, quarterly.

2. What kinds of deliverables or tangible output does the committee produce? If there are documents the committee is required to produce for your agency or the general public, please supply the most recent iterations of those.

Formal resolutions to the Commission. The MSWRRAC is not required to produce any documents for the general public.

3. What recommendations or advice has the committee most recently supplied to your agency? Of these, which were adopted by your agency and what was the rationale behind not adopting certain recommendations, if this occurred?

In the form of a resolution, MSWRRAC requested the TCEQ ask the Legislature for full appropriation of amounts collected in Fund 5000 and establish a work group to create a methodology to draw down funds (2014).

4a. Does your agency believe that the actions and scope of committee work is consistent with their authority as defined in its enabling statute and relevant to the ongoing mission of your agency ?

Yes

4b. Is committee scope and work conducted redundant with other functions of other state agencies or advisory committees?

No

5a. Approximately how much staff time (in hours) was used to support the committee in fiscal year 2015?

250.0

5b. Please supply a general overview of the tasks entailed in agency staff assistance provided to the committee.

For meetings, TCEQ staff establishes the agenda, coordinates meeting logistics, prepares meeting documents and meeting room, creates meeting highlights, and provide updates on TCEQ related items. For membership appointments, staff plans and prepares application documents, performs outreach, meets internally with executive director attorneys, General Counsel attorneys, and management to coordinate the nomination process, and to prepares for and present nominations at the Commissioners' Agenda. Staff briefs TCEQ management, as requested. Staff maintains the council's webpage and listserve group. Staff creates and maintains related Council documents.

6. Have there been instances where the committee was unable to meet because a quorum was not present?

No

Please provide committee member attendance records for their last three meetings, if not already captured in meeting minutes.

7a. What opportunities does the committee provide for public attendance, participation, and how is this information conveyed to the public (e.g. online calendar of events, notices posted in Texas Register, etc.)?

Meetings are announced on the MSWRRAC listserve, webpage, and TCEQ Calendar. Meetings are also available to be viewed via the webcast (live and archived). Meetings are scheduled in advance. There are opportunities at the end of each meeting for public comment.

7b. Do members of the public attend at least 50 percent of all committee meetings?

Yes

7c. Are there instances where no members of the public attended meetings?

No

8. Please list any external stakeholders you recommend we contact regarding this committee.

No specific stakeholder is recommended. It would be reasonable to contact any MSWRRAC participant.

9a. In the opinion of your agency, has the committee met its mission and made substantive progress in its mission and goals?

Yes

9b. Please describe the rationale for this opinion.

The vast experience and variety of perspectives in the management and operation of solid waste processes and facilities assists in carrying out the agency's mission.

10. Given that state agencies are allowed the ability to create advisory committees at will, either on an ad-hoc basis or through amending agency rule in Texas Administrative Code:

10a. Is there any functional benefit for having this committee codified in statute?

No

10b. Does the scope and language found in statute for this committee prevent your agency from responding to evolving needs related to this policy area?

No

10c. If "Yes" for Question 10b, please describe the rationale for this opinion.

11a. Does your agency recommend this committee be retained, abolished or consolidated with another committee elsewhere (either at your agency or another in state government)?

Retain

11b. Please describe the rationale for this opinion.

Committee is beneficial because of the varying stakeholder perspectives.

12a. Were this committee abolished, would this impede your agency's ability to fulfill its mission?

No

12b. If "Yes" for Question 12a, please describe the rationale for this opinion.

13. Please describe any other suggested modifications to the committee that would help the committee or agency better fulfill its mission.

Modifying the composition of the advisory council could provide flexibility for the agency to fill vacant positions. Historically, the agency has difficulty in the appointment of several committee positions, such as municipalities, specifically: 1.) an elected official from a municipality with a population fewer than 25,000; 2.) an elected official from a municipality with a population of 750,000 or more; 3.) an elected official from a municipality with a population between 100,000 or more but less than 750,000. For example, removing the "elected official" would allow a greater number of interested and qualified individuals to apply.

Section B

Committee Bylaws

HEALTH AND SAFETY CODE

TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY

SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND WATER

CHAPTER 363. MUNICIPAL SOLID WASTE

SUBCHAPTER C. ADVISORY COUNCIL

Sec. 363.041. COMPOSITION OF ADVISORY COUNCIL. The Municipal Solid Waste Management and Resource Recovery Advisory Council is composed of the following 18 members appointed by the commission:

- (1) an elected official from a municipality with a population of 750,000 or more;
- (2) an elected official from a municipality with a population of 100,000 or more but less than 750,000;
- (3) an elected official from a municipality with a population of 25,000 or more but less than 100,000;
- (4) an elected official from a municipality with a population of less than 25,000;
- (5) two elected officials of separate counties, one of whom is from a county with a population of less than 150,000;
- (6) an official from a municipality or county solid waste agency;
- (7) a representative from a private environmental conservation organization;
- (8) a representative from a public solid waste district or authority;
- (9) a representative from a planning region;
- (10) a representative of the financial community;
- (11) a representative from a solid waste management organization composed primarily of commercial operators;
- (12) two persons representing the public who would not otherwise qualify as members under this section;
- (13) a registered waste tire processor;

(14) a professional engineer from a private engineering firm with experience in the design and management of solid waste facilities;

(15) a solid waste professional with experience managing or operating a commercial solid waste landfill; and

(16) a person who is experienced in the management and operation of a composting or recycling facility or an educator with knowledge of the design and management of solid waste facilities.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.
Amended by Acts 1993, 73rd Leg., ch. 899, Sec. 3.12, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 11.95, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 408, Sec. 1, eff. Sept. 1, 1997.

Sec. 363.042. TERMS; VACANCIES. (a) Advisory council members serve for staggered six-year terms, with the terms of five members expiring August 31 of each odd-numbered year.

(b) The commission shall fill a vacancy on the advisory council for the unexpired term by appointing a person who has the same qualifications as required under Section [363.041](#) for the person who previously held the vacated position.

(c) A person who is appointed to a term on the advisory council or to fill a vacancy on the advisory council may continue to serve as a member only while the person continues to qualify for the category from which the person is appointed.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.96, eff. Sept. 1, 1995.

Sec. 363.043. PRESIDENT. (a) The commission chairman shall appoint one member as advisory council president.

(b) The advisory council president serves for a term of two years expiring August 31 of each odd-numbered year.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.97, eff. Sept. 1, 1995.

Sec. 363.044. PAYMENT OF AND REIMBURSEMENT FOR EXPENSES.

(a) Each advisory council member is entitled to compensation and reimbursement of travel expenses incurred by the member while conducting the business of the advisory council, as provided in the General Appropriations Act.

(b) The expenses incurred by the advisory council are to be paid from the planning fund, the technical assistance fund, or other money available for that purpose.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.98, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 408, Sec. 2, eff. Sept. 1, 1997.

Sec. 363.045. MEETINGS. (a) The advisory council shall adopt and may amend procedures for the conduct of advisory council business.

(b) The advisory council shall hold at least one meeting every three months.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 363.046. DUTIES. The advisory council shall:

(1) review and evaluate the effect of state policies and programs on municipal solid waste management;

(2) make recommendations to the executive director and the commission on matters relating to municipal solid waste management;

(3) recommend legislation to the commission to encourage the efficient management of municipal solid waste;

(4) recommend policies to the commission for the use, allocation, or distribution of the planning fund that include:

(A) identification of statewide priorities for use of funds;

(B) the manner and form of application for financial assistance; and

(C) criteria, in addition to those prescribed by Section 363.093(d), to be evaluated in establishing priorities for providing financial assistance to applicants; and

(5) recommend to the executive director special studies and projects to further the effectiveness of municipal solid waste management and resource recovery.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.99, eff. Sept. 1, 1995.

Section B

Committee Meeting Minutes

(Note – February 11, 2016 meeting minutes were approved at the April 8, 2016 meeting. The April 8 meeting minutes are not yet approved.)

Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC) Meeting

Texas Commission on Environmental Quality (TCEQ)

12100 Park 35 Circle, Building E, Room 201S, Austin, Texas

Thursday, February 11, 2016

Members Present

Mr. Vance Kemler
Mr. Jim Wolverton
Mr. Leo Smith
Mr. Maurice Pitts, Jr.
Mr. Jeffrey Mayfield
Ms. Cheryl Mergo
Ms. Heather Douglas
Mr. Kevin Martinolich
Mr. Charles "Chuck" Rivette
Mr. Scott Trebus
Mr. David S. Yanke
Ms. Risa Weinberger

Members Absent

Mr. Tim Davis
Ms. Yvette Salinas
Mr. Robert "Holly" Holder

TCEQ Staff

Mr. Chance Goodin
Mr. Michael Sofijczuk
Ms. Diane Barnes
Mr. David Greer
Mr. Mauricio Perez
Ms. Alison Owen
Ms. Mary Deprisco
Mr. Will Wyman
Mr. Bob Patton

Guests

Ms. Hellen Gilbert, Gilbert Wilburn
Mr. Michael Oden, Chicago Bridge & Iron Company, Dallas
Mr. Tim Champagne, Waste Management
Ms. Heather Lehrmann, Waste Management
Ms. Paula Carboni, Waste Management
Mr. Bobby Vickery, Texas Environmental Training and Compliance, Dallas
Ms. Lara Garey, Cook-Joyce, Inc., Austin
Mr. Wade Wheatly, Cook-Joyce, Inc, Austin
Ms. Sara Nicols, STAR, Austin
Mr. Scott Pasternak, Burns and McDonnell, Austin
Mr. Larry Laine, TDS, Creedmoor
Mr. Carter Mayfield, PDI, San Antonio

Welcoming and Introduction of Members and Guests – Mr. Vance Kemler, Council President:

Mr. Kemler welcomed members and guests and asked everyone in attendance to introduce themselves. Chance introduced the new MSW Permits Section employees in the audience.

TCEQ Municipal Solid Waste (MSW) Update –Mr. Chance Goodin, (MSW) Permits Section Manager

Mr. Goodin provided the following updates:

- Program workload: currently reviewing 28 applications for new permits, permit amendments and new registrations.
- Streamline/Efficiency project: new forms and checklists published on the TCEQ website. He requested the council's assistance with outreach to the regulated community to encourage the use of these new tools, which should help with reducing notice of deficiency issues in the applications.
- Medical Waste Rule Project (HB 2244): proposal was published December 25, 2015. A public meeting was held January 5, 2016, and the comment period ended February 8th. Currently staff is preparing response to the 73 comments received. Rule package will be publically available April 8, 2016. Rule adoption is scheduled for April 27, 2016. More information with regard to the rule project is available at https://www.tceq.texas.gov/permitting/waste_permits/advgroups/med-waste.html
- Brief overview of the distributed 2014 Scrap Tire Annual Report.
- Water Balance Cover project; still waiting on final report.

General Discussion

Mr. Wolverton described a “mechanical concrete” project in Guadalupe County utilizing scrap tires. Mr. Rivette suggested a presentation on the subject.

Update on Study on the Economic Impacts of Recycling – Mr. David Greer, TCEQ Environmental Assistance Division

- Continuing contract review process. Project updates will be published on the TCEQ website at <https://www.tceq.texas.gov/p2/recycle/study-on-the-economic-impacts-of-recycling>

Industrial and Hazardous Waste Rule Making Project – Mr. Bob Patton, Industrial & Hazardous Waste Permits Section Manager

- Reviewed basic elements of new Chapter 335 rules. Described the rules as having very little impact to MSW program.
- Discussed the possible Coal Combustion Residuals rule package. Indicated there will be no change in waste classification.
- Some discussion about rules. Mr. Rivette asked about industrial waste recycling rules. What authorization is necessary for hazardous waste recycling? And how will MSW landfills be impacted by new CCR rules? Bob offered to find the answers.

Approval of December Meeting Highlights:

A motion to accept the December 10, 2015 meeting highlights. Approved by the council.

Miscellaneous

- Trade Fair, May 3-4, 2016, Austin Convention Center. A few discounted spots are available from the TCEQ for council members.
- TXSWANA April 11-13th, in Corpus Christi, TX
- Discussion about using conference calls as an option for future MSWRRAC meetings.

Next Meeting:

The next meeting is scheduled for April 8, 2016.

Section B, Item #2
Recent Committee Deliverables

TCEQ Interoffice Memorandum

Date: January 30, 2014

To: Stephanie Bergeron Perdue
Deputy Executive Director

Thru: Dorca Zaragoza-Stone, Deputy Director
Office of Administrative Services

Liz Day, Chief Financial Officer *LD*

Elizabeth Sifuentez, Director *ES*
Budget & Planning Division

BW Brent Wade, Deputy Director
Office of Waste

From: *EL* Earl Lott, Director
Waste Permits Division

**Subject: Municipal Solid Waste Management and Resource Recovery
Advisory Council (MSWRRAC) Resolution**

Purpose

The purpose of this memo is to present the attached January 9, 2014, MSWRRAC resolution.

Background

In the 83rd Legislative Session, the fees that the agency is able to collect from solid waste that is disposed of in the state were reduced. In addition, the distribution of the solid waste disposal fee revenue was changed from a 50-50 split between the agency solid waste permitting and enforcement program (Waste Management Account 0549) and the local regional solid waste programs (Solid Waste Disposal Account 5000). The new distribution is 66.7% (Fund 0549) and 33.3% (Fund 5000).

Summary

The MSWRRAC requests the TCEQ to ask the Legislature for full appropriation of amounts collected in Fund 5000. In addition, the council is requesting that a work group (comprised of local government officials and TCEQ staff) be established to develop a methodology to draw down Fund 5000 to address water quality, water conservation, and health & safety issues.

**Municipal Solid Waste Management and
Resource Recovery Advisory Council
Texas Commission on Environmental Quality (TCEQ)
12100 Park 35 Circle, Building E, Room 201S, Austin, Texas
Thursday, January 9, 2014**

The Advisory Council respectfully requests that the Commissioners ask for a full appropriation of amounts collected in Fund 5000 during the next biennium (i.e. 84th Session) in their legislative appropriation request (LAR).

Secondly, we would request a straightforward and equitable methodology be developed to draw down Fund 5000 to address, in support of the 2012 State Water Plan, water quality, water conservation, and health & safety issues. We would propose a work group (comprised of local government officials and TCEQ staff) be put in place to design this methodology, with the goal it be included in the upcoming legislative packet.

Motion was made by: Mr. David Yanke

Motion seconded by: Mr. Maurice Pitts, Jr.

The vote was 13 yea and 1 nay

Section B, Item #6
Committee Member Attendance Records

MSW Advisory Council Meeting Attendance Records for FY 2016

Members	December 2015	February 2016	April 2016	July 2016
Vance Kemler (President)	X	X	X	
Jim Wolverton	X	X	X	
Holly Holder	X		X	
Kevin Martinolich	X	X	X	
Cheryl Mergo	X	X	X	
Charles Rivette	X	X	X	
Jeffrey Mayfield	X	X	X	
Maurice Pitts, Jr.	X	X	X	
Heather Douglas	X	X	X	
Leo Smith	X	X		
David S. Yanke	X	X	X	
Tim Davis			X	
Yvette Salinas				
Scott Trebus	X	X		
Risa Weinberger		X	X	

3 vacancies as of 4/2016

IRRIGATOR ADVISORY COUNCIL

Assessment, April 2016

Annual Report, 2015

Travel Budget, 2015

Meeting Minutes, Nov. 19, 2015

Occupations Code, Chapter 1903

ASSESSMENT OF ADVISORY COMMITTEES
April, 2016
(Enter Agency # and Texas Commission on Environmental Quality)

To assist in the process required by Chapter 2110, Texas Government Code, state agencies should submit an assessment of advisory committees using the format provided. Please submit your assessment for each advisory committee under your agency's purview. Include responses for committees created through statute, administrative code or ad-hoc by your agency. Include responses for all committees, whether ongoing or inactive and regardless of whether you receive appropriations to support the committee. Committees already scheduled for abolishment within the 2016-17 biennium are omitted from the scope of this survey. When submitting information for multiple advisory committees, right-click the sheet "Cmte1", select Move or Copy, select Create a copy and move to end.

NOTE: Only the items in **blue** are required for **inactive** committees.

SECTION A: INFORMATION SUBMITTED THROUGH ADVISORY COMMITTEE SUPPORTING SCHEDULE IN LEGISLATIVE APPROPRIATIONS REQUEST

Committee Name:

Irrigator Advisory Council

Number of Members:

9

Committee Status
(Ongoing or Inactive):

Ongoing

Note: An Inactive committee is a committee that was created prior to the 2014-15 biennium but did not meet or supply advice to an agency during that time period.

Date Created:

9/1/2003

Date to Be Abolished:

2/1/2021

Budget Strategy (Strategies)
(e.g. 1-2-4)

03-01-01

Strategy Title (e.g. Occupational Licensing)

Field Inspection and Complaint Response

Budget Strategy (Strategies)

03-01-02

Strategy Title

Enforcement and Compliance Support

State / Federal Authority
State Authority

State Authority

State Authority
Federal Authority
Federal Authority
Federal Authority

Select Type

Identify Specific Citation

Statute	Occupations Code Chapter 1903, Subchapter D (\$§1903.151-1903.159)
Admin Code	30 Texas Administrative Code Chapter 344, Subchapter H (\$344.80)

Advisory Committee Costs: This section includes reimbursements for committee member costs and costs attributable to agency staff support.

Committee Members' Direct Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$9,489	\$14,210	\$14,243
Personnel	\$0	\$0	\$0
Number of FTEs	0.0	\$0	0.0
Other Operating Costs	\$0	\$0	\$0
Total, Committee Expenditures	\$9,489	\$14,210	\$14,243

Committee Members' Indirect Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$0	\$0	\$0
Personnel	\$7,468	\$7,468	\$7,468
Number of FTEs	0.1	0.1	0.1
Other Operating Costs	\$777	\$777	\$777
Total, Committee Expenditures	\$8,245	\$8,245	\$8,245

Method of Financing

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Method of Finance			
153 - GR Dedicated - Water Resource	\$17,734	\$22,455	\$22,488
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0

Expenses / MOFs Difference: \$0 \$0 \$0

Meetings Per Fiscal Year

4 4 4

Committee Description:

The Irrigator Advisory Council provides advice to the Commission and the Commission's staff concerning matters relating to landscape irrigation and the landscape irrigation industry.

SECTION B: ADDITIONAL COMMITTEE INFORMATION

Committee Bylaws: Please provide a copy of the committee's current bylaws and most recent meeting minutes as part of your submission.

1. When and where does this committee typically meet and is there any requirement as to the frequency of committee meetings?

The council meetings are held at the offices of the Texas Commission on Environmental Quality, Austin on a quarterly basis. Meetings are held at the call of the Commission or presiding officer. Subcommittees meet on a monthly basis via teleconference.

2. What kinds of deliverables or tangible output does the committee produce? If there are documents the committee is required to produce for your agency or the general public, please supply the most recent iterations of those.

The Irrigator Advisory Council provides feedback to the agency on matters relating to landscape irrigation. Examples of current Council projects include plan review checklists and irrigator inspector checklists. Annually the Irrigator Advisory Council must produce an End of Year report detailing progress and expenditures.

3. What recommendations or advice has the committee most recently supplied to your agency? Of these, which were adopted by your agency and what was the rationale behind not adopting certain recommendations, if this occurred?

The Irrigator Advisory Council has discussed creating several tools for local landscape irrigation enforcement and is currently working on plan review checklists and irrigator inspector checklists. The Irrigator Advisory Council also submitted a rule petition to TCEQ to update 30 Texas Administrative Code Chapter 344, however, the petition was withdrawn by the Council before the agency could take action.

4a. Does your agency believe that the actions and scope of committee work is consistent with their authority as defined in its enabling statute and relevant to the ongoing mission of your agency?

Yes

4b. Is committee scope and work conducted redundant with other functions of other state agencies or advisory committees?

No

5a. Approximately how much staff time (in hours) was used to support the committee in fiscal year 2015?

200.0

5b. Please supply a general overview of the tasks entailed in agency staff assistance provided to the committee.

Staff participate in monthly conference calls, quarterly in-person meetings, solicitation of new Irrigator Advisory Council members, coordination of Irrigator Advisory Council meetings and conference calls, scribe during Irrigator Advisory Council meetings, coordination on Irrigator Advisory Council special projects, maintenance of the Irrigator Advisory Council public records, maintenance of public records sent to state archive, travel coordination and reimbursement, and review of Irrigator Advisory Council proposed projects.

6. Have there been instances where the committee was unable to meet because a quorum was not present?

No

Please provide committee member attendance records for their last three meetings, if not already captured in meeting minutes. 2/11/16 - 7 members in attendance; 11/19/15 - 7 members in attendance (1 via teleconference); 8/20/15 - 6 members in attendance (1 via teleconference)

7a. What opportunities does the committee provide for public attendance, participation, and how is this information conveyed to the public (e.g. online calendar of events, notices posted in Texas Register, etc.)?

Quarterly meetings are open to the public. The meeting dates for the year, as well as the next meeting agenda are posted to the TCEQ public website, as well as distributed via licensed irrigator and city listserv maintained by TCEQ.

7b. Do members of the public attend at least 50 percent of all committee meetings?

Yes

7c. Are there instances where no members of the public attended meetings? Only for subcommittee meetings where the public does not participate.

No

8. Please list any external stakeholders you recommend we contact regarding this committee.

Lonestar Irrigation Association and Texas Irrigation Association

9a. In the opinion of your agency, has the committee met its mission and made substantive progress in its mission and goals?

Yes

9b. Please describe the rationale for this opinion.

The Irrigator Advisory Council has been the most efficient way for the TCEQ to receive, discuss, and consider information relating to landscape irrigation.

10. Given that state agencies are allowed the ability to create advisory committees at will, either on an ad-hoc basis or through amending agency rule in Texas Administrative Code:

10a. Is there any functional benefit for having this committee codified in statute?

No

10b. Does the scope and language found in statute for this committee prevent your agency from responding to evolving needs related to this policy area?

No

10c. If "Yes" for Question 10b, please describe the rationale for this opinion.

N/A

11a. Does your agency recommend this committee be retained, abolished or consolidated with another committee elsewhere (either at your agency or another in state government)?

Retain

11b. Please describe the rationale for this opinion.

Currently, the Irrigator Advisory Council is the only forum for unbiased, statewide landscape irrigation industry participation. The TCEQ recommends continuing the Irrigator Advisory Council to ensure industry feedback to the agency, development of technical expertise, and consistency for the industry statewide. The TCEQ and landscape irrigation industry's relationship is strongly dependent on the continuation of the Irrigator Advisory Council.

12a. Were this committee abolished, would this impede your agency's ability to fulfill its mission?

No

12b. If "Yes" for Question 12a, please describe the rationale for this opinion.

13. Please describe any other suggested modifications to the committee that would help the committee or agency better fulfill its mission.

Structured deliverables and guidelines for the Irrigator Advisory Council would enhance the receipt of feedback on the state of landscape irrigation in Texas, including the regulatory framework, and would help promote solutions to local and statewide landscape irrigation problems.

Ms. Beryl Thatcher, Section Manager
Program Support Section
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
P.O. Box 13087 MC-235
Austin, Texas 78711-2087

Re: Irrigation Advisory Council 2015 Annual Report

Ms. Thatcher,

As required by 30 TAC 5.11 I am Submitting the Irrigation Advisory Council (IAC) Annual Report for calendar year 2015. The IAC has had a very productive and challenging year and has tried hard to meet the goals of providing advice and guidance to the agency based on our expertise in irrigation and water conservation.

The IAC is composed of nine members, six members are licensed irrigators and three are public members. Members are appointed by the Commission to staggered six year terms. The IAC Members in the 2015 calendar year were:

David Kania, Licensed Irrigator-LI8558, El Paso

Philip Hathaway, Licensed Irrigator-LI7391, Bryan

Toni Fox, Licensed Irrigator-LI14347, San Angelo

Paul Ward, Public Member, Grapevine

Mark Froehlich, P.E., Public Member, Houston

Brook Furrh, Licensed Irrigator-LI9181, Amarillo

Gary Miles, Public Member, Plano

Marsha Carson and Jay Hartley inactive and later resigned 2015.

Council Meetings:

February 27th - Regular Session

May 7th – Regular Session

July 15th – Stake Holders Meeting in regards to the irrigation inspector and Irrigation Inspector affidavit.

August 20th – Regular session

November 18th IAC Workshop Session

November 19th – Regular Session

Established Goals:

1. Determined The Council's Plan for Proposed Changes to 30 TAC 290 irrigation rule about the Inspector Affidavit.
2. Drafting for approval the Landscape Irrigation Checklist that will be posted on the TCEQ website as an example to new irrigators and older irrigators not familiar with the current updates.
3. Determining the severity of backflow and irrigation hazards, the information gathered was brought to the IAC board to help determine if Double Check Backflows would be allowed on irrigation systems and if they should remain installed below grade. It was determined that the majority still wanted to use Double Check Backflows but a compromise was made to have them installed above ground unless you were in a zone where freezing would be an issue. Criteria were voted on to how these devices would be installed if approved in the future.
4. Providing input into opening the Title 30 of the Texas Administrative code chapter 344 rules pertaining to irrigation.
5. Non supportive of upcoming CSI changes and determining future issues, which were brought up at our last meeting in November.

Recognition of Honorary Licenses:

1. Mr. Glenda Single - LI2812
2. Mr. Dewitt Hudson – LI1614
3. Mr. George Stevenson – LI42

Committee Reports:

The Rules Committee worked closely with TCEQ staff to determine what rules needed to be revised and rewritten.

The Legislative committee researched the hazard of backflow on irrigation systems and how changing backflow to a high hazard would impact landscape irrigation throughout Texas.

The Education Committee worked on updating a checklist that will help new irrigators with design promoting water conservation.

IAC ongoing Efforts and Initiatives:

1. Support the importance of the Irrigation Inspector, Irrigator, and Technician regarding rules.
2. Supported the Importance of enforcement through local municipalities and trying to get locals authorities to enforce ordinances regulated under HB 1656 by making sure municipalities have an ordinance or are enforcing the Rules in title 30 chapter 344.
3. Conducted significant outreach to irrigators about proposed rule changes that will help the irrigation industry as well as enforcement by presentations at local association meetings and local CEU classes, speaking to local supply houses on possible changes.
4. Continue to provide combined knowledge to create a checklist for irrigators and inspectors.
5. Continue to include Irrigator Advisory Council members in local presentations to associations and municipalities about possible changes to 344 rules. And CSI inspections. Paul Ward attended irrigation association meetings in the DFW area, including the Lone Star Irrigation Expo in Grapevine, TX. Brook Furrh meet with the Amarillo local association and the local municipality, David Kania performed presentations for the local irrigation association in El Paso and with City of El Paso management staff on upcoming irrigation concerns and how CSI may effect irrigation.

State Funds Expended for Travel:

Please see attachment Financial Report

Future Goals:

1. Prepare an acceptable petition to open the 344 rules for landscape irrigation.
2. Continue to create and approve a Lawn Irrigation Plan Checklist.
3. Continue to discuss the severity of irrigation and its hazards in Texas.
4. To research a tiered licensing format.
5. Continue to research the irrigation inspector certifications pertaining to CSI
6. Continue to Research the CSI requirements.

Please contact me if you have further questions regarding this annual report.

817-748-8278

Sincerely,

Paul Ward

Chairman, Irrigation Advisory Council

Name	Feb. 2015	May-15	Aug-15	Nov-15	Total for Each Traveler 2015
Marsha Carson					0
Toni Fox					0
Mark Froehlich	146.84	146.84		319.32	613
Brooke Furrh	174.49	690.24	747.89	821.49	2434.11
Jay Hartley					0
Philip Hathaway	118.63	118.63	118.63	113.08	468.97
David Kania	783.88	759.77	820.39	952.28	3316.32
Gary Miles	360.28	431.59	0	388.35	1180.22
Paul Ward	394.3	366.71	359.81	355.06	1475.88
Totals for Each IAC Meeting	1978.42	2513.78	2046.72	2949.58	

Irrigator Advisory Council (IAC) Meeting

Minutes

Date: November 19, 2015

Time: 9:00 a.m. – 2:30 p.m.

Location: Texas Commission on Environmental Quality, 12100 Park 35 Circle,
Building A, Conference Room 173, Austin, Texas 78753

Chairperson: Paul Ward called the meeting to order at 9:00 a.m.

- I. Roll Call:** Paul Ward, David Kania, Brooke Furrh, Philip Hathaway, Gary Miles, and Mark Froehlich were present. Toni Fox participated via teleconference.

Texas Commission on Environmental Quality (TCEQ) staff present: Melissa Keller and Elizabeth Vanderwerken from the Program Support Section; Al Fuentes from the Water Supply Division; Michael De La Cruz from the Enforcement Division, Jess Robinson from the Litigation Division; Jaya Zyman, Sarita Nazareth, Russell Gardner, and Ismael Parra from the Permitting and Registration Support Division.

II. Agenda Topic: Consideration of the August 20, 2015 Minutes

Motion made by Vice-Chairperson David Kania and seconded by Gary Miles.
Decision: The Council approved the minutes.

III. Agenda Topic: IAC Updates and Meeting Goals

Melissa Keller announced there are 2 vacant positions on the council for licensed irrigators. The positions are for the remaining terms of Marsha Carson and Jay Hartley. An announcement asking for nominations will be sent out soon.

The Council announced their two goals for the meeting were: 1) Determining the Council's plan for the rule petition, and 2) approving the Council's Landscape Irrigation Checklist.

IV. Agenda Topic: IAC Subcommittee Reports

a. Rules and IAC Administrative Committee

Vice-Chairperson David Kania gave an update on the rule proposal. He stated the backflow rules are the only rule changes that are not finalized for the proposal.

b. Enforcement, Planning, and Legislative Committee

Philip Hathaway gave an update on the checklist project. He stated the checklist is planned to be a sample detailed drawing and design drawing. Melissa Keller, TCEQ Program Support, asked if the upcoming changes to the Customer Service Inspection (CSI) requirements will be added to the checklist. Council Member Hathaway stated that the CSI requirement is for before the permitting process. He stated they could look into it as an addition elsewhere.

The attending public's concern regarding the new CSI requirements was brought to the attention of the Council and it was decided to be discussed during the Office of Water, Water Supply Division update regarding the Backflow and Cross-Connection Control.

c. Education, Training, and Licensing Committee

Paul Ward explained the Education, Training, and Licensing Committee would like to push forward on more education and outreach for homeowners, specifically regarding backflow prevention requirements and irrigation system installations and repairs.

V. Agenda Topic: TCEQ Reports

a. TCEQ Office of Legal Services, Litigation Division

Mr. Jess Robinson, TCEQ Litigation Division, provided an update on the number and types of landscape irrigation cases in litigation. Mr. Robinson stated the top three violation types seen by the Litigation Division include people providing services without a license, licensed irrigators installing without a permit, and not installing backflow prevention assemblies on new installations. Mr. Robinson also informed the council that there have been 5 to 10 default orders in the past few months.

In response to the November 18, 2015 commission agenda, there will be a re-evaluation of penalties for fraud such as using another landscape irrigator's license number. Mr. Hathaway asked how the council could increase the penalties. Mr. Robison answered that the Enforcement Division is responsible for the application of the Penalty Policy and is determined on a risk for health and safety. Public Member Tammy Swor asked who is over the classification of violations. Melissa Keller, TCEQ Program Support, answered

that Program Support Section owns the Enforcement Initiation Criteria with consideration from Enforcement, Litigation, and other agency offices.

b. TCEQ Office of Water, Water Supply Division – Update from Backflow and Cross-Connection Control

Mr. Al Fuentes, TCEQ Water Supply Division, provided an update on the new changes being made to the CSI requirements. Regulatory Guidance RG-206 will just be limited to the irrigation system. The water purveyor will have to develop a plan on scheduling requirements and fees. The changes are currently being written.

The Council expressed concerns that the new changes would undermine the duties and responsibilities of a licensed irrigator as defined in landscape irrigation rules. Mr. Fuentes requested a formal document detailing the Council's and the irrigation community's concerns. This document would need to be presented at the Cross-Connection Control Subcommittee meeting so the concerns may be addressed. The next meeting of the Cross-Connection Control Subcommittee is scheduled for March 3, 2016.

c. TCEQ Office of Waste, Permitting and Registration Support Division, Occupational Licensing

Mr. Russell Gardner and Ms. Jaya Zyman, representing TCEQ Occupational Licensing, gave an update on the number of new licensee's for each irrigation license type and the current total numbers of active irrigation program licenses.

Ms. Zyman also gave an update on the inspector license stakeholder's meeting. Ms. Zyman explained the process that Occupational Licensing is proposing as a result of the stakeholder meetings. Ms. Zyman stated the new process will be written into the Regulatory Guidance documents and will be available for the Council to review before the language is finalized. Vice-Chairperson Kania invited Occupational Licensing to the next Council meeting to provide an update on the process. Vice-Chairperson Kania made a motion to accept Occupational Licensing's new proposal, and Philip Hathaway seconded the motion.

VI. Agenda Topic: Working Lunch Session

a. Rule Proposal

Vice-Chairperson Kania reiterated that the IAC rule proposal is ready with the exception of the backflow prevention section. He requested to have the Council conduct a conference call for review and motion.

b. Checklist Project

Philip Hathaway asked the Council for a consideration of motion of approval. The public and Council reviewed the checklist presented by the Education Committee. Concerns and revisions were recommended. A decision was made to make the changes and move the consideration for motion to a meeting at a later date.

c. Special Projects

Ms. Keller requested that the council make homeowner/builder education one of their priorities. She explained that many of the complaints that TCEQ receives were due to little or no education about irrigation or hiring a properly licensed person.

d. Receive, Discuss, and act on other items of interest to the Council

No items received.

VII. Agenda Topic: TCEQ Reports

a. TCEQ Office of Compliance and Enforcement, Enforcement Division

Mr. Michael De La Cruz, TCEQ Enforcement Division, reported in FY2015 the total number of Enforcement Action Referrals (EARs) received was 43. Of those, there were 10 Field Citation EARs and 33 standard EARs. During FY2016 through November 18, 2015, the total number of EARs received was 13. Of those, there were 1 Field Citation EARs and 12 standard EARs.

b. TCEQ Office of Compliance and Enforcement, Program Support Section

Ms. Melissa Keller reported the investigation numbers for the landscape irrigation team. For FY2016 as of November 16, 2015, there were five open incidents, 46 total complaints received, 52 total approved investigations (23 of those were Notices of Violation and 10 of those were Notices of Enforcement.

Ms. Keller further explained the TCEQ Landscape Irrigation Program is a complaint based investigation program only. The most common complaint received is regarding advertisements and the second most common is the system completion process. There is a new version of the Landscape Irrigation Rules book that includes the "pink sheet" updates to the licensing rules.

The TCEQ Landscape Irrigation Program has been approved to participate in several events for the next year. These events are San Antonio Irrigation Association Expo, Lonestar Expo, and Texas Nursery and Landscape Association Expo. Any additional requests should be made in writing to TCEQ at least three months before the event.

VIII. Agenda Topic: Individuals wishing to address the Council

Ms. Tammy Swor requested the Council meetings be webcasted for public who cannot participate due to travel difficulties. Melissa Keller explained there are technical and room availability limitations that prevent the capability of webcasting the Council's regular meetings.

IX. Agenda Topic: Meeting Recap

The Council opened nominations for Council Chairperson and Vice-Chairperson. The nominations presented were Mr. Kania for Chairperson and Mr. Hathaway for Vice-Chairperson.

Appointment for subcommittee chairpersons were made by Chairperson Paul Ward:

Rules and IAC Administrative Committee will be Gary Miles;
Enforcement, Planning, and Legislative Committee will be Brooke Furrh;
Education, Training, and Licensing Committee will be Philip Hathaway.

Philip Hathaway made the motion to have the Council create a document including the suggestions and concerns regarding the changes to the CSI requirements and submit to the TCEQ Office of Water, Water Supply Division. Mark Froehlich seconded the motion.

Mr. Hathaway made the motion to request the TCEQ Litigation Division to evaluate the ramifications of changing the irrigation system classification from a non-high health hazard to a high health hazard. Mr. Froehlich seconded the motion.

Mr. Kania made a motion to have the backflow prevention section of the rules proposal state all assemblies need to be installed above ground with exception of specifically listed freeze-prone counties. Mr. Furrh seconded the motion.

The next year's meeting dates are as follows:

- February 11, 2016
- May 12, 2016
- August 18, 2016
- November 10, 2016

X. Adjournment

The Chairperson asked for a motion to adjourn. Vice-Chairperson Kania made the motion and Mr. Furrh seconded the motion.

The meeting was adjourned on November 19, 2015 at 2:45 p.m.

OCCUPATIONS CODE

TITLE 12. PRACTICES AND TRADES RELATED TO WATER, HEALTH, AND SAFETY

SUBTITLE A. OCCUPATIONS RELATED TO WATER

CHAPTER 1903. IRRIGATORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1903.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission on Environmental Quality.

(2) "Council" means the Irrigator Advisory Council.

(3) "Executive director" means the executive director of the commission.

(4) "Irrigation system" means an assembly of component parts permanently installed for the controlled distribution and conservation of water to irrigate landscape vegetation, reduce dust, or control erosion. The term does not include a system used on or by an agricultural operation as defined by Section [251.002](#), Agriculture Code.

(5) "Person" means an individual.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.434(a), eff. Sept. 1, 2003.

Sec. 1903.002. EXEMPTIONS. (a) In this section, "property owners' association" has the meaning assigned by Section [202.001](#), Property Code.

(b) The licensing requirements of this chapter do not apply to a person who is:

(1) licensed by the Texas State Board of Plumbing Examiners; or

(2) a licensed engineer, registered architect, or registered landscape architect to the extent the person's acts are incidental to the pursuit of the person's profession.

(c) The licensing requirements of this chapter do not apply to:

(1) irrigation or yard sprinkler work performed by a

property owner in a building or on premises owned or occupied by the person as the person's home;

(2) irrigation or yard sprinkler repair work, other than extension of an existing irrigation or yard sprinkler system or installation of a replacement system, that is:

(A) performed by a maintenance person who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and

(B) incidental to and on premises owned by the business in which the person is regularly employed or engaged;

(3) irrigation or yard sprinkler work performed:

(A) by a regular employee of a railroad who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and

(B) on the premises or equipment of the railroad;

(4) irrigation or yard sprinkler work performed on public property by a person who is regularly employed by a political subdivision of this state;

(5) irrigation or yard sprinkler work performed by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land on land owned by the person;

(6) irrigation or yard sprinkler work performed by a member of a property owners' association on real property owned by the association or in common by the association's members if the irrigation or yard sprinkler system waters real property that:

(A) is less than one-half acre in size; and

(B) is used for aesthetic or recreational purposes;

(7) irrigation or yard sprinkler work performed by a person using a garden hose, hose sprinkler, hose-end product, or agricultural irrigation system;

(8) activities involving a commercial agricultural irrigation system;

(9) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of an individual described by

Subchapter F of this chapter who is licensed under Chapter 37, Water Code; or

(10) an owner of a business that employs an individual described by Subchapter F of this chapter who is licensed under Chapter 37, Water Code, to supervise the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems.

(d) A person who is exempt from the licensing requirements of this chapter shall comply with the standards established by this chapter and the rules adopted under this chapter.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.435(a), eff. Sept. 1, 2003.

SUBCHAPTER B. COMMISSION POWERS AND DUTIES

Sec. 1903.053. STANDARDS. (a) The commission shall adopt by rule and enforce standards governing:

(1) the connection of irrigation systems to any water supply;

(2) the design, installation, and operation of irrigation systems;

(3) water conservation; and

(4) the duties and responsibilities of licensed irrigators.

(b) The commission may not require or prohibit the use of any irrigation system, component part, or equipment of any particular brand or manufacturer.

(c) In adopting standards under this section, the commission shall consult the council.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.436(a), eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1352 (H.B. 4), Sec. 13, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. 3), Sec. 2.34, eff.

September 1, 2007.

SUBCHAPTER D. IRRIGATOR ADVISORY COUNCIL

Sec. 1903.151. COUNCIL MEMBERSHIP. (a) The Irrigator Advisory Council consists of nine members appointed by the commission as follows:

(1) six members who are irrigators, residents of this state, experienced in the irrigation business, and familiar with irrigation methods and techniques; and

(2) three public members.

(b) Appointments to the council shall be made without regard to the race, creed, sex, religion, or national origin of the appointee.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(a), eff. Sept. 1, 2003.

Sec. 1903.152. ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the council if the person or the person's spouse:

(1) is licensed by an occupational regulatory agency in the field of irrigation; or

(2) is employed by, participates in the management of, or has, other than as a consumer, a financial interest in a business entity or other organization related to the field of irrigation.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Sec. 1903.155. PRESIDING OFFICER. The council shall elect a presiding officer.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(b), eff. Sept. 1, 2003.

Sec. 1903.157. MEETINGS. The council shall hold meetings at the call of the commission or presiding officer.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(c), eff. Sept. 1, 2003.

Sec. 1903.158. PER DIEM; REIMBURSEMENT. A council member is entitled to a per diem as set by legislative appropriation for each day the member engages in the business of the council. A council member is entitled to reimbursement for travel expenses, including expenses for meals and lodging, as prescribed by the General Appropriations Act.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Sec. 1903.159. COUNCIL DUTIES. The council shall provide advice to the commission and the commission's staff concerning matters relating to irrigation.

Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(d), eff. Sept. 1, 2003.

SUBCHAPTER F. LICENSING REQUIREMENTS

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

- (1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;
- (2) provides consulting services relating to an irrigation system;
- (3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or
- (4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.435(c), eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 874 (H.B. [1656](#)), Sec. 1, eff. June 15, 2007.

Sec. 1903.252. LICENSING OF LANDSCAPE ARCHITECT. The commission may not require a person who on August 27, 1979, held a license as a landscape architect under Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes), to pass an examination in order to be licensed. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.435(c), eff. Sept. 1, 2003.

Sec. 1903.255. RECIPROCAL LICENSING. The commission may waive any prerequisite for obtaining a license for an applicant who is registered or licensed as an irrigator or installer by another jurisdiction with which this state has a reciprocity agreement. The commission may make an agreement, subject to the approval of the governor, with another state to allow for licensing by reciprocity. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.439(a), eff. Sept. 1, 2003.

Sec. 1903.256. INSTALLATION OF IRRIGATION SYSTEM WITHOUT LICENSE; OFFENSE. (a) Unless exempt under Section [1903.002](#), a person commits an offense if the person installs an irrigation system without holding a license issued by the commission under Chapter [37](#), Water Code.

(b) An offense under this section is a Class C misdemeanor. Added by Acts 2011, 82nd Leg., R.S., Ch. 324 (H.B. [2507](#)), Sec. 1, eff. September 1, 2011.

SMALL BUSINESS COMPLIANCE ADVISORY PANEL

Assessment, April 2016

Mission Statement

Penalty Policy Letter, Dec. 20, 2005

Meeting Minutes, Aug. 31, 2012

Meeting Minutes, Sept. 12, 2014

Meeting Minutes, Feb. 6, 2015

ASSESSMENT OF ADVISORY COMMITTEES
April, 2016
(Enter Agency # and Name)

To assist in the process required by Chapter 2110, Texas Government Code, state agencies should submit an assessment of advisory committees using the format provided. Please submit your assessment for each advisory committee under your agency's purview. Include responses for committees created through statute, administrative code or ad-hoc by your agency. Include responses for all committees, whether ongoing or inactive and regardless of whether you receive appropriations to support the committee. Committees already scheduled for abolishment within the 2016-17 biennium are omitted from the scope of this survey. When submitting information for multiple advisory committees, right-click the sheet "Cmte1", select Move or Copy, select Create a copy and move to end.

NOTE: Only the items in blue are required for inactive committees.

SECTION A: INFORMATION SUBMITTED THROUGH ADVISORY COMMITTEE SUPPORTING SCHEDULE IN LEGISLATIVE APPROPRIATIONS REQUEST

Committee Name:

Small Business Compliance Advisory Committee (CAP)

Number of Members:

7

Committee Status
(Ongoing or Inactive):

Ongoing

Note: An Inactive committee is a committee that was created prior to the 2014-15 biennium but did not meet or supply advice to an agency during that time period.

Date Created:

9/1/1991

Date to Be Abolished:

N/A

Budget Strategy (Strategies)
(e.g. 1-2-4)

030102

Strategy Title (e.g. Occupational Licensing)

Enforcement and Compliance Support

Budget Strategy (Strategies)

Strategy Title

State / Federal Authority
State Authority
State Authority

State Authority
Federal Authority
Federal Authority
Federal Authority

Select Type

Statute

Identify Specific Citation

TWC Sec. 5.135

Public Law

1990 Clean Air Act Amendments Sec. 507

State Implementation Plan Revision November

Advisory Committee Costs: This section includes reimbursements for committee member costs and costs attributable to agency staff support.

Committee Members' Direct Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$456	\$0	\$1,000
Personnel	\$7,602	\$9,585	\$9,585
Number of FTEs	0.2	0.2	0.2
Other Operating Costs	\$0	\$0	\$0
<i>Total, Committee Expenditures</i>	<i>\$8,058</i>	<i>\$9,585</i>	<i>\$10,585</i>

Committee Members' Indirect Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$0	\$0	\$0
Personnel	\$0	\$0	\$0
Number of FTEs	0.0	0.0	0.0
Other Operating Costs	\$0	\$0	\$0
<i>Total, Committee Expenditures</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>

Method of Financing

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Method of Finance			
1 - General Revenue Fund	\$0	\$0	\$0
151 - GR Dedicated - Clean Air Account	\$8,058	\$9,585	\$10,585
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0

Expenses / MOFs Difference: \$0 \$0 \$0

Meetings Per Fiscal Year

1 0 1

Committee Description:

Required by 1990 Federal Clean Air Act Amendments, Section 507; the State Implementation Plan; and Texas Water Code, Section 5.135. The CAP is a seven-member panel with appointments from the governor, the lieutenant governor, the speaker of the Texas House of Representatives, and the TCEQ chairman. The CAP generally meets once a year and interacts via e-mail at other times. Meetings can also be called throughout the year as needed. The CAP has the following goals: 1) To ensure the interests of small businesses are represented during TCEQ policy and rule development. 2) To evaluate the effectiveness of TNRCC's technical assistance to small

SECTION B: ADDITIONAL COMMITTEE INFORMATION

Committee Bylaws: Please provide a copy of the committee's current bylaws and most recent meeting minutes as part of your submission.

1. When and where does this committee typically meet and is there any requirement as to the frequency of committee meetings?

There is no required frequency for committee meetings. Generally, meetings are held once per year at TCEQ's main campus in Austin, with the understanding that additional meetings can be scheduled if there is a specific issue or need identified (eg. Proposed rule with significant small business impacts).

2. What kinds of deliverables or tangible output does the committee produce? If there are documents the committee is required to produce for your agency or the general public, please supply the most recent iterations of those.

Written comments submitted to either the TCEQ or EPA on proposed rules or policies.

3. What recommendations or advice has the committee most recently supplied to your agency? Of these, which were adopted by your agency and what was the rationale behind not adopting certain recommendations, if this occurred?

The most recent formal comments submitted to the TCEQ were in 2005 regarding proposed changes to the TCEQ's penalty policy: ***"The employee component of the definition should be 100 employees or fewer with no income associated with the definition due to the complexity of determining an appropriate financial assessment for small businesses across the spectrum. We feel that the employee count is a very effective benchmark since attempting to establish size on revenue is fraught with problems."*** The CAP

4a. Does your agency believe that the actions and scope of committee work is consistent with their authority as defined in its enabling statute and relevant to the ongoing mission of your agency ?

Yes ☐

4b. Is committee scope and work conducted redundant with other functions of other state agencies or advisory committees?

No ☐

5a. Approximately how much staff time (in hours) was used to support the committee in fiscal year 2015?

40.0

5b. Please supply a general overview of the tasks entailed in agency staff assistance provided to the committee.

Support is primarily in the form of logistics/administrative. TCEQ schedules the meetings, produces the minutes and provides copies of relevant discussion material. Staff from various parts of the agency also routinely brief the CAP on current issues and rule changes.

6. Have there been instances where the committee was unable to meet because a quorum was not present?

No ☐

Please provide committee member attendance records for their last three meetings, if not already captured in meeting minutes.

7a. What opportunities does the committee provide for public attendance, participation, and how is this information conveyed to the public (e.g. online calendar of events, notices posted in Texas Register, etc.)?

Meetings are posted in the Texas Register as well as on the agency calendar. In addition, announcements are sent to GovDelivery email groups set up specifically for those interested in this groups activities. Currently 3,222 individuals receive the emails.

7b. Do members of the public attend at least 50 percent of all committee meetings?

Yes ☐

7c. Are there instances where no members of the public attended meetings?

Yes ☐

8. Please list any external stakeholders you recommend we contact regarding this committee.

CAP Members: Mark Shelton (Chair) 903-872-6571 ; Robert Curnock 254-776-1771; Sara Walls 817-877-2811; Laurie McReynolds 254-757-1215:

9a. In the opinion of your agency, has the committee met its mission and made substantive progress in its mission and goals?

Yes ☐

9b. Please describe the rationale for this opinion.

The CAP was instrumental in helping to develop the TCEQ's Small Business and Local Government Assistance program. They have made substantive comments in years past on rules affecting small businesses, many of which were ultimately adopted into rule. For the past several years, the majority of the environmental issues facing small businesses have resulted from federal-level rules. While the Texas CAP has had limited success directly advocating at the federal level, its perspectives will still be helpful as TCEQ begins to implement new federal

10. Given that state agencies are allowed the ability to create advisory committees at will, either on an ad-hoc basis or through amending agency rule in Texas Administrative Code:

10a. Is there any functional benefit for having this committee codified in statute?

No ☐

10b. Does the scope and language found in statute for this committee prevent your agency from responding to evolving needs related to this policy area?

No ☐

10c. If "Yes" for Question 10b, please describe the rationale for this opinion.

11a. Does your agency recommend this committee be retained, abolished or consolidated with another committee elsewhere (either at your agency or another in state government)?

Retain ☐

11b. Please describe the rationale for this opinion.

The CAP is federally required, but its perspectives may continue to be helpful as the TCEQ responds to new federal requirements.

12a. Were this committee abolished, would this impede your agency's ability to fulfill its mission?

No ☐

12b. If "Yes" for Question 12a, please describe the rationale for this opinion.

13. Please describe any other suggested modifications to the committee that would help the committee or agency better fulfill its mission.

π T E X A S π

COMPLIANCE ADVISORY PANEL

Robert Curnock

Laurie McReynolds

Ken Legler

Mark Shelton

Sarah Walls

Brent Wade

It is the mission of the Texas Small Business Compliance Advisory Panel (CAP) to help small businesses comply with environmental regulations while remaining economically viable.

The CAP has the following goals:

- To ensure the interests of small businesses are represented during TCEQ policy and rule development
- To evaluate the effectiveness of TCEQ's technical assistance to small businesses regarding air, water, and waste requirements
- To ensure that materials distributed to small businesses are clear, concise, and understandable

CAP Terms of Service:

- Elect a new CAP Chair and Vice Chair every two years. Elections will be held in the Spring of every even year.
- Member appointments will be filled by the appointers (Governor, Lt. Governor, Speaker of the House, and TCEQ Chairman). Appointers can replace appointees at will. In many cases, terms can be less than four years.

Quorum:

It takes four CAP members present to be a quorum with the possibility of email or ballot balance, or teleconferencing into the meeting.

π T E X A S π
COMPLIANCE ADVISORY PANEL

Robert Curnock

Jack Godfrey

Ken Legler

Mark Shelton

Sarah Walls

December 20, 2005

Mr. Glenn Shankle, Executive Director
Texas Commission on Environmental Quality
PO Box 13087 MC-109
Austin, TX 78711-1065

Mr. Shankle,

On behalf of the CAP, we'd like to thank you for this occasion to voice our comments regarding the TCEQ Administrative Penalty Rule. Over the past several weeks, the CAP has reviewed the questions posed by TCEQ regarding the penalty policy. The issue we consider most significant is the definition of small business and here are our recommendations.

The employee component of the definition should be 100 employees or fewer with no income associated with the definition due to the complexity of determining an appropriate financial assessment for small businesses across the spectrum. We feel that the employee count is a very effective benchmark since attempting to establish size on revenue is fraught with problems.

If it is necessary to include an income definition, the financial component of the definition should be very simple to calculate, such as using gross sales (as opposed to net). The definition should be set at no less than 15 million gross sales. The CAP and the SBAC encourage small businesses to provide statistics reflecting their business size and revenues so that the regulatory definition will accurately reflect real world experience. The rule should allow entities under enforcement and facing a penalty to defer 100% of the penalty with the agreement that an investment will be made in the entity's operations to achieve compliance.

We appreciate the opportunity to make these comments and the willingness of the Commissioners and the staff to review these ideas. Over the years the State of Texas has worked with small business to understand our concerns and make the appropriate adjustments. We look forward to this continued cooperation.

Sincerely,



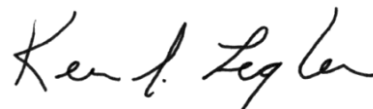
Mark Shelton, CAP Chair
Appointed by Speaker



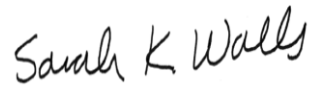
Robert J. Curnock, CAP Member
Appointed by Governor



Jack Godfrey, CAP Member
Appointed by Speaker



Ken J. Legler, CAP Member
Appointed by Governor

A handwritten signature in black ink that reads "Sarah K. Walls". The script is cursive and fluid.

Sarah K. Walls, CAP Member
Appointed by Lt. Governor

CC: Mr. John Sadlier, Enforcement Division MC-219
Ms. Tamra Oatman, Small Business and Local Government Assistance MC-106
Mr. Brent Wade, Field Operations, West Texas, Area Director MC-174
Ms. Sonia Ralls, Executive Assistant to Executive Director Glenn Shankle MC-109



Small Business Compliance Advisory Panel (CAP)

Meeting Minutes

Friday, August 31, 2012

Attendees

CAP Members

Mark Shelton – Chair
Rob Curnock
Brent Wade
Laurie McReynolds
Sarah Walls – not present
Billy Bob McAdams – not present

Agency Guests

Susana Hildebrand, P.E., Chief Engineer; Michael Honeycutt, Ph. D., Director;
Toxicology

TCEQ Staff Support

Brian Christian, Andy Gardner, Will Wyman, Tara Lindgren, Joy Schultz, Anne Marie Callery, John Bently.

EnviroMentors

Erich Birch, Gene Lindemann

Others

Kim Millette, Emerald Environmental; Mike Millette, Emerald Environmental;
Rey Chavez, SAMA; Jenifer Carter, SBAC

Opening Remarks:

Mark Shelton, Compliance Advisory Panel (CAP) chair

Mr. Shelton thanked participants for their attendance and paid tribute to the late Ken Legler. Mr. Shelton also recognized individuals that could not attend and introductions of all attendees were made. A motion to approve the minutes from the August 29, 2011, meeting was made and seconded with no one opposing.

Presentations:

Brian Christian, Director to the Small Business and Environmental Assistance Division

Organizational changes: Mark Vickery, long-time Executive Director (ED) has retired. Zak Covar is the new ED with Richard Hyde as Deputy ED. Toby Baker is the new Commissioner, replacing former Commissioner Buddy Garcia. The agency has reorganized by media (air, water, waste).

Sunset Update: House Bill 2694 – The TCEQ was unanimously approved by the Sunset Commission to continue for 12 more years.

SBEA and the Agency: We are all doing more with less, which has led us to branch out on how we can deliver information. A drought and drought workshop video have been posted to YouTube. This enables us to reach people that otherwise would not have access to this information. The Agency has become increasingly involved with oil and gas issues, and our division is increasingly involved in outreach to affected parties in the different plays across the state.

Andy Gardner, Section Manager for Small Business and Local Government Assistance Section

Drought and water systems: Emergency Drinking Water Task force is working to prevent outages for water systems. Existing systems are searching for new sources. Outreach and workshops are being created to promote asset management and source assessment for very small systems.

Oil and Gas: Water re-use, public water systems, and waste disposal guidance have been developed. New small businesses are getting involved in a new industry, and they aren't aware of the compliance issues related to supporting the oil and gas exploration.

Compliance History: Big changes include – the facility can review their compliance history before it goes public; the compliance history is for five years; Notices of Violation fall off after one year; the impact of a Notice of Enforcement begins to decrease after three years; complexity points will help level the playing field for small entities; participation in the Compliance Commitment program and achieving C2 can improve the compliance history score by 10%. There is hope that changes in the compliance history calculation will assist small businesses who apply for general permit coverage.

Susana Hildebrand, P.E., Chief Engineer

Ms. Hildebrand presented information pertaining to litigation and court decisions related to Clean Air Act regulations, including Greenhouse Gas rules, Flexible Permits, Sulfur Dioxide, Cross-state Rule, and Mercury Toxic Rule.

Michael Honeycutt, PhD, Division Director for Toxicology

Dr. Honeycutt presented information pertaining to the development of the National Ambient Air Quality Standards and the apparent mis-use of statistics and manipulation of epidemiological studies to develop the proposed particulate matter and ozone standards, which have a diminishing return with respect to positive effects for public health and an increasing cost of compliance.

Mark Shelton, CAP Chair

Open floor for comments, concerns and questions

Conversation ensued about the CAP writing a letter to support the TCEQ litigation against EPA.

There were no more questions and the meeting was adjourned.



Small Business Compliance Advisory Panel (CAP)

Meeting Minutes

Friday, September 12, 2014

Attendees

CAP Members

Mark Shelton – Chair
Brian Christian
Rob Curnock
Billy Bob McAdams – not present
Laurie McReynolds – not present
Sarah Walls

SBAC Guests

Owen Daniels, Fort Worth SBAC Chair; Joe Polanco, Dallas SBAC Chair; Jeff Rogers, Golden Triangle SBAC Chair

TCEQ Staff Support

Andy Gardner, Tara Lindgren, Shannon Herriott

Opening Remarks:

Mark Shelton, Compliance Advisory Panel (CAP) chair

Mr. Shelton thanked participants for their attendance. Mr. Shelton also recognized individuals that could not attend and introductions of all attendees were made. A motion to approve the minutes from the August 31, 2012, meeting was made and seconded with no one opposing.

Presentations:

Andy Gardner, Section Manager for Small Business and Local Government Assistance (SBLGA) Section

In order to represent what our division does as a whole, the division name has changed from Small Business and Environmental Assistance (SBEA) to Environmental Assistance Division (EAD).

The drought is still a major focus for the Agency. As surface water across the state diminishes, groundwater is in demand more than ever. In order to assist small water systems we will continue to provide asset management and source assessment workshops in FY15; covering topics such as, how to determine their source of water, their amount of available water, and a how to develop a meaningful asset management program. We will also begin to work on asset management resources for wastewater systems.

SBLGA has been asked by the Office of Compliance and Enforcement (OCE) to assist with simplifying the Edwards Aquifer application process and to help improve compliance within the PST industry.

The new ozone standard is expected to be proposed by EPA in December. More information will be available after that date.

SBLGA is continuing to work with the Water Supply division to ensure that safe drinking water is being provided to the Oil & Gas industry. Our role remains important in the support industries such as maintenance yards and pipe suppliers. We also are working with compliance in the temporary housing ('man camps') for OSSF, MSW and water systems.

Mark Shelton, CAP Chair

Letter from the Speaker of the House: Does not apply to the CAP since they are an advisory committee.

Vacant seats: This will be discussed at the next meeting.

Goals and Objectives: The CAP has become stagnant. Ideas are needed to revitalize the CAP.

Open floor for comments, concerns and questions:

Conversation ensued about the roles of the CAP and SBACs and how to strengthen them. SBACs are going to take a more active role by educating the CAP on small business industry practices and concerns with how new regulation may affect them. The CAP will in turn advocate on a federal level, e.g., EPA, or legislature.

The next meeting will be scheduled for February 2015.

There were no more questions and the meeting was adjourned.



Small Business Compliance Advisory Panel (CAP)

Meeting Minutes

Friday, February 6, 2015

Attendees

CAP Members

Mark Shelton – Chair
Brian Christian
Rob Curnock
Laurie McReynolds
Sarah Walls
Billy Bob McAdams – not present

SBAC Guests

Owen Daniels, Fort Worth SBAC Chair; Jeff Rogers, Golden Triangle SBAC Chair;
Tag Coolidge, Fort Worth SBAC representative; Kim Millette, Emerald
Environmental.

TCEQ Staff Support

Andy Gardner, Tara Lindgren, Shannon Herriott, Joy Schultz, Anne Marie
Callery

Opening Remarks:

Mark Shelton, Compliance Advisory Panel (CAP) chair

Mr. Shelton thanked participants for their attendance. Mr. Shelton also recognized individuals that could not attend and introductions of all attendees were made. A motion to approve the minutes from the September 12, 2014, meeting was made and seconded with no one opposing.

Presentations:

Bryan W. Shaw, Ph.D., P.E., Chairman

Chairman Shaw welcomed the CAP and guests and briefed them on major air quality issues. Chairman Shaw also discussed ways in which the CAP could be involved in regulatory development.

Michael Honeycutt, Ph.D., Division Director for Toxicology

Dr. Honeycutt briefed the CAP on EPA's proposal to lower the ozone standard.

Andy Gardner, Section Manager for Small Business and Local Government Assistance (SBLGA) Section

In response to an action item from our last meeting, we conducted a survey of the Small Business Advisory Committees (SBACs). The responses showed a need for a more descriptive agenda, regularly set meeting dates, and more participation from Regional Managers/Directors.

SBLGA is working with the Office of Compliance and Enforcement (OCE) to assist with PST investigations. We will be provided with the list of facilities that will be investigated within the next year. These facilities will be invited to a workshop to provide them with the tools necessary for their investigation. They'll know exactly what the investigator will look for and what they have to do to demonstrate compliance.

We have decided to discontinue our newsletter *The Advocate*. We will move to a more frequent topical email distribution. The subject of the email will remain as *The Advocate*.

Mark Shelton, CAP Chair

The CAP is supposed to be a 7 member panel and we're missing two members; one appointment from the Lt. Governor and one appointment from the Governor. It's a complicated and lengthy process for a Governor appointment; it's easier for the Lt. Governor to process an appointment.

Open floor for comments, concerns and questions:

There was discussion about regulations that will be proposed this summer to regulate methane emissions from the Oil and Gas industry and if it will affect small businesses.

The next meeting will be scheduled for September 2015.

There were no more questions and the meeting was adjourned.

Action Items:

- Mark will craft a letter to Lt. Governor Patrick to request an appointment to the CAP.
- Brian will discuss with IGR about a Governor appointment to the CAP.

- Mark will initiate an email or conference call for drafting a response to the proposed change to the ozone standard.
- SBLGA will send the CAP a list of TERP programs that includes a brief description as well as information on which programs are currently accepting applications.
- SBLGA will provide information on the SBA Roundtable to be held on February 20, 2015.

**TAX RELIEF FOR POLLUTION CONTROL
PROPERTY ADVISORY COMMITTEE**

Assessment, April 2016

Recommended Adjustments to the Program, March 6, 2015

Meeting Minutes, March 6, 2015

Meeting Minutes, April 24, 2015

Meeting Minutes, Aug. 31, 2015

Meeting Minutes, Nov. 17, 2015

Revised Bylaws, April 27, 2012

ASSESSMENT OF ADVISORY COMMITTEES
April, 2016
(Enter Agency # and Name)

To assist in the process required by Chapter 2110, Texas Government Code, state agencies should submit an assessment of advisory committees using the format provided. Please submit your assessment for each advisory committee under your agency's purview. Include responses for committees created through statute, administrative code or ad-hoc by your agency. Include responses for all committees, whether ongoing or inactive and regardless of whether you receive appropriations to support the committee. Committees already scheduled for abolishment within the 2016-17 biennium are omitted from the scope of this survey. When submitting information for multiple advisory committees, right-click the sheet "Cmte1", select Move or Copy, select Create a copy and move to end.

NOTE: Only the items in blue are required for inactive committees.

SECTION A: INFORMATION SUBMITTED THROUGH ADVISORY COMMITTEE SUPPORTING SCHEDULE IN LEGISLATIVE APPROPRIATIONS REQUEST

Committee Name:

Tax Relief for Pollution Control Property Advisory Committee

Number of Members:

13

Committee Status
(Ongoing or Inactive):

Ongoing

Note: An inactive committee is a committee that was created prior to the 2014-15 biennium but did not meet or supply advice to an agency during that time period.

Date Created:

1/27/2010

Date to Be Abolished:

Permanent

Budget Strategy (Strategies)
(e.g. 1-2-4)

3.1.3?

Strategy Title (e.g. Occupational Licensing)

Pollution Prevention Recycling

Budget Strategy (Strategies)

Strategy Title

State / Federal Authority
State Authority
State Authority

Select Type

Statute	Identify Specific Citation
	Section 11.31(n) Texas Tax Code

State Authority
Federal Authority
Federal Authority
Federal Authority

Advisory Committee Costs: This section includes reimbursements for committee member costs and costs attributable to agency staff support.

Committee Members' Direct Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$427	\$951	\$734
Personnel	\$0	\$0	\$0
Number of FTEs	0.0	0.0	0.0
Other Operating Costs	\$0	\$0	\$0
Total, Committee Expenditures	\$427	\$951	\$734

Committee Members' Indirect Expenses

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Travel	\$0	\$0	\$0
Personnel	\$13,141	\$13,141	\$13,141
Number of FTEs	0.1	0.1	0.1
Other Operating Costs	\$0	\$0	\$0
Total, Committee Expenditures	\$13,141	\$13,141	\$13,141

Method of Financing

	Expended Exp 2015	Estimated Est 2016	Budgeted Bud 2017
Method of Finance			
1 - General Revenue Fund	\$13,568	\$14,092	\$13,875
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0

Expenses / MOFs Difference: \$0 \$0 \$0

Meetings Per Fiscal Year

4 4 4

Committee Description:

Established by House Bills 3206 and 3544 of the 81st Legislature, the purpose of the committee is to provide advice to the Texas Commission on Environmental Quality on the implementation of Section 11.31 of the Texas Tax Code. Abolishing the advisory committee would place agency in violation of 11.31(n) of the Texas Tax Code which required the establishment of a permanent advisory committee.

SECTION B: ADDITIONAL COMMITTEE INFORMATION

Committee Bylaws: Please provide a copy of the committee's current bylaws and most recent meeting minutes as part of your submission.

1. When and where does this committee typically meet and is there any requirement as to the frequency of committee meetings?

The committee bylaws call for the committee to meet at least quarterly. The meetings are held on the TCEQ campus in room 201S of Building E.

2. What kinds of deliverables or tangible output does the committee produce? If there are documents the committee is required to produce for your agency or the general public, please supply the most recent iterations of those.

The committee calls for the issuance of an annual report. The annual report is submitted to the commission and placed on the advisory committee's webpage. The committee files written comments in response to draft proposals to amend the Chapter 17 rules. The committee submits recommendations on policy related issues.

3. What recommendations or advice has the committee most recently supplied to your agency? Of these, which were adopted by your agency and what was the rationale behind not adopting certain recommendations, if this occurred?

Item 16 on the nonexclusive list of equipment located in §11.31(k) states that if the US EPA adopts a rule regulating CO2 as a pollutant, property that is used to capture CO2 is eligible as pollution control property. On April 24, 2015, the advisory committee advised that an adequate environmental rule is in place to provide a basis for eligibility of carbon capture utilization and storage (CCUS) equipment. The agency accepted the advice and will consider implementing it once a Use Determination for Pollution Control Property application containing CCUS equipment

4a. Does your agency believe that the actions and scope of committee work is consistent with their authority as defined in its enabling statute and relevant to the ongoing mission of your agency ?

Yes

4b. Is committee scope and work conducted redundant with other functions of other state agencies or advisory committees?

No

5a. Approximately how much staff time (in hours) was used to support the committee in fiscal year 2015?

231.0

5b. Please supply a general overview of the tasks entailed in agency staff assistance provided to the committee.

Scheduling and setting up the meeting room. Preparing and distributing copies of agenda and other handouts. Taking minutes during the meetings. Transcribing the minutes. Maintaining the committee's webpage which includes posting of meeting dates and times, agendas, minutes, annual reports and recommendations.

6. Have there been instances where the committee was unable to meet because a quorum was not present?

No

Please provide committee member attendance records for their last three meetings, if not already captured in meeting minutes.

7a. What opportunities does the committee provide for public attendance, participation, and how is this information conveyed to the public (e.g. online calendar of events, notices posted in Texas Register, etc.)?

Meeting dates and times are posted on web. Notification of upcoming meetings are sent by email through the govdelivery system. The committee's public comment policy is stated at the beginning of each meeting. The committee chair asks for public input at the end of the agenda topic. Public comment is solicited during the discussion of new and old business. The agency provides a conference call number for the public to allow for participation by interested parties who are unable to attend the meetings. Meetings are recorded and the audio file is posted on the web.

7b. Do members of the public attend at least 50 percent of all committee meetings?

Yes

7c. Are there instances where no members of the public attended meetings?

No

8. Please list any external stakeholders you recommend we contact regarding this committee.

Texas Municipal League, Texas Conference of Urban Counties, Texas Oil and Gas Association, Sierra Club's Lone Star Chapter.

9a. In the opinion of your agency, has the committee met its mission and made substantive progress in its mission and goals?

Yes

9b. Please describe the rationale for this opinion.

The committee is charged with advising the TCEQ on the implementation of §11.31. During its existence the committee has commented on the implementation of legislative changes, two rule proposals, and offered advice on numerous policy matters.

10. Given that state agencies are allowed the ability to create advisory committees at will, either on an ad-hoc basis or through amending agency rule in Texas Administrative Code:

10a. Is there any functional benefit for having this committee codified in statute?

No

10b. Does the scope and language found in statute for this committee prevent your agency from responding to evolving needs related to this policy area?

No

10c. If "Yes" for Question 10b, please describe the rationale for this opinion.

11a. Does your agency recommend this committee be retained, abolished or consolidated with another committee elsewhere (either at your agency or another in state government)?

Retain

11b. Please describe the rationale for this opinion.

From the creation of the Tax Relief program in 1994 the TCEQ formed ad-hoc advisory committees to assist in the implementation of §11.31 and amendments to §11.31. Having the permanent committee provides the agency with an established forum to discuss policy issues and receive input from stakeholders and interested parties.

12a. Were this committee abolished, would this impede your agency's ability to fulfill its mission?

Yes

12b. If "Yes" for Question 12a, please describe the rationale for this opinion.

Abolishing the permanent committee would force the agency to establish ad-hoc advisory committees to provide input before implementing policy changes and amending the Chapter 17 administrative rules.

13. Please describe any other suggested modifications to the committee that would help the committee or agency better fulfill its mission.

TCEQ Tax Relief for Pollution Control Property Advisory Committee

Recommended Adjustments to the TCEQ Pollution Control Property Tax Exemption Program

On March 6, 2015, the Tax Relief for Pollution Control Property Advisory Committee (the “Advisory Committee”) met at the Texas Commission on Environmental Quality (TCEQ) central office in Austin. The Advisory Committee discussed the need for clarifications to the Tax Relief for Pollution Control Property Program (“Prop 2 Program”), specifically requesting that the TCEQ clarify its interpretation of the phrase “meet or exceed rules or regulations” in the Texas Constitution and Section 11.31 of the Texas Tax Code.

Purpose:

It should be noted that this recommendation and clarification is not intended to specify that property used in the situations described herein would automatically receive a positive use determination. This clarification would only ensure that the property would be considered to comply with the threshold requirement that the equipment is used “wholly or partly to meet or exceed” an environmental rule, as required under the Texas Constitution and the Texas Tax Code.

The Advisory Committee passed by a vote of (___ - ___) the following recommendations:

Recommendation:

- 1) The commission should clarify by rule or guidance document that the TCEQ interprets the phrase “wholly or partly to meet or exceed rules or regulations” in the Texas Constitution and Section 11.31 of the Texas Tax Code, to include the following situations:
 - a) An environmental rule sets a goal, target, or general standard that the property assists in achieving (e.g., water conservation, pollution prevention, or recycling goals);
 - b) An environmental rule has been duly adopted but does not apply to the facility because of the timing of the property’s installation (e.g., the regulation or rule is not yet final, is not yet effective, or has a future compliance date) or the extent of pollution control realized as a result of the property’s utilization (e.g., limiting potential to emit to remain below regulatory trigger thresholds);
 - c) An environmental rule has been formally proposed at the time an application is filed that, if finalized, would constitute an environmental rule that otherwise meets the eligibility criteria of the program, but (to be constitutional) the commission should qualify the positive use determination as being final upon the formal adoption of the final rule, but retroactive to the date the use determination was issued if the rule has retroactive effect (e.g., NSPS rules which often set applicability at the date of proposal, not adoption); and

- d) An environmental rule that the property was installed to meet or exceed is subsequently repealed or otherwise impacted by administrative or judicial action such that the rule is no longer in place or no longer applies to a facility.
- 2) The commission should also clarify by rule or guidance that, with regard to §11.31(k)(16) (due to the U.S. Supreme Court decision in *UARG v. EPA* earlier this year keeping in place the GHG BACT for “anyway sources”), that carbon capture utilization and storage (“*CCUS*”) equipment now has an adequate environmental rule in place to provide a basis for eligibility of CCUS equipment for a positive use determination, if other program requirements are met.

Rationale:

Many important environmental rules set general targets or goals that are facilitated by the installation of equipment used in pollution control, but do not specify explicit requirements or methods of compliance. Also, rules can be “exceeded” not only by achieving greater pollution reduction than is required by the rule, but also by proactively complying with or exceeding the requirements of an adopted rule that the facility will have to comply with in the future or would have to comply with but for the installation of the equipment in question (e.g., a company installs air pollution control equipment in order to limit its potential to emit and avoid triggering Title V requirements). Similarly, if the timing of the property’s installation or the extent of its use prevents it from being subject to a duly adopted rule, that should also be considered “exceeding” an environmental rule or regulation. Just because such equipment is not specifically “required” to comply with a particular rule, the installation does not fail the statutory and constitutional test because an adopted environmental rule’s requirements are exceeded through preemptive action. The remainder of the recommendations are warranted due to the ever-changing environmental regulatory framework where the regulated community makes equipment installation decisions when the compliance target is moving and often coming on too fast to await formal adoption of the rule, or is later changed/invalidated after the installation. These complexities should not undermine eligibility.

Attached is a list of examples which illustrate the need for the suggested clarifications.

Respectfully, on behalf of the TCEQ Tax Relief for Pollution Control Property Advisory Committee,

B. G. Adair, Chairman

ATTACHMENT

Examples Which Illustrate the Need for the Suggested Clarifications

Example 1: Property Used to Meet Stated Statutory and Regulatory Objectives.

An applicant installs equipment that reduces the amount of solid waste that is generated. On one hand, no environmental rules specifically require that the applicant reduce the amount of solid wastes it generates. On the other hand, the Federal Pollution Prevention Act states “The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible...”¹ The act also indicates that “[s]ource reduction [i.e., recycling, greater efficiency] is fundamentally different and more desirable than waste management and pollution control.”² The Pollution Prevention Act only specifies that pollution should be prevented or reduced at the source. The act does not specify individual pollutants since the act applies to all pollution, nor does it specify a specific method of reducing solid waste.

Nothing in the Tax Code or the TCEQ’s rules imposes an obligation to cite to a rule or regulation that specifically requires the use of a particular piece of equipment. Furthermore, neither the Tax Code nor the TCEQ’s rules impose an obligation to cite to a rule or regulation that calls for a specific emission or discharge limit. The Tax Code and TCEQ’s rules only require that an environmental rule or regulation be met or exceeded.

However, under current TCEQ interpretation, an applicant who reduces the amount of solid waste it produces would not be eligible for a positive use determination, because no rule *requires* the installation of equipment to reduce solid waste or imposes a specific limit on the amount of solid waste produced. Because the Federal Pollution Prevention Act sets a general standard of preventing or reducing pollution, the proposed recommended clarification of interpretation would ensure that an applicant who installs equipment to reduce its total amount of solid waste would be considered to have “met or exceeded an environmental rule” and would therefore, be eligible for a positive use determination.

Example 2: Proactive Pollution Control that Limits or Prevents a Rule’s Applicability

An applicant owns and operates several engine-generator sets to supply power to oil field production operations. Emissions from the engines do not exceed the major source threshold for any pollutants and are not subject to Title V permitting requirements. The applicant intends to add additional engine-generators, which would cause the total NOx emission to exceed the major source threshold and would subject the facility to Title V permitting requirements.

However, by installing NOx emission controls, the applicant reduces its potential to emit NOx to such a degree that its operations will not exceed the major source threshold and is not subject to Title V permitting requirements.

¹ See 42 U.S.C. §133.13101(b).

² *Id.* at § 13101(a)(4).

Under current TCEQ interpretation, no rule requires that the applicant install the emission controls, and therefore, the applicant would not be considered to have “met or exceeded” an environmental rule. Under the proposed recommendation, the applicant would be deemed to have exceeded an environmental rule by voluntarily reducing NOx emissions to fit under Title V permitting thresholds and thereby the regulation’s applicability..

Example 3: Proactive Pollution Control in Advance of Final Rule Requirements.

In January of 2012, an applicant installs a vapor recovery system at an oil tank to control VOCs during truck loading to comply with EPA’s proposed NSPS for oil and gas storage facilities. At the time the equipment was installed the rule was only a proposed rule, but in anticipation of the short timeline for compliance with the proposed rule, the applicant was proactive and installed the equipment before the rule was final.

Before the rule was final, the applicant applied for a use determination with TCEQ. Under current TCEQ interpretation, the applicant was not required to install the equipment *yet*, because the rule was not final, and therefore did not meet or exceed an adopted environmental rule. Under the proposed recommendation, the TCEQ would consider the applicant to have met or exceeded an environmental rule due to its efforts to comply with a proposed rule. If a positive use determination was issued by TCEQ, the use determination would become final upon the formal adoption of the final rule and would be effective retroactively to the date the use determination was issued.

Example 4: A Regulation or Rule That Is Revoked or Vacated by Administrative or Court Action.

Applicant installed GHG pollution control equipment on a “non-anyway” source, based on the EPA’s GHG permitting rules, which were finalized on June 3, 2010, and became effective, depending on the source, on January 2, 2011 and July 1, 2011.

The Supreme Court’s decision in *UARG* on June 23, 2014, established that the GHG permitting requirements were only applicable to “anyway” sources, and therefore did not apply to “non-anyway” sources.

The applicant installed the equipment before the 2014 Supreme Court decision, but a use determination had not been issued as of the 2014 Supreme Court decision. Under current TCEQ interpretation, there would be no rule or statute that was being met or exceeded by the applicant, since the GHG permitting rule, as applied to “non-anyway” sources was struck down. Under the proposed recommendation, the applicant who installed the GHG pollution control should be considered to have installed the equipment to meet or exceed an environmental rule.

Example 5: Federal Mandates to States That Are Not Source-Specific.

The EPA asserts jurisdiction under the Federal Clean Air Act to regulate carbon dioxide and other greenhouse gasses (GHGs). EPA first regulates GHGs in the context of its major source permitting program as part of its Best Available Control Technology (“BACT”) reviews (either conducted by EPA or a delegated state with an approved State Implementation Plan (SIP) to administer the permit program). EPA then proposes New Source Performance Standard

(“NSPS”) for carbon dioxide emissions at new, modified, reconstructed, and existing power plants. While EPA proposes specific carbon dioxide emission limits and technology standards for new, modified, and reconstructed facilities, it does not propose specific emission limits or technology standards for existing facilities, but instead proposes state carbon dioxide emission budgets that will require significant state-wide reductions of emissions but do not mandate facility-specific emission limits or technology standards. Under the proposed recommendation, an applicant who installs carbon dioxide capture equipment at an existing power plant should be considered to have installed the equipment to meet or exceed an environmental rule. The fact that the EPA has not mandated facility- or source-specific emission limits or technology does not detract from the fact that carbon dioxide is regulated by EPA as a pollutant under the Federal Clean Air Act, is subject to BACT reviews by both EPA and TCEQ and, thus, satisfies the Constitutional and Tax Code environmental rule prerequisite.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members were present except for Dr. Cyrus Reed, and Mr. Wayne Frazell.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

Review of Advisory Committee 2014 Draft Annual Report

Mr. Adair opened the discussion by asking for comments on the report. No comments were made. A motion was made to approve the report. The motion passed. The next step is for Mr. Adair to complete the report and send it to the TCEQ Commissioners.

Prop 2 legislative update from TCEQ staff and/or Advisory Committee members

Mr. Don Redmond, TCEQ Legal staff, explained that as of March 6, 2015, no legislation had been filed that directly impacts the Tax Relief Program. Mr. Don Lee distributed copies of [HB 994](#), which would make the temporary exemption located in §11.311 for Landfill-Generated Gas Conversion Facilities a permanent exemption. Mr. Lee explained that while the exemption is not part of §11.31 he was concerned that the people lobbying for the bill were misleading legislators by telling them that the bill would not be needed if the committee had done its job.

Discussion of “meet or exceed” in TAC §11.31(b) – continuation from 12/14/14 meeting

Mr. Mike Nasi distributed a proposed resolution entitled “[Recommended Adjustments to the TCEQ Pollution Control Property Tax Exemption Program](#).” The resolution suggests that 1) the commission clarify by rule or guidance that it interprets “wholly or partly to meet or exceed rules or regulations” to include equipment a) used to assist in achieving a goal or general standard such as water conservation, pollution prevention, or recycling; b) used to meet an environmental standard that does not apply to the applicant’s facility due to the timing of the equipment installation relative to rule adoption or the equipment is used to maintain emission rates below a threshold that would trigger the rule requirements cited in the application; c) used to comply with a proposed rule yet to be adopted, but which rule will apply to the applicant’s operations upon rule adoption (and at which time a positive use determination for an otherwise qualifying applicant would be made effective); and d) installed to meet or exceed an adopted rule that is subsequently repealed or voided by a judicial action; and 2) the commission should clarify by rule or guidance that item §11.31(k)(16), equipment used for carbon capture utilization and storage (CCUS), now has an adequate environmental rule in place.

The resolution was discussed by committee members with input requested from TCEQ staff. As 12:00 P.M. approached, the decision was made to table the discussion since several committee members had commitments that required them to leave the meeting. Before the discussion was tabled, members of the audience were solicited for comments on the resolution. Statements were made by Robert Preisler, Harris County Appraisal District; Alfonso Porras, Capital Appraisal Group; David Hodgins; Tom Hanna, Jefferson County Appraisal District; and Mickey Hand, Chief Appraiser, Wise County Appraisal District. The resolution was tabled pending additional discussion at the next advisory committee meeting. Several members suggested that the next meeting occur sooner rather than later but the meeting was not scheduled.

Other

1. Old Business

None

2. New Business

None

3. Other General Comments from the Public

None

Action Items

Mr. Nasi will amend the proposed resolution based on comments received and distribute it before the next committee meeting.

Adjourn

The meeting adjourned at 12:11 P.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members were present except for Mr. Bennett Sandlin.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

Prop 2 legislative update from TCEQ staff and/or Advisory Committee members

Mr. Ron Hatlett, TCEQ staff, explained that program staff have reviewed and are monitoring 11 bills of which only two directly impact the program. These are House Bill (HB) 4087, which proposes amending Texas Tax Code §11.31(16)(k) and (m) and the addition of new m-1 and m-2, and Senate Bill (SB) 1469, which would require the periodic re-review of positive use determinations. Various committee members discussed HB 4087 and its relationship to the resolution discussed in the next section. The purpose of the amendments is to clarify when the use of item K-16 is applicable and to clarify if carbon capture systems are used wholly or partly for pollution control. As proposed, the application of HB 4087 would be limited to one facility.

As proposed, SB 1469 would require holders of positive use determinations to file a new application with the TCEQ every three years and the TCEQ to evaluate the application and issue a new use determination. During a hearing on the bill, a suggestion was made to limit the requirement to only Tier II and III applications and to extend the time period to five years. Mr. Don Lee pointed out that this recommendation was included in the report issued by the Legislative Budget Board several years ago.

Discussion of “meet or exceed” in Texas Tax Code §11.31(b) – continuation from 3/6/15 meeting

Mr. Mike Nasi distributed an amended proposed resolution entitled “[Recommended Clarification of Eligibility for the TCEQ Pollution Control Property Tax Program](#).” The resolution “advises that carbon capture utilization and storage (CCUS) equipment installed at an existing power plant now has an adequate environmental rule in place to provide the basis for eligibility of the CCUS equipment for a positive use determination, if the other program requirements are met.” During the ensuing discussion there was general agreement that since sources of CO₂ are subject to regulation by the Environmental Protection Agency (EPA) the threshold for applicability of item K-16 has been met. The purpose of the resolution is to clarify this for the TCEQ, but it does not require that a positive use determination be issued.

The resolution, with one minor amendment, was adopted by the committee without opposition.

Other

1. Old Business

None

2. New Business

Dr. Cyrus Reed suggested that once EPA’s Clean Power Plant rule becomes final the committee will need to discuss its applicability to the Tax Relief Program.

Mr. Roland Bieber thanked Mr. Lee, Mr. Sandlin, and Mr. Nasi for the time that they spent working on the committee resolution. Mr. Adair echoed his comments.

3. ***Other General Comments from the Public***

None

Action Items

None

Adjourn

The meeting adjourned at 10:45 P.M.

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee
August 31, 2015
10:00 A.M. – 11:40 A.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members were present except for Mr. Robert Castor, Mr. Roland R. Bieber, and Mr. C. Wayne Frazell.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

Prop 2 legislative update from TCEQ staff and/or Advisory Committee members

Mr. Ron Hatlett, TCEQ staff, explained that no bills impacting the Tax Relief for Pollution Control Property program passed the legislature. A bill regarding methane capture at landfills passed but it does not require action by TCEQ.

Mr. Bob Adair mentioned that no rulemaking is planned and that the three-year review will start in 2016. Rulemaking would be required only if necessary changes to the Tier 1 Table or Expedited Review List are identified during the review.

Reminder of process and timeline for application to TCEQ Tax Relief Advisory Committee

Mr. Ron Hatlett stated that the applications are available online and that September 15, 2015, is the deadline to file applications. Current Committee members must reapply if their terms are expiring. The Commission will discuss the nominations and appoint members at a December agenda meeting.

Discussion of “meet or exceed” in Texas Tax Code §11.31(b) – continuation from 3/6/15 and 4/24/15 meetings (excluding items 1(a) and 2 of attachment to 3/16 meeting minutes)

The Committee began discussion of Item 1) d) regarding eligibility for property tax abatement of pollution control equipment acquired to satisfy a requirement that is subsequently invalidated. The Committee is looking to address concerns about the possibility that pollution control equipment acquired to comply with adopted rules may not be eligible for a property tax exemption if those rules were subsequently invalidated before a property tax exemption were granted. After much discussion by Committee members, a motion to table Item 1) d) was passed with no opposition so that the language could be further refined and a rationale could be written.

The Committee briefly discussed Items 1) b) and 1) c). Item 1) b) would serve to clarify the eligibility of pollution control equipment that is installed before a rule or regulation is finalized or to avoid regulation because of the use of the property. Item 1) c) would serve to clarify that pollution control equipment should be eligible for a use determination that is effective upon the effective date of the regulation in instances where the rule is retroactively effective. Several Committee members mentioned that Item 1) b) could be separated into two Items. No action was taken on these Items.

Other

1. Old Business

None

2. New Business

Dr. Cyrus Reed asked when the next Annual Report will be available. Mr. Ron Hatlett responded that it is currently under review and that it should be posted by the end of September. Dr. Reed asked that a discussion of the Report be added to a future agenda.

3. Other General Comments from the Public

None

Action Items

None

Adjourn

The meeting adjourned at 11:40 A.M.

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee
November 17, 2015
10:00 A.M. – 10:24 A.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members were present except for Mr. Mike Nasi and Dr. Cyrus Reed.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

Status on Appointment or Reappointment of Advisory Committee members with terms expiring in 2015

Ms. Shelley Naik, TCEQ staff, explained that the terms of six members were expiring. These members are Mr. Paul Coon, Mr. Lloyd Graham, Mr. Don Lee, Mr. Greg Maxim, Mr. Mike Nasi, and Dr. Cyrus Reed. The agency received seven applications. All six members reapplied. The additional application was for one of the industry positions. The TCEQ Executive Director's recommendations will be submitted to the commission on November 20 and will be on the December 9 commission agenda.

Election of 2016 Chair (presiding Officer) of Advisory Committee as required by Article 3, Section 2 of the Advisory Committee bylaws

Mr. Bob Adair opened this item for discussion. A suggestion was made that since there could potentially be a new member of the committee that the election should not occur until after the December 9 commission agenda. After additional discussion the committee decided to proceed with the election. A nomination for Mr. Adair was made and seconded. No other nominations were proposed. Mr. Adair was re-elected.

Discussion of "meet or exceed" in §11.31(b) – continuation from 8/31/15 meeting (excluding items 1(a) and 2 of attachment to 3/6 meeting minutes)

This issue was initially presented to the committee by Mr. Mike Nasi who was unable to attend the meeting or participate via the conference call. The item was left pending.

Other

1. Old Business

Mr. Bob Adair mentioned that the required three-year review of the Tier I Table and the Expedited Review List would occur in 2016. Rulemaking would be required only to implement changes. Mr. Charles Allred requested clarification about the removal of partial percentages from the Tier I Table. Mr. Ron Hatlett, TCEQ Staff, explained that during previous rulemaking it was determined that information used to calculate partial percentages for items on the list was either out-of-date or no longer valid. The partial percentages were then removed from the list. If during an upcoming review process it is determined that there are items where the review will always lead to the same partial percentage those items could be added to the list.

2. New Business

Mr. Don Lee requested an update on the litigation related to the negative determinations for applications containing Heat Recovery Steam Generators. Mr. Don Redmond, TCEQ Legal Staff, explained that there were 12 lawsuits assigned to five judges. Legal briefs

have been filed for the suit concerning the two Brazos Electric Co-op applications. There will be a hearing on the merits of this suit on December 16.

Mr. Charles Allred brought forth a concern from some applicants that the TCEQ's application review process was difficult to navigate in particular when responding to notice of deficiency (NOD) letters. Mr. Hatlett responded that over the previous year the TCEQ had conducted four training seminars that specifically addressed how to respond to an NOD and that during the application review process staff were available to answer any questions an applicant may have.

3. *Other General Comments from the Public*

None

Action Items

TCEQ staff will post the recommendations for committee member appointments on the Advisory committee section of the Tax Relief web page on November 20.

Adjourn

The meeting adjourned at 10:24 A.M.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TAX RELIEF FOR POLLUTION CONTROL PROPERTY ADVISORY COMMITTEE
BYLAWS**

ARTICLE 1 – PURPOSE

1. The purpose of the Tax Relief for Pollution Control Property Advisory Committee (the Committee) is to advise the Commissioners of the Texas Commission on Environmental Quality (TCEQ) on matters relating to property tax exemptions for pollution control property.

ARTICLE 2 – MEMBERSHIP

1. Number of Members: The size of the Committee may vary from time to time, but may not exceed thirteen members. The Committee will be comprised of members of industry, appraisal districts, taxing units, school district or junior college district, environmental groups, and members who are not representatives of any of the aforementioned entities but have substantial technical expertise in pollution control technology and environmental engineering.
2. Terms of Appointment: Members of the Committee are appointed by and serve at the pleasure of the Commission. Members of the Committee will serve staggered four-year terms and may be reappointed.
3. Resignation and Replacement Appointment: If a member of the Committee resigns, dies, becomes incapacitated, is removed by the Commission, otherwise vacates his or her position, or becomes ineligible prior to the expiration of his or her term, the Commission shall appoint a replacement who shall serve the remainder of the unexpired term.
4. Attendance: A record of attendance at each meeting of the Committee will be made. If a member misses three consecutive regularly scheduled meetings or more than half of all of the regularly scheduled meetings in a one-year period, that member automatically vacates his or her position on the Committee and the Commissioners shall appoint a replacement who shall serve for the remainder of the unexpired term.

ARTICLE 3 – PRESIDING OFFICER

1. Presiding Officer: The Committee shall elect from its members a Presiding Officer. The Presiding Officer shall preside over the Committee, develop meeting agendas, and provide written reports to the Commissioners.
2. Terms of Office: Elections shall be held annually or at the request of a majority of the members of the Committee. Votes shall be cast by public or secret ballot as decided by the Committee. Absentee votes may be cast by telephone or other acceptable technology during a recorded Committee meeting with said election. Proxy votes will not be allowed. The Presiding Officer may be re-elected.

ARTICLE 4 – MEETINGS

1. Meeting Schedule: Meetings will be held quarterly or at the call of the Presiding Officer or the Commissioners.
2. Agenda Development: Meeting agendas will be developed by the Presiding Officer with assistance from Executive Director staff. Any member wishing to include an item on the agenda has the responsibility to draft and present the proposed agenda item to the Presiding Officer for approval and inclusion. Agendas will typically adhere to the following fixed order: 1. Call to order, 2. Roll call of members present, 3. Publicly posted agenda items, 4. Old business, 5. New business, 6. Announcements, and 7. Adjournment.
3. Public Participation: Committee meetings will be open to the public. Members of the public will be asked to sign an attendance sheet. Comments from members of the public may be permitted at the discretion of the Presiding Officer. The Presiding Officer shall ensure that there is an opportunity for public participation at every Committee meeting.

ARTICLE 5 – MOTIONS AND VOTING

1. Obtaining the Floor: Members who wish to obtain the floor shall wait until the preceding speaker has finished addressing the Presiding Officer, and wait to be recognized by the Presiding Officer.
2. Motions: Motions should be stated in the affirmative (i.e., “I move that we...,” not “I move that we do not...”). The Presiding Officer will address motions generally in accordance with Robert’s Rules of Order.
3. Establishing a Majority: For administrative decisions, such as the election of the Presiding Officer or amending Committee bylaws, a majority is established by a majority of all members of the Committee. For all other matters, a majority is established by a simple majority of all members present, so long as a quorum of more than 50% of the Committee members is present.
4. Voting: The Committee will vote on any issue communicated as advice to the Commissioners and other issues within the purview of the Committee. Absentee votes may be cast by telephone or other acceptable technology after a motion has been presented and prior to adjournment. Administrative matters may be voted on by electronic means, provided no member of the Committee objects. All votes will be taken by general voice, show of hands, or roll call, with each member answering “aye” or “no” when his or her name is called by the Presiding Officer. Proxy votes will not be allowed. Consensus is not required. If a motion receives a vote of opposition, the Presiding Officer will call for a vote in a manner that will record the names of members for and against the motion. Executive Director staff will assist the Presiding Officer in preparing the Committee’s written recommendation to the Commissioners. If there is not consensus among all members of the Committee, minority members are encouraged to submit minority reports for the Commissioners’ consideration. Executive Director staff will assist minority members in drafting minority reports.

ARTICLE 6 – RECORDS AND REPORTS

1. Periodic Reports to the Commission: When requested by the Commissioners the Committee shall provide written reports containing their recommendations regarding matters associated with the tax relief for pollution control property program.
2. Annual Reports to the Commission: Unless otherwise directed, the Committee shall report to the Commissioners a minimum of once per year. The report must be sufficient to allow the Commissioners to properly evaluate the Committee's work, usefulness, and the costs related to the Committee's existence.
3. Records of Committee Meetings: Executive Director staff shall audio record each Committee meeting. Executive Director staff shall also record and maintain the attendance and minutes of each Committee meeting. Executive Director staff shall maintain a record of actions taken at Committee meetings and shall distribute approved attendance lists, meeting minutes, and other Committee documents to the Commissioners and Committee members upon request. Minutes and Committee reports will be maintained in a form and location that is easily accessible to the public, including on the TCEQ's website.