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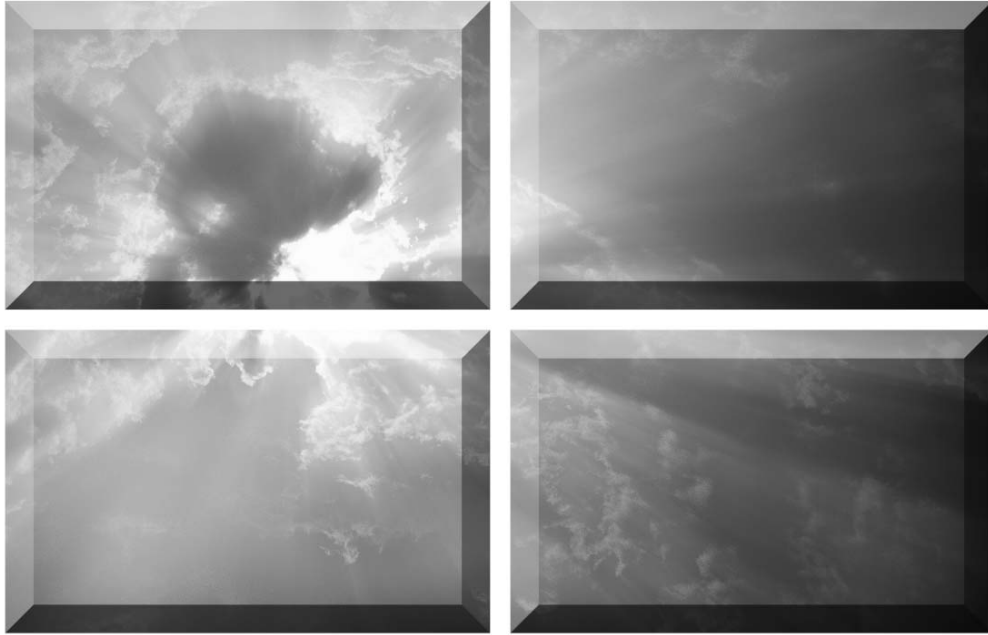
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



# Strategic Plan

*FISCAL YEARS 2007 – 2011*



# Strategic Plan

*FISCAL YEARS 2007 – 2011*

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

July 2006

Handwritten signature of Kathleen Hartnett White in cursive.

Kathleen Hartnett White  
Chairman  
Austin

Term Expires: August 31, 2007

Handwritten signature of Larry R. Soward in cursive.

Larry R. Soward  
Commissioner  
Austin

Term Expires: August 31, 2009



**Kathleen Hartnett White**, Chairman  
**Larry R. Soward**, Commissioner

**Glenn Shankle**, Executive Director

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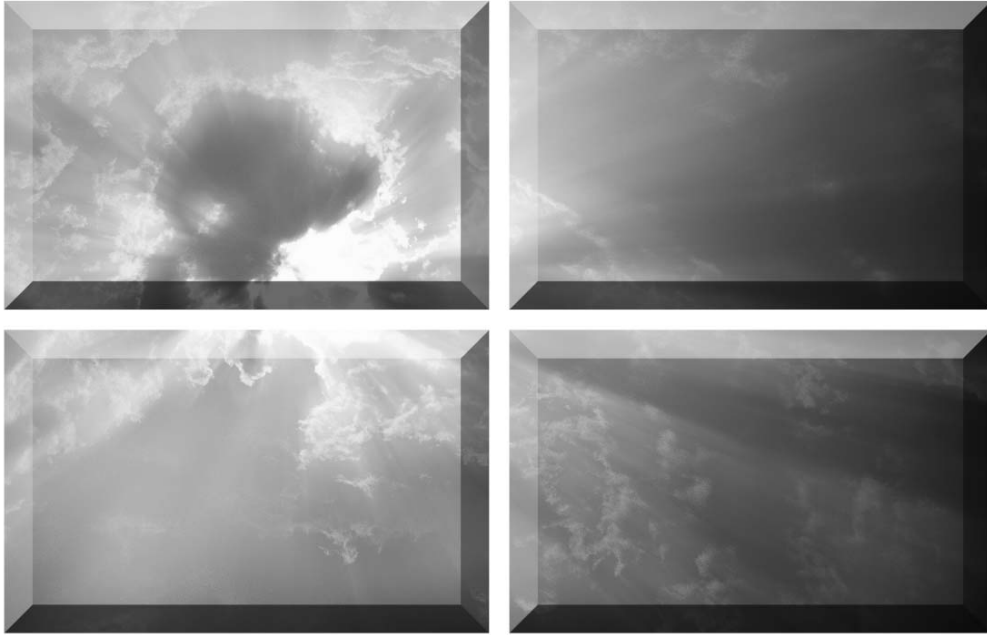
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TCEQ STRATEGIC PLAN  
FISCAL YEARS 2007-2011



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# Part I

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## Vision, Mission, and Goals

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**Commissioners' Statement**

**Statewide Vision and Mission**

**Relevant Statewide Goals and Benchmarks**

**Agency Vision and Mission**





## Commissioners' Statement

The State of Texas is enjoying an extraordinary period of prosperity and an unprecedented era of growth. Our population is predicted to almost double by the year 2050—to 40 million people. The Texas Commission on Environmental Quality (TCEQ) serves a crucial role in ensuring that Texas today, tomorrow, in 2050, and into the future has the quality of life and the abundant natural resources that will continue to attract people, businesses, and industries to this great state.

The TCEQ will be at the center of or a partner in many of the critical decisions that must be made to adequately plan, fund, and provide the infrastructure for our booming population. With a population predicted to double, we know that there will be a commensurate increase of demands on our water resources and landfill space, and the potential for impacts to air quality from the growth of point sources, area sources, and mobile sources. We believe that we can make those critical decisions, and indeed provide the necessary infrastructure, consistent with our goal of clean air, clean water, and the safe management of waste.

Working in partnership with citizens, industries, businesses, and federal, state, and local entities, the TCEQ has made significant progress in reducing environmental impacts and maintaining and enhancing the quality of life in Texas. This steady and measurable progress has been made through a broad spectrum of private and public efforts, all of which have occurred during tremendous economic prosperity and growth. We intend to continue our progress on the path of protecting the environment and our natural resources while maximizing economic development opportunities.

We believe that the rate of our progress and ultimate success will depend on: continued adherence to adopting, implementing, and consistently applying sensible regulations; effective enforcement of violations of environmental laws; dependence on sound

science and innovative technology; and public participation from every sector. Perhaps most critical to our success are the agency's human resources; we maintain our strong commitment to attract and retain a diverse and high-quality workforce.

As the commissioners of the TCEQ, we approach our jobs with the fundamental tenet that we are the humble servants of the people of Texas. This belief impacts every action we take and every decision we make. It also points us toward continually striving to improve how we perform our vital mission.

## Statewide Vision and Mission

The Governor's philosophy of limited government and belief in personal responsibility is reflected in the following critical priorities:

- Assuring open access to an educational system that not only guarantees the basic core knowledge necessary for citizenship, but also emphasizes excellence and accountability in all academic and intellectual undertakings.
- Creating and retaining job opportunities and building a stronger economy that will lead to more prosperity for our people, and a stable source of funding for core priorities.
- Protecting and preserving the health, safety, and well-being of our citizens by ensuring that health care is accessible and affordable, and that our neighborhoods and communities are safe from those who intend us harm.
- Providing disciplined, principled government that invests public funds wisely and efficiently.

## The Mission of Texas State Government

Texas state government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of the public trust must be men and women who administer state government in a fair, just, and responsible manner.

To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner. Aim high ... we are not here to achieve inconsequential things!

## The Philosophy of Texas State Government

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise we will promote the following core principles:

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics, or individual recognition.
- Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
- Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
- Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. And just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future and the future of those they love.
- Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
- State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse, and providing efficient and honest government.

Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

## Relevant Statewide Goals and Benchmarks

### Natural Resources and Agriculture

The priority goal is to conserve and protect our state's natural resources—air, water, land, wildlife, and mineral resources—by:

- Providing leadership and policy guidance for state, federal, and local initiatives.
- Encouraging responsible, sustainable economic development.

### Benchmarks

- Percent of nitrogen oxide and criteria pollutants reduced in the air.
- Percent of water conservation through decreased water usage, increased water reuse, and brush control.
- Percent of Texas waters that meet or exceed safe water quality standards.
- Percent of polluted site cleanups to protect the environment and public health.
- Percent of regulatory permits processed while ensuring appropriate public input.
- Percent of environmental violations tracked and reported.
- Percent of implemented new technologies that provide efficient, effective, and value-added solutions for a balanced Texas ecosystem.

## Agency Vision and Mission

### 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, good science, and fiscal responsibility.

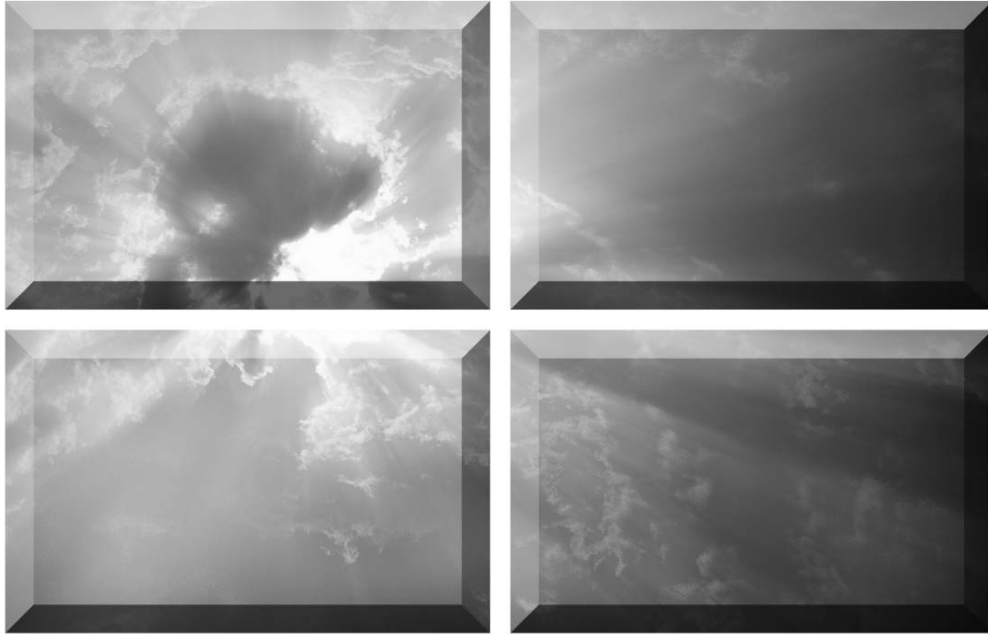
- Ensure that regulations are necessary, effective, and current.
- Apply regulations clearly and consistently.
- Ensure consistent, just, and timely enforcement when environmental laws are violated.
- Ensure meaningful public participation in the decision-making process.
- Promote and foster voluntary 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/affirmative action employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, or veteran status.



TCEQ STRATEGIC PLAN  
FISCAL YEARS 2007-2011



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# Part II

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## External and Internal Assessment

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### **Chapter 1. Historical and Organizational Overview**

Overview of Agency Scope and Functions | Historical Perspective  
Main Functions | Agency Workforce | Organizational Structure

### **Chapter 2. Geographic Aspects**

Geographic Location of the Agency | Affected Populations  
Special Geographic Regions Served

### **Chapter 3. Organizational Aspects**

Capital Assets and Improvements | Facility Improvements  
Historically Underutilized Businesses (HUBs) | Financial Status and Outlook  
Economic and Population Forecast | Technological Developments

### **Chapter 4. Impact of Federal, State, and Legal Actions**

Federal Authority | The 79th Legislature | Significant Court Cases



# Historical and Organizational Overview

## Overview of Agency Scope and Functions

In a state with diverse environmental challenges, the Texas Commission on Environmental Quality implements a broad range of state and federal regulatory and cooperative activities.

## Statutory Authority

Many of the TCEQ’s air, water, and waste regulatory and compliance activities are administered pursuant to state and federal law. The agency’s water-rights activities are established under state law. Table 1 lists the major citations for the agency’s authority under state law.

**Table 1. Statutory Citations for TCEQ Authority**

Statutory Citation	Chapter Title	Brief Description
Texas Water Code, Chapter 5	Texas Natural Resource Conservation Commission	This chapter defines the organizational structure of the commission, its duties, responsibilities, authority, and functions. The chapter also establishes the office of the executive director to manage the administrative affairs of the commission.
Texas Water Code, Chapter 7	Enforcement	This chapter sets forth the duties and obligations of the commission and the executive director to institute legal proceedings and to compel compliance with the relevant provisions of the Water Code and the Health and Safety Code, and rules, orders, permits, or other decisions of the commission. The chapter authorizes the imposition of administrative, civil, and criminal penalties.
Texas Water Code, Chapter 11	Water Rights	The state of Texas holds title to surface water in trust for the public. This chapter establishes a permitting system for the use of surface water administered by the commission, and requires adjudication of claims by state courts.
Texas Water Code, Chapter 12	Provisions Generally Applicable to Water Rights, Dam Safety, and Water Districts	This chapter directs the manner in which dams and water rights and applications will be processed, and defines the agency’s general supervision over dams and water districts and authorities.
Texas Water Code, Chapter 13	Water Rates and Services	This chapter establishes a comprehensive system of regulating water and sewer utilities to ensure that rates, operations, and services are provided that are just and reasonable to consumers and utilities.

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**Table 1. Statutory Citations for TCEQ Authority (continued)**

Statutory Citation	Chapter Title	Brief Description
Texas Water Code, Chapter 16.236	Construction of Levees	This chapter requires the commission to review levee projects and adopt rules.
Texas Water Code, Chapter 26	Water Quality Control	This chapter requires that the commission ensure that the quality of water in the state is maintained consistent with the public health and enjoyment, the protection of terrestrial and aquatic life, the operation of existing industries, and the economic development of the state; and authorizes the commission to establish permitting, management, and monitoring programs to support this protection.
Texas Water Code, Chapter 27	Injection Wells	This chapter is designed to maintain the quality of fresh water in the state and establishes a permitting system for injection well activity, unless the activity is authorized by rule of the commission or subject to the jurisdiction of the Railroad Commission.
Texas Water Code, Chapter 28	Drilled or Mined Shafts	This chapter establishes permitting requirements for drilled or mined shafts.
Texas Water Code, Chapter 32	Subsurface Area Drip Dispersal Systems	This chapter establishes permitting requirements for subsurface area drip dispersal systems.
Texas Occupations Code, Chapter 1903	Landscape Irrigators	This chapter requires the commission to license landscape irrigators and adopt rules for a licensing program for landscape irrigators.
Texas Water Code, Chapter 35	Groundwater Studies	This chapter requires the commission to evaluate and designate priority groundwater management areas.
Texas Water Code, Chapter 36	Groundwater Conservation Districts	This chapter authorizes the creation of groundwater conservation districts to provide for the conservation, preservation, protection, recharging, and prevention of waste in groundwater; and to control subsidence, consistent with the objectives of Section 59, Article XVI, Texas Constitution. The chapter recognizes groundwater conservation districts as the state's preferred method of groundwater management.

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**Table 1. Statutory Citations for TCEQ Authority (continued)**

Statutory Citation	Chapter Title	Brief Description
Texas Water Code, Chapter 37	Occupational Licensing and Registration	This chapter requires the commission to adopt rules for licenses and registrations prescribed by Texas Water Code §§ 26.0301, 26.3573, 26.452, and 26.456; Texas Health and Safety Code §§ 341.033, 341.034, 361.027, and 366.071; and Texas Occupations Code § 1903.251.
Texas Water Code, Chapters 41–44 and 46–47	River Compacts	This chapter provides a means for Texas and bordering states to enter into interstate agreements governing boundary and shared-use waters (Rio Grande, Pecos River, Red River, Caddo Lake, Canadian River, Sabine River). Such agreements must be ratified by Congress.
Texas Water Code, Chapter 49	Provisions Applicable to All Districts	This chapter describes the rights, duties, and obligations of districts created by the authority of either Section 52, Article III, or Section 59, Article XVI, of the Texas Constitution (unless exempted by other law). Generally, the provisions define the agency’s role in approving district bonds, appointing directors, approving certain fees, dissolving districts, and other district actions.
Texas Water Code, Chapters 51–66; Local Government Code, Chapter 375	The title of each chapter is the particular type of district that it applies to—for example, Municipal Utility Districts	Each chapter provides provisions that apply to each specific type of district.
Health and Safety Code, Chapter 341, Subchapter C	Sanitary Standards of Drinking Water; Protection of Public Water Supplies and Bodies of Water	This chapter is established to preserve the public health, safety, and welfare by requiring the commission to ensure that public drinking water supply systems supply safe drinking water in adequate quantities, are financially stable, and are technically sound. The chapter prescribes a review and approval process to be applied prior to the construction and operation of a new public water system; and establishes administrative, civil, and criminal penalties for noncompliance.

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**Table 1. Statutory Citations for TCEQ Authority (continued)**

Statutory Citation	Chapter Title	Brief Description
Health and Safety Code, Chapter 361	Solid Waste Disposal Act	This chapter is established to safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste. The chapter authorizes the commission to control all aspects of the management of municipal and industrial solid waste, and establishes a permitting system to administer this responsibility. The chapter includes provisions authorizing the investigation and remediation of sites contaminated by hazardous substances.
Health and Safety Code, Chapter 382	Texas Clean Air Act	This chapter is established to safeguard the state's air resources from pollution, consistent with the protection of public health, general welfare, and physical property, including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility. The chapter establishes a comprehensive permitting system applicable to a variety of facilities emitting pollutants from operations and an alternative fuels program applicable to certain vehicles.
Health and Safety Code, Chapter 384	Area Emission Reduction Credit Organizations (AERCO)	This program allows the establishment of organizations to promote the creation, trading, and tracking of emission reduction credits in nonattainment areas. The commission has oversight authority to approve the initial establishment, withdraw approval, dissolve or renew, and to audit an AERCO.
Health and Safety Code, Chapter 386	Texas Emissions Reduction Plan (TERP)	This chapter establishes a number of program components aimed at reducing air emissions, including mobile source incentives and energy-efficiency requirements. The primary responsibility of the TCEQ is to implement the Diesel Emissions Reductions Incentive Program by awarding grants for the installation of emission control equipment.

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**Table 1. Statutory Citations for TCEQ Authority (continued)**

Statutory Citation	Chapter Title	Brief Description
Health and Safety Code, Chapter 387	New Technology Research and Development Program (NTRD)	This chapter provides for grants to fund the development of new emission reduction techniques, especially those that could eventually be commercially used and funded through the TERP program. The TCEQ became responsible for this program in 2003.
Health and Safety Code, Chapter 401	Radioactive Materials and Other Sources of Radiation	This chapter authorizes a program that will ensure the effective regulation of sources of radiation for protection of the occupational and public health and safety and the environment, and will promote the orderly regulation (in the state, among states, and between the federal government and the state) of sources of radiation to minimize regulatory duplication. The chapter establishes a licensing and registration system applicable to persons who manufacture, produce, transport, own, process, or dispose of a source of radiation not exempted by law. The TCEQ is responsible for the regulation of the disposal of radioactive materials except byproduct material and oil and gas NORM waste.

## Historical Perspective

The history of natural-resource protection by the state of Texas is one of gradual evolution from protecting the right of access to natural resources (principally surface water) to a broader role in protecting public health and conserving natural resources for future generations of Texans.

### Major Events in TCEQ History

Natural-resource programs were established in Texas at the turn of the 20th century, motivated initially by concerns over the management of water resources and water rights. In parallel with developments in the rest of the nation and at the federal level, state natural-resource efforts broadened at mid-century to include the protection of air and water resources and, later, the regulation of hazardous and nonhazardous waste generation.

During the 1990s, the Texas Legislature moved to make natural-resource protection more efficient by consolidating programs. This trend culminated in the creation of the Texas Natural Resource Conservation Commission in the fall of 1993 as a comprehensive environmental protection agency. Sunset legislation passed by the Texas Legislature in 2001 changed its name to the Texas Commission on Environmental Quality, and continues the agency until 2013.

The major events in TCEQ history are outlined below. Federal items of special importance are set in bold.

- 1905 ■ The Legislature authorizes the creation of the first drainage districts.
- 1913 ■ The Irrigation Act creates the Texas Board of Water Engineers to establish procedures for determining surface water rights.
- 1919 ■ The Legislature provides for the creation of freshwater supply districts.

- 1925 ■ The Legislature provides for the organization of water control and improvement districts.
- 1929 ■ The Legislature creates the first river authority (Brazos River Authority).
- 1945 ■ Legislation authorizes the Texas Department of Health to enforce drinking water standards for public water supply systems.
- 1949 ■ State legislation declares that groundwater is private property.  
■ The Legislature creates underground water conservation districts.
- 1953 ■ The Legislature creates the Texas Water Pollution Control Advisory Council in the Department of Health as the first state body charged with dealing with pollution-related issues.
- 1956 ■ **Congress passes the Federal Water Pollution Control Act.**  
■ Texas' first air quality initiative is established when the State Department of Health begins air sampling in the state.
- 1957 ■ The Legislature creates the Texas Water Development Board (TWDB) to forecast water supply needs and provide funding for water supply and conservation projects.
- 1961 ■ The Texas Pollution Control Act establishes the Texas Water Pollution Board, and eliminates the Water Pollution Advisory Council, creating the state's first true pollution-control agency.  
■ A water well drillers advisory group is established.  
■ The Injection Well Act is passed, authorizing the Texas Board of Water Engineers to regulate waste disposal (other than that from the oil and gas industry) into the subsurface through injection wells.
- 1962 ■ The Texas Board of Water Engineers becomes the Texas Water Commission, with additional responsibilities for water conservation and pollution control.  
■ The Texas Water Pollution Board adopts its first rules and regulations.
- 1963 ■ **Congress enacts the Clean Air Act.**
- 1965 ■ The Texas Clean Air Act establishes the Texas Air Control Board in the Department of Health to monitor and regulate air pollution in the state.  
■ The Texas Water Commission becomes the Texas Water Rights Commission, and functions not related to water rights are transferred to the Texas Water Development Board.
- 1967 ■ The Texas Water Quality Act establishes the Texas Water Quality Board (TWQB), assuming all functions of the Water Pollution Control Board. The TWQB adopts its first rules.  
■ The Texas Air Control Board adopts first air quality regulations.
- 1969 ■ Texas takes over most federal air monitoring responsibilities.  
■ The Texas Solid Waste Disposal Act authorizes the Texas Water Quality Board to regulate industrial solid waste, and the Texas Department of Health to regulate municipal solid waste.  
■ A presidential order creates the federal Environmental Protection Agency (EPA).
- 1970 ■ **The federal Clean Air Act is amended, requiring states to develop State Implementation Plans (SIPs).**
- 1971 ■ **The EPA adopts National Ambient Air Quality Standards.**  
■ The Legislature first authorizes municipal utility districts.  
■ The Texas Air Control Board establishes air permits program.
- 1972 ■ **Congress passes the Clean Water Act.**  
■ The Texas Air Control Board submits the first State Implementation Plan to the EPA. It also deploys the first continuous air monitoring station.
- 1973 ■ The Legislature removes the Texas Air Control Board from the Department of Health, making it an independent state agency.

- 1974 ■ Texas et al. vs. the U.S. Environmental Protection Agency challenges the EPA's plan for controlling ozone in Texas.
- The Texas Air Control Board completes deployment of first continuous monitoring network.
- **Congress enacts the Safe Drinking Water Act.**
- 1976–1979 ■ **Congress passes the Resource Conservation and Recovery Act (RCRA) to govern the disposal of all types of solid and hazardous wastes.**
- 1977 ■ **The federal Clean Air Act and Clean Water Act are amended.**
- The Legislature creates the Texas Department of Water Resources (TDWR) by combining the three existing water agencies in an effort to consolidate the state's water programs. A six-member board is set up as a policy-making body for the new agency. The TWDB is retained as the legislative, or policy-making body. The Water Rights Commission is renamed the Texas Water Commission and sits as a quasi-judicial body that rules on permits. The Water Quality Board is abolished.
- 1979 ■ The Texas Air Control Board submits revisions of the State Implementation Plan to the EPA.
- 1980 ■ **Congress enacts the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund, to provide funding for the cleanup of contaminated sites.**
- The Texas Air Control Board submits plan to address lead pollution to the EPA.
- 1982 ■ Texas receives Underground Injection Control (UIC) authorization.
- 1984 ■ **Congress passes the Hazardous and Solid Waste Amendments (HSWA) to the RCRA.**
- Texas receives final Resource Conservation and Recovery Act (RCRA) authorization.
- 1985 ■ The Legislature dissolves the Department of Water Resources and transfers regulatory enforcement to the recreated Texas Water Commission, and planning and finance responsibilities to the recreated Water Development Board.
- The Legislature moves the Water Rates and Utilities Services Program from the Public Utility Commission of Texas to the newly created Texas Water Commission.
- The Texas Air Control Board mobile sampling laboratory is first deployed.
- 1986 ■ **Congress passes the Superfund Amendments and Reauthorization Act (SARA), reauthorizes CERCLA, and creates the Toxics Release Inventory (TRI).**
- **Congress amends the Safe Drinking Water Act.**
- 1987 ■ **Congress passes the Water Quality Act.**
- Texas establishes an EPA-approved wellhead-protection program.
- 1989 ■ The Legislature expands and funds the Petroleum Storage Tank (PST) Program.
- The Texas Radiation Control Act authorizes the Texas Department of Health to license the disposal of radioactive waste.
- 1991 ■ **Federal Clean Air Act Amendments of 1990 are implemented, and expansion of Texas Air Control Board staffing begins in support of the act.**
- The Legislature, in special session, creates the Texas Natural Resource Conservation Commission to be effective Sept. 1, 1993. Preparation begins for the consolidation of the Texas Water Commission and the Texas Air Control Board into the TNRCC.
- 1992 ■ The Texas Water Commission acquires responsibility for drinking water, municipal solid waste, and the licensing of radioactive substances from the Texas Department of Health.
- The Water Well Drillers Board and the Board of Irrigators are merged into the Texas Water Commission.
- 1993 ■ The Texas Natural Resource Conservation Commission begins operation, bringing together for the first time regulatory programs for air, water, and waste.
- 1997 ■ The Legislature transfers water well drillers regulation from the TNRCC to

the Texas Department of Licensing and Regulation. The Legislature returns uranium mining, processing, and by-product disposal oversight functions to the Texas Department of Health.

- The TNRCC concludes a Performance Partnership Agreement with the EPA, allowing limited flexibility in federally funded program organization and funding. Aim of agreement is to allocate resources most appropriately throughout Texas on a regional basis.
  - The Legislature adopts Senate Bill 1, mandating water conservation planning for large water users and requiring development of drought contingency plans by public water suppliers.
- 1998 ■ Texas receives National Pollutant Discharge Elimination System (NPDES) authorization.
- 1999 ■ The Legislature transfers the functions of the Texas Low-Level Radioactive Waste Disposal Authority to the TNRCC.
- 2001 ■ The agency is continued for 12 years under House Bill 2912, which includes a provision to change the TNRCC's name to the Texas Commission on Environmental Quality by Jan. 1, 2004.
- The Legislature transfers responsibility for environmental laboratory accreditation, and certification of residential water treatment specialists from the Texas Department of Health to the TNRCC.
  - The Texas Environmental Health Institute is created by joint agreement between the TNRCC and the Texas Department of Health to identify health conditions related to living near a federal or state Superfund site.
  - The Texas Emissions Reduction Plan (TERP) is established by the Legislature to be administered by the TNRCC, the Comptroller, the Public Utility Commission of Texas, and the Texas Council on Environmental Technology.
- 2002 ■ The agency formally changes its name on Sept. 1 from the Texas Natural Resource Conservation Commission (TNRCC) to the Texas Commission on Environmental Quality (TCEQ).
- 2003 ■ TERP is fully funded by the Texas Legislature through the passage of House Bill 1365.
- The Texas Legislature passes House Bill 1366 and establishes a dry cleaning regulation and remediation program at the agency.
  - The Texas Legislature, in the third called session, passes House Bill 37, which transfers the technology research and development program from the Texas Council on Environmental Technology (TCET) to the TCEQ.
  - Through House Bill 1567, the Legislature provides for the licensing of a low-level radioactive waste (LLRW) disposal facility, and establishes procedures for the agency to accept and assess license applications from private entities to dispose of LLRW.
  - The agency implements the Permit Time-Frame Reduction Project, designed to shorten the time it takes to review major uncontested permits.
- 2004 ■ The agency initiates the Environmental Monitoring and Response System (EMRS), designed to improve the TCEQ's ability to measure environmental conditions in real time, notify the public of potential threats, and respond quickly and proactively.
- The agency begins an in-depth examination of its enforcement processes and functions.
- 2005 ■ The TCEQ undertakes a comprehensive review and overhaul of the state's municipal solid waste regulations.
- TCEQ staff continue the comprehensive review, including extensive public involvement, of the entire enforcement process of the agency.
- 2006 ■ On March 1, 2006, the TCEQ adopts major revision, streamlining, and improvement in state municipal solid waste regulations.
- As of February 2006, the TCEQ has reviewed an extensive public record of

comment and adopted a number of significant revisions to the agency’s enforcement process, including a pilot field citation program that began March 13, 2006.

## Main Functions

The Texas Legislature created the agency Sept. 1, 1993, by consolidating the Texas Water Commission, the Texas Air Control Board, and environmental programs from the Texas Department of Health.

The agency’s major responsibilities fall into the following categories:

- Implementing state and federal environmental regulatory laws by issuing permits and authorizations for the control of air pollution; the safe operation of water and wastewater facilities; and the treatment, storage, and disposal of hazardous, industrial, and municipal waste and of low-level radioactive waste.
- Ensuring compliance with state and federal environmental laws and regulations by: conducting inspections of regulated facilities, monitoring air and water quality, providing technical assistance, encouraging voluntary compliance, and taking formal enforcement action against suspected violators.
- Developing plans for the cleanup and eventual reclamation of contaminated industrial and abandoned hazardous waste sites, and for the restoration of air and water quality.
- Setting water rates and allocating surface water rights.
- Planning for air quality, water quality, and waste management by developing the State Implementation Plan for attainment of the National Ambient Air Quality Standards, developing total maximum daily loads to improve water quality, and analyzing solid waste generation and management in Texas.
- Ensuring the delivery of 100 percent of Texas’ equitable share of water as apportioned by the Texas River Compacts.

## Agency Workforce

### Size and Composition

The TCEQ has an authorized workforce of 2,937 budgeted full-time-equivalent (FTE) positions for fiscal 2006. The average age of TCEQ employees is 44.3 years. The overall average tenure of employees as of Aug. 31, 2005, was 11.88 years, an increase of 1.05 years from the 10.83 years reported for fiscal 2003. The agency expects to experience a loss of skills and institutional knowledge as retirements increase over the next few years due to the aging workforce.

The agency continues to receive additional responsibilities, but continues to operate within the mandated FTE limits, without significant reductions in service to its customers. To effectively and efficiently carry out its mission and administer the state’s environmental laws, the TCEQ relies on competent and knowledgeable staff.

Officials/administrators, professionals, and paraprofessionals make up more than 75 percent of the entire workforce. The remaining workforce consists largely of administrative support and technical positions (Table 2).

The TCEQ also relies on 148 contracted staff to provide vital administrative, technical, and professional program support and to perform various information technology functions.

**Table 2. TCEQ Workforce Categories and Average Tenure**

Job Category	TCEQ Workforce FY 2005*	Average Tenure (in years)
Official/Administrator	278 9.99%	12.52
Professional	1,771 63.66%	8.13
Paraprofessional	51 1.83%	7.18
Technical	146 5.25%	7.73
Administrative Support	536 19.27%	7.56
<b>Total Agency Workforce</b>	<b>2,782</b>	

\*Actual head count, not FTEs.  
Data captured from the Human Resources Information System, 8/31/05.

### Human Resources Policies and Procedures

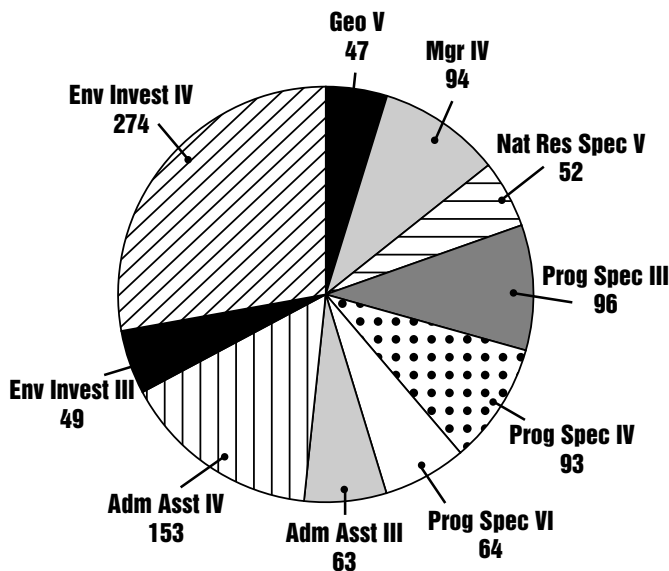
The TCEQ appropriately administers the agency workforce through routine review and revision of human resources policies and procedures. Legislative changes are incorporated into human resources policies, as necessary, every two years. The next regular legislative session will begin Jan. 9, 2007.

### Most Commonly Used Job Classifications

The TCEQ uses a wide variety of job classifications to carry out its mission of preserving the environment. The ten most frequently used job classifications in fiscal 2005, as displayed in Figure 1, were:

- Administrative Assistant III and IV
- Environmental Investigator III and IV
- Geologist V
- Manager IV
- Natural Resources Specialist V
- Program Specialist III, IV, and VI

**Figure 1.**  
Number of Employees in Most Frequently Used Job Classifications at the TCEQ, FY 2005



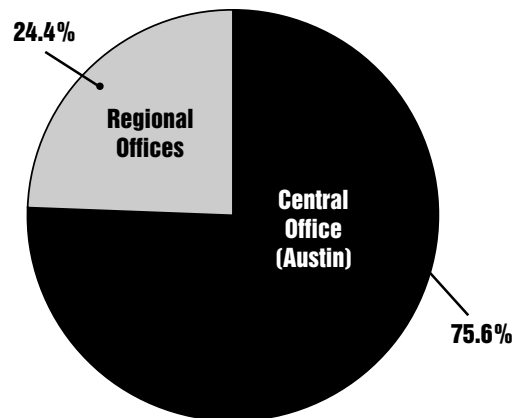
Data captured from the Human Resources Information System, 8/31/05.

### Location of Employees

The TCEQ is authorized in fiscal 2006 to employ 2,937 FTEs in the Austin office and the 16 regional offices throughout the state. As of Aug. 31, 2005, the actual head count was 2,815, with 687 employees, or 24.4 percent of the total workforce, located in the regional offices (see Figure 2).

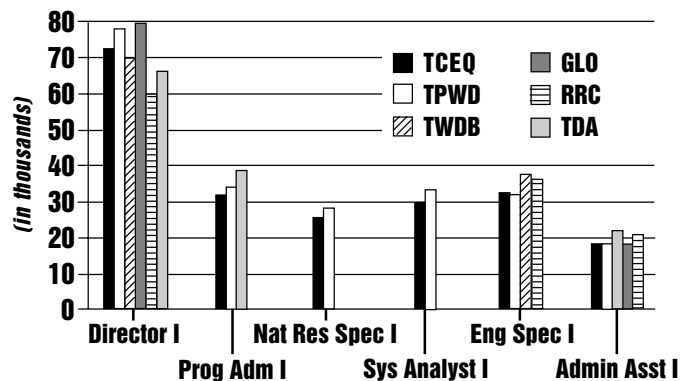
In response to the agency’s initiative to provide better customer service, 113 (16.45 percent) of the regional employees were matrix-managed staff who work in a regional office but are supervised from the Central Office.

**Figure 2.**  
Location of TCEQ Employees



Data captured from the Human Resources Information System, 8/31/05.

**Figure 3.**  
Median Salaries at the TCEQ and Other Texas Natural Resources Agencies, FY 2005





### Salary

Figure 3 uses data from the Electronic Classification Analysis System (E-Class) maintained by the State Auditor’s Office (SAO) to compare the median salaries of widely used entry-level job classifications at several natural resources agencies:

- Texas Parks and Wildlife Department (TPWD)
- Texas Water Development Board (TWDB)
- General Land Office (GLO)
- Railroad Commission (RRC)
- Texas Department of Agriculture (TDA)

### Equal Employment

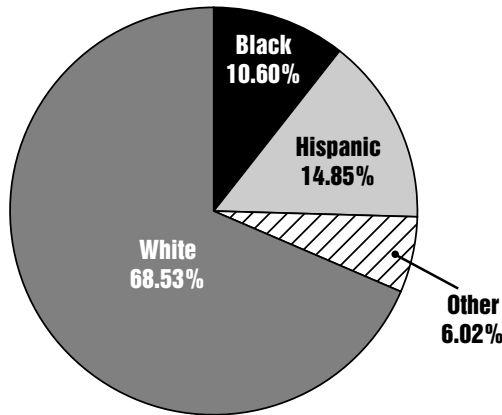
It is the policy of the TCEQ to provide equal employment opportunities to all employees and qualified applicants, regardless of race, color, national origin, sex, sexual orientation, age, disability, or

veteran status. The agency aggressively seeks to recruit, select, and retain a diverse workforce that is representative of the state’s labor force. Approximately 31 percent of the agency’s workforce is represented by ethnic minorities. See figures 4 and 5 for the ethnicity and gender of the TCEQ workforce in FY 2005.

### Agency Workforce Compared to Statewide Workforce

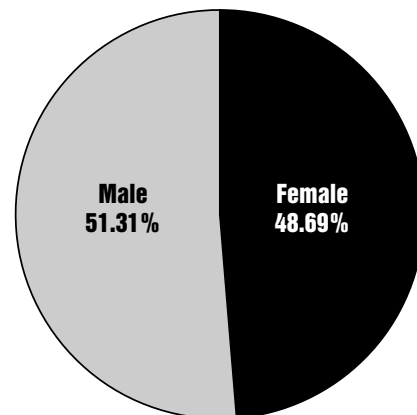
Table 3 illustrates the agency’s workforce as of Aug. 31, 2005, compared to the available workforce as reported by the Civil Rights Division of the Texas Workforce Commission. This table reflects the percentage of Blacks, Hispanics, and females within the statewide available workforce (EEOC column) and the TCEQ workforce, using five employee job categories.

**Figure 4.**  
**Ethnicity of TCEQ Workforce, FY 2005**



*Data captured from the Human Resources Information System, 8/31/05.*

**Figure 5.**  
**Gender of TCEQ Workforce, FY 2005**



*Data captured from the Human Resources Information System, 8/31/05.*

**Table 3. TCEQ Workforce Compared to Available Texas Workforce, 8/31/05**

EEO Job Category	Black		Hispanic		Female	
	EEOC	TCEQ	EEOC	TCEQ	EEOC	TCEQ
Official/Administrator	7.27%	7.42%	11.61%	12.58%	31.63%	33.23%
Professional	9.31%	8.23%	10.85%	11.91%	46.93%	40.48%
Paraprofessional	17.94%	12.07%	31.41%	15.52%	55.81%	79.31%
Technical	13.67%	11.39%	18.89%	20.25%	39.36%	31.01%
Administrative Support	19.59%	19.46%	25.62%	23.92%	79.87%	84.21%

## Training

The TCEQ places a strong emphasis on enhancing the technical and professional skills of employees. Agency training needs are determined through analyses of staff development services, consultation with managers and executive staff, and input from employees. The agency seeks to use emerging technologies, such as satellite broadcasts, computer-based training, Internet-based training, and webcasting to meet its training needs.

## Recruitment and Retention

The purpose of the TCEQ's recruitment and retention efforts is to identify, recruit, and retain a multitiered and culturally diverse workforce representative of the state's available labor force. To accomplish this, the agency participates in recruitment events and has established career ladders for 24 occupational specialties. These career ladders encompass approximately 82 percent of TCEQ non-management employees.

With a turnover rate of 12.69 percent in fiscal 2005, the TCEQ expects a number of challenges as it proceeds to fulfill its mission and goals. Economic, environmental, and political trends indicate that the agency will experience program changes, process-redesign initiatives, and technological advancements. New state and federal mandates will be challenging in the face of budget and FTE constraints. Retirements and competition for qualified applicants will present problems with our goal to maintain a diverse, well-qualified workforce.

**Table 4. TCEQ Employee Retirements, Fiscal Years 2000–2005**

Fiscal Year	Number of Retirees
2000	49
2001	58
2002	43
2003	102
2004	45
2005	67
<b>Total</b>	<b>364</b>

In an effort to address these issues, the agency is emphasizing 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 impart knowledge to their potential successors, as required by Section 2056.0021, Texas Government Code.

With well over 700 TCEQ employees projected to reach retirement eligibility during the next five years, the agency faces a substantial loss of skill and institutional knowledge. This loss will be particularly critical in management and lead technical and program area positions where the agency relies on expertise, skills, and knowledge of experienced staff. Table 4 shows 364 agency retirements for fiscal 2000 through 2005.

## Organizational Structure

At the top of the operating structure of the TCEQ are the offices of the commissioners. The executive director reports to the commissioners, with several divisions lending direct support. The agency's primary environmental programs and administrative offices are represented by five major offices, all of which have broad responsibilities. Under each of those offices are divisions with clearly defined duties.

## Commissioners

Three full-time commissioners are appointed by the Governor to establish overall agency direction and policy, and to make final determinations on contested permitting and enforcement matters. They are appointed for six-year terms with the advice and consent of the Texas Senate. A commissioner may not serve more than two six-year terms, and the terms are staggered so that a different member's term expires every two years. The Governor also names the chair of the commission.

Kathleen Hartnett White of Valentine was appointed as chair on Oct. 20, 2003. Her term expires Aug. 31, 2007. Larry R. Soward of Austin was appointed on Oct. 17, 2003. His term will expire Aug. 31, 2009. R.B. "Ralph" Marquez retired in March of 2006,

after 11 years as a commissioner. The vacancy left by his departure awaits appointment by the Governor.

## Executive Director

The executive director, who is hired by the commissioners, is responsible for managing the agency's day-to-day operations. Major responsibilities include directing operations of approximately 3,000 employees in 17 statewide offices, implementing commission policies, making recommendations to the commissioners about contested permitting and enforcement matters, and approving uncontested permit applications and registrations.

The deputy executive director serves as the chief operating officer to assist the executive director in the administration of the agency. Five divisions report directly to the executive director:

- Agency Communications
- Budget and Planning
- Chief Financial Officer
- Intergovernmental Relations
- Small Business and Environmental Assistance

Five office clusters report to the executive director. Each cluster is headed by a deputy director. These deputies are responsible for administering the agency's regulatory and administrative programs.

- Office of Administrative Services
- Chief Engineer's Office
- Office of Compliance and Enforcement
- Office of Legal Services
- Office of Permitting, Remediation, and Registration

## Office of Administrative Services

The Office of Administrative Services provides service and support to agency staff and external customers, including providing essential infrastructure required to maintain business operations. These services include:

- financial administration
- information technology and document management
- human resources management and staff development
- physical assets and support services

## Chief Engineer's Office

The Chief Engineer's Office (CEO) develops and implements statewide and regional plans, rules, strategies, and technical guidance to attain quality standards for air, surface water, and groundwater.

This includes a broad range of specific responsibilities:

- Assess the status of air quality, and model outcomes of planning scenarios and compare them against real-world results.
- Assess risks to human health from air and water pollution, and from remediation of polluted sites.
- Implement plans to protect and restore air and water quality in cooperation with local, regional, state, and federal stakeholders.
- Track progress toward environmental goals and adapt plans as necessary.
- Advise the executive director and the deputy directors regarding uniform compliance with engineering standards, specifically regarding executive-level technical and policy matters.
- Review plans, processes, permits, and regulations for scientific accuracy and feasibility.

The CEO also coordinates activities with external organizations and internal offices to:

- Develop strategies to implement new legislation.
- Review innovative technologies related to TCEQ regulatory compliance.

In addition, the CEO:

- Represents the TCEQ with the Texas Board of Professional Engineers.
- Assists professional engineers within the TCEQ on matters such as licensing requirements and continuing education requirements.

## Office of Compliance and Enforcement

The Office of Compliance and Enforcement enforces compliance with the state's environmental laws, responds to emergency events and natural disasters that threaten human health and the environment, oversees dam safety, and monitors air and water quality within the state. In addition, the division oversees the operations of 16 regional and three special project offices across the state.

### **Office of Legal Services**

The Office of Legal Services manages the legal services for the agency in the areas of environmental law, enforcement litigation, and general agency operations. The office's mission is to provide legal counsel and support to the executive director, the program areas, and, in conjunction with the Office of General Counsel and the Office of Public Interest Counsel, the commissioners. The office's goals are to ensure that commission decisions follow the law, and that rules developed by the agency comply with statutory authority and are applied consistently.

### **Office of Permitting, Remediation, and Registration**

The Office of Permitting, Remediation, and Registration implements the federal and state laws and regulations governing all aspects of permitting for the air, water, and waste programs. The office also oversees the investigation and cleanup of hazardous pollutants released into the environment, registers and manages the reporting requirements for certain facilities, and implements the petroleum storage tank reimbursement program. Office staff in the agency's bankruptcy program pursue debtors in United States bankruptcy courts for recovery of claims owed to the TCEQ.

# Geographic Aspects

## Geographic Location of the Agency

The Texas Commission on Environmental Quality, headquartered in Austin, Texas, provides a diverse array of environmental regulatory services to protect public health and the environment through its 16 regional offices located throughout the state.

### Agency Headquarters

The TCEQ central office complex in Austin (12100 Park 35 Circle) includes five state owned buildings and one leased building on approximately 30 acres of land. There are approximately 377,109 square feet of office and laboratory space in the five state owned buildings. The sixth building, a leased facility, is 163,070 square feet. Located elsewhere in Austin is a leased warehouse of 11,470 square feet and an emissions testing facility of 2,000 square feet. The total space for the headquarters complex is 553,649 square feet. There are parking facilities for 2,100 vehicles.

In fiscal 2004 the Texas Building and Procurement Commission (TBPC) took responsibility for the management and maintenance of the five state owned buildings and the parking lots at the TCEQ's agency headquarters.

### Regional Offices

The TCEQ maintains 16 regional offices at the following locations:

- |                      |                    |
|----------------------|--------------------|
| 1. Amarillo          | 9. Waco            |
| 2. Lubbock           | 10. Beaumont       |
| 3. Abilene           | 11. Austin         |
| 4. Dallas–Fort Worth | 12. Houston        |
| 5. Tyler             | 13. San Antonio    |
| 6. El Paso           | 14. Corpus Christi |
| 7. Midland           | 15. Harlingen      |
| 8. San Angelo        | 16. Laredo         |

The total space in the regional offices is 200,371 square feet. In addition to the regional offices, there is the Galveston Bay Estuary Program office in Webster,

a laboratory facility in Houston, a satellite office in Stephenville, and a small office space in Eagle Pass.

### Security

The security for the Park 35 Complex and Building F, in accordance with HB 3042, was transferred to TBPC, effective Sept. 1, 2004. The security for the regional offices remains the responsibility of the lessor, and TCEQ staff coordinates necessary improvements to enhance security.

### Accessibility

The TCEQ remains accessible to Texas citizens throughout the state with the 16 regional offices located throughout the state. The Park 35 complex and regional offices comply with the Americans with Disabilities Act (ADA).

## Affected Populations

As the state's environmental agency, the TCEQ protects human and natural resources (air, water, land). Through this mission, and using its regional offices, all of the state's population and businesses are affected either directly or indirectly by the agency's activities. The TCEQ does, however, have programs that specifically operate in border areas of the state, particularly in the Texas border region with Mexico.

## Special Geographic Regions Served

The TCEQ has special programs that affect the Texas border region with Mexico and the Texas-Louisiana border region.

### Texas and Louisiana Border Area

The Sabine River Compact Commission (SRCC) was established to ensure Texans received their fair share of the Sabine River waters and its tributaries as

allocated by the Sabine River Compact. Chapter 44 of the Texas Water Code provides that the TCEQ will cooperate with the SRCC commissioners in the performance of their duties and shall furnish any available data and information they need. The Water Supply Division of the TCEQ works with the commissioners in the performance of their duties.

The largest reservoir in the Sabine River basin is Toledo Bend Reservoir located on the Texas-Louisiana boundary. The waters of the Sabine River are used to supply water for municipal, industrial, irrigation, recreation, mining, hydroelectric, and domestic livestock purposes. The SRCC protects Texas' rights and ensures Louisiana's compliance with the compact. In addition, the SRCC negotiates and cooperates with Louisiana for programs to increase the quantity and improve the quality of water available to Texas.

## **Texas and Mexico Border Area**

The Texas border region with Mexico presents unique characteristics compared to the rest of the state. What otherwise might be only "local" problems are often complicated by causes and effects that cross the international boundary, since environmental problems do not recognize political boundaries. Texas communities in this region are really in the middle of international watersheds and air basins. This interdependency demands that the TCEQ develop and maintain relationships with Mexican partners at every level, in order to ensure that problems can be addressed effectively.

The TCEQ undertakes many activities in the Texas border region with Mexico, which comprises all or parts of 32 counties, from El Paso to Brownsville. This area, which makes up 27 percent of Texas, is covered by seven TCEQ regional offices. The following are current and planned activities of the TCEQ in the border region with Mexico.

### **Border 2012: Binational Border Environmental Program**

The U.S. Environmental Protection Agency (EPA); its Mexican counterpart, the Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT); U.S. and

Mexican border states; and U.S. border tribes worked together to design a binational program to replace the Border XXI program, which ended in 2000.

The Border 2012 program was inaugurated in April 2003. Unlike centralized predecessor programs, the ten-year Border 2012 is a bottom-up program with local residents participating in Regional Work Groups (RWGs) along the U.S.-Mexico border. The TCEQ participates in two: the Texas-New Mexico-Chihuahua RWG and the Texas-Coahuila-Nuevo León-Tamaulipas RWG.

## **Economic Issues**

The economy of the border region has many sectors: agriculture and ranching; mineral extraction, including oil and gas production; trade and commerce; industry, particularly maquiladoras (Mexican assembly plants); and tourism. The influx of "Winter Texans"—residents of Midwestern and Northern U.S. states who move to the Lower Rio Grande Valley and other parts of the region for the winter months—can also play a major part in the economy.

The estimated 2005 population of the 32 counties of the Texas border region is more than 2.3 million. According to the U.S. Census Bureau, the region contains three of the 10 fastest growing metropolitan areas in the United States. The population of some of these border cities is expected to double in 30 years, and the population-growth rate of the Texas border region is twice that of Texas as a whole.

Rapid industrial growth and population increases on the Mexican side of the border is also affecting Texas' border environment. Much of this growth can be attributed to economic factors that encourage many Mexicans to migrate to border cities in search of jobs.

As of December 2005, there were 1,169 maquiladoras in the four Mexican states bordering Texas, employing 650,000 people (down from a peak of 1,279 maquilas and 685,000 workers in January 2001). While these numbers may rise with improving U.S. and global economic conditions, there has been intense competition from Asia for these types of

assembly plants. During the 1990s, the maquiladora program was the fastest-growing category of industry in Mexico and the leading source of employment in the country.

### **Infrastructure Issues**

Rapid population growth on both sides of the Rio Grande has resulted in increased demands on the capacity to treat drinking water, as well as to provide for wastewater treatment and solid waste disposal. The ability to pay for sanitation is fundamental to environmental quality and the well being of residents. High poverty and unemployment make for a low tax base, which can lead to pollution due to inadequate infrastructure. The low tax base also has an indirect impact, because pollution prevention can lag behind when competing with more pressing social concerns.

To address these issues, in 1993 the U.S. and Mexico signed a side agreement to NAFTA, creating the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBank). Headquartered in Ciudad Juárez, the BECC certifies environmental infrastructure projects relating to wastewater, drinking water, municipal solid waste, and other related matters. The NADBank, located in San Antonio, finances environmental infrastructure projects certified by the BECC, with an initial capital of up to \$3 billion, and the ability to leverage billions more.

As of December 2005, BECC had certified 105 projects along the U.S.–Mexico border, with more than half in the border region between Texas and the neighboring states of Chihuahua, Coahuila, Nuevo León, and Tamaulipas. The cost of the 55 projects is \$1.244 billion dollars, with the 39 Texas projects valued at \$656 million; of these, 19 have been for raw water conveyance systems, principally in the Lower Rio Grande Valley.

Recently, to increase water supplies, border communities have taken the lead in Texas in treating saline groundwater for public water supply. The TCEQ has worked with utilities in El Paso and the Lower Rio Grande Valley to get drinking water plants

that treat brackish groundwater on-line. In Cameron County, the Southmost Regional Water Authority's regional desalination plant—where the Brownsville Public Utility Board is the lead utility—opened in April 2004 and has been producing about five million gallons per day. El Paso Water Utilities and Fort Bliss are building the world's largest inland desalination plant, capable of producing 27.5 million gallons per day.

Brownsville also has a long-standing project for a channel dam to provide additional surface water from the Rio Grande. The project is only awaiting approval from Mexico for work to begin.

Environmental infrastructure affects human health. In the border region, limited municipal water and wastewater systems, and unmanaged, abandoned, or illegal solid and hazardous waste sites contribute to high rates of disease, especially waterborne diseases. A 2000 Texas Department of Health survey found that 30 percent of colonia children aged 10 to 12 had a previous Hepatitis A infection, as compared to the 2001 Texas Hepatitis A rate of 5.4 cases per 100,000 residents. Hepatitis A is a disease more easily spread in areas with poor sanitary conditions.

Another issue is the lack of infrastructure for colonias, unincorporated communities lacking one or all of the basic services. Of the 2,000 economically distressed border areas that serve as home to approximately 375,000 colonia residents, most are rural, often lacking paved roads, garbage pick-up, drainage, and water and wastewater services. Colonias have been around for decades, but it wasn't until 1989 that the citizens of Texas passed the first of two bond issues for \$250 million to finance improvement projects. These funds were used to provide water and wastewater service to colonia residents under the Economically Distressed Areas Program (EDAP) of the Texas Water Development Board.

The TCEQ participates with other agencies, in work groups chaired by the Colonia Initiatives Coordinator of the Secretary of State, to improve conditions in colonias. These work groups also implemented SB 827 and SB 425 from the 79th Legislature. Senate Bill 827 relates to systems for identifying colonias and tracking

the progress of state funded projects that benefit colonias, while SB 425 focuses on economically distressed areas in Nueces County.

## Natural Resources

There are two U.S. national parks in the border region: Guadalupe Mountains and Big Bend. In addition, parts of the Rio Grande in Big Bend have been designated a “wild and scenic river” by the U.S. Department of the Interior. Big Bend, along with the Cañón de Santa Elena and Maderas del Carmen protected areas across the river in Mexico, forms a United Nations–designated biosphere. Texas also has 13 state parks or protected natural areas in the border region, as well as two National Wildlife Refuges in the Lower Rio Grande Valley known for their bird-watching opportunities. Recently the World Birding Center has been created in the Lower Rio Grande Valley.

## Air Quality

Under the Federal Clean Air Act, the EPA has established standards for six “criteria pollutants” based on potential effects of the concentration of each pollutant on ambient air and on public health:

1. ground-level ozone
2. particulate matter
3. carbon monoxide
4. sulfur dioxide
5. nitrogen dioxide
6. lead

The EPA may designate a geographical area not in compliance with one of these criteria pollutants as a nonattainment area. El Paso had been in nonattainment status for three criteria pollutants: ozone, carbon monoxide, and particulate matter.

However, the TCEQ has collaborated with local government officials and citizens in El Paso, Texas; Ciudad Juárez, Chihuahua; and Doña Ana County, New Mexico, while expending significant efforts to improve air quality. These activities have reduced the concentrations of the three offending pollutants. Those concentrations have been below the standard for several years, and El Paso now has achieved attainment for

ground-level ozone, expects to do so for carbon monoxide, and is working on particulate matter.

As part of the effort, the TCEQ has supported the Joint Air Quality Advisory Committee for the Improvement of Air Quality in the El Paso–Ciudad Juárez–Doña Ana County air basin (JAC). The TCEQ provides administrative support to the JAC and also represents the state of Texas on the JAC, composed of 10 members each from the U.S. and Mexico.

Another air quality issue in the region is visibility degradation caused by haze in Big Bend and Guadalupe Mountains national parks. The TCEQ is working with the EPA, the National Park Service, and other states to address this problem. The haze is created by multiple sources of pollution, both within and outside of Texas.

## Water Resources

In the border region between Texas and Mexico, where annual rainfall varies between 7 inches in El Paso–Ciudad Juárez and 25 inches in Brownsville–Matamoros, the availability of water is crucial. Both surface and groundwater supplies are critical to sustaining economic development. Although the construction of two large international dams on the Rio Grande in 1954 and 1968 greatly improved the reliable supply of water for agricultural and domestic uses, groundwater availability continues to be important.

### *Surface Water*

The Rio Grande is the principal river in the region, with several major tributaries in both the U.S. and Mexico. The Rio Grande—or Río Bravo del Norte, as it is called in Mexico—serves as the entire boundary between Texas and the four Mexican states of Chihuahua, Coahuila, Nuevo León, and Tamaulipas. Its tributaries drain a land area, or basin, more than twice the size of the state of California.

The chief U.S. tributaries are the Pecos and Devils rivers, while the main Mexican tributaries are the Conchos, San Juan, and Salado rivers. The Rio Grande begins as an alpine stream in the San Juan Mountains of southern Colorado and ends 2,000 miles later at the



Gulf of Mexico. A second mountain source in the Mexican Sierra Madre Occidental feeds the Río Conchos, which provides more than three-quarters of the flow to the “Big Bend” of the Rio Grande and beyond. This international river encompasses parts of two countries, three U.S. states, 19 tribal and pueblo lands, and five Mexican states.

Two international agreements, in 1906 and 1944, apportioned the waters of the Rio Grande between Mexico and the United States. The agreements established the International Boundary and Water Commission (IBWC) to verify water allocation between the two countries. The Rio Grande Watermaster of the TCEQ allocates U.S. waters to Texas water-rights holders from Ft. Quitman in Hudspeth County to the Gulf of Mexico. The Rio Grande Compact Commission is the tri-state entity (Colorado, New Mexico, and Texas) that ensures water for Texas from the Rio Grande upstream of Ft. Quitman in the El Paso area.

Elephant Butte Reservoir in New Mexico, upstream of El Paso–Ciudad Juárez, provides water for New Mexico users, Texas users in El Paso and Hudspeth counties, and 60,000 acre-feet a year to Mexico. Most of this water is withdrawn for use in southern New Mexico and the El Paso area. As a result, there is often little or no flow of the Rio Grande between El Paso and Presidio.

The two international reservoirs on the Rio Grande are Amistad in Val Verde and Terrell counties, and Falcon in Starr and Zapata counties. Their combined storage capacity is about 6.05 million acre-feet of water, with 3.46 million acre-feet belonging to the U.S. Because of the 1995–2002 drought in the Rio Grande Basin and fewer releases from reservoirs in Mexico, both reservoirs dropped to their lowest levels since the record drought of the 1950s. While the International Amistad Reservoir and the International Falcon Reservoir are important for their recreational value and related economic development, their primary uses are for water supply and flood control.

As previously mentioned, the main source of water in the Amistad and Falcon reservoirs is the

Río Conchos, the largest tributary of the Rio Grande. Originating in the Mexican state of Durango, it drains much of the Mexican state of Chihuahua before entering the Rio Grande at Ojinaga, Chihuahua, and Presidio, Texas. Under the 1944 water treaty, one-third of the water of the Conchos and five other Mexican tributaries of the Rio Grande belongs to the U.S. and shall: “not be less, as an average amount in cycles of five consecutive years, than 350,000 acre-feet annually.”

Since 1997, Mexico had incurred a water debt of as much as 1.5 million acre-feet (MAF) as a result of not providing water from the Rio Grande to the U.S. under terms of the 1944 Water Treaty. The water debt issue had reached the highest levels of government in the two nations but has now been resolved, thanks in large measure to efforts by the Rio Grande Watermaster and the state of Texas.

The U.S. and Mexico announced a diplomatic solution on March 10, 2005, that eliminated the then-recognized debt of about 716,000 acre-feet by Sept. 27, 2005. Water levels in the combined Amistad-Falcon international reservoir system are now among the highest in over a decade. The TCEQ will continue to monitor water deliveries to forestall future debt accumulations of that magnitude.

As of March 11, 2006, the U.S. combined Rio Grande reservoir ownership stands at 93.03 percent (3.094 MAF), down from 97.62 percent (3.247 MAF) a year ago at this time. Overall the system is holding at 72.7 percent (4.22 MAF), with Amistad at 85 percent (2.68 MAF) and Falcon at 58.1 percent (1.54 MAF). Increased rainfall beginning in April 2003 is primarily responsible for improved storage levels.

### ***Groundwater***

Groundwater is used in much of the border region. In the El Paso–Ciudad Juárez area, it provides the majority of water. Several aquifers are shared between Mexico and the U.S., with perhaps the best known being the Hueco Bolsón, from which both El Paso and Ciudad Juárez pump water. This aquifer essentially is not being recharged.

Recent studies to characterize the quantity and quality and the different portions of the aquifer that supply the two cities show that the Hueco Bolsón in El Paso could provide fresh water for nearly a century. Currently, Mexico and the U.S. have no international agreements on sharing underground aquifers, although Article 6 of Minute No. 242 of the IBWC calls for both countries to “consult with each other prior to undertaking any new development of either the surface or the groundwater resources...in its own territory that might adversely affect the other country.”

## **Waste Management**

### ***International Waste Issues***

Mexican law requires that waste (both hazardous and nonhazardous) generated by maquiladoras in Mexico be returned to the country of origin, and under the La Paz Agreement, the U.S. must accept it. In fiscal 2004, 48,000 tons of municipal solid waste from Mexico was returned for disposal at six facilities in Texas, four of them in the border region.

There have been concerns in years past about proposed facilities that treat, store (including temporary storage), or dispose of hazardous and nonhazardous waste in the border region, but as of February 2006 only 34 of 243 facilities (including municipal solid waste) in Texas were located in the 100-kilometer border region.

In recent years, with help from pollution-prevention staff of the TCEQ, maquiladoras have been finding ways to reduce the generation of waste both by changing their processes and input and through recycling.

### ***Domestic Waste Issues***

In Texas, regional councils of governments (COGs) develop Regional Solid Waste Management Plans. The TCEQ publishes an annual report with the previous

year’s municipal solid waste (MSW) data. Five COGs and their respective plans cover the vast majority of the population in the 100-kilometer border region.

### ***Planning for Capacity***

Solid waste planners use years of capacity remaining in area landfills for municipal solid waste as a benchmark. The statewide average of about 37 years of active landfills is considered a very safe margin, allowing ample time to identify new capacity. The 2006 version of the annual statewide compilation of data reflects the status as of Aug. 31, 2004, and showed that four of the five COGs in the border region were below the average, but still with capacity of more than 16 years.

### ***Challenges Facing Border COGs***

Border COGs face common problems. First, access to and affordability of proper MSW collection and disposal systems continues to present challenges, particularly in rural areas. Closure of many landfills due to Subtitle D restrictions aggravated this problem. Illegal dumping also often occurs in colonias, where municipal solid waste collection and disposal is frequently unavailable, inadequate, or costly, and outdoor burning is common, creating risks to public health and environmental quality.

A number of measures have been taken to address these concerns, ranging from education and recycling programs to self-help programs, and the identification and proposal of projects to federal entities. Recycling in the border region has the potential to significantly reduce waste going to landfills. The city of Eagle Pass, for example, has instituted an aggressive recycling program after closure of its landfill. All its MSW goes to a landfill in San Antonio, 90 miles away.

# Organizational Aspects

## Capital Assets and Improvements

One of the most significant capital assets maintained by the agency—vital in a state as large as Texas—is vehicles.

### Vehicles

The TCEQ currently maintains a fleet of 380 vehicles—319 vehicles (84%) are in the field and 61 vehicles (16%) are in Austin. TCEQ field vehicles are used in the performance of core missions of the agency, as mandated by the Texas Legislature and the United States Environmental Protection Agency.

It is the policy of the agency to purchase factory equipped alternative fuel vehicles (AFV) and hybrid vehicles whenever possible. There are 259 vehicles in the fleet that have been converted to use liquid petroleum gas (LPG). These and other vehicles will eventually be replaced by gasoline-electric hybrids or those equipped to use gasoline/ethanol or E85 fuel. By the end of fiscal 2006, there will be approximately 23 hybrids and 80 E85 vehicles in use by the agency.

Regional employees use vehicles in the following ways:

- **Mission critical for inspections**—includes investigations and regulation of sources of pollution throughout the state, and to respond to pollution complaints.
- **Special use**—involves vehicles in the Surface Water Quality Monitoring Program that are necessary to transport boats and other equipment as well as the transportation of generators

and air monitoring equipment to conduct air samplings throughout the state.

- **Emergency response**—includes carrying specialized tools and monitoring equipment that are required to be available 24 hours a day, 7 days a week.

The TCEQ has established a vehicle replacement schedule for vehicles in field service to maximize the efficient use of vehicles. This schedule requires vehicles in the field to be replaced if any of the following criteria apply: mileage over 100,000, age is over 6 years, unsafe to operate, or deemed uneconomical to repair and operate. As a result, the Field Operations Division typically needs to replace 33 to 35 vehicles per year.

In general, most vehicles should be replaced when they reach 6 years (72 months) of service or 100,000 miles, whichever comes first. However, there are circumstances in which vehicles are replaced sooner (such as excessive maintenance or repair costs), or later (such as budget limitations).

Table 5 details the specific replacement goals for different types of vehicles and vehicle uses.

If an agency vehicle meets the above criteria, the vehicle may be taken out of service and surplus, or transferred to the central office in Austin for continued local or campus-wide use. The surplus vehicles (except stolen or totaled vehicles) are then sold through the Texas Building and Procurement Commission. All the funds generated from the vehicle sales are deposited in the State General Revenue Account.

**Table 5. Vehicle Replacement Goals**

Vehicle Type	Purpose	Replacement Goals
Sedans and wagons	Staff or authorized passenger transport	6 years or 100,000 miles
Light trucks	Basic transport, light hauling	6 years or 100,000 miles
Passenger vans/suburbans	Staff or authorized passenger transport	6 years or 100,000 miles
Cargo vans	Cargo hauling	8 years or 100,000 miles

## Facility Improvements

Any decision, expenditures, and budget requests for capital improvements are managed through the Texas Building and Procurement Commission. Effective Sept. 1, 2005, the five facilities on Park 35 campus were purchased by the state under the lease with options to purchase provisions set forth under HB 3147, 79th Legislature, Regular Session.

## Historically Underutilized Businesses (HUBs)

The TCEQ encourages the use of Historically Underutilized Businesses (HUBs) in contracts for commodities and services. The TCEQ’s HUB program promotes full and equal opportunities for all businesses in state contracting in accordance with the goals specified in the State of Texas Disparity Study and the state’s HUB program.

### What Is a HUB?

A HUB is defined as a corporation, sole proprietorship, partnership, joint venture, or supplier with its principal place of business in Texas; is formed for the purpose of making a profit; and is otherwise legally recognized as a business organization under the laws of Texas. State laws specify that at least 51 percent of the assets and 51 percent of any classes of stock or equitable securities must be owned by one or more persons who are members of the following groups that have been economically disadvantaged by business practices of the past: Black Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, and American Women.

### Goals and Objectives

The TCEQ is fully committed to its good faith effort requirements to increase the participation of Historically

Underutilized Businesses (HUBs), in accordance with the goals specified in the State of Texas Disparity Study. The TCEQ’s HUB program assures that qualified minority and women owned businesses are included in the procurement and contracting process. It is TCEQ’s goal to create an environment that will enhance HUB participation by working aggressively to identify, educate, and assist HUB vendors, contractors, and subcontractors.

The objective of the HUB program is to meet or exceed the state’s Annual Procurement Utilization Goals in the TCEQ’s procurement categories. These procurement goals are based on the agency’s total expenditures and the percentage of purchases and subcontracts awarded directly and indirectly to HUBs under the procurement categories.

The TCEQ strives to award procurement and contracting opportunities to minority-owned and women-owned businesses. The agency’s goal is to meet or exceed the percentages, as indicated in Table 6. Shown with these goals is the performance of the TCEQ for the previous two years.

### Strategies for Achieving HUB Goals and Objectives

The TCEQ’s good-faith effort to achieve HUB goals includes the following activities:

- Encouraging businesses to participate in agency contracts by taking a proactive approach in the areas of outreach and procurement announcements. The TCEQ routinely sends procurement notices to all potential subcontractors.
- Providing individualized and group assistance and training to prospective contractors and subcontractors. This includes keeping vendors and contractors apprised of new rules and statutes.

**Table 6. TCEQ’s HUB Performance and Goals**

Category	TCEQ Performance		Goals for 2007-2011
	2004	2005	
Commodity contracts	27.6%	34.5%	12.6%
Other Services contracts	24.3%	30.3%	33.0%
Professional Services contracts	13.9%	28.4%	20.0%

- Dividing requisitions into smaller portions to provide opportunities to HUBs. This includes continuously assessing bonding and insurance requirements. The TCEQ has met with the vendor and surety community to ensure that the agency minimizes bond and insurance amounts that could impede a HUB's ability to compete for TCEQ contracts.
- Providing contractors with a certified HUB list for prospective subcontracting partners.
- Monitoring agency compliance with HUB subcontracting plans.
- Subcontracting in contracts that are less than \$100,000 whenever possible.
- Ensuring performance evaluations of directors and other personnel responsible for the procurement of goods and services measure their individual good-faith efforts.
- Facilitating Mentor-Protégé agreements to foster long-term relationships between contractors and HUBs. The TCEQ's active Mentor-Protégé contract includes 15 agreements.
- Maintaining a HUB Web page and participating in available forums and events sponsored by the Texas Building and Procurement Commission, other state, local and federal entities, and elected officials.
- Educating agency staff on HUB statutes and rules through online, teleconference, and classroom training.
- Participating in statewide HUB forums to provide information on agency and regional procurement opportunities. This also includes hosting HUB forums at the TCEQ.
- Assisting HUB vendors with the agency's procurement process.

## Financial Status and Outlook

Because the TCEQ has a complex funding system—consisting primarily of fee revenue that is appropriated by the Legislature to the agency to support agency operations—the agency is presented with a unique set of challenges.

## Funding Sources and Uses

The TCEQ is funded primarily by fee revenues. The agency was appropriated \$970.9 million for the 2006–07 biennium, of which \$842.5 million—87 percent—was from dedicated fee revenues. The remainder of the appropriations consisted of \$90.2 million from federal funds, \$9.6 million from General Revenue, and \$28.6 million in interagency contracts and appropriated receipts.

In general terms, the agency's air activities and programs consume approximately 19 percent of the operating budget, while water programs use 16 percent and waste programs use 18 percent. The Texas Emissions Reduction Plan (TERP) consumes 25 percent of the agency's budget and the Petroleum Storage Tank (PST) program uses 19 percent. Of the remaining three percent, half is consumed by the Dry Cleaning Remediation Program, with the other half used for a variety of small programs.

While the TCEQ is primarily a fee-funded agency, many of the fees and funds have use restrictions that limit the ability of the TCEQ and the Legislature to allocate funds to meet challenging environmental needs. Some flexibility nonetheless is provided by Rider 17 in the TCEQ's General Appropriations Act, which allows for the reallocation of 7 percent of identified funds for other uses.

## Funding Issues

Two of the agency's accounts face unique near-term challenges.

First, under current law the petroleum product bulk delivery fee that generates the revenue for the Petroleum Storage Tank (PST) Remediation Account will not be assessed after fiscal 2007 ends. However, the agency will require some source of funding to support its ongoing PST remediation work conducted in the State Lead program and the PST regulatory program.

Secondly, the 2006–2007 General Appropriations Act eliminated much of the general revenue funding that supports the agency's water programs. While fund balances from Fund 0153 Water Resource Management Account are being used in the 2006–07 biennium to

support these programs previously funded through general revenue, those balances are expected to be depleted over the next two years. The existing water fees will not be sufficient to support the agency's water programs at the currently appropriated levels in upcoming years.

In addition to the challenges specific to these two accounts, many of the fees the agency assesses are based on the volume of waste generated or air contaminants emitted. As the TCEQ continues to achieve its major goals—such as the reduction of air emissions and waste generation—the amount of revenue it collects to fund agency operations consequently decreases. In time, the agency will need more stable funding sources to support its ongoing operations.

## Economic and Population Forecast

Table 7 represents the population and economic forecast for the state of Texas through fiscal 2011.

## Technological Developments Resource Allocation

Information technology (IT) planning for the agency is performed by the IT Steering Committee, with the support of the IT Work Group. The Steering Committee includes the deputy executive director and the deputy directors of each office. The committee sets the strategic direction for all IT projects to support the agency's regulatory, environmental, and administrative programs.

Following the priorities identified by the Steering Committee, the IT Work Group—consisting of representatives from each office and the Information Resources Division—approves IT standards, allocates resources for application maintenance, performs research, and makes recommendations to the Steering Committee. The IT Work Group and the Information Resources Division work together to direct the use of information technologies to support the missions of all parts of the agency.

The development of an Information Strategic Plan in 1998 set the direction for the TCEQ's IT initiatives. The Information Strategic Plan provided a

thorough assessment of the agency's information needs and recommendations for strategic direction. It addressed the need for integrating the data from different programs into a comprehensive picture of the environment in Texas. A position to manage the Information Strategic Plan was established to coordinate the implementation and revision of the plan.

The implementation of the plan continues into fiscal 2007 through 2009. This phase builds upon the improvements made since 1998 to improve agency efficiency, coordination and customer service.

## Standards

With technology changing so frequently, there is an increased need to conform to industry standards, guidelines, and best practices for software development. For developing the technical architecture, the agency continues to use the guidelines in the Architecture Framework for Information Resources Management that is published by the Texas Department of Information Resources (DIR). The agency is also participating in an effort called the Architecture Components for Enterprise, which is led by the DIR. The agency will adjust its future architecture to match the recommendations that arise from the DIR process.

In addition, the agency has adopted standards for managing projects including the new DIR framework. Many of the TCEQ's IT project managers have already obtained certification in project management and all are expected to be certified by the end of fiscal 2006. The Project Management Section offers consulting and guidance to project managers from all areas of the agency, and through the IT Work Group and the Information Resources Division, sets new standards and policies for project management at the agency.

Information security plays a crucial role throughout the entire project management process. During each stage of a project, IT project managers routinely consult with Information Security staff to ensure all IT security requirements are met from the project's inception to implementation.

The agency continues to investigate and to implement new technologies and software, including the continued development of Internet services.

**Table 7. Economic and Population Forecast for Texas and the U.S.,  
Fiscal Years 2002–2011, Spring 2005 Forecast**

Category	2002	2003	2004	2005	2006*	2007*	2008*	2009*	2010*	2011*
<b>TEXAS</b>										
<b>Gross state product</b> (1996 dollars in billions)	\$714.8	\$735.9	\$770.5	\$797.6	\$823.2	\$849.7	\$876.0	\$901.6	\$931.8	\$962.3
<b>Annual percentage change</b>	2.7	3.0	4.7	3.5	3.2	3.2	3.1	2.9	3.3	3.3
<b>Personal income</b> (current dollars in billions)	\$627.8	\$643.5	\$677.6	\$716.0	\$754.6	\$797.1	\$846.5	\$898.7	\$958.6	\$1,024.0
<b>Annual percentage change</b>	2.4	2.5	5.3	5.7	5.4	5.6	6.2	6.2	6.7	6.8
<b>Nonfarm employment</b> (in thousands)	9,431.7	9,382.7	9,422.0	9,552.6	9,736.6	9,946.5	10,150.6	10,345.1	10,553.5	10,756.7
<b>Annual percentage change</b>	(1.1)	(0.5)	0.4	1.4	1.9	2.2	2.1	1.9	2.0	1.9
<b>Unemployment rate</b> (percentage)	6.1	6.7	6.1	5.6	5.7	5.5	5.6	5.7	5.8	5.7
<b>Texas exports</b>	92.9	98.0	103.5	114.1	126.4	138.0	149.8	161.8	174.4	188.0
<b>Resident population</b> (in thousands)	21,776.3	22,260.9	22,761.1	23,276.6	23,805.2	24,347.0	24,902.6	25,473.2	26,058.6	26,659.1
<b>Annual percentage change</b>	2.2	2.2	2.2	2.3	2.3	2.3	2.3	2.3	2.3	2.3
<b>Resident population 18 and under</b> (in thousands)	6,059.2	6,153.6	6,251.5	6,356.4	6,459.9	6,564.2	6,659.4	6,754.3	6,852.9	6,957.6
<b>Annual percentage change</b>	1.5	1.6	1.6	1.7	1.6	1.6	1.5	1.4	1.5	1.5
<b>Resident population 65 and over</b> (in thousands)	2,145.9	2,187.4	2,230.1	2,277.7	2,329.8	2,387.9	2,460.8	2,539.8	2,620.7	2,698.3
<b>Annual percentage change</b>	1.7	1.9	2.0	2.1	2.3	2.5	3.1	3.2	3.2	3.0
<b>U.S.</b>										
<b>Gross domestic product</b> (U.S. 1996 dollars in billions)	\$10,013.8	\$10,275.7	\$10,728.6	\$11,100.1	\$11,419.5	\$11,788.4	\$12,129.7	\$12,484.9	\$12,869.7	\$13,265.4
<b>Annual percentage change</b>	1.5	2.6	4.4	3.5	2.9	3.2	2.9	2.9	3.1	3.1
<b>Consumer price index</b> (1982-84=100)	178.9	183.1	187.4	191.7	195.4	199.5	203.5	207.6	213.2	219.1
<b>Annual percentage change</b>	1.5	2.3	2.3	2.3	1.9	2.1	2.0	2.0	2.7	2.8
<b>Prime interest rate</b> (percentage)	4.9	4.2	4.1	5.4	6.5	6.5	6.7	7.6	8.4	8.5

\*Projected. Sources: Texas Comptroller of Public Accounts; Texas State Data Center.

## **Current Network Configuration**

The TCEQ's computing environment consists of local area networks and client-server based UNIX systems connected by a wide area network through six central campus buildings, 16 regional offices, and satellite offices. The local area network systems are a mixture of Novell, UNIX, and Windows 2003 file servers connected to Windows-based desktop computers.

## **Internet and e-Government Services**

There are three major Internet efforts under way at the TCEQ: centralized electronic reporting for customers; automated, standards-based data exchange with the Environmental Protection Agency; and online data availability for all customers. These efforts are designed to make the agency more efficient and to improve customer service and data quality.

## **Electronic Reporting**

Electronic submittal of required reports and electronic permits is intended to increase the efficiency of data submittal, reduce costs for the regulated community, and improve the quality of data while protecting the security and enforceability of that data.

The electronic reporting portal, the State of Texas Environmental Electronic Reporting System (STEERS), was designed to comply with new EPA rules governing the use of electronic signatures. It also allows customers to have one location (and one user name and password) for submitting all TCEQ reports and notifications that require electronic signatures. STEERS is also integrated with TexasOnline to allow the online payment of specific fees.

The portal is processing hundreds of transactions per month. The TCEQ has prioritized reports to add to the portal and continues to add new reports and new functionality to STEERS, such as the discharge monitoring reports required of holders of water permits.

## **Automated Data Exchange With the EPA**

In addition to receiving data from the regulated community, the TCEQ also sends a great deal of data to the EPA. In fact, over 70 percent of the data used

by the EPA to make regulatory decisions is provided by the states. As a large state, Texas provides a large amount of that data. The current method of exchanging data with the EPA is inefficient and results in unclear data ownership. A new method of exchanging data with the EPA will use Web services technology to automate the data transfer.

Through the use of this modern technology and shared data standards, the TCEQ is working to reduce the resources required for these mandatory data submittals and will be able to improve data quality. These efforts have been funded through federal grants. An unforeseen benefit to this new approach is that the TCEQ's data is now available to other government agencies that can make use of the information. For example, the North Texas Council of Governments now has access to TCEQ data on stormwater permits, which they can use for transportation planning and other purposes.

## **Geographical Information System (GIS)**

The geographic information system (GIS) provides a user-friendly interface through which staff and stakeholders can obtain data on all environmental media through one source. This initiative uses highly accurate digital ortho-imagery, acquired for the entire state of Texas through cooperative agreements between state and federal agencies. Besides providing GIS data to TCEQ staff for making regulatory decisions, the GIS system will assist the public as well.

## **Current Capital Budget Projects**

During each biennial planning and budgeting cycle, the agency includes capital projects to ensure the continued efficient operation of an information resources infrastructure that will effectively execute its core functions and business processes.

## **Network and Infrastructure Projects**

The TCEQ operates an Information Technology infrastructure to directly support its regulatory and environmental mission. Daily operations that support the baseline operations of the agency include the



installation, configuration, operation, maintenance, and planning associated with computer hardware, operating systems, applications software, and voice and data networks that support core agency business and administrative processes.

The agency's business function and processes require the ability to capture, archive, and analyze significant amounts of data to serve the public and the entities that the agency regulates. Without the full operation of the installed information technology infrastructure, the agency could not accomplish its mission. The following three projects define the infrastructure projects for which strategic planning and budget allocations are required, to ensure the continued efficient operation of the information technology infrastructure.

### ***Life Cycle Replacement***

This project replaces computer and data communications hardware on a planned schedule. Major hardware components have a typical life cycle of between four and six years, although some components stay in service longer. Planning for replacements includes consideration of age and condition of the equipment, recent repair history, support status with the manufacturer, versions of software qualified for use on the equipment, and its role in the agency's information technology architecture.

### ***New Capacity***

This project purchases hardware and some related software components that either bring new capabilities to our infrastructure or increase the capacity of existing facilities. Network bandwidth or enterprise storage are funded from this project. Other items included are infrastructure management capabilities, capacity planning tools, security improvements, enterprise storage area networks, and capacity to handle streaming video on the data network.

### ***PC Replacement***

This project replaces personal computer workstations throughout the agency on a standard five-year cycle. About one-fifth of the agency's workstations are

replaced each year. This project also involves purchase of new and replacement printers.

## **Software Development Projects**

The TCEQ will be involved with the following software development projects for fiscal 2007-09.

### ***Electronic Permitting System***

The agency will continue to improve operational efficiency and customer service by enabling the regulated community to apply for, pay for, and receive required authorizations over the Internet. Instead of having to fill out a form, mail it in with a check, and wait, customers will be able fill out the form online, pay online, have their information automatically reviewed, and receive their electronic authorization in a matter of minutes.

The TCEQ has thousands of permitting and registration actions every year that could be automated in this fashion. The initial focus is on certain air permits by rule and stormwater general permit applications. Between them, these two authorizations account for over 20,000 actions per year. Over the next three years, several of these permitting processes will be automated.

### ***Billing and Accounts Receivable System***

A new billing and accounts receivable system is required to replace antiquated and unreliable systems. The new system will enable the agency to ensure that all legally required fees are collected and managed efficiently. The current fee-billing process involves multiple, individual, nonlinked billing and accounts receivable databases throughout the agency. These will be integrated into a single-source, client-server based system that will contain all agency data on billing and accounts receivable. This system will allow the agency to efficiently create payment plans and consolidated bills and statements, track status of accounts and the percentages of penalties collected, and identify delinquent fee payers. The system will also include a role-based security layer for e-authorizations, and have the capacity to intercommunicate with the Comptroller's Office's system.

***Integrated Procurement and Contracts System***

The new integrated procurement and contracts system will enable the TCEQ to make certain that our resources are spent effectively. The system will integrate multiple, individual, nonlinked purchasing, contracts, and vendor databases throughout the agency into a single-source, client-server based system that allows administrative and program staff to enter and review purchasing forms and vendor information and track the status of contracts issued. The system will have reporting features for both program area and procurement and contracts requirements, and a role-based security layer to allow e-authorizations. The system will both streamline the process of issuing contracts and improve contract management practices and productivity while saving money.

***Integrated Human Resource System***

The Human Resources and Staff Development (HRSD) Project will improve agency efficiency by integrating multiple, redundant, data systems into a single-source, client-server based system. This will include all personnel action tracking systems (currently in HRSD, Payroll, Budget and Planning, and the program areas), HRSD's vacancy tracking database, demographic data, data from the antiquated HRIS Pro system (which tracks personnel, positions, postings, applicants, and performance appraisals), the Executive Information System (EIS), the Special Leave tracking database, and the Employee Benefits tracking database. The system will also include reporting, status tracking, and intercommunication with the USPS system.

**Department of Information Resources Initiatives****House Bill 1516 Implementation*****Data Center Consolidation***

House Bill 1516, 79th Legislature, authorized the Texas Department of Information Resources (DIR) to provide consolidated data center services and disaster recovery services through statewide technology

centers. It also required certain agencies selected by the DIR to use the services of the consolidated data centers. The DIR expects to contract with a service provider to operate the data centers, and to begin providing services in the spring of 2007.

The TCEQ has provided information to the DIR about its data center assets, services, personnel, and costs, and is using the same information to evaluate the contract and make the transition to the consolidated data center.

Generally, the management of central servers, enterprise printers, and data center facilities will be in the scope of the consolidated contract, and data network management, application development, desktop support, and help desk services will not be included. Infrastructure budget requests are planned for the 2008–09 biennium with the consolidated data center in mind.

Application development projects will continue to be funded and managed by the agency, but production deployment and operating costs will reflect the consolidated operating environment and its associated costs.

***Planned Procurement Schedule and Commodity Purchasing***

HB 1516 requires each agency to submit a Planned Procurement Schedule (PPS) for IT commodity items, and to notify the DIR if it makes a substantive change to the planned procurement. The DIR's rules require agencies to submit the PPS at least every six months to cover procurements planned for the next twelve months, to purchase IT commodities through DIR contracts whenever possible, and to purchase staff augmentation services through the DIR. Agencies are also required to report their actual IT commodity purchases every six months, whether they were purchased through DIR contracts or not.

Since HB 1516 also requires the DIR to approve all agency data center procurements in advance, the semi-annual PPS includes an additional reporting mechanism for such procurements.

The TCEQ is developing procedures to develop and submit the PPS routinely, to collect the data for

the semi-annual procurement report, to confirm planned commodity and data center procurements, and to record data center expenditure permissions.

### **Project Delivery Framework**

Major information resources projects have been subject to review by the inter-agency Quality Assurance Team for several years. The Project Delivery Framework adds requirements for specific project justification, planning, and review documents and associated processes. The major elements are the Business Case and Statewide Impact Analysis, the Project Plan, the Procurement Plan, and the Post-Implementation Review. The DIR is developing the forms and guidelines for these documents over time. The TCEQ will include all the components of the DIR Project Delivery Framework in its business scoping and project documentation.

## **Successes**

### **Surface Water Quality Monitoring Information System (SWQMIS)**

This effort, fully funded by federal grants, is designed to modernize the management of water quality data and make it available agencywide. This project supports the agency's efforts to accurately assess and report on surface water quality as required under the federal Clean Water Act.

### **Central Registry**

The Central Registry is an information system containing the agency's core data used by all agency functions, including planning, permitting, enforcement, legal, administrative, and remediation. Each entity, facility, and site regulated by the TCEQ will be represented in the system by a unique identification number that allows the presentation of information across all environmental media—air, water, and waste. The purpose of this project was to place core data maintained in various existing systems into one central location where the core data can be centrally administered for quality assurance and efficient retrievability.

Now, every entity regulated by the TCEQ has a unique number, which is shared by all program areas and readily accessible on the agency intranet and on the public Internet. There are over 300,000 such regulated entities in Central Registry right now. When an inspector wants to find out what permits are held by a regulated entity, that information is available in a matter of seconds. When a compliance officer wants to see all of the regulated entities owned or operated by a particular company, that information is also available in a matter of seconds. Central Registry also serves as the basis for the Consolidated Compliance and Enforcement Database System and has formed the backbone of our electronic permitting system.

### **Consolidated Compliance and Enforcement Database System**

At one time, more than 30 distinct databases in the Enforcement Division and Field Operations were used to monitor compliance information. Those databases could not be linked to one another, so a request for information needing access to each of these databases consumed excessive staff resources and delayed responses. The Consolidated Compliance and Enforcement Database System (CCEDS) provides a more efficient and effective way to track and review air, water, and wastewater compliance and enforcement data for all entities regulated by the TCEQ. CCEDS also provides a way to promptly respond to inquiries from the general public and the regulated community.

### **Compliance History**

Central Registry with CCEDS enabled a major improvement in the operation of the agency—the consideration of multimedia compliance history in every permitting process. Previously, compliance history may have been considered when issuing permits, but it was media specific. For example, if the agency were in the process of developing an air quality permit, the air compliance system would be checked for compliance records. The site could have an incomplete record of compliance with water quality rules, but that would not affect the issuance of an air quality permit.

The agency, as directed by the Legislature, developed a compliance history rating for every site and company subject to agency regulations, and to use those ratings in the permitting and enforcement process. The compliance history rating takes into account the number of permits held by a site, the overall complexity of the site, the number of inspections, and any compliance activities at the site. Company ratings are determined by the compliance history of the sites the company owns or operates. These compliance history ratings can be viewed directly from Central Registry over the Internet, giving the public a powerful new tool in understanding their neighboring facilities and in participating in core agency functions.

The compliance histories for air, water, and waste for every regulated site in a jurisdiction are among the most comprehensive in the entire country.

### **ePay**

The TCEQ has partnered with TexasOnline to develop an online payment system that can be used to pay any invoiced fee or penalty and most of the agency's high-volume permit fees. This is convenient for customers and has also made the electronic permitting system possible.

### **Electronic Discharge Monitoring Reports**

Discharge Monitoring Reports (DMRs) are required on a regular basis, usually monthly, from most water permit holders. Texas has approximately 3,200 facilities with water permits and receives over 50,000 DMRs per year. Prior to the eDMR system, these forms were all entered manually into the Environmental Protection Agency's database for this information.

Now, any water permittee can choose to send their DMR information to the agency over the Internet and use the digital signature provided by STEERS. Texas is one of only four states to offer this service.

### **Business Continuity Planning**

For fiscal 2005, the Business Continuity Planning (BCP) team performed a detailed review of business processes from each office division in Central Office. This process review or business impact analysis (BIA) was a laborious task, entailing five months of intensive review of business functions, customers (internal and external), products and services, and IT support requirements. This process was essential to determining what business functions are critical for recovery during a disaster situation.

The BCP team also developed a business resumption plan (BRP) template. The BRP template is designed to standardize all business recovery functions regardless of office or division. Another notable achievement was the June 2005 tabletop exercise for activating the crisis management team, which sets up and monitors disaster situations if an incident occurs. From that exercise, the team identified specific communication needs for future exercises and real world scenarios.

The BCP team conducted another tabletop exercise in the fall of 2005, which was its first "live" exercise. The live exercise consisted of Emergency Operations Center activation that involved actual recall of BCP staff and EOC setup. Future exercises include more EOC activations, a business resumption tabletop, an IT Systems Recovery Plan tabletop, and a "live" standup of a critical application for the latter part of fiscal 2006.

# Impact of Federal, State, and Legal Actions

## Federal Authority

The TCEQ has been authorized to fulfill the responsibility for executing most major federal environmental programs in Texas, as indicated in Table 8. A state is eligible for federal program authorization if it successfully enacts and executes environmental laws and regulations that are at least as strict as their federal counterparts, ensuring the protection of the state's natural resources.

In 1997, the TCEQ and the EPA adopted a Performance Partnership Agreement. Texas was one of the first state environmental agencies in the nation to enter into such an agreement with the EPA, which provides opportunities to adjust planning and funding priorities between major delegated federal programs according to the unique needs of the state.

Recent changes to federal regulations continue to have an affect on the TCEQ's workload and responsibilities, including the following program areas: administration, air quality, groundwater protection and remediation, and water supply and water quality.

**Table 8.**  
**Major Federal Laws for Which All or Partial Responsibility Is Authorized to the TCEQ**

<p><b>Resource Conservation and Recovery Act</b> (the major federal solid waste law)</p> <p><b>Clean Air Act</b></p> <p><b>Clean Water Act</b></p> <p><b>Safe Drinking Water Act</b></p> <p><b>Federal Insecticide, Fungicide, and Rodenticide Act</b> (as it pertains to water quality)</p> <p><b>Atomic Energy Act of 1954</b> (the major federal law concerning low-level radioactive waste disposal)</p> <p><b>Comprehensive Environmental Response, Compensation, and Liability Act</b> (the major Superfund law)</p>
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## Administration

- The federal Uniform Manifest Rule, adopted in June 2005, established uniform requirements for waste manifests that will be applicable to all generators of Class 1 industrial solid waste and hazardous waste in Texas.
- The EPA's Cross-Media Electronic Reporting Rule (CROMERR), effective Jan. 11, 2006, applies to all EPA-delegated programs and establishes new standards for all required electronic reporting of regulated activities to the TCEQ.

## Air Quality

Federal initiatives to address the following issues have, or are expected to, affect the TCEQ's air quality permitting and compliance programs:

- New Source Review – reforms of federal operating permit program.
- Clean Air Interstate Rule/Clean Air Mercury Rule – establishing permit limits for electric generating facilities.
- Best Available Retrofit Technology – to address regional haze issues in national parks and wilderness areas.
- Particulate Standards – new standards would affect agency ambient air monitoring requirements and revisions to state implementation plans.

## Groundwater Protection and Remediation

- Provisions of the National Energy Policy Act of 2005 will require significant increases in the compliance monitoring of underground petroleum storage tanks.
- The Brownfields Amendment to CERCLA (Superfund) established uniform site assessment standards for remediation, effective November 2006, which will be a condition for certain liability protections for small businesses, innocent land owners and prospective purchasers attempting to re-use contaminated properties.

## Water Supply and Water Quality

- New federal groundwater disinfection requirements, projected to be adopted in late 2006, will affect approximately 5800 of the total 6700 public water systems in Texas regulated by the TCEQ.
- Increasingly stringent federal standards for drinking water and its treatment, as well as the extension of these standards to smaller public water systems, continues to affect the TCEQ's compliance and enforcement programs, the technical assistance it provides to water systems, and public concerns about the quality of drinking water supplies.
- Pretreatment Streamlining Regulations will require the TCEQ to revise program requirements for all authorized municipal wastewater pretreatment programs in Texas.
- Expansion of the federal program under Section 316b of the Clean Water Act established technology-based performance standards for cooling water intake structures and will require the TCEQ to perform significant statistical and cost-benefit analyses in authorizing these facilities.
- Concentrated Animal Feeding Operation (CAFO) Permits. Continued implementation of EPA changes to CAFO requirements include the review of nutrient management plans, which are due by Dec. 31, 2006.

## The 79th Legislature

Largely because the 79th Legislature was focused on other issues, no significant new regulatory programs or legislation of major impact to the TCEQ was enacted. A number of environmental quality and natural-resource issues were discussed during the legislative session, although many did not result in new laws being passed.

## Budgetary Issues

One important budget decision the Legislature made regarding the TCEQ for the 2006–07 biennium will

have major repercussions in the subsequent biennium and beyond. The TCEQ is supported almost entirely by fees and federal funds, with almost all general revenue and earned federal funds (approximately \$40 million annually) allocated to Water Programs in order to meet the requirements of those areas. For the 2006–07 biennium, the Legislature reduced general revenue funding to the TCEQ and utilized unexpended fund balances to meet program requirements. This one-time measure will require that significant increases in a variety of fees paid by regulated entities, including most local governments, be initiated in order to maintain water quality and water utility programs.

## Air Quality Issues

The significance and importance of the Texas Emissions Reduction Program (TERP) in meeting federal ozone standards continues to be recognized by the Legislature. HB 2481 extended the TERP program to 2010, increased funding for research and development, and adopted by reference new federal rules for electric generating facilities (Clean Air Interstate Rule and Clean Air Mercury Rule). Increasing concerns about air toxics and unauthorized emissions from industrial sources resulted in a number of bills being introduced, but no adoption of significant new requirements.

The TCEQ has implemented additional efforts to address issues of local concern, including a review of effects screening levels and increased compliance monitoring of fugitive emissions. The Legislature also adopted measures to streamline the permit process for a clean coal electric generating facility in order to position the state to qualify for federal funding for the FutureGen near-zero emission demonstration project.

## Water Resource Issues

Despite extensive discussion in the interim of the ongoing needs to continue the development of the state's regional planning process and the implementation of water management policies, comprehensive water legislation failed to pass the 79th Legislature.

These public discussions will continue in the interim and presumably in the 80th Legislature.

Efforts were successful to further address water conservation efforts, and the enforcement of water rights was enhanced by the creation of a Watermaster program for the Concho River Basin. Legislation was also enacted to revise and standardize the administrative and hearing procedures for groundwater conservation districts and to improve coordination between districts involved in the management of a common aquifer. Also, increasing concern for the detrimental effects of certain mining and quarry activities in proximity to navigable streams resulted in the passage of legislation that designated a segment of the Brazos River as the John Graves Scenic Riverway and established specific regulations for control of quarry operations as a pilot project.

### **Water Utility Issues**

Growing concerns and conflicts between different types of water utilities, development interests, and property owners led to petitions to the TCEQ to review existing regulations for the creation of certificated utility service areas and to the passage of legislation. HB 2876 generally reformed the process for creating and maintaining a certificate of convenience and necessity (CCN) by adding guidelines and criteria for qualification for a CCN, improving notice to property owners and deed recordation, and providing additional options and authority to property owners potentially affected by a CCN application.

### **Waste Management and Solid Waste Issues**

The degree of public debate and concern over the management of solid waste continues in a state that is growing at a significant pace, with solid waste facilities having an increased impact on neighborhoods and property owners. Although there was much discussion of solid waste issues in the interim and during the 79th Session, the Legislature for the most part deferred any major changes in law while the commission was engaged in the extensive effort to overhaul the state's solid waste regulations.

In the area of groundwater protection and pollution remediation, two significant initiatives were successfully enacted. The Legislature extended until Sept. 1, 2007, the program to reimburse owners of leaking underground petroleum storage tanks for the costs of remediation and authorized the TCEQ to address sites that remain contaminated after that date. The petroleum product fees that support the program were also extended to ensure support of the effort.

In addition, legislation was passed that revised the program established in the previous session that created the dry cleaner remediation program and the dry cleaner remediation fund. Changes to the program were sought by both the dry cleaner industry and owners of commercial property to adjust compliance dates, improve the fairness of fee assessments and give property owners additional control of remediation efforts.

### **Some Bills from the 79th Legislature Affecting the TCEQ**

The following is a partial list of bills passed during the 79th Legislature that will affect agency operations:

#### **House Bills**

- HB 580** Relating to the authority of a county to provide hazardous materials services.
- HB 1053** Relating to the location of municipal solid waste landfills.
- HB 1225** Relating to the grounds for an exemption from cancellation of water rights for non-use.
- HB 1540** Relating to the regulation by the TCEQ of the idling of a motor vehicle.
- HB 1609** Relating to the allowed wastes and exemptions applicable to certain municipal solid waste landfills in arid areas.
- HB 1611** Relating to the use of money for the low-income vehicle repair assistance, retrofit and accelerated vehicle retirement program.
- HB 1763** Relating to the notice, hearing, rulemaking and permitting procedures for groundwater conservation districts.

- HB 1987** Relating to the regulation of underground and aboveground storage tanks.
- HB 2129** Relating to energy-savings measures that reduce the emission of air contaminants.
- HB 2201** Relating to implementing a clean coal project in Texas.
- HB 2376** Relating to the environmental regulation and remediation of dry cleaning facilities.
- HB 2423** Relating to discrimination by a groundwater conservation district against landowners whose land is enrolled or participating in a federal conservation program.
- HB 2466** Relating to recycling market development.
- HB 2481** Relating to the Texas Emissions Reduction Plan.
- HB 2510** Relating to the regulation of on-site sewage disposal systems and the maintenance of those systems.
- HB 2651** Relating to regulation of a subsurface area drip dispersal system as a separate category of liquid waste disposal.
- HB 2793** Relating to the removal and collection of convenience switches from motor vehicles.
- HB 2815** Relating to the Concho River Watermaster program.
- HB 2876** Relating to certificates of public convenience and necessity for water service and sewer service.
- HB 2949** Relating to the authority of the TCEQ to issue an emergency order authorizing certain actions in the event of a catastrophe.
- HB 3469** Relating to the creation of the Texas Clean School Bus program.

## Senate Bills

- SB 1281** Relating to the regulation and permitting of commercial industrial solid waste facilities connected to a publicly owned treatment facility.
- SB 1354** Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in an area of the Brazos River watershed.
- SB 1413** Relating to county brownfield cleanup and redevelopment programs.
- SB 1740** Relating to construction activities allowed while an (air permit) application is pending at the TCEQ.
- SB 1863** Relating to certain fiscal matters affecting governmental entities (includes provisions related to appropriations for the extended PST reimbursement program and maintenance of PST fees).

## Significant Court Cases

### Decided Cases

#### Decided Cases: Air

##### ***State of New York v. EPA***

413 F.3d 3 (D.C. Cir. 2005)

***Petition Summary.*** This case was a consolidation of challenges to the EPA's rules concerning the federal Clean Air Act (CAA) new source review (NSR) permitting program. One case challenged changes that would narrow the application of federal NSR requirements. The changes concerned five primary topics: establishment of baseline emissions; actual to future actual test; plantwide applicability limits; clean units; and pollution-control projects (PCP). Another case challenged the new federal rules regarding the Routine Maintenance, Repair, and Replacement (RMRR) rules, specifically changing the requirements for when a facility must obtain review or changes to its air quality permits. On Dec. 24, 2003, the court stayed the implementation of the RMRR rules, saying that the plaintiffs had demonstrated potential for harm. The court delivered its opinion on June 24, 2005 and upheld most of the rule except the clean unit exemption and PCP. The EPA has appealed asking the court whether the PCP was retroactive.

***Impact on the TCEQ.*** This affects the TCEQ's implementation of the PCP. The TCEQ has had a PCP exemption from major NSR permitting for several years. An entity may no longer seek an exemption from major NSR permitting under a PCP



exemption. If the PCP portion of the decision is found to be retroactive on appeal, the TCEQ will have to review prior permitting actions to determine if retroactive Prevention of Significant Deterioration/Non-Attainment (PSD/NA) permitting is required.

## Decided Cases: Water

### ***Waterkeeper Alliance, Inc. v. EPA***

399 F.3d 486 (2d Cir. 2005)

***Petition Summary.*** The case involved an environmental group's challenge to the EPA's rules regarding concentrated animal feeding operations (CAFOs). The Second Circuit vacated a portion of the EPA's rules that allowed a permitting authority to issue CAFO permits without reviewing the nutrient management plans (NMPs) and without including the NMP terms in the permit. Also, the Second Circuit found that the rules must expressly provide an opportunity for a public meeting and to provide public input on the NMPs. In addition, the Second Circuit found that the Clean Water Act prevents the EPA from imposing on CAFOs the obligation to seek a National Pollutant Discharge Elimination System (NPDES) permit or to demonstrate that there is no potential for discharge.

***Impact on the TCEQ.*** Currently, the TCEQ is granting coverage to existing operations under the CAFO general permit without reviewing NMPs. TCEQ rules do not require existing CAFOs to develop and implement their NMPs until Dec. 31, 2006, although there is pending TCEQ rulemaking to extend that date to July 31, 2007, to be consistent with recently adopted federal deadlines. The general permit provides that once the NMP is developed and implemented, the NMP replaces the applicable application requirements in the general permit. In addition, the current general permit provides for a public meeting for new or expanding CAFOs if significant public interest exists, but not for existing CAFOs. Since the Second Circuit ruling does not distinguish between new and existing operations, the TCEQ may have to address the public participation issue in its rules and the general permit. The Second

Circuit holding that CAFOs do not have an obligation to seek NPDES permit coverage if they do not have a potential to discharge could result in a challenge to the TCEQ's CAFO rules found in 30 TAC§ 321.33. The rules provide that all CAFOs must obtain authorization under an individual or general permit. The EPA has indicated that it will address all of the *Waterkeeper* holdings in a subsequent rulemaking.

### ***Environmental Defense Center v. United States Environmental Protection Agency***

344 F. 832 (9th Cir. 2003)

***Petition Summary.*** This case is a constitutional challenge to aspects of the EPA's general permit for small municipal separate storm sewer systems (MS4s). The court found that the statutory criterion of pollutant reductions to "the maximum extent possible" was not met because of the EPA's failure to review applications and found that the EPA had failed to provide an opportunity for public comment on each application. The Ninth Circuit remanded the rules to the EPA for further action consistent with its opinion.

***Impact on the TCEQ.*** Finalization of the TCEQ's general permit was put on hold pending formal EPA guidance in light of the partial remand of the Storm Water Phase II rules by the Ninth Circuit. On April 16, 2004, the EPA provided interim guidance and the TCEQ is working to revise its proposed general permit to be consistent with that guidance and with state law. Several Phase I individual MS4 EPA permits in-house are scheduled to be reissued by the TCEQ in the future.

### ***South Florida Water Management District v. Miccosukee Tribe of Indians***

541 U.S. 95 (2004)

***Petition Summary.*** The case involved the flood control and pumping operations of a water management district within Florida's Everglades. The Eleventh Circuit Court of Appeals had affirmed the district court's ruling that the pumping station between two canals required an NPDES permit. The U.S. Supreme Court held that a point source as

defined by the Clean Water Act would not be exempt from NPDES permit requirements because it did not itself add pollutants. The Supreme Court, however, remanded the case to the district court and invited the parties to address the unitary water theory, which suggests that the discharge of unaltered water from one navigable water body to another would not require a NPDES permit because the definition of “navigable waters” includes all waters of the United States. There has been no subsequent court action since the ruling. In August 2005, the EPA filed a Motion for Summary Judgment in a related case, *Friends of the Everglades v. South Florida Water Management District*, arguing that the water district was entitled to summary judgment because NPDES does not apply to water transfers. The motion was denied; therefore, the case remains pending before the district court. The EPA also issued a memo in August 2005 concerning the agency’s interpretation on the applicability of Section 402 of the Clean Water Act to water transfers. This memo concludes that Congress did not intend to subject water transfers to the NPDES program.

**Impact on the TCEQ.** The case has the potential to affect the TCEQ’s ability to approve interbasin transfers without a federal or state water quality discharge permit.

## Pending Cases

### Pending Cases: Air

#### ***South Coast Air Quality Management v. EPA***

D.C. Circuit Court of Appeals, Cause No. 04-1200 and consolidated cases (filed in 2004)

**Petition Summary.** The case involves litigation challenging the EPA’s final 8-hour ozone National Ambient Air Quality Standards (NAAQS) Phase I Implementation Rule regarding implementation of the 8-hour ozone NAAQS. Phase I addressed classifications, antibacksliding requirements, 1-hour ozone revocation, and other requirements for mandatory and discretionary control measures.

**Impact on the TCEQ.** A decision vacating or remanding the EPA final rule will affect how Texas

develops and submits plans for attainment and maintenance of the Phase I 8-hour ozone NAAQS.

#### ***Chamber of Baton Rouge v. EPA***

D.C. Circuit Court of Appeals, Cause No. 06-1046 (filed in 2006)

**Petition Summary.** This case challenges the EPA’s final 8-hour ozone NAAQS Phase II Implementation Rule. Phase II addressed, *inter alia*, NSR elements, reasonable further progress, reasonably available control measures, reasonably available control technology, reformulated gasoline, emissions inventory requirements, ozone transport region requirements, and ambient monitoring requirements. The State of New Jersey and the Natural Resource Defense Council have also petitioned for review of the rule.

**Impact on the TCEQ.** A decision vacating or remanding the EPA final rule will affect how Texas develops and submits plans for attainment and maintenance of the Phase II 8-hour ozone NAAQS.

#### ***State of North Carolina v. EPA***

D.C. Circuit Court of Appeals, Cause No. 05-1244 (filed in 2005)

**Petition Summary.** This case challenges the EPA’s final Clean Air Interstate Rule that established a regional electric generating unit NO<sub>x</sub> and SO<sub>2</sub> cap and trade program.

**Impact on the TCEQ.** A decision vacating or remanding the EPA final rule will affect how Texas develops and submits plans for demonstrating how Texas is dealing with transported PM 2.5 and ozone pollution transport to other states.

#### ***State of New Jersey v. EPA***

D.C. Circuit Court of Appeals, Cause No. 05-1097 (filed in 2005)

**Petition Summary.** This case challenges the delisting of power plants as subject to the hazardous air pollutant program (relates to the Clean Air Mercury Rule that established standards of performance for Mercury emissions from coal-fired power plants and created a cap and trade program to reduce Mercury emissions).

**Impact on the TCEQ.** If the rule that delists power plants as a source category that is regulated for hazardous air pollutants is vacated or remanded, that will affect potential power plant regulation in Texas, e.g., regulation for mercury.

**Blue Skies Alliance v. Johnson**

U.S. District Court for the Northern District of Texas, Cause No. 3:04-CIV-2169N (filed in 2004)

**Petition Summary.** This nondiscretionary duty litigation challenged the EPA's failure to determine whether the DFW area failed to attain the 1-hour ozone standard. Several environmental groups including Blue Skies Alliance, Downwinders at Risk, Public Citizen, and Sierra Club filed a citizen suit against the EPA. The plaintiffs alleged that the EPA failed to fulfill its nondiscretionary duties to: (1) find that DFW did not achieve attainment by the deadline of Nov. 15, 1999, for serious areas; (2) reclassify the DFW area to "severe" status; (3) act to disapprove all pending SIP submittals including Rate of Progress and attainment demonstrations; and (4) identify requirements to meet all SIP requirements within 12 months. The State of Texas was an intervenor and the case was settled except for the remaining issue, raised by the plaintiffs, regarding the state's liability for attorney fees incurred in the filing and settlement of the case. The fee request is nonspecific; however, the amount ranges between \$50,000 and \$75,000. The state responds that the settlement agreement controls and should not be reopened, and courts are reluctant to award attorneys' fees against intervenors given the type of language regarding attorneys' fees found in the Clean Air Act.

**Impact on the TCEQ.** This case could set adverse precedent for the state's payment of attorneys' fees in matters where the state intervenes.

**Pending Cases: Water**

**U.S. Bureau of Reclamation v. Elephant Butte Irrigation District**

MV/RLP U.S. District Court, District of New Mexico, Cause No. CV 97-0803 (filed in 1997)

**Petition Summary.** The U.S. Bureau of Reclamation (Bureau) sued the State of New Mexico, Elephant Butte Irrigation District, the El Paso County Water Improvement District No. 1, and the City of El Paso, claiming that the water in Elephant Butte Reservoir belongs to the Bureau. The State of Texas moved to intervene. The federal district court dismissed the case and all counterclaims. The Bureau and El Paso Water Improvement District No. 1 appealed, and the case was heard in November of 2001. The Tenth Circuit, in *United States v. City of Las Cruces* (2002), abated the Bureau's suit and held that the states should adjudicate this issue first before the federal court became involved. The TCEQ recently issued the "Final Determination on the Adjudication of the Upper Rio Grande Basin" and the Bureau filed a Motion for Rehearing in February 2006 which is pending. The next step in the adjudication process after the Final Determination is for the state district court to issue a Final Decree.

**Impact on the TCEQ.** An agreement or court ruling that limits the State of Texas' ownership or right to regulate water in the Bureau's reservoirs could make the state subject to federal government administration of water rights in Elephant Butte.

**Texas Commission on Environmental Quality v. The City of Uncertain, Texas**

Supreme Court of Texas, No. 03-1111 (filed in 2002)

**Petition Summary.** The executive director issued an amended Certificate of Adjudication to the City of Marshall without public notice to add industrial use to its municipal use for its authorized diversion of 16,000 acre-feet from Cypress Creek. The City of Uncertain and other persons appealed to the Travis County District Court arguing that they were affected persons and notice and an opportunity for hearing should be provided. The City of Marshall and the commission argued that based on Tex. Water Code § 11.122(b), no notice was required because Marshall did not request to take more water, to take water at a faster diversion rate, or to change the location of the diversion point. The district court reversed in favor of the plaintiffs and the Austin Court of Appeals affirmed. The City

of Marshall and the commission filed a petition for review with the Texas Supreme Court. The supreme court heard oral arguments in October 2004, but has not yet ruled.

**Impact on the TCEQ.** If the Texas Supreme Court affirms the lower courts, the TCEQ will have to change its process for amending water rights, which will require more analysis of these applications and possibly more contested case hearings.

***San Marcos River Foundation v. Texas Commission on Environmental Quality***

Travis County District Court, Cause No. GN3-01925 (filed in 2003)

***Caddo Lake Institute, Inc. v. Texas Commission on Environmental Quality***

Travis County District Court, Cause No. GN4-00132 (filed in 2004)

***Galveston Bay Conservation and Preservation Association, Galveston Bay Foundation, and Matagorda Bay Foundation v. Texas Commission on Environmental Quality***

Travis County District Court, Cause No. GN4-00160 (filed in 2004)

**Summary of Petitions.** San Marcos River Foundation filed a water-rights application with the TCEQ for approximately 5 million acre-feet of water for instream uses for environmental purposes in the Guadalupe River. Caddo Lake Institute, Inc. filed an application for 2.15 million acre-feet of water for instream uses in the Cypress River Basin. Galveston Bay Conservation and Preservation Association and Galveston Bay Foundation filed an application for 3.8 million acre-feet per year in the Trinity River Basin, Trinity-San Jacinto Estuary, and Galveston Bay for instream uses and freshwater inflows. Matagorda Bay Foundation filed an application for 663,774 acre-feet per year in Matagorda Bay for nonconsumptive instream use and freshwater inflow.

The TCEQ denied these applications, determining that it did not have jurisdiction to issue new permits solely for instream uses. The petitioners appealed to the Travis County District Courts, claiming that the TCEQ erred in this determination. The cases were consolidated and on Feb. 7, 2006, the district court granted summary judgment to the plaintiff-petitioners, determined that the TCEQ did have the authority to issue instream permits, and remanded the case for hearing. However, the case is not yet final and appealable because several issues still need to be decided, including whether the applications will retain their original priority date upon remand.

**Impact on the TCEQ.** If the TCEQ decision on these instream-use applications is reversed, the TCEQ will have to consider issuing new permits for instream use applications that were filed prior to SB 1639 (78th Session, 2003). SB 1639 enacted Water Code Section 11.0237, effective until Sept. 1, 2005, which provided that the commission could not issue a new permit for instream flows dedicated to environmental needs or bay and estuary inflows. If the TCEQ decision is upheld, then the TCEQ will not be required to issue new permits for instream use.

## Pending Cases: Enforcement

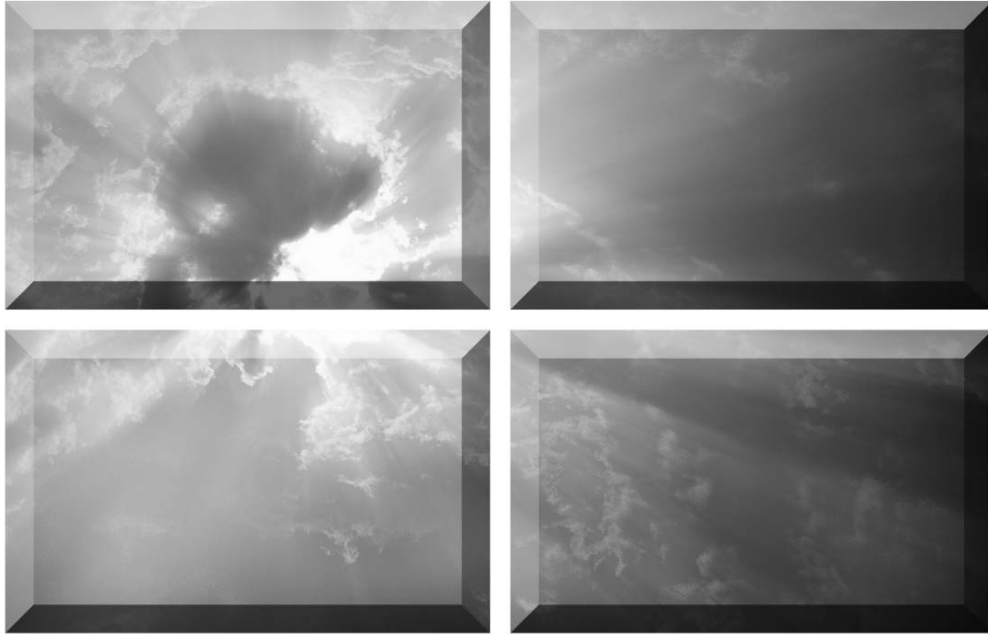
***Thomas J. Maloney and Iso-Tex v. The State of Texas***

Travis County District Court, Cause No. GN5-03503 (filed in 2005)

**Petition Summary.** This case is a constitutional challenge to the TCEQ's decommissioning rules (30 Tex. Admin Code Sections 336.615(3) and 336.619(a)) for inactive radioactive waste sites. It also challenges the statutes that grant the TCEQ authority to adopt regulations for the disposal of radioactive waste. Other defenses plead by the plaintiff include innocent landowner defense and impossibility of compliance.

**Impact on the TCEQ.** If the rules are found to be unconstitutional, the TCEQ would not be able to require decommissioning of inactive radioactive waste sites.

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# Part III

## Current Activities and Opportunities for Improvement

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**Air Quality Issues and SIP Revisions**

**Water Quality and Quantity**

**Waste and Remediation Issues**

**Environmental Monitoring and Response System**

**Permit Time-Frame Reduction Project**

**Enforcement Review**

**Other Key Issues**



## Air Quality Issues and SIP Revisions

The TCEQ works with the EPA, the Legislature, local governments, and stakeholders to develop measures to control air pollution and meet requirements of the federal Clean Air Act. If the state fails to submit and implement a federally approvable State Implementation Plan (SIP), then the EPA can apply sanctions including two-to-one offsets for new or modified stationary sources and the elimination of federal highway funding. The EPA can also implement a Federal Implementation Plan.

### National Ambient Air Quality Standards (NAAQS)

The EPA has delegated to the state of Texas the responsibility to monitor for compliance with the National Ambient Air Quality Standards (NAAQS) since the early 1970s. The NAAQS were established to protect the public from exposure to harmful amounts of the following air pollutants: ozone, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, and respirable particulate matter.

Attaining the ozone standard is the biggest air quality challenge in Texas. The EPA recently implemented the new, more stringent 8-hour ozone standard. Moreover, federal health standards have emphasized air toxics, small particulates, and visibility issues. The EPA is required to review each criteria pollutant on a periodic basis. Both the ozone and PM standards are being reviewed by the EPA and could potentially be revised in the 2007–2012 time frame.

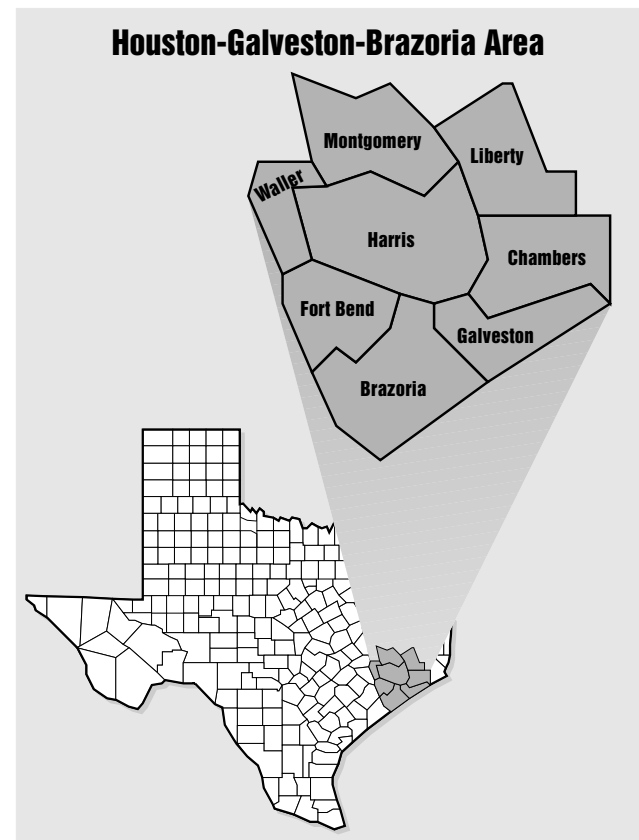
### Houston-Galveston-Brazoria Area

Currently the Houston-Galveston-Brazoria (HGB) area holds nonattainment status for ground-level ozone under the 8-hour ozone standard, which became effective June 15, 2005. Counties affected by this status are Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. The region is classified as “moderate” nonattainment under the 8-hour standard with an attainment date of

June 15, 2010. The attainment demonstration must identify the control strategies necessary to bring the area into attainment. The measures must be in place by the start of the 2009 ozone season.

Meeting the ozone standard is especially challenging for the HGB region due to unique meteorological conditions, complex ozone formation chemistry, and the magnitude of reductions required.

The eight-county HGB area was designated as a nonattainment area for the 1-hour ozone standard per the 1990 Federal Clean Air Act Amendments (FCAAA). At that time, the FCAAA also required submission of a State Implementation Plan (SIP) revision describing actions to be taken to reduce  $\text{NO}_x$  and VOCs by November 1996. Before this deadline, however, modeling showed uncertainties in the actual impact that  $\text{NO}_x$  reductions would have on ground-level ozone formation. HGB was therefore granted a temporary exemption until December 1997 to fulfill its  $\text{NO}_x$  emission-reduction requirements. After the



expiration of this temporary exemption, the HGB received a second control strategy implementation deadline of Nov. 15, 2007.

In December 2000, the HGB 1-Hour Ozone Attainment Demonstration SIP was adopted. This SIP revision included numerous control measures designed to achieve attainment by 2007. A follow-up HGB SIP was adopted in September 2001, and incorporated more stringent revisions to several control strategies.

On Dec. 13, 2002, the commission adopted revisions to the SIP. These revisions addressed the agreements contained in the consent order arising from the litigation with the Business Coalition for Clean Air Appeal Group and several industrial companies. The SIP also incorporated energy-efficiency measures and the protocol for the Texas Emissions Reduction Plan program.

Results of photochemical grid modeling and analysis of ambient VOC data indicated that it is possible to achieve the same level of air quality benefits with reductions in industrial highly reactive VOC (HRVOC) emissions combined with an overall 80 percent reduction in  $\text{NO}_x$  emissions from industrial sources, as would be realized with a 90 percent reduction in only industrial  $\text{NO}_x$  emissions. Four HRVOCs (ethylene, propylene, 1,3-butadiene, and butenes) were targeted for HRVOC controls.

In December 2004, the commission adopted the HGB 1-Hour Ozone Attainment Demonstration SIP Revision. This revision implements additional enhancements to existing strategies and measures to ensure compliance with HRVOC strategies necessary to reach attainment.

As the TCEQ was developing the technical aspects of this SIP revision, the EPA announced its plans to begin implementation of the 8-hour ozone standard. The EPA published proposed rules for implementation of the 8-hour ozone standard in the *Federal Register*, 68 FR 32802, on June 2, 2003. In April 2004, the EPA designated areas for the 8-hour ozone standard and finalized Phase I of the 8-Hour Ozone Implementation Rule. The rule required states to reassess their efforts and identify control strategies to address this new standard.

In December 2004, the TCEQ submitted a new SIP that addressed the outstanding obligations under the 1-hour ozone standard, and described the technical work begun to analyze 8-hour ozone issues. Phase II of the EPA's 8-Hour Ozone Implementation Rule was finalized in November 2005.

The TCEQ is developing photochemical modeling and analyzing potential control strategies for the 8-Hour Ozone Attainment Demonstration due to the EPA by June 15, 2007. It is extremely challenging to identify technologically and economically feasible and reasonable control measures, considering the magnitude of reductions already achieved under the 1-hour ozone standard. Furthermore, the TCEQ is federally pre-empted from regulating some emission source categories that significantly contribute to ozone formation in the area, specifically, on-road and non-road mobile sources.

### **Dallas–Fort Worth Area**

Currently the Dallas–Fort Worth (DFW) area holds nonattainment status for ground-level ozone under the 8-hour ozone standard, which became effective June 15, 2005. The EPA expanded the existing 1-hour ozone nonattainment area of Collin, Dallas, Denton, and Tarrant counties to also include Ellis, Kaufman, Johnson, Parker, and Rockwall counties under the 8-hour ozone nonattainment designation. The region is classified as “moderate” nonattainment with an attainment date of June 15, 2010. The attainment demonstration must identify the control strategies necessary to bring the area into attainment. The measures must be in place by the start of the 2009 ozone season.

The 4-county DFW area was designated as a nonattainment area for the 1-hour ozone standard per the 1990 FCAAA. The classification meant that attainment was required by Nov. 15, 1996. A SIP was submitted with controls focused almost entirely on volatile organic compounds. Unfortunately, the DFW area did not attain the standard by the mandated deadline. Consequently, in 1998 the EPA reclassified the DFW area from “moderate” to



“serious,” resulting in a new attainment deadline of Nov. 15, 1999.

Unlike the industrialized HGB and Beaumont–Port Arthur areas, where industrial point sources account for about half of the total  $\text{NO}_x$  for each area, point source  $\text{NO}_x$  in DFW is about one-eighth of the total inventory. The majority of  $\text{NO}_x$  in the DFW area comes from on-road mobile (cars and trucks) and non-road mobile (construction equipment, aircraft, and locomotives, among others) sources.

The DFW area also did not reach attainment by the November 1999 deadline. In the attainment-demonstration SIP adopted by the TCEQ in April 2000, the importance of local nitrogen oxides ( $\text{NO}_x$ ) reductions as well as the transport of ozone and its precursors from the Houston-Galveston-Brazoria (HGB) area were taken into account. Based on

photochemical modeling demonstrating that transport from the HGB area was affecting DFW’s air quality, and allowed under EPA policy, the TCEQ requested an extension of the DFW attainment date to Nov. 15, 2007, the same attainment date as for the HGB area.

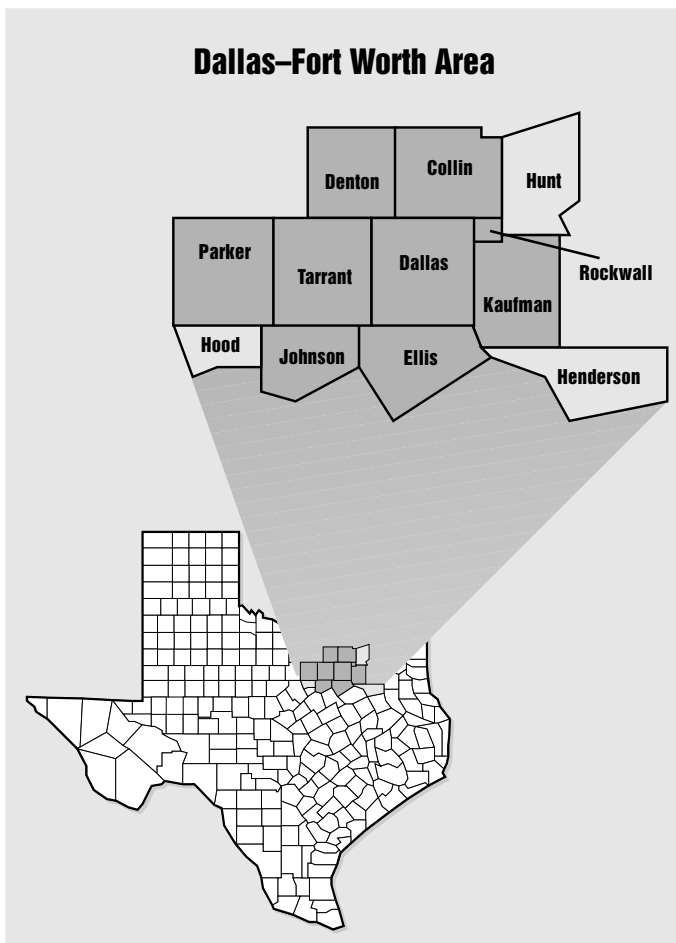
As the result of a number of lawsuits filed against the EPA in 2002, the courts ruled that the EPA does not have authority under the Federal Clean Air Act to extend an area’s attainment date based on transport from another ozone nonattainment area. Although the DFW area was not the specific subject of any of these suits, by extension of the court’s basis for decision, the DFW 1-hour ozone attainment demonstration SIP could not be approved by the EPA.

In April 2004, the EPA designated areas for the 8-hour ozone standard and finalized Phase I of the 8-Hour Ozone Implementation Rule. Collin, Dallas, Denton, Ellis, Kaufman, Johnson, Parker, Rockwall, and Tarrant counties were designated nonattainment. Phase I of the implementation rule gave areas without an approved 1-hour ozone attainment plan the option to:

- submit a 1-hour ozone attainment demonstration no later than one year after designation (by June 15, 2005);
- submit an 8-hour ozone plan no later than one year after designation (by June 15, 2005) that provides a 5 percent increment of progress from the area’s 2002 emissions baseline in addition to federal measures and state measures already approved by the EPA, and to achieve these reductions by June 15, 2007; *or*
- submit an eight-hour ozone attainment demonstration by June 15, 2005.

The TCEQ chose the second option, which represented the best path forward for the DFW area.

Phase II of the EPA’s 8-Hour Ozone Implementation Rule was finalized in November 2005. The TCEQ is developing photochemical modeling and analyzing potential control strategies for the 8-Hour Ozone Attainment Demonstration due to the EPA by June 15, 2007.



## Beaumont–Port Arthur Area

Currently the Beaumont–Port Arthur (BPA) area holds nonattainment status for ground-level ozone under the 8-hour ozone standard, which became effective June 15, 2005. The BPA area that is in ozone nonattainment consists of Hardin, Jefferson, and Orange counties. The area is classified as a “marginal” nonattainment area under the 8-hour ozone standard with a June 15, 2007, attainment date.

Revisions to the 2004 BPA SIP were adopted by the commission on September 28, 2005. These revisions addressed outstanding 1-hour ozone requirements and included an updated 8-hour ozone attainment demonstration. In this SIP, the commission addressed each of the following requirements: (1) major-source applicability cut-offs for purposes of Reasonably Available Control Technology (RACT), (2) the standards set by the Clean-Fuel Vehicle Programs under section 182(c)(4) of the FCAA, (3) a Reasonably Available Control Measures (RACM) Analysis, and (4) the contingency measure for marine vessel loading previously adopted under 15 percent VOC Rate of Progress (ROP) requirements.

## El Paso Area

The El Paso area implemented several strategies to reduce carbon monoxide (CO), ozone (O<sub>3</sub>), and particulate matter (PM). These efforts have helped improve air quality in the El Paso area to a degree that the area now qualifies to be designated in attainment for the three pollutants. The EPA designated the El Paso area as being in attainment for the new, more stringent, 8-hour ozone standard, which became effective June 15, 2005.

The TCEQ adopted the El Paso CO Re-designation and Attainment SIP and submitted it to the EPA in January 2006. The SIP revision includes a CO motor vehicle emissions budget (MVEB) specific to the CO nonattainment area in El Paso for the years 2002, 2011, and 2015. The area is monitoring attainment of the CO standard, and there have been no monitored violations of the CO National Ambient Air Quality Standards (NAAQS) since 2001. In addition,

the El Paso area is monitoring attainment of the PM<sub>10</sub> standard. The TCEQ is developing a Natural Events Action Plan (NEAP) document for the El Paso area and, upon its completion, the TCEQ intends to begin developing a PM<sub>10</sub> Re-designation and Maintenance SIP for the El Paso area.

## Early Action Compacts

The San Antonio, Austin–Round Rock, and East Texas (Tyler and Longview) areas are addressing 8-hour ozone challenges through Early Action Compacts (EACs). Austin–Round Rock and East Texas are monitoring attainment, and San Antonio is currently monitoring violations of the 8-hour ozone standard. The nonattainment status for the San Antonio area is deferred until December 2007, so long as the area continues to meet key milestones under the EAC. If any EAC area is violating the 8-hour standard after 2007, the nonattainment-area designations would be effective and the area would be subject to the traditional SIP process.

## Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR)

In May 2005, the EPA finalized a new rule to address the interstate transport of air pollutants. Known as the Clean Air Interstate Rule (CAIR), it regulates emissions of sulfur dioxide (SO<sub>2</sub>) and NO<sub>x</sub>. In May 2005, the EPA also adopted a rule regulating mercury emissions, known as the Clean Air Mercury Rule (CAMR). Both the CAIR and CAMR impose limits, known as “budgets” or “caps,” on emissions that occur within state borders. The SIP for CAIR is due to the EPA by September 2006, and the State Plan for CAMR is due November 2006. However, the EPA has indicated that both the CAIR and CAMR will be revised, thus requiring additional plan submittals in 2007.

## Regional Haze

The EPA requires Texas to submit a Regional Haze SIP by December 2007, because regional technical work to date indicates that Texas emission sources contribute to decreased visibility in identified federal

Class I areas such as Big Bend National Park and the Guadalupe Mountains. In order to fulfill this requirement, the state must determine the eligible sources that will be required to complete a Best Available Retrofit Technology (BART) analysis. The EPA finalized implementation guidance for the BART portion of the Regional Haze SIP in July 2005.

Due to delays in receiving the EPA guidance and the potential large number of BART-eligible sources in Texas, developing a Regional Haze SIP is expected to be resource intensive, especially from a technical standpoint. The deadline for federal Class I areas to achieve natural background levels for visibility is 2064.

### **Texas Air Quality Study (TxAQS) II**

The Texas 2000 Air Quality Study (TxAQS 2000) was a comprehensive research project designed to shed new light on complicated issues associated with air quality in the Houston-Galveston-Brazoria area and throughout East Texas. Over 40 research organizations and over 250 scientists were involved. The study continues to provide important scientific support for ozone control strategies in the Houston-Galveston-Brazoria (HGB) ozone nonattainment area. TxAQS 2000 led directly to several important new discoveries, such as:

- Highly reactive VOCs (HRVOC) play a large role in Houston's ozone formation.
- HRVOCs were associated with industrial emissions rather than urban emissions.
- Plumes from industrial areas with HRVOC emissions produce more ozone more quickly than plumes from urban areas.
- Reported VOC emissions inventories could not adequately explain the high-ozone concentrations observed in the HGB area.
- Meteorological phenomena such as sea and bay breeze and planetary boundary layer dynamics in and near Galveston Bay play a crucial role in concentrating, reacting with, and transporting pollutants found in the HGB area.

Based on this new information, the commission developed a more cost-effective ozone control

strategy that became the centerpiece of the current HGB ozone SIP revisions. The scientific community's understanding of ozone formation in the HGB area has never been better.

The second phase of this study, TxAQS II, began May 2005 and will run through September 2006. The study will collect data throughout the eastern portion of Texas from the Interstate 35 corridor eastward. TxAQS II comprises an enhanced monitoring program and an intensive field campaign. The TCEQ has been heavily involved in the planning of this field study and will play an important role in the analysis of data collected. Issues and questions addressed in this study include:

- The importance of urban, industrial, power plant, biogenic, and regional NO<sub>x</sub> and VOC emissions in forming ozone.
- Increasing our ability to quantify and understand the transport of air pollutants (ozone, NO<sub>x</sub>, VOC, and particulates) into and within the state.
- The verification or improvement of NO<sub>x</sub> and VOC emissions estimates.
- Using measurements from East Texas to resolve uncertainties in photochemical models that support regulatory work.
- Providing the independent, objective verification of modeling results that will be necessary to have a technically supported SIP.

The enhanced monitoring program began in May 2005 and will continue through the conclusion of the study. Commensurate with funding, the enhanced monitoring will collect data to determine ozone and particulate transport into and within Texas and to determine the contribution of transport to ozone concentrations over the 8-hour standard in Texas' urban areas. Particulate data collected will be used to support the required regional haze SIP due in January 2008.

The climax of the field study will be a month-long intensive field campaign during August and September 2006. This intensive study will focus on the accuracy of VOC and NO<sub>x</sub> emission estimates and provide data to determine whether the modeling

for the 8-hour SIP is arriving at the right answers for the right reasons.

The commission has a long history of supporting enhancements to air quality models and associated applications and input data. These endeavors are critical to the support of SIP development for Texas areas and will continue to be a top priority. The commission is committed to working in cooperation with the regulated community, academia, research consortiums, and others to ensure that the modeling used to develop effective control strategies will employ the most current scientific methodologies and information to replicate high-ozone episodes in a given area.

Because the level of scientific knowledge is constantly evolving, a comprehensive description of ongoing or planned research projects is not provided at this time. However, the TCEQ does maintain a catalog of projects relevant to Texas, in addition to collecting and analyzing adequate data to determine how much of the regional haze comes from Texas and how much comes from sources upwind of Texas.

### **Texas Emissions Reduction Plan (TERP)**

The Texas Emissions Reduction Plan (TERP) was established in 2001 under Senate Bill (SB) 5, 77th Texas Legislature. Included in the TERP were the Diesel Emissions Reduction Incentive Program and the New Technology Research and Development Program.

### **Diesel Emissions Reduction Incentive Program**

The Diesel Emissions Reduction Incentive Program (ERIG) is administered by the TCEQ. This program provides voluntary incentive grants to reduce NO<sub>x</sub> from mobile sources, primarily diesel engines. The TERP program offers incentives for a variety of activities, such as replacement or repowering of old vehicles or equipment with newer and cleaner models, retrofitting engines with NO<sub>x</sub> emission-reduction technology, and providing infrastructure for idle reduction, electrification, and use of cleaner-burning fuels.

In 2003, the 78th Texas Legislature enacted House Bill (HB) 1365, which addressed revenue sources for the TERP, amended grant eligibility criteria, and authorized use of funding in all of the 41 counties making up the ozone nonattainment and near-nonattainment areas.

In 2005, the 79th Texas Legislature enacted HB 2481 and HB 3469. HB 2481 directed the agency to establish a process to issue at least a portion of the grants using a Rebate Grant approach. Under this approach, emission reductions and grant amounts would be predetermined for the types of projects included under the rebate program. An initial pilot rebate grant program was implemented in April 2006.

HB 3469 established a new Clean School Bus Program to provide grants to school districts throughout the state to retrofit buses with systems that will reduce the emissions of particulate matter and other pollutants. The rules for the program are scheduled for adoption by mid-2006. However, no funding was appropriated to implement the program in the 2006–07 biennium.

The ERIG is included in the SIP for the Houston-Galveston-Brazoria, Dallas-Fort Worth, and Beaumont-Port Arthur nonattainment areas. A total of 58.2 tons per day of NO<sub>x</sub> emissions are to be reduced through the TERP program by 2007. In addition, the Early Action Compacts for the San Antonio and Austin areas included a commitment to reduce 2.0 tons per day of NO<sub>x</sub> emissions in each of these areas through use of TERP funding. The TERP projects funded to date in the EAC areas are projected to meet those commitments. The ERIG program has also funded projects in other near-nonattainment areas.

A total of 719 projects had been funded by the end of 2006, for over \$322 million. These projects are projected to reduce over 73,000 tons of NO<sub>x</sub> emissions over the life of the projects.

### **New Technology Research and Development Program**

The New Technology Research and Development (NTRD) Program provides financial incentives to

promote the development and commercialization of technologies that will support projects that may be funded under the TERP ERIG program. Grants awarded under the NTRD program are to be directed toward a balanced mix of:

- Retrofit and add-on technologies to reduce emissions from the existing stock of vehicles targeted by the TERP.
- Advanced technologies for new engines and vehicles that produce very low or zero NO<sub>x</sub> emissions, including stationary and mobile fuel cells.
- Studies to improve air quality assessment and modeling.
- Advanced technologies that reduce emissions from other significant sources.

In 2005, the 79th Texas Legislature enacted House Bill (HB) 2481, which transferred the administration of the NTRD program, beginning Sept. 1, 2006, to a nonprofit organization based in Houston, with the funding for the program to be provided through a contract with the TCEQ. The TCEQ executed a contract with the Texas Environmental Research Consortium (TERC), which is a nonprofit organization based in Houston, to administer the NTRD program. The contract provides TERC with \$17.6 million in TERP funds to implement the NTRD program for the 2006–07 biennium.

The TCEQ will continue to manage the contracts for the 63 NTRD grant projects that were awarded NTRD grants totaling \$20.4 million before the NTRD program was transferred to TERC.

### **Expansion of the Air Monitoring Network Including PM Monitoring**

In the Jan. 17, 2006, *Federal Register*, the U.S. Environmental Protection Agency (EPA) proposed rules that will require the TCEQ to initiate air monitoring for particulate matter between 2.5 microns and 10 microns in diameter. This size fraction is commonly referred to as PM<sub>coarse</sub>. According to EPA estimates, up to 27 new air monitoring sites for PM<sub>coarse</sub> will be required to be operating in metropolitan areas of

Texas by September 2008. The results of the air monitoring will be used to determine compliance with a new EPA-proposed national ambient air quality standard for PM<sub>coarse</sub>.

### **Innovative Technology for Air Investigations**

The TCEQ has begun to incorporate the GasFind infrared camera into air investigations. This camera incorporates thermal and infrared imageries to make emissions of contaminants visible to the investigator. This provides a unique technological advancement in pollution detection and has proven to be highly effective in detection of volatile organic carbon emissions from leaks and previously unidentified or unrecognized sources. It is not a technology that can quantify emissions or that can confirm violations. Instead, the camera is being used as a highly effective screening tool for directing or focusing more routine investigations. The GasFind will also be utilized in ambient air monitoring activities to assist in identifying potential sources of monitored pollutants for special projects.

## **Water Quality and Quantity Surface Water Rights**

The Texas Commission on Environmental Quality issues and administers surface water right permits to ensure that surface water resources are beneficially used by municipalities, industry, and agriculture while ensuring that adequate flows remain in Texas' stream and rivers for recreational uses and the environment. Major challenges in the water-rights arena include permitting of indirect reuse projects and providing water for environmental flows.

### **Indirect Reuse Permitting**

In water-rights permitting, "reuse" is the use of surface water that has already been beneficially used once under a water right, or the use of groundwater that has been used. There are two types of reuse: indirect reuse and direct reuse.

Indirect reuse is the reuse of water, usually effluent that has been placed back into the river or stream. This generally occurs when a wastewater treatment plant discharges effluent into a stream and either the discharger or another person or entity diverts the effluent further downstream to use again. A “bed and banks” authorization under Texas Water Code Section 11.042 is required for the use of the watercourse to transport water for reuse.

In contrast, direct reuse occurs when effluent from a wastewater treatment plant is piped directly to a place where it is used. “Return flows” is another term for effluent or other water that is used and then returned to the river or stream.

As municipalities have increasingly looked to their effluent as an additional water resource, the commission and the Legislature have endeavored to specify and interpret the law related to reuse. Challenges arise, in part, because in the past the commission has issued some permits based on the existence of return flows being in the river. In the water-rights adjudication process, some claims were established based on return flows being in the stream. Also in the past, some bed-and-banks authorizations were issued with a priority date and some were not.

In 1997, the Legislature enacted Senate Bill 1 (SB 1), which amended Section 11.042 and Section 11.046 of the Texas Water Code. These amendments resolved some issues, such as providing for the commission to protect existing water rights and the environment in permitting reuse. However, not all issues were resolved. Since the passage of SB 1, new issues have developed related to how the commission should permit the use of a watercourse to transport water for reuse.

A major issue is the conflict between Texas Water Code §§ 11.041 and 11.046. Section 11.046(c) states that once surface water diverted under a permit is returned to the stream, absent any provisions in a water right to the contrary, it becomes state water again subject to appropriation by others. However, Section 11.041(b) and (c), allow the owner of the groundwater-based return flows, or the water-right holder or discharger of surface-water-based return

flows, to obtain a bed-and-banks permit to transport this water to a place of reuse. Thus, conflicts between appropriators and those who wish to indirectly reuse effluent are inevitable.

Other challenges in issuing bed-and-banks permits are whether the application for indirect reuse is to be considered a new appropriation of water and therefore carries a new priority date under the prior appropriation system, and what portions of Texas Water Code § 11.134 apply to these permits.

## **Environmental Flows**

The Legislature and the commission recognize that maintaining the biological soundness of the state’s rivers, lakes, bays, and estuaries is of great importance to the public’s economic health and general well-being. At the same time the state’s increasing population is placing greater pressure on the water resources of the state.

The commission balances these competing needs by placing special conditions on new surface water permits designed to maintain fish and wildlife habitats, maintain existing instream uses and water quality, and preserve the sound ecological environment of bays and estuaries.

In July of 2000, the San Marcos River Foundation filed an application to appropriate 1.3 million acre-feet/year from the Guadalupe for instream uses. This application was followed by similar applications in the Cypress, Colorado, Lavaca-Navidad, Lavaca-Guadalupe, San Jacinto, and Trinity basins. The commission denied the applications in 2003, determining that it did not have the authority to issue permits solely for instream uses for environmental purposes.

The San Marcos River Foundation, Caddo Lake Institute, Matagorda Bay Foundation, and Galveston Bay Foundation appealed the commission’s orders to District Court. The state district judge granted the petitioners’ motion for summary judgment on Feb. 7, 2006. The judge ruled that the commission did have authority to issue these permits. The judgments are not final, however, since there are other issues pending.

On Oct. 28, 2005, the Governor signed Executive Order RP 50, which created the Environmental Flows Advisory Committee. The committee is charged to make recommendation for commission action and legislation on methods for making future decisions to protect instream flows and freshwater inflows, while integrating human needs. The chairman of the commission serves on the committee. The commission, along with the Texas Water Development Board and the Texas Parks and Wildlife Department, provides staff support to the committee.

Implementing sound science in the area of environmental flows is a process that requires continual improvement. The TCEQ, Texas Water Development Board, and Texas Parks and Wildlife Department have implemented the Texas Instream Flow Program, a joint effort to collect instream flow data and determine flow conditions in the state's rivers and streams necessary to support a sound ecological environment.

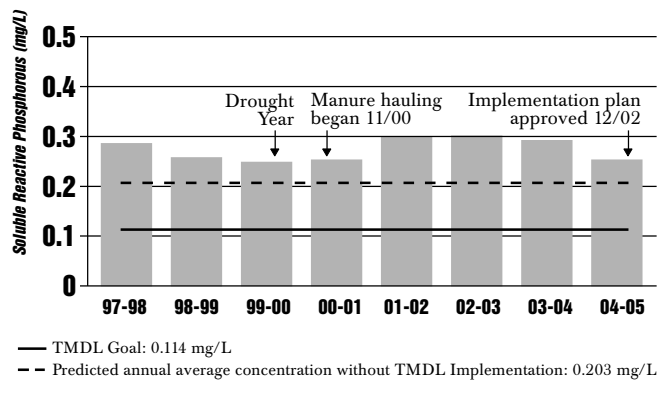
The three agencies have developed a technical overview document that describes a standard methodology for data collection and analysis. The three agencies have also developed an implementation plan for the program. The three agencies are currently revising those documents to incorporate suggestions from a review by the National Academy of Sciences. The three agencies, along with local partners, have begun intensive instream flow studies in the Sabine, Brazos, and San Antonio basins.

### Water Quality in the North Bosque River

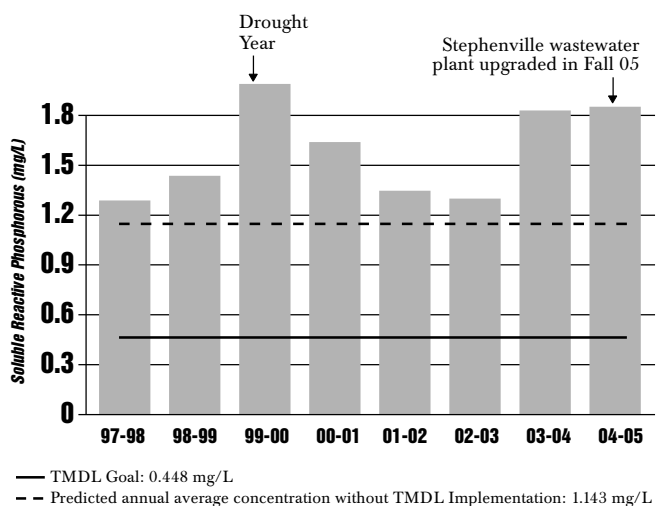
The North Bosque River and Waco Lake are the primary drinking water supplies for more than 200,000 people in the Waco area. High levels of nutrients in the North Bosque and Upper North Bosque rivers have contributed to excessive growth of algae and other aquatic plants in the river. High concentrations of nutrients in sources of drinking water can lead to taste and odor problems, even after treatment. Excess nutrients may also impair the aesthetic value of rivers and lakes, and, under certain circumstances, may cause reduced dissolved oxygen, which can result in fish kills.

The TCEQ's Total Maximum Daily Load Program determined that reducing phosphorus was the most effective way to limit excessive algae growth in the affected segments of the Bosque River. In concert with stakeholders, the TMDL Program allocated the phosphorus load among its sources in the watershed and developed a plan to implement the needed pollutant reductions. The TCEQ and the stakeholders

**Figure 6.**  
**Annual Average Soluble Reactive Phosphorus in the North Bosque River Above Stephenville**



**Figure 7.**  
**Annual Average Soluble Reactive Phosphorus in the North Bosque River Below Stephenville**



have been implementing their plan to reduce phosphorus since January 2003.

Many regulatory and voluntary activities are under way to implement the planned phosphorus control measures. Implementation activities fall into eight general categories:

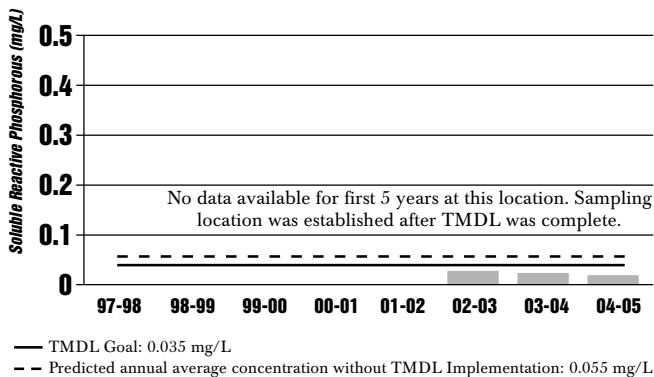
1. Issuing new and amended permits for dairies and municipal wastewater treatment plants.
2. Adopting revised rules governing animal feeding operations (AFOs), including concentrated animal feeding operations (CAFOs).

3. Institutionalizing a program for composting dairy manure, and associated permit requirements.
4. Developing and implementing practices to reduce pollution from runoff.
5. Providing educational materials and progress reports to stakeholders.
6. Monitoring at five index sites to track environmental results.
7. Enforcing compliance with applicable rules and discharge permits.
8. Refining the model used to make management decisions.

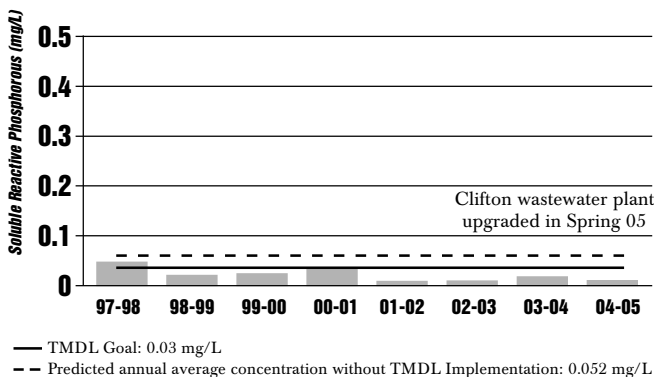
It is clear that some of the measures being implemented reduce the amount of phosphorus available in the watershed; however, the environmental effectiveness of implementation cannot yet be determined. It will probably be several years before there is enough data to verify whether the activities designed to reduce phosphorus in the watershed have improved the quality of water in the river. Figures 6–10 show phosphorus concentrations at the five index sites from fall 1997 through spring 2005.

Meanwhile, the TCEQ monitors the progress of implementation measures to ensure that we are on track to achieving better water quality in the Bosque River.

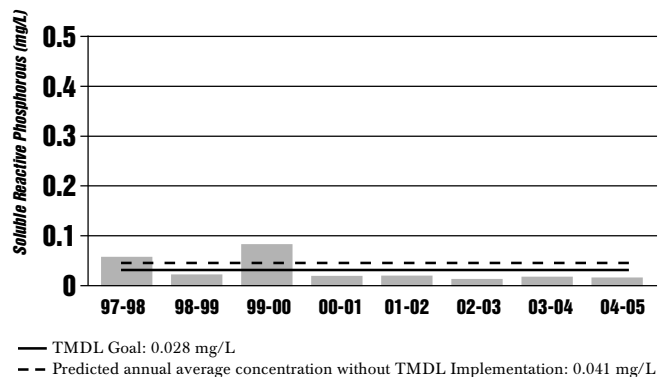
**Figure 8.**  
**Annual Average Soluble Reactive Phosphorus in the North Bosque River Above Meridian**



**Figure 9.**  
**Annual Average Soluble Reactive Phosphorus in the North Bosque River at Clifton**



**Figure 10.**  
**Annual Average Soluble Reactive Phosphorus in the North Bosque River at Valley Mills**





Indications of success achieved to date include:

- All municipal wastewater discharge permits have a compliance schedule consistent with the wasteload allocation in the TMDL. The planned wastewater treatment plant upgrades are currently ahead of schedule.
- The TCEQ adopted amendments to the Subchapter B rules for CAFOs on July 15, 2004, that strengthen controls on wastewater discharges from dairies and add requirements for managing nutrients throughout each dairy operation.
- As of February 2006, the TCEQ had received applications for individual permits consistent with the updated rules from 50 dairy CAFOs. As of March 2006, 49 of the applications are being reviewed for compliance with technical requirements, and one is being reviewed for compliance with administrative requirements.
- The Composted Manure Incentive Program has grown steadily since it became operational in November 2000. It now manages a significant percentage of collectable manure generated in the watershed. Through August 2005, the incentive program has resulted in the removal of more than 991,782 pounds of phosphorus from the area.
- The TCEQ issued a general permit for manure composting in October 2002, under which compost facilities may use their wastewater for irrigation under restrictions that assure no runoff of wastewater and no accumulation of nutrients in irrigated soils. No compost facility in the watershed may discharge wastewater to area streams or lakes.
- Information presented in the TIAER (Texas Institute for Applied Environmental Research) report "Preliminary Evaluations of Impacts from the Manure Composting Program on Stream Water Quality" indicates a positive correlation between participation in the compost program and reductions in phosphorus in

the stream through November 2004. At two sites downstream of dairies with the highest levels of participation in the compost program, measurements showed small but statistically significant reductions in concentrations of soluble reactive phosphorus.

As indicated in the Implementation Plan, the TCEQ needs at least five years of water quality data after implementation is completed to adequately compare stream conditions to predictions. Figures 6–10 show the annual average concentration of soluble reactive phosphorus at the five index sites on the North Bosque River, October 1997 through September 2005. These graphs show water quality conditions before and after the implementation plan was approved in December 2002.

## **Waste and Remediation Issues**

### **Comprehensive Municipal Solid Waste Rule Revisions**

In fiscal 2006, the commission completed a comprehensive overhaul of its municipal solid waste regulations. The revisions are to be implemented immediately for new permit applications. For existing facilities, they will apply on a staggered schedule up to March 2008.

The revisions will establish new buffer zone requirements and groundwater monitoring requirements. In addition, they include permits by rule and registrations by rule for certain low-impact waste management activities, and streamline the regulatory requirements for medical waste management between hospitals and associated clinics while maintaining protectiveness of human health and the environment.

The rules also establish basic levels of quality assurance and quality control reporting to be included in sampling and laboratory analysis reports submitted to the TCEQ. Finally, the rules establish groundwater monitoring well spacing requirements for Type I landfills, establish an MSW standard air permit for landfills and transfer stations, and improve readability.

## Site Operating Plans (SOPs)

The commission completed a rulemaking to produce a more comprehensive set of requirements for SOPs for municipal solid waste landfill facilities, due to questions raised by previous court decisions on permit applications reviewed by the commission. The revised rules provide greater clarity regarding the amount of detail needed in SOPs and performance-based requirements, and balance between flexibility, enforceability, and environmental protection. The commission will continue to require permittees to update SOPs to meet the new requirements by calling in permit modifications within the state through 2007.

## Procedural Changes

The commission is considering procedural changes to its municipal solid waste permitting program. These changes would affect the process for making major and minor changes to an existing solid waste management facility.

## Low-Level Radioactive Waste

The passage of House Bill 1567 by the 78th Legislature provided for the licensing of a low-level radioactive waste disposal site in Texas and established procedures for the TCEQ to accept and evaluate license applications. The bill allows a disposal facility to accept waste from members of a waste disposal compact ratified in 1998—Texas, Vermont, and Maine (which officially withdrew from the compact in 2004)—or waste that has been approved for importation to this state by the Texas Low-Level Radioactive Waste Disposal Compact Commission.

In addition, the bill allows a facility to accept federal facility waste at a separate and adjacent facility under one TCEQ license. Another provision of the bill allows a disposal facility to be licensed and permitted to accept mixed waste—that is, waste containing both low-level radioactive and hazardous constituents.

The agency has adopted rules and has implemented procedural requirements for license application submission, review, and selection. The TCEQ

received one application from Waste Control Specialists LLC on Aug. 4, 2004, for a license to authorize near-surface disposal of low-level radioactive waste.

The TCEQ has conducted an administrative review and a merit review based on statutory tiered criteria, and is currently in the technical review of the licensing application. There will be opportunity for a contested case hearing on a draft license that may be recommended by agency staff following the completion of the technical review phase; the hearing could last for one year. A final decision of license issuance is projected to come before the TCEQ commissioners in early 2008.

## Environmental Monitoring and Response System

The TCEQ has embarked on an unprecedented initiative to use applicable technology in the areas of environmental and compliance monitoring to secure real-time data through an Environmental Monitoring and Response System (EMRS). This initiative, championed by agency commissioners, is envisioned to provide immediate agency response to real-time air and water monitoring data. The system joins agency resources with academic and regulated-community resources to provide quicker reaction to air and water pollution events, and more immediate mitigation to the affected areas. The initiative will develop both short-term and long-term plans to address the specific needs in each region.

It is hoped that this initiative will allow the agency to position itself in the future to better accomplish its mission and more adequately protect human health and the environment. Building on this initiative, it is anticipated that in the future, the agency will be able to:

- Secure real-time data in areas and situations for which timeliness of information is required.
- Convert data to information and information to knowledge expeditiously.
- Better utilize staff resources, using knowledge gained to address situations that may have an effect on human health and the environment.

- Develop a warning system to prevent threats to human health and the environment and to act swiftly when such potential threats become a reality.
- Use monitoring data to develop better rules and to monitor their effectiveness.
- Respond quickly to public health and environmental concerns raised by the public.
- Enhance the agency's ability to provide accurate and timely information to the public concerning environmental quality.

During 2006, the TCEQ will continue to conduct an air quality related pilot project in Houston and a water quality related pilot project in the Bosque-Leon watershed. These efforts will gather operational information that will be useful to future implementations of the EMRS concept. The goal of the projects is to evaluate and refine the methods of enhanced real-time monitoring, analysis of the resulting data, and response actions taken by the participants. Pilot plans include the following elements:

- Identification of existing real-time monitoring resources, infrastructure, and data integration tools.
- Identification of areas (air, water, waste) that are most conducive to real-time monitoring.
- Development of cost estimates of plan development and implementation, including additional equipment costs, software enhancements, and data evaluation tools.
- Identification of funding sources to offset costs.
- Selection of one or more pilot monitoring projects in the areas of air and water quality, to assist in developing processes for future projects.

The EMRS scope of activities will continue to evolve based on lessons learned during the pilot projects. Stakeholder participation will continue to establish the objectives to be pursued and the prioritization of activities that will be initiated to achieve those objectives.

The TCEQ will expand the existing EMRS water quality project in the Bosque-Leon watershed by increasing the number of monitoring sites and

potentially relocating sites to monitor water quality conditions nearer to potential point sources and nonpoint sources of pollution. If successful, this geographical focusing of effort will enhance the ability of TCEQ staff to target available staff and other resources to the most likely sources of monitored pollution loads.

During 2005–06, several air quality related Supplemental Environmental Projects (SEPs) and Voluntary Emission Reduction Agreements (VERAs) have been developed by local participant groups which have components consistent with the EMRS concept. The TCEQ has facilitated these efforts by sharing the experience, infrastructure, and tools developed as part of the two EMRS pilot efforts.

It is hoped that during the 2008–09 biennium, the interest by participant groups to initiate local EMRS concept applications to address their most important local air and water quality issues will continue to grow. Success in such efforts will be improved if the participants are able to readily share information and in-kind services in ways that will allow them to leverage the resources they are investing in ongoing programs to achieve their overall air and water quality improvement objectives.

The TCEQ will make progress toward developing an enterprise-wide, Internet accessible, geographic information system (GIS) that will allow participants to easily integrate and display spatially related information about an emission event so that the causes of the event can be better understood and hopefully avoided, or minimized, in the future. Depending on the extent of success of the pilot efforts, and continued interest by stakeholders, the TCEQ anticipates expanding the EMRS to other areas of Texas as resources allow during the 2008–09 biennium and the 2010–11 biennium.

## **Permit Time-Frame Reduction Project**

The agency continues in its effort to improve the efficiency of the permitting processes through its permit time-frame reduction project that is designed to

shorten the time it takes to review and process major uncontested permits. The TCEQ is committed to the agency mission of environmental protection while striving for a more efficient permit review processes.

The agency has been proactive in streamlining procedures and requirements for issuing authorizations within the parameters specified by the Texas Legislature, the U.S. Environmental Protection Agency (EPA), and Congress. Ongoing efforts will continue to identify permit processing efficiencies.

Since the inception of the permit time-frame reduction project in March 2002, the TCEQ has achieved many significant accomplishments in reducing its permitting backlogs and improving efficiencies, most notably:

- From March 2002 to April 2006, we reduced the overall permit backlog from 1,150 permits to less than 100 permits.
- Consolidation of the administrative review function with the appropriate program areas has resulted in a significant time savings at the front end of the permitting process. The administrative review time for some programs has been reduced by as much as 14 days.
- The increased use of General Permits has resulted in a significant time saving for thousands of applicants. For example, issuance of the concentrated animal feeding operation (CAFO) general permit has significantly reduced the time frame for CAFO authorizations. The previous registration process targeted issuance within 270 days from receipt of the permit application. Coverage for CAFO renewing under the general permit process is provided within 48 hours following receipt of the notice of intent (NOI). Examples of other recently issued general permits include concrete, hydrostatic, multisector, composting, construction storm water, and petroleum bulk storage.
- Streamlining the review process for air permits by rule (PBR) and standard permits has reduced the processing time for these authorizations to less than 30 days (down from 67 days).
- Elimination of the registration requirement from the Trench Burner and Remediation permit by rule, and the concrete batch plant standard permit for public works, has eliminated the review of over 1000 registrations, freeing staff to work on more complex technical permits.
- Development of an electronic system for accepting construction general permit applications through State of Texas Environmental Electronic Reporting System (STEERS) allows applicants to obtain permit coverage within 24 hours of online submittal.
- Development of an electronic payment system in coordination with Texas Online enables agency customers to pay any invoiced fee and most permit fees online. This electronic payment system processes approximately 750 transactions per month and has handled over \$992,000 since it went into production in September 2004.

The TCEQ will continue to build on this success with the implementation of a new online permitting system for applicants. The system will allow applicants to apply for a permit, pay associated fees, and print a copy of the permit in less than 30 minutes. Phase I of this project is under way and will focus on the high-volume permit applications, including storm water general permits and certain air permits by rule authorizations. Phase I of this project is expected to come on-line during the summer of 2006. Phase II will include petroleum storage tank registrations and dry cleaner registrations. Phase II is expected to come on-line in fiscal 2007.

The TCEQ strives to develop innovative ways to develop permitting efficiencies, while continuing to focus on issuing well-written permits that are protective of human health and the environment.

## **Enforcement Review**

The TCEQ has completed an in-depth examination of its enforcement processes and functions. The comprehensive review looked at whether the agency

is enforcing environmental laws fairly, swiftly, and effectively, and focused primarily on three major subject matters:

- Compliance history
- Penalties and corrective actions
- Enforcement process

The agency solicited input from the public, stakeholders, and the regulated community throughout this process. A number of key issues were identified and over 150 recommendations for improvement were presented to the commissioners for consideration. All of the approved recommendations have been implemented with the exception of items directly related to revisions of the Commission's Compliance History Rule and Penalty Policy.

Some of the major changes resulting from the review are:

- Streamlining the expedited enforcement process from an average of approximately 290 days to 185 days.
- Establishment of an early appeals process.
- Providing the public with access to web-based information related to ongoing enforcement actions and complaint investigations.
- Revisions of the criteria related to the initiation of an enforcement action to improve consistency of application and to capture violations that pose the greatest risk to the health and safety of the public and the environment, and implementation of a pilot field citation program.
- Implementation of a risk-based investigation strategy for the prioritization of investigations.

Several stakeholder meetings were conducted statewide to discuss the recommended revisions to the commission's Compliance History Rule and Penalty Policy. Comments received during those meetings have been shared with the commissioners. Formal rule-making has been initiated to revise the Compliance History Rule. If adopted, the revised rule will:

- Allow a customer to view its compliance history classification prior to posting the classification on the agency's public web site.

- Expand the current opportunities to appeal a compliance history classification.
- Exclude self-reported violations from compliance history until they are cited in a final enforcement order.
- Exclude federal orders from compliance history.
- Add a measure of complexity to the person classification.
- Revise the "repeat violator" formula.

Discussions concerning the recommended revisions to the commission's Penalty Policy are ongoing.

## Other Key Issues

During the next five years, the TCEQ must address other challenges as it proceeds to fulfill its goals.

### Homeland Security

Senate Bill 9, passed during the 79th regular Legislative Session, further developed homeland security activities for the state of Texas, building on the foundation laid in House Bill 9 of the 78th Session. Senate Bill 9 amended several statutes, and laid out specific actions for state agencies, other governmental organizations, and private entities.

- The TCEQ was identified as a participant in the Homeland Security Council (previously Critical Infrastructure Protection Council) and the Private Sector Advisory Council.
- State agencies were called upon to cooperate and assist the Governor's Office, the newly created councils, and the federal and state infrastructure protection centers.
- Annual reporting by state and local agencies was required to account for any federal or state funds received for homeland security activities. The TCEQ instituted a tracking methodology for expenditures related to homeland security, and will provide the required information in its annual report.
- A Governor's Interoperable Radio Communications Program was created, mandating that all purchases of radio communications equipment

in the state be interoperable. The TCEQ provides assistance with communications in emergency incidents, and maintains its interoperability through compliance with the Texas Radio Communications Interoperability Plan.

- New requirements were listed for public drinking water and wastewater treatment systems to develop and maintain internal procedures to report breaches of security to the TCEQ. The TCEQ developed guidance and provided a toll-free phone number to assist these systems in meeting these requirements.

The Governor adopted the Texas Homeland Security Strategic Plan on Jan. 30, 2004, which requires “state agencies that play a role in homeland security” to address security issues in their agency strategic plans. In November of 2005, the Governor signed the Texas Homeland Security Strategic Plan 2005–2010, which serves as a high-level road map for homeland security efforts in Texas over the next five years.

This plan is a multi-part document that updates and builds upon the earlier Texas Homeland Security Strategic Plan released in January 2004. The new plan is aligned with the National Strategy for Homeland Security, and dovetails with the national objectives of the Department of Homeland Security. State agencies with homeland security responsibilities and the 24 councils of governments were required to develop annual homeland security implementation plans that delineate specific actions and deadlines for the forthcoming fiscal year to implement the priority actions of the state’s strategic plan. Implementation plans will include performance actions that are linked to performance measures and implementation milestones.

This TCEQ Implementation Plan was developed from input from program areas across the agency. The goal of developing the TCEQ Implementation Plan is to enable the commission to identify and carry out activities that will assist the Governor’s Office of Homeland Security to achieve its responsibilities to prevent acts of terrorism, protect critical

infrastructures and key assets, and respond to and recover from all hazards.

This Implementation Plan focuses primarily on activities to be conducted by the TCEQ during the remainder of fiscal 2006 and identifies a number of activities that would improve the TCEQ’s ability to support the goals, objectives, and priority actions in the state Strategic Plan. Many of the activities identified in the plan actively support the TCEQ’s mission and improve the ability to carry out day-to-day functions of the agency, as well as support specific homeland security strategic goals. The TCEQ is proposing to achieve many of the activities identified with existing resources; however, several actions will require additional funding and staffing, or, failing that, reallocation of resources from other programs.

The TCEQ has regulatory authority over several types of critical infrastructure facilities, which are those that provide essential products or services for the functioning of normal operations of the state and nation. For the TCEQ, these include refineries, chemical facilities, dams, and public drinking water and wastewater treatment facilities.

The Bioterrorism Act of 2002 required all water systems serving a population greater than 3,300 to complete vulnerability assessments and emergency response plans. The completion of these assessments and plans has been an expense to these systems. Several, but not all, have received federal grant funding to meet these requirements. Currently, federal grant funding has been available to some public water systems to complete their vulnerability assessments and emergency response plans. The TCEQ has received federal funding to develop homeland security curricula for public water system operator certification, training, and guidance, and to develop a “Water Watcher” program.

Vulnerability of the public drinking water and wastewater systems to power outages caused by damage or destruction to power lines has been illustrated by recent hurricanes. Maintaining backup power for these systems would be an expense as well. Many systems would need assistance to maintain

operations during power outages. The TCEQ also receives federal funding for the BioWatch program, which is passed along to local governments. The BioWatch project was first implemented in Texas and across the U.S. in 2003, and it continues to be enhanced as consequence management plans are developed and initiated.

Federal funding has not been available to the TCEQ to support its assessing of vulnerabilities for refineries, chemical facilities, wastewater treatment facilities, or dams that do not supply public drinking water sources.

Maintaining confidentiality of information that may be homeland-security sensitive remains a key issue, addressed by House Bill 9 of the 78th Legislative Session. The TCEQ has completed guidance for maintaining the confidentiality of records maintained by the agency that may meet the requirements laid out in House Bill 9.

As homeland security efforts continued to develop, the TCEQ dedicated three full-time staff members to coordinate homeland security efforts within the agency. Even though no federal funding is received to support these positions, other programs that support homeland security efforts receive federal funds for staff, including the BioWatch and counter-terrorism programs. Additional funding may become necessary to implement the increasing programs of the U.S. Department of Homeland Security and the recommendations of the Governor's Office of Homeland Security.

## **Web Site Enhancement**

TCEQ has made a number of improvements to its web site through the development of applications and projects that provide access to data and commission meetings on the web for public and regulated community use.

The TCEQ Central Registry is populated with basic core data from various agency programs and that data, as well as Compliance History data, is made available to the public via agency Internet queries. The public can now search for Public Notices issued

by the Chief Clerk by type, date, county, program area, or zip code. The TCEQ has enhanced its Enforcement Process Review with online content detailing the typical phases of action that can occur when environmental violations are found. With added query features that return information such as the status of complaints and status of Enforcement Actions, the agency can facilitate the growing expectations of both its internal and external customers.

The TCEQ is participating, along with the Governor's Office of Economic Development and the Department of Information Resources, in an effort designed to streamline the process of obtaining permits and authorizations for new businesses. Instead of a new business owner going to several different agencies and submitting the same basic identifying information several different times, that person would go to one web site or Business Portal and type in the basic data once. The TCEQ has developed enhanced data links specific to individual business types where a customer can return activities associated with the particular portal query type. The Business Portal will integrate with the TCEQ electronic permitting system, providing a single permit application process.

In its continuing efforts to increase public knowledge of its work, the TCEQ has undertaken another initiative: the webcasting of commission meetings. The public can now view live TCEQ commission meetings wherever they can get on the web—at no cost to them, or to Texas taxpayers. Under an agreement with TexasAdmin.com, the webcasts will include the twice-monthly commission meetings, plus monthly work sessions. In addition, TexasAdmin.com will provide a six-month archive of meetings, which will be searchable by specific agenda items. TexasAdmin.com is providing this service, with sponsors of the webcast underwriting the cost. The TCEQ is the first Texas agency to introduce live streaming video of its public meetings.

These online efforts provide the regulated community and general public with direct, real-time access to information and public deliberations in

more efficient and convenient ways. Consolidation and timely dispersal of information has proven to be of great benefit to the Agency. The TCEQ will continue its commitment to provide a practical and safe Internet presence that provides the public with the information they need to achieve compliance and protect the environment.

### **Pilot Nurse Program**

House Bill 952, 79th Legislature, Regular Session, established a pilot program to create an advanced-practice nurse clinic at the Texas Commission on Environmental Quality. The TCEQ is the only state agency with this type of program. There has been an advanced-practice nurse clinic in operation at the Texas Capitol for several years, and it has proven to be both convenient and cost-effective. The same benefits are expected with the advanced-practice nurse clinic located at the TCEQ.

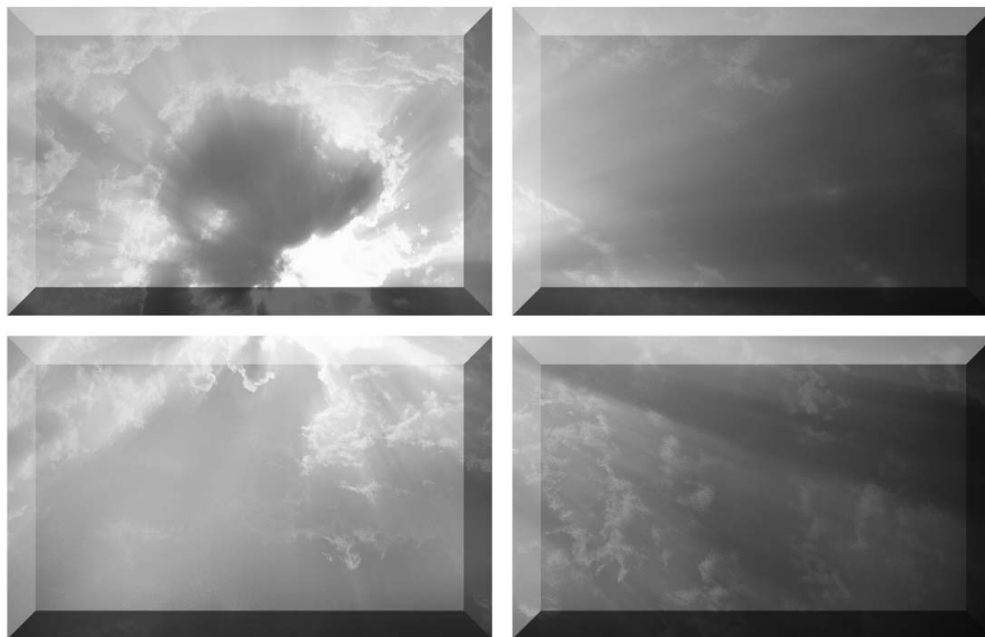
This pilot program is a collaborative effort of the TCEQ, the Employees Retirement System of Texas (ERS), Austin Regional Clinic, and Blue Cross/Blue Shield of Texas. The board of trustees of the ERS has established rules to administer the program and, in conjunction with the TCEQ executive director,

implements and administers all aspects of the program, including operating procedures, hours of operation, applicable fees, co-payments, administrative costs, and other administrative and operational functions.

The Employee Health Center opened March 16, 2006. The nurse practitioner is an employee of Austin Regional Clinic. The program is limited to TCEQ employees and employees of the state of Texas who are enrolled in the Texas Employees Group Benefits Program (GBP). Dependents and retirees are not eligible. Employee health records will be maintained by Austin Regional Clinic in the nurse practitioner's office. The TCEQ will not have access to any health records and will not be liable for services provided by the nurse practitioner. The nurse practitioner will carry professional liability insurance. The ERS board will determine if the continued provision of health services is cost-effective and beneficial.

The TCEQ incurred minimal construction costs to set up the facility. These costs totaled approximately \$25,000, and the TCEQ is expected to pay for all office consumables to keep the office operating effectively during the pilot program, including office equipment (computer, fax, copier, refrigerator, and furniture).





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# Part IV

## Strategic Planning Structure

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**Goals, Objectives, and Strategies,  
Fiscal Years 2007-2011**



## Goals, Objectives, and Strategies, Fiscal Years 2007–2011

The performance measures and definitions had not received formal approval from the Legislative Budget Board or the Governor’s Office of Budget, Planning, and Policy at the time of this printing.

### Goal 01. Assessment, Planning, and Permitting

To 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.

#### Goal 01, Objective 01

To decrease the amount of toxics released and disposed of in Texas by 40 percent by 2009 from the 1992 level and reduce air, water, and waste pollutants through assessing the environment.

##### *Outcome Measures*

- 01-01.01 Annual percent of stationary and mobile source pollution reductions in nonattainment areas
- 01-01.02 Nitrogen oxides (NO<sub>x</sub>) emissions reduced through the Texas Emissions Reduction Plan (TERP)
- 01-01.03 Percent of Texans living where the air meets federal Air Quality Standards
- 01-01.04 Annual percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state
- 01-01.05 Percent of Texas surface waters meeting or exceeding water quality standards
- 01-01.06 Annual percent reduction in disposal of municipal solid waste per capita
- 01-01.07 Annual percent decrease in the toxic releases in Texas

- 01-01.08 Annual percent decrease in the amount of municipal solid waste going into Texas landfills
- 01-01.09 Percent of TERP grants derived from New Technology Research and Development (NTRD) technologies
- 01-01.10 Percent of high and significant hazard dams inspected within established time frames
- 01-01.11 Number of acres of habitat created, restored, and protected through implementation of estuary action plans

##### *01-01-01. 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*

- 01-01-01.01 Number of point source air quality assessments
- 01-01-01.02 Number of area source air quality assessments
- 01-01-01.03 Number of mobile source air quality assessments
- 01-01-01.04 Number of air monitors operated
- 01-01-01.05 Tons of NO<sub>x</sub> reduced through the Texas Emissions Reduction Plan

##### *Efficiency Measures*

- 01-01-01.01 Percent of data collected by TCEQ continuous and non-continuous air monitoring networks
- 01-01-01.02 Average cost per air quality assessment
- 01-01-01.03 Average cost of LIRAP vehicle emissions repairs/retrofits
- 01-01-01.04 Average cost/ton of NO<sub>x</sub> reduced through the Emissions Reduction Plan

##### *Explanatory Measures*

- 01-01-01.01 Number of days ozone exceedances are recorded in Texas

- 01-01-01.02 Number of New Technology Grants Approved for Funding
- 01-01-01.03 Number of new technology grant proposals reviewed
- 01-01-01.04 Percent of New Technology Research and Development (NTRD) technologies verified or certified by the EPA or CARB

**01-01-02. 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**

- 01-01-02.01 Number of surface water assessments
- 01-01-02.02 Number of groundwater assessments
- 01-01-02.03 Number of dam safety assessments

**Efficiency Measures**

- 01-01-02.01 Average cost per dam safety assessment

**Explanatory Measures**

- 01-01-02.01 Percent of Texas' rivers, streams, wetlands and bays protected by site-specific water quality standards
- 01-01-02.02 Percentage of surface water impairments that are addressed within 13 years of impairment listing
- 01-01-02.03 Number of dams in the Texas Dam Inventory

**01-01-03. 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**

- 01-01-03.01 Number of municipal solid waste facility capacity assessments

**Efficiency Measures**

- 01-01-03.01 Average cost per municipal solid waste facility capacity assessment

**Explanatory Measures**

- 01-01-03.01 Number of council of government regions in the state with 10 years or more of disposal capacity

**Goal 01, Objective 02**

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

**Outcome Measures**

- 01-02.01 Percent of air quality permit applications reviewed within established time frames
- 01-02.02 Percent of water quality permit applications reviewed within established time frames
- 01-02.03 Percent of water-rights permit applications reviewed within established time frames
- 01-02.04 Percent of waste management permit applications reviewed within established time frames

**01-02-01. Air Quality Permitting**

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

**Output Measures**

- 01-02-01.01 Number of state and federal new source review air quality permit applications reviewed
- 01-02-01.02 Number of federal air quality operating permits reviewed
- 01-02-01.03 Number of Emissions Banking and Trading transaction applications reviewed

**Explanatory Measures**

- 01-02-01.01 Number of state and federal air quality permits issued
- 01-02-01.02 Number of federal air quality permits issued

**01-02-02. 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**

- 01-02-02.01 Number of applications to address water quality impacts reviewed
- 01-02-02.02 Number of applications to address water-rights impacts reviewed
- 01-02-02.03 Number of concentrated animal feeding operation (CAFO) authorizations reviewed

**Explanatory Measures**

- 01-02-02.01 Number of water quality permits issued
- 01-02-02.02 Number of water-rights permits issued

**01-02-03. 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**

- 01-02-03.01 Number of new system waste evaluations conducted
- 01-02-03.02 Number of nonhazardous waste permit applications reviewed
- 01-02-03.03 Number of hazardous waste permit applications reviewed

**Explanatory Measures**

- 01-02-03.01 Number of nonhazardous waste permits issued
- 01-02-03.02 Number of hazardous waste permits issued
- 01-02-03.03 Number of corrective actions implemented by responsible parties for solid waste sites

**01-02-04. Occupational Licensing**

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

**Output Measures**

- 01-02-04.01 Number of applications for occupational licensing
- 01-02-04.02 Number of examinations administered
- 01-02-04.03 Number of licenses and registrations issued

**Efficiency Measures**

- 01-02-04.01 Average annualized cost per license and registration

**Explanatory Measures**

- 01-02-04.01 Number of TCEQ licensed environmental professionals and registered companies

**Goal 01, Objective 03**

To ensure the proper and safe disposal of low-level radioactive waste.

**Outcome Measures**

- 01-03.01 Percent of scheduled licensing activities complete

**01-03-01. Low-Level Radioactive Waste Management**

To ensure the proper and safe disposal of low-level radioactive waste.

**Goal 02. Drinking Water and Water Utilities**

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 and sewer utilities; and by promoting regional water strategies.

**Goal 02, Objective 01**

To supply 95 percent of Texans served by public drinking water systems with drinking water consistent with requirements in the Safe Drinking Water Act. To provide regulatory oversight of water and sewer utilities and to promote regional water strategies.

**Outcome Measures**

- 02-01.01 Percent of Texas population served by public water systems which meet drinking water standards
- 02-01.02 Percent of Texas public water systems protected by a source water protection program
- 02-01.03 Percent of Texas population served by public water systems protected by a program which prevents connection between potable and nonpotable water sources

**02-01-01. Safe Drinking Water**

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**

- 02-01-01.01 Number of public drinking water systems that meet primary drinking water standards
- 02-01-01.02 Number of drinking water samples collected

**02-01-02. Water Utilities Oversight**

Provide regulatory oversight of water and sewer utilities to ensure that charges to customers are necessary and cost-based; and to promote and ensure adequate customer service.

**Output Measures**

- 02-01-02.01 Number of utility rate reviews performed
- 02-01-02.02 Number of district applications processed
- 02-01-02.03 Number of certificates of convenience and necessity applications processed

**Goal 03. Enforcement and Compliance Assistance**

To 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.

**Goal 03, Objective 01**

Through fiscal 2009, to 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 achieve pollution prevention, resource conservation, and enhanced compliance.

**Outcome Measures**

- 03-01.01 Percent of inspected or investigated air sites in compliance
- 03-01.02 Percent of inspected or investigated water sites and facilities in compliance
- 03-01.03 Percent of inspected or investigated waste sites in compliance
- 03-01.04 Percent of identified noncompliant sites and facilities for which appropriate action is taken
- 03-01.05 Percent of investigated occupational licensees in compliance
- 03-01.06 Percent of administrative orders settled
- 03-01.07 Percent of commitments between regulated entities and TCEQ voluntary programs that result in reported environmental improvements or progress toward improvements

**03-01-01. Field Inspections and Complaint Response**

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

**Output Measures**

- 03-01-01.01 Number of inspections and investigations of air sites
- 03-01-01.02 Number of inspections and investigations of water-rights sites
- 03-01-01.03 Number of inspections and investigations of water sites and facilities
- 03-01-01.04 Number of inspections and investigations of livestock and poultry operation sites

03-01-01.05 Number of inspections and investigations of waste sites

03-01-01.06 Number of spill cleanup inspections

#### ***Efficiency Measures***

03-01-01.01 Average inspection and investigation cost of livestock and poultry operations

03-01-01.02 Average time (days) from air, water, or waste inspection to report completion

#### ***Explanatory Measures***

03-01-01.01 Number of air sites in noncompliance

03-01-01.02 Number of water sites and facilities in noncompliance

03-01-01.03 Number of waste sites in noncompliance

03-01-01.04 Number of citizen complaints investigations completed

03-01-01.05 Number of occupational licensees in noncompliance

03-01-01.06 Number of emission events investigations

#### ***03-01-02. 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 violation situations.

#### ***Output Measures***

03-01-02.01 Number of environmental laboratories accredited

03-01-02.02 Number of small businesses and local governments assisted

03-01-02.03 Number of drinking water labs certified

#### ***Efficiency Measures***

03-01-02.01 Average number of days to file the initial settlement offer

#### ***Explanatory Measures***

03-01-02.01 Amount of administrative penalties paid in final orders issued

03-01-02.02 Amount required to be paid for supplemental environmental projects issued in administrative orders

03-01-02.03 Percent of administrative penalties collected

03-01-02.04 Number of administrative enforcement orders issued

#### ***03-01-03. Pollution Prevention and Recycling***

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

#### ***Output Measures***

03-01-03.01 Number of on-site technical assistance visits, audits, presentations and workshops on pollution prevention/waste minimization and voluntary program participation

03-01-03.02 Number of quarts of used oil diverted from landfills and processed

#### ***Efficiency Measures***

03-01-03.01 Average cost per on-site technical assistance visit

#### ***Explanatory Measures***

03-01-03.01 Tons of waste collected by local and regional collection and cleanup events

03-01-03.02 Number of entities participating in performance-based regulatory programs

03-01-03.03 Tons of agricultural waste chemicals collected by TCEQ-sponsored entities

03-01-03.04 Number of registered waste tire facilities and transporters

### **Goal 04. Pollution Cleanup**

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.

## Goal 04, Objective 01

By fiscal 2009, to identify, assess and remediate up to 56 percent of the known superfund sites and/or other sites contaminated by hazardous materials. To identify, assess and remediate up to 91 percent of the known leaking petroleum storage tank sites.

### *Outcome Measures*

- 04-01.01 Percent of leaking petroleum storage tank sites cleaned up
- 04-01.02 Percent of Superfund sites cleaned up
- 04-01.03 Percent of voluntary and brownfield cleanup properties made available for commercial/industrial redevelopment, community, or other economic reuse

### **04-01-01. 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. Provide prompt and appropriate reimbursement to contractors and owners for the cost of remediating sites contaminated by leaking storage tanks.

### *Output Measures*

- 04-01-01.01 Number of petroleum storage tank self certifications processed
- 04-01-01.02 Number of emergency response actions at petroleum storage tank sites
- 04-01-01.03 Number of Petroleum Storage Tank Reimbursement Fund applications processed
- 04-01-01.04 Number of petroleum storage tank cleanups completed

### *Efficiency Measures*

- 04-01-01.01 Average time (days) to review and respond to remedial action plans
- 04-01-01.02 Average time (days) to review and respond to risk-based site assessments
- 04-01-01.03 Average time (days) to process Petroleum Storage Tank Remediation Fund reimbursement claims

### *Explanatory Measures*

- 04-01-01.01 Average cost per petroleum storage tank cleanup

### **04-01-02. 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 environment.

### *Output Measures*

- 04-01-02.01 Number of Immediate Response Actions completed to protect human health and environment
- 04-01-02.02 Number of Superfund site assessments
- 04-01-02.03 Number of voluntary and brownfield cleanups completed
- 04-01-02.04 Number of Superfund sites in Texas undergoing evaluation and cleanup
- 04-01-02.05 Number of Superfund cleanups completed
- 04-01-02.06 Number of corrective action documents approved for industrial solid and municipal hazardous waste sites
- 04-01-02.07 Number of Dry Cleaner Remediation Program applications received

### *Efficiency Measures*

- 04-01-02.01 Average time (days) to process Dry Cleaner Remediation Program applications

### *Explanatory Measures*

- 04-01-02.01 Number of potential Superfund sites to be assessed
- 04-01-02.02 Number of federal Superfund sites
- 04-01-02.03 Number of state Superfund sites
- 04-01-02.04 Number of approved industrial solid and municipal hazardous waste cleanups

## Goal 05. Texas River Compacts

To ensure the delivery of Texas' equitable share of water.



**Goal 05, Objective 01**

To ensure the delivery of 100 percent of Texas' equitable share of water as apportioned by the River Compacts.

**Outcome Measures**

- 05-01.01 The percentage received of Texas' equitable share of quality water annually as apportioned by the Canadian River Compact
- 05-01.02 The percentage received of Texas' equitable share of quality water annually as apportioned by the Pecos River Compact
- 05-01.03 The percentage received of Texas' equitable share of quality water annually as apportioned by the Red River Compact
- 05-01.04 The percentage received of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact
- 05-01.05 The percentage received of Texas' equitable share of quality water annually as apportioned by the Sabine River Compact

**05-01-01. Canadian River Compact**

Prepare and resolve the annual accounting of water stored by each compact state.

**Output Measures**

- 05-01-01.01 Number of accountings prepared and resolved annually
- 05-01-01.02 Acre-feet of quality water impounded in Texas' reservoirs as apportioned by the Canadian River Compact

**Efficiency Measures**

- 05-01-01.01 Average cost per acre-foot of water impounded in Texas' reservoirs as apportioned by the Canadian River Compact

**Explanatory Measures**

- 05-01-01.01 Number of active interstate disputes regarding the Canadian River Compact that could result in litigation involving Texas, Oklahoma, and/or New Mexico

**05-01-02. Pecos River Compact**

Prepare and resolve the annual accounting of water deliveries to Texas by New Mexico as apportioned by the Pecos River Compact and the U.S. Supreme Court decree.

**Output Measures**

- 05-01-02.01 Number of accountings prepared and resolved annually
- 05-01-02.02 Acre-feet of quality water received by Texas annually as apportioned by the Pecos River Compact
- 05-01-02.03 Number of projects implemented to maximize water quality and water resource

**Efficiency Measures**

- 05-01-02.01 Average cost per acre-foot of quality water received by Texas as apportioned by the Pecos River Compact

**05-01-03. Red River Compact**

Develop and implement an annual accounting system of quality water deliveries to each compact state.

**Output Measures**

- 05-01-03.01 Rules developed and approved for compact defined by the Red River Compact
- 05-01-03.02 Number of interstate compact meetings attended to administer the Red River Compact

**Efficiency Measures**

- 05-01-03.01 Average cost per compact meeting attended to administer the Red River Compact

**05-01-04. Rio Grande Compact**

Prepare and resolve the annual accounting of water deliveries to Texas by Colorado and New Mexico as apportioned by the Rio Grande Compact.

**Output Measures**

- 05-01-04.01 Number of accountings prepared and resolved annually

- 05-01-04.02 Acre-feet of quality water received by Texas annually as apportioned by the Rio Grande Compact
- 05-01-04.03 Number of projects implemented to maximize water quality and water resource

***Efficiency Measures***

- 05-01-04.01 Average cost per acre-foot of quality water received by Texas as apportioned by the Rio Grande Compact

***05-01-05. Sabine River Compact***

Prepare and resolve the annual accounting of water diversions by Texas and Louisiana as apportioned by the Sabine River Compact.

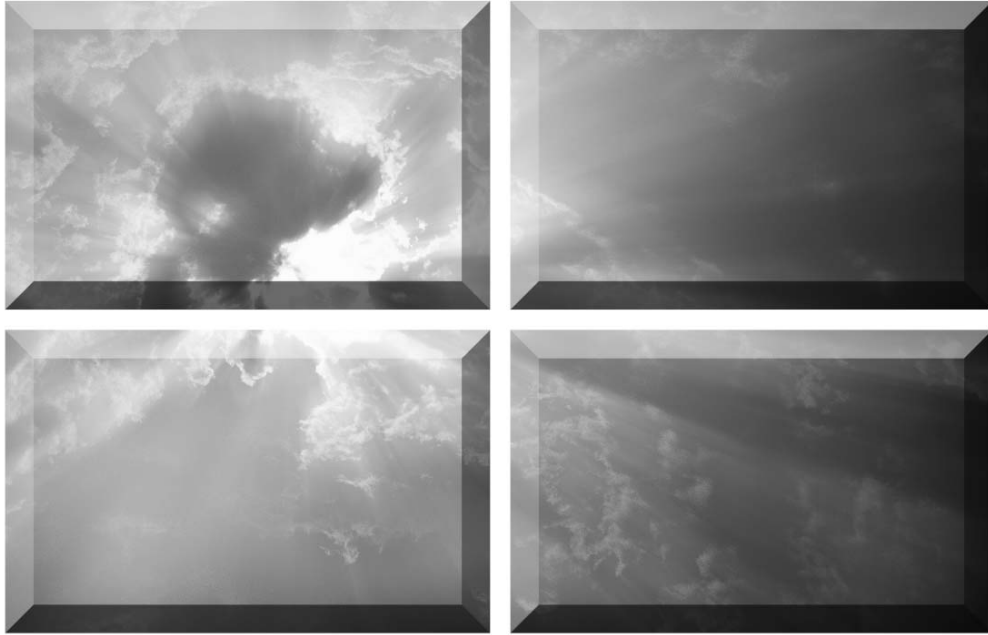
***Output Measures***

- 05-01-05.01 Number of accountings prepared and resolved annually
- 05-01-05.02 Acre-feet of water diversions by Texas as apportioned by the Sabine River Compact

***Efficiency Measures***

- 05-01-05.01 Average cost per acre-foot of water diverted by Texas as apportioned by the Sabine River Compact

TCEQ STRATEGIC PLAN  
FISCAL YEARS 2007-2011



# — Appendixes —

**Appendix A. Agency Planning Process**

**Appendix B. TCEQ Organization Chart**

**Appendix C. Outcome Projections, Fiscal Years 2007–2011**

**Appendix D. TCEQ Performance Measures and Definitions, Fiscal Year 2007**

Performance Measures | Measure Definitions

**Appendix E. TCEQ Workforce Plan, Fiscal Years 2007–2011**

Overview of Texas Commission on Environmental Quality

Current Workforce Profile (Supply Analysis)

Future Workforce Profile (Demand Analysis)

Gap Analysis | Strategy Development



# Agency Planning Process

In accordance with the TCEQ mission, the agency has established five goals and seven quantifiable objectives to accomplish through its Strategic Plan, Fiscal Years 2007–2011. These goals and objectives reflect the priorities and the environmental improvements the agency expects to make within this time frame.

No changes are anticipated in the 2008–09 biennium for the goals that were used in the 2006–07 biennium, which include the goal relating to the five Texas River Compacts. The management and support of the Texas River Compact Commissions was transferred to the agency via Senate Bill 1 (General Appropriations Act), 79th Legislature, Regular Session. Beginning with the 2008–09 biennium, the five goals for the TCEQ are:

1. Assessment, planning, and permitting
2. Drinking water and water utilities
3. Enforcement and compliance assistance
4. Pollution cleanup
5. Texas River Compacts

To achieve the mission and goals of the agency, the TCEQ has adopted seven planning objectives to protect the health and human welfare of our citizens, and to promote clean industrial and business development in Texas. The seven planning objectives are:

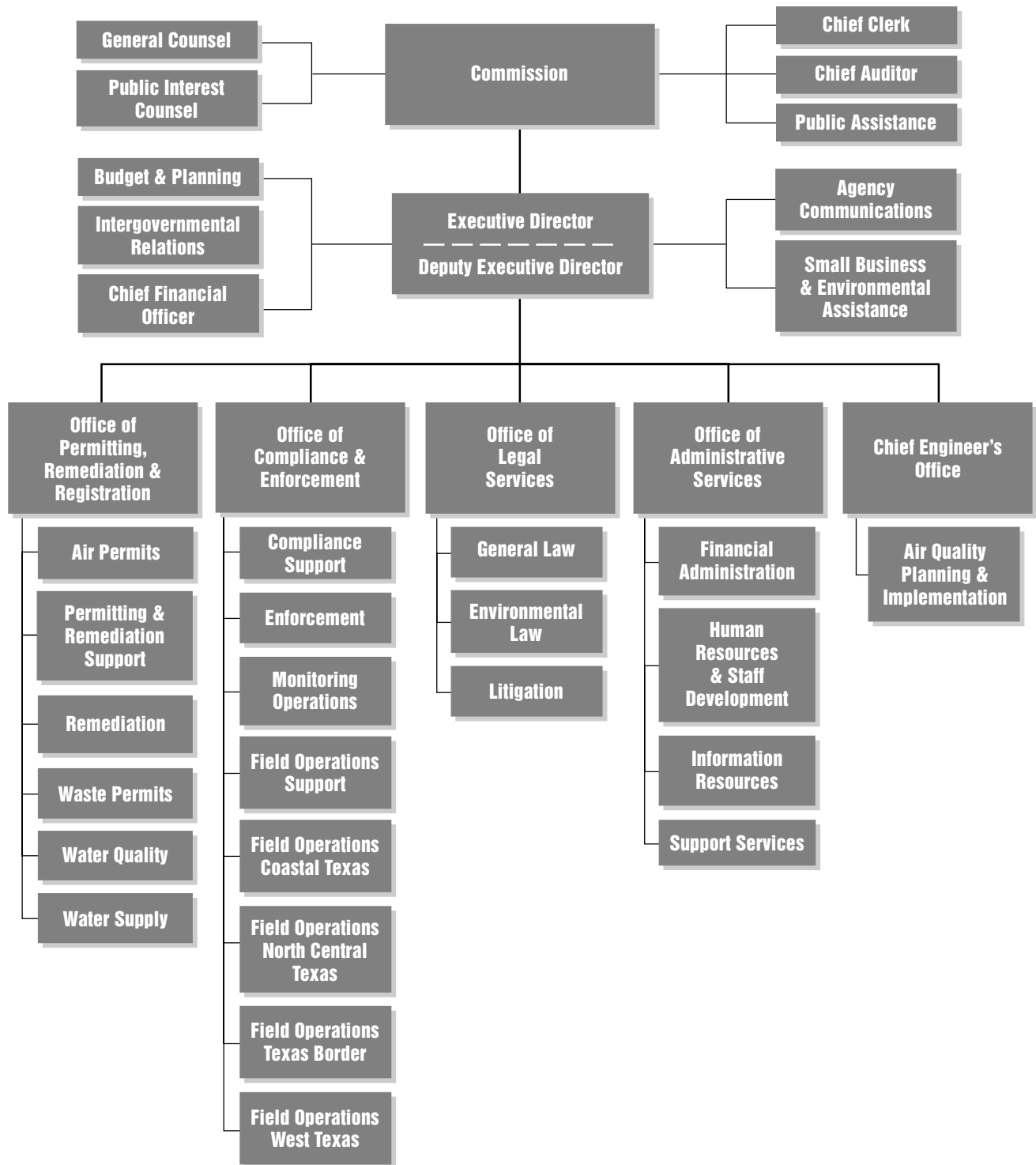
1. To decrease the amount of toxics released and disposed of in Texas by 40 percent by 2009 from the 1992 level, and reduce air, water and waste pollutants through assessing the environment.
2. To review and process 90 percent of air, water, and waste authorization applications within established time frames.
3. To ensure the proper and safe disposal of low level radioactive waste.

4. To supply 95 percent of Texans served by public drinking water systems with drinking water consistent with requirements in the Safe Drinking Water Act. To provide regulatory oversight of water and sewer utilities and to promote regional water strategies.
5. Through fiscal 2009, to 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 achieve pollution prevention, resource conservation, and enhanced compliance.
6. By fiscal 2009, to identify, assess and remediate up to 56 percent of the known Superfund sites and/or other sites contaminated by hazardous materials. To identify, assess and remediate up to 91 percent of the leaking petroleum storage tank sites.
7. To ensure the delivery of 100 percent of Texas' equitable share of water as apportioned by the River Compacts.

The Strategic Plan is developed with the support of the TCEQ commissioners and executive management to ensure agency policies address appropriate environmental protection and provide a cost-effective process to meet agency goals and objectives. Each agency office provides input into the external and internal assessment that is used to develop and maintain the goals, objectives, and strategies contained in this plan. Additionally, by improving and reporting on agency performance measures as accurately as possible, the TCEQ Strategic Plan is designed to communicate agency progress on efforts to ensure that all Texans are living in a safe environment.



# TCEQ Organizational Chart







# Outcome Projections, Fiscal Years 2007-2011

Goal/Obj.	Outcome Measures	2007	2008	2009	2010	2011
01-01.01	Annual percent of stationary and mobile source pollution reductions in nonattainment areas	4%	4%	4%	4%	4%
01-01.02	Nitrogen oxides (NOx) emissions reduced through the Texas Emissions Reduction Plan (TERP)	70.64 tpd	76.74 tpd	84.3 tpd	84.11 tpd	78.42 tpd
01-01.03	Percent of Texans living where the air meets federal Air Quality Standards	45%	53%	53%	100%	100%
01-01.04	Annual percent reduction in pollution from permitted wastewater facilities discharging to the waters of the state	0.8%	0.8%	0.8%	0.8%	0.8%
01-01.05	Percent of Texas surface waters meeting or exceeding water quality standards	66%	67%	67%	68%	68%
01-01.06	Annual percent reduction in disposal of municipal solid waste per capita	1.5%	1.5%	1.5%	1.5%	1.5%
01-01.07	Annual percent decrease in the toxic releases in Texas	2%	2%	2%	2%	2%
01-01.08	Annual percent decrease in the amount of municipal solid waste going into Texas landfills	(2%)	(2%)	(2%)	(2%)	(2%)
01-01.09	Percent of TERP grants derived from New Technology Research and Development (NTRD) technologies	2%	5%	7%	10%	10%
01-01.10	Percent of high and significant hazard dams inspected within established time frames	75%	75%	75%	75%	75%
01-01.11	Number of acres of habitat created, restored, and protected through implementation of estuary action plans	2,000	2,000	2,000	2,000	2,000
01-02.01	Percent of air quality permit applications reviewed within established time frames	90%	90%	90%	90%	90%
01-02.02	Percent of water quality permit applications reviewed within established time frames	90%	90%	90%	90%	90%
01-02.03	Percent of water-rights permit applications reviewed within established time frames	86%	83%	80%	77%	75%
01-02.04	Percent of waste management permit applications reviewed within established time frames	90%	90%	90%	90%	90%
01-03.01	Percent of scheduled licensing activities complete	86%	100%	n/a	n/a	n/a
02-01.01	Percent of Texas population served by public water systems which meet drinking water standards	93%	94%	90%	91%	93%
02-01.02	Percent of Texas public water systems protected by a source water protection program	95%	95%	96%	96%	96%
02-01.03	Percent of Texas population served by public water systems protected by a program which prevents connection between potable and non-potable water sources	95%	95%	95%	95%	95%

*continued on next page*

**Outcome Projections, Fiscal Years 2007-2011 (continued)**

Goal/Obj.	Outcome Measures	2007	2008	2009	2010	2011
03-01.01	Percent of inspected or investigated air sites in compliance	98%	98%	98%	98%	98%
03-01.02	Percent of inspected or investigated water sites and facilities in compliance	97%	97%	97%	97%	97%
03-01.03	Percent of inspected or investigated waste sites in compliance	97%	97%	97%	97%	97%
03-01.04	Percent of identified noncompliant sites and facilities for which timely and appropriate enforcement action is taken	85%	85%	85%	85%	85%
03-01.05	Percent of investigated occupational licensees in compliance	86%	86%	86%	86%	86%
03-01.06	Percent of administrative orders settled	85%	85%	85%	85%	85%
03-01.07	Percent of commitments between regulated entities and TCEQ voluntary programs that result in reported environmental improvements or progress toward improvements	50%	75%	75%	75%	75%
04-01.01	Percent of leaking petroleum storage tank sites cleaned up	86%	89%	91%	93%	95%
04-01.02	Percent of Superfund sites cleaned up	59%	57%	56%	55%	55%
04-01.03	Percent of voluntary and brownfield cleanup properties made available for commercial/industrial redevelopment, community, or other economic reuse	57%	65%	65.1%	65.2%	65.3%
05-01.01	The percentage received of Texas' equitable share of quality water annually as apportioned by the Canadian River Compact	100%	100%	100%	100%	100%
05-01.02	The percentage received of Texas' equitable share of quality water annually as apportioned by the Pecos River Compact	100%	100%	100%	100%	100%
05-01.03	The percentage received of Texas' equitable share of quality water annually as apportioned by the Red River Compact	100%	100%	100%	100%	100%
05-01.04	The percentage received of Texas' equitable share of quality water annually as apportioned by the Rio Grande Compact	100%	100%	100%	100%	100%
05-01.05	The percentage received of Texas' equitable share of quality water annually as apportioned by the Sabine River Compact	100%	100%	100%	100%	100%

# TCEQ Performance Measures and Definitions

## Fiscal Year 2007

The performance measures and definitions had not received formal approval from the Legislative Budget Board or the Governor's Office of Budget, Planning, and Policy at the time of this printing.

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 upon what an agency is *accomplishing*, rather than just 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:

1. **Outcome Measures**—used to assess the effectiveness of 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**—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. **Explanatory Measures**—reflect the agency's operating environment and explain factors that are relevant to the interpretation of other agency measures.

4. **Efficiency Measures**—used to quantify costs, unit cost, or productivity associated with a given outcome or output.

### Measure Definitions

The definition of a performance measure follows a format prescribed by the Texas Legislative Budget Board. This format has eight components:

1. **Short Definition:** Provides a brief explanation of the measure, with enough detail to give a general understanding of the measure.
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 higher, near, or lower than projections.

The following is a listing of the TCEQ's performance measures and their definitions for fiscal 2007.

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**Outcome 01-01.01      Annual percent of stationary and mobile source pollution reductions in nonattainment areas**

**Short Definition:** This measure quantifies changes in criteria pollutants or precursors for criteria pollutants for which the area has failed to meet a national standard from sources within nonattainment areas.

**Purpose/Importance:** The measure reflects trends of criteria emissions in the nonattainment areas showing pollution changes in areas that have failed to meet national emission standards. These changes are potential indicators of strategies put in place to reduce emissions that will result in meeting attainment status.

**Source/Collection of Data:** The sources of data include the annual inventory of major stationary point sources and the inventory of minor point sources and mobile sources that occurs every three years.

**Method of Calculation:** This measure is calculated by subtracting emissions data totals of the most recent emissions inventory from the total emissions figures of the previous year, divided by a base year emissions according to pollutant type. 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:** The lack of consistency between the current methods of conducting emissions inventories for major stationary point and minor stationary point and mobile emissions results in the inability to compile detailed annual trend analyses.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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**Outcome 01-01.02      Nitrogen oxides (NO<sub>x</sub>) emissions reduced through the Texas Emissions Reduction Plan (TERP)**

**Short Definition:** This measure is intended to show the amount of NO<sub>x</sub> emissions reduced through implementation of the TERP incentive grants for cleaner on- and off-road diesel 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- 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<sub>x</sub> reduced is generated by totaling the annual emissions reduction reported by each grant recipient and is expressed as tons per day reductions.

**Data Limitations:** None identified; grant recipients are required to report emissions reduced by the funded projects. These reductions will most likely occur in the Houston-Galveston and Dallas-Fort Worth areas. However, both the Commission and the TERP advisory board can recommend going out beyond these two areas.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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**Outcome 01-01.03      Percent of Texans living where the air meets federal Air Quality Standards**

**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.

#### **Outcome 01-01.04      Annual 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.

#### **Outcome 01-01.05      Percent of Texas surface waters meeting or exceeding water quality standards**

**Short Definition:** Percent of Texas 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 a direct environmental measure of water quality in Texas rivers, reservoirs, and estuaries.

**Source/Collection of Data:** The Surface Water Quality Information System Database has summary information on the water quality status for water bodies in Texas. This information was generated by comparing

water sampling data collected by the agency and its cooperators with criteria established in the Texas Surface Water Quality Standards, Chapter 307 of title 30 of the Texas Administrative Code. Standards attainment is generated from the Surface Water Quality Monitoring Assessment Database and is reported in TCEQ's Texas Water Quality Inventory [305(b) Report] and the 303(d) List of impaired waters.

**Method of Calculation:** Summary totals reported in the Texas Water Quality Inventory express separately the percent of waters meeting water quality standards for rivers, reservoirs, and estuaries. For this calculation, the percent meeting or exceeding standards = "amount meeting" / "total amount assessed" times 100; where "total amount assessed" = "amount meeting" + "amount not meeting". The amount is 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 as (% of rivers meeting standards + % of reservoirs meeting standards + % of estuaries meeting standards) / 3.

**Data Limitations:** The Texas Water Quality Inventory is prepared in even years and staff are directed by the Commission to submit a draft document to EPA for approval. This draft document is posted on the agency web site and used for reporting and planning purposes as the "Commission-approved draft." Compliance with water quality standards is based on the most recent sampling typically for a period of five years. The assessment integrates natural variability in water quality and overall change in this measure, reflecting actual conditions, is relatively slow. Because the inventory is updated only every two years, this measure remains constant for two years.

**Calculation Type:** Non-cumulative

**New Measure:** Yes.

**Desired Performance:** Above projections.

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### **Outcome 01-01.06      Annual percent reduction in disposal of municipal solid waste per capita**

**Short Definition:** The annual percent reduction in the amount of municipal solid waste disposal in the state per person.

**Purpose/Importance:** To provide a general indicator of the effectiveness of statewide solid waste reduction and planning efforts.

**Source/Collection of Data:** Waste disposal data obtained through the annual reporting program for municipal solid waste landfills is used. In addition, population estimates from the Texas State Data Center are used (i.e., July 1 estimates for the year of report, 1.0 Growth Scenario).

**Method of Calculation:** Per capita rates are determined by dividing total annual disposal amounts for the state by total annual population for the state. The percent reduction is determined by the formula: (current rate - previous rate) / previous rate x 100.

**Data Limitations:** Population estimates are used, assuming a certain growth scenario. Although population growth has a direct affect on solid waste generation, economic factors are also important and are not currently considered in the calculation. In addition, only about 41 percent of total waste disposal is determined by actual scale weight, with the majority of waste disposal in the state determined by volume estimates.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Outcome 01-01.07      Annual percent decrease in the toxic releases in Texas**

**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.

**Outcome 01-01.08      Annual percent decrease in the amount of  
municipal solid waste going into Texas landfills**

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

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

**Source/Collection of Data:** The percent decrease in the amount of municipal solid waste (MSW) going into Texas landfills will be computed by subtracting the amount in tons for the reporting period from the amount in tons for the previous year. This difference will then be divided by the amount in tons for the previous year and multiplied by 100 to determine the percent decrease. The disposal amount in tons is based on the most current set of complete data obtained through annual reports required for all permitted MSW facilities.

**Method of Calculation:** The percent decrease in the amount of municipal solid waste (MSW) going into Texas landfills will be computed by subtracting the amount in tons for the reporting period from the amount in tons for the previous year. This difference will then be divided by the amount in tons for the previous year and multiplied by 100 to determine the percent decrease. The disposal amount in tons is based on the most current set of complete data obtained through annual reports required for all permitted MSW facilities.

**Data Limitations:** Due to the continued growth in population in the state, there will more than likely not be a decrease in municipal solid waste going to landfills despite the best efforts to encourage recycling and reuse for some time to come.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Outcome 01-01.09      Percent of TERP grants derived from New Technology  
Research and Development (NTRD) technologies**

**Short Definition:** This measure shows the percent of the total dollar amount of TERP grants that use technologies derived from grants of the NTRD program.

**Purpose/Importance:** The percent of dollar amount of TERP grants that use technologies derived from grants of the NTRD program will provide an account of the impact that the NTRD program has on the TERP, as it applies to getting cost-effective technologies to the marketplace.

**Source/Collection of Data:** The TCEQ database or the Texas Environmental Research Consortium (TERC) provides the number of grants awarded for each fiscal year.

**Method of Calculation:** The percent of the total dollar amount of TERP grants derived from NTRD technologies will be calculated by the number of dollars of TERP grants that use NTRD technologies awarded divided by the total number of dollars of TERP grants awarded.

**Data Limitations:** The number of grants awarded is limited by number and/or applicability of TERP eligible technologies verified or certified and the cost-effectiveness of those technologies when considered for the TERP program.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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#### **Outcome 01-01.10      Percent of high and significant hazard dams inspected within established time frames**

**Short Definition:** Percent of high- and significant-hazard dams that have had safety assessments performed within established time frames. Assessments include on-site investigations as well as in-house review of plans and specifications for dams, spillway adequacies, breach analyses, emergency action plans, and engineering reports involving high- and significant-hazard dams.

**Propose/Importance:** The assessments are conducted to ensure the safe design, construction, maintenance, repair, and removal of dams in the state. The percent of assessments conducted on high- and significant-hazard dams allows a comparison of State performance to Federal program recommendations.

**Source/Collection:** Dam Safety Investigation staff enter investigation information into the Dam Safety Project Tracking Database or any successor databases.

**Method of Calculation:** Using information obtained by running queries of the Dam Safety Project Tracking Database, performance is calculated using the following formula: (number of high- and significant-risk dams that have been inspected within the federal standards / total number of high- and significant-risk dams) x 100.

**Data Limitations:** None.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

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#### **Outcome 01-01.11      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 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 USEPA 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 Water Programs, Chief Engineer's Office.



**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, 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:** Yes.

**Desired Performance:** Above projections.

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#### **Output 01-01-01.01      Number of point source air quality assessments**

**Short Definition:** The number of National Ambient Air Quality Standards (NAAQS) criteria and toxic pollutant industrial point source inventories evaluated and entered into the point source database.

**Purpose/Importance:** Point source data currently collected are quality assured by engineering staff, emissions recalculated where appropriate, and data are formatted and entered into the point source database. The measure calculates the number of stationary sources of air pollution in Texas that exceed the reporting requirement of 30 TAC Rule 101.0 based on actual or potential levels of emissions. These emissions are in turn 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:** Data are collected through inventory surveys submitted annually to the point source staff in the Industrial Emissions Assessment Section.

**Method of Calculation:** The count of sources is based on the number of accounts with emissions that are entered into the point source or other electronic database.

**Data Limitations:** Data is affected by the number of nonattainment areas in the state or by the NAAQS levels; should the number of nonattainment areas or the level or number of NAAQS change, the number of accounts reviewed will also change.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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#### **Output 01-01-01.02      Number of area source air quality assessments**

**Short Definition:** This assessment is the number of area source categories for which emissions are inventoried or calculated by county and entered into a database by the Technical Analysis Division. Area sources are defined as a wide variety of sources of air pollution too small and too numerous to identify individually and are expressed in tons of emissions per year and tons per ozone season average weekday. Emissions from area sources are assessed by making regional emissions estimates using either a “top-down” method that applies an EPA approved emission factor to a generic activity indicator such as a county total population, or a “bottom-up” method using local area surveys or site inspection data for assessing processes and materials usage of individual categories.

**Purpose/Importance:** Area sources cumulatively make up a large sector of air pollution sources including gas stations, consumer products, small printing and painting operations, wildfires, and small industrial and residential combustion sources. Emissions from these sources are included in strategies associated with ozone nonattainment area State Implementation Plans.

**Source/Collection of Data:** Data used for this measure come from the number of area source categories for which emissions estimates are developed.

**Method of Calculation:** The measure is accounted for by staff reporting the number of area source categories within each geographic area for which emissions are developed.

**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. Also, the measure is not stored in a database that would easily facilitate calculating this measure.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Output 01-01-01.03      Number of mobile source air quality assessments**

**Short Definition:** This measure depicts the number of on-road mobile source/transportation related scenarios evaluated by the Technical Analysis Division. Mobile sources are defined as the eight classes of on-road vehicles for which emissions are estimated in tons of emissions per year and tons per ozone season average weekday.

**Purpose/Importance:** Mobile sources in large urban areas are a very significant source of air emissions. In some ozone nonattainment areas they are considered the largest source of ozone-forming pollutants. Emissions from these sources are included in strategies associated with ozone nonattainment area State Implementation Plans. Assessments are also used to evaluate the impacts of different vehicle Inspection/Maintenance programs, roadway construction projects and transportation control measures.

**Source/Collection of Data:** Assessment counts are dependent on Technical Analysis Division staff reporting. Emission calculations/assessments are dependent upon the inputs to the MOBILE computer model used to develop emission factors, as well as, 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 both at the state and local level.

**Method of Calculation:** The EPA MOBILE computer model is 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 as one assessment. The number of assessments reported is based on a quarterly summation of weekly staff counts of mobile scenarios run for each week.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Output 01-01-01.04      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 including 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/direction, etc. A computerized file is maintained by the Monitoring Operations Division that provides information on all monitoring sites.

**Source/Collection of Data:** The manager of the Texas air monitoring networks maintains a computerized file of all air monitors operating at each monitoring site in the state. Deployment personnel provide a written record to the network manager each time they make any changes in equipment at any monitoring site. The manager then updates the computerized file to reflect the network changes.

**Method of Calculation:** The computerized file depicts a site description and a listing of the number of each type of monitor at each site. The file contains formulas that automatically recalculate each time an entry is updated or added. The formulas sum the number of each type of monitor, then sum the totals for each type of monitor to derive a total number of air monitors in operation. Each quarter, the computerized file is printed in hard copy and the totals are calculated manually to verify the accuracy of the computerized file.

**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 as well as by equipment failures.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Output 01-01-01.05      Tons of NO<sub>x</sub> reduced through the Texas Emissions Reduction Plan**

**Short Definition:** This measure is intended to show the amount of NO<sub>x</sub> emissions projected to be reduced through projects funded by TERP incentive grants awarded each year. Note that the corresponding Outcome Measure (01-01.02) 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- 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<sub>x</sub> that will be reduced by that project.

**Method of Calculation:** The total tons projected to be reduced by each project is 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.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Efficiency 01-01-01.01      Percent of data collected by TCEQ continuous and non-continuous air monitoring networks**

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

**Purpose/Importance:** The percent of valid data collected by the TCEQ continuous and non-continuous air monitoring networks allows a comparison of state performance to federal monitoring requirements.

**Source/Collection of Data:** Valid measurements are defined as measurements that meet 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 TCEQ data will be reported in this measure, and the source of the data will be TCEQ's automated data collections systems for continuous data and TCEQ's non-continuous air monitoring databases for non-continuous data. The data will be reported during the quarter in which it is validated (the quarter after it is collected), and the sampling periods will be as follows as required by federal regulations: January–March, April–June, July–September, and October–December.

**Method of Calculation:** The percentage of valid data collected for each pollutant will be determined by dividing the number of valid measurements by the total possible measurements, then multiplying by 100. The percent of valid data collected by the networks will be determined by summing the percentages of valid data collected for all pollutants measured and dividing by the number of pollutants measured.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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#### **Efficiency 01-01-01.02 Average cost per air quality assessment**

**Short Definition:** This measure accounts for the funds expended by the Air Quality Planning and Implementation 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 three output measures; point source assessments, area source assessments and mobile source assessments.

**Source/Collection of Data:** Operating expense data is taken from USAS reports for the Air Quality Planning and Implementation. The number of assessments for the period is compiled by staff in the Air modeling and Data Analysis Section.

**Method of Calculation:** Using budgetary figures maintained by the Air Quality Planning and Implementation Division, this measure will be reported by: (1) identifying the total funds expended and encumbered through the reporting period of salaries and operating costs for staff performing air quality assessments; (2) collect and combine point, area, and mobile air quality assessment outputs; and (3) divide the total identified expenses by the total number of point source, area source, and mobile source air quality assessments conducted during the reporting period to derive an average cost per assessment.

**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 and area source assessments is highly dependent on customer demand.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Efficiency 01-01-01.03 Average cost of LIRAP vehicle emissions repairs/retrofits**

**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.

#### **Efficiency 01-01-01.04 Average cost per ton of NO<sub>x</sub> reduced through the Texas Emissions Reduction Plan**

**Short Definition:** This measure is intended to show the average cost per ton of NO<sub>x</sub> 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- 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<sub>x</sub> 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 is 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 01-01-01.01 Number of days ozone exceedances are recorded in Texas**

**Short Definition:** The number of days that ozone standards are exceeded by more than one National Air Monitoring Site in any urban area.

**Purpose/Importance:** The measure reflects compliance with National Ambient Air Quality Standards.

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

**Method of Calculation:** The sum of days by urban area that the ozone standards are exceeded. Ozone exceedances will be monitored by the National Air Monitoring Site (NAMS) network. If more than one NAMS site in any urban area exceeds the standards 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 (8 hour or 1 hour) is in place. This work is performed as needed. There are no quotas for State Implementation Plan (SIP) modeling.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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### **Explanatory 01-01-01.02 Number of New Technology grants approved for funding**

**Short Definition:** This measure shows the number of grants approved for funding, providing an indication of the number of grantees the agency must monitor and assist.

**Purpose/Importance:** This measure shows the number of grants approved for funding, providing an indication of the number of grantees the agency must monitor and assist.

**Source/Collection of Data:** The Texas Environmental Research Consortium (TERC) provides the number of grants awarded in a given quarter.

**Method of Calculation:** The sum of each New Technology grant awarded by TERC in a quarter.

**Data Limitations:** The number of grants awarded is limited by funding constraints and the size of the projects proposed by applicants. The NTRD program is implemented by the TERC. TCEQ has very little control over when request for grant applications are conducted or awarded.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Explanatory 01-01-01.03 Number of New Technology grant proposals reviewed**

**Short Definition:** This measure shows the number of grant proposals reviewed that identify and evaluate new technologies to improve air quality and to facilitate the deployment of those technologies. The grant funds support environmental research projects to reduce the impact of air emissions on air quality.

**Purpose/Importance:** The measure counts the number of grant proposals that support environmental research projects to reduce the impact of air emissions on air quality.

**Source/Collection of Data:** The database provides the number of grants reviewed in a given quarter.

**Method of Calculation:** The sum of each New Technology grant reviewed each quarter.

**Data Limitations:** The number of grants reviewed is limited by funding constraints and the size of the projects proposed by applicants. The NTRD program is implemented by the Texas Environmental Research Consortium (TERC). TCEQ has very little control over when request for grant applications are conducted or awarded.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Explanatory 01-01-01.04 Percent of New Technology Research and Development (NTRD) technologies verified or certified by the EPA or CARB**

**Short Definition:** The percentage of grants funded that are verified by the Environmental Protection Agency or the California Air Resources Board (CARB) based on their commercialization potential after being recommended for certification by the NTRD program.

**Purpose/Importance:** The service provided by the review of grants for new air emission-reduction technologies will expedite the verification process through the Environmental Protection Agency and enable implementation of the technologies for air emission reduction and stimulate new technologies. Three areas in the state are in noncompliance with the Clean Air Act, and others are near noncompliance. Funded new technologies will assist in bringing the state into compliance with the mandated directive from the Federal Government. Certification of a reviewed technology by the Environmental Protection Agency will provide an accurate account of the number of new technologies approved by Environmental Protection Agency for inclusion in the State Implementation Plan.

**Source/Collection of Data:** The number of grants reviewed, funded, and verified by the EPA or CARB is tracked by a TCEQ database created for tracking of the proposal status as it reaches each review point or by the Texas Environmental Research Consortium (TERC). The database indicates whether the grant was for demonstration, validation, verification, or certification from the EPA or CARB. The results of demonstration, validation, verification, or certification are entered into the database allowing for reporting of the resulting projected decrease in air emissions based on the new technologies verified or certified.

**Method of Calculation:** The number of grants funded that receive EPA or CARB verification or certification divided by the total number of grants funded.

**Data Limitations:** The NTRD program is implemented by the TERC. TCEQ has very little control over which grant applications are awarded.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

## **Output 01-01-02.01      Number of surface water assessments**

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

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

**Source/Collection:** Surface water assessments reported under this measure may be performed by TCEQ staff, contractors, or a combination of TCEQ staff and contractors. The Monitoring Operations Division of the Office of Compliance and Enforcement performs and reports the Clean Rivers Program Assessment report, Clean Water Act § 319 NPS Assessment and Management Program, Clean Water Act § 319 Annual Report, Water Quality Management Plan updates from the designated regional planning agencies, the Integrated Water Quality Monitoring and Assessment Report, and special studies. The Water Quality Division of the Office of Permitting, Remediation, and Registration performs and reports Water Quality Management Plan updates for effluent limitations for areas not included in updates developed by designated regional planning agencies and Receiving Water Assessments.

**Method of Calculation:** The assessments are tracked manually and reported to the Strategic Planning and Assessment section by the respective Division identified along with any required explanation of variance from the projected performance of that Division. The sum of all assessments is 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 five years to complete. Certain assessments come due every year, every other year, every three years or every five years. Some assessments are grant deliverables that occur only once based on completion of the particular grant tasks. Other assessments, such as receiving water assessments and special studies 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.

**Calculation Type:** Cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

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#### **Output 01-01-02.02      Number of groundwater assessments**

**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 Supply Division (WSD) of the Office of Permitting, Remediation, and Registration (OPRR) 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.

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#### **Output 01-01-02.03      Number of dam safety assessments**

**Short Definition:** Number of dam safety assessments conducted.

**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 Project Tracking Database, or any successor databases, this measure is the total number of dam safety assessments completed in the reporting period. 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 and water use permit applications involving dams. Assessments are conducted to ensure the safe design, construction, maintenance, repair and removal of dams in the state.

**Method of Calculation:** Query of agency database.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Efficiency 01-01-02.01 Average cost per dam safety assessment**

**Short Definition:** Average cost per dam safety assessment completed. 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, and water use permit applications 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:** Field investigators enter investigation information into the Dam Safety Project Tracking Database or any successor databases. Each reporting period, Field Operations retrieves from the database the number of assessments completed. 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 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 01-01-02.01 Percent of Texas' rivers, streams, wetlands, and bays protected by site-specific water quality standards**

**Short Definition:** Percent of Texas' rivers, streams, 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 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:** For this measure, water body types are defined as rivers, reservoirs, estuaries, and wetlands. The amount of (area or length) of “classified” waters with site-specific standards is determined for each water body type from the Texas Water Quality Inventory [305(b) report]. The length of partially classified streams is calculated from the current Texas Surface Water Quality Standards and added to the total of rivers with site-specific standards. The length of partially classified streams is calculated by multiplying the number of partially classified streams in Appendix D of the standards by the average length of these streams (8.0 miles).

To determine the total amount of each water body type in the state (classified and unclassified), information in the current Texas Water Quality Inventory is used as a baseline, except for reservoirs. For reservoirs, the total amount is based on the 1994 water quality inventory, since this total is not reported in more recent inventories. Newly constructed major reservoirs are added to the base total when they are completed. The percent of waters with standards is calculated for each water body type =  $100 \times (\text{the amount of classified and partially classified waters} / \text{the total amount of that water body type})$ . Then the percentages of each water body type with site-specific standards 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.

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### **Explanatory 01-01-02.02 Percentage of surface water impairments that are addressed within 13 years of impairment listing**

**Short Definition:** Percentage of surface water impairments that are addressed within 13 years of impairment listing.

**Purpose/Importance:** Critically important objectives of the TCEQ are to identify impaired surface waters and to restore water quality to a degree that allows attainment of all uses identified in the Texas Surface Water Quality Standards. Substantial staff and monetary resources from State and federal sources are applied to this effort, but existing LBB performance measures do not gage the level of effort and progress by the TCEQ on these objectives. In its 2004 strategic plan, the U.S. EPA established a 13-year benchmark for each state to complete efforts to address all CWA 303(d) listed impairments. TCEQ must report its progress on this same measure to the EPA.

**Source/Collection of Data:** The TMDL section annually prepares and reports the status of TMDLs and 303(d) impairments using data entered and routinely updated into the TMDL Project Database.

**Method of Calculation:** The complete definition of this measure is “Percentage of impairments in surface water bodies in Texas (CWA 303(d) List) that are addressed by Commission action either: to adopt a total maximum daily load (TMDL), to de-list an impairment, or to adopt a revised water quality standard within 13 years of an impairment listing.”

The outcome measure would be computed annually based upon the status of each impairment on Aug. 31 of each year. The percentage of impairments addressed within the 13 year time frame is computed after reviewing agency actions taken with regard to each 303(d) List beginning in 1996 through present. As an example, impairments in 1996 would need to be addressed by Aug. 31, 2009 (1996 + 13). When an impairment remains on subsequent lists, the date of its first listing is used in the computations. The date of actions to establish a

TMDL, de-list an impairment, or revise a water quality standard is based upon Commission adoption of the action, regardless of whether U.S. EPA also approved the action.

**Data Limitations:** All data for developing and reporting the outcome are readily available. The most significant limitation is developing an accurate projection of when assessments and TMDLs will be completed. Assessment work on 5b/5c waters will typically result in the need for a TMDL, making a two-step process handled by different divisions and requiring close collaboration on priorities. TMDL project completion is sometimes delayed due to stakeholder involvement and concerns.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

### **Explanatory 01-01-02.03 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 Team in the Field Operations Division will use information from field inspections and new water-rights permit applications to maintain and update an existing database of approximately 7,500 dams. The database will be updated quarterly by the additional listing of new dams and updated changes in the attributes of existing dams.

**Method of Calculation:** The database will be queried for the number of existing dams in the database.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

### **Output 01-01-03.01 Number of municipal solid waste facility capacity assessments**

**Short Definition:** The number of annual capacity assessments for municipal solid waste landfills reviewed by the Waste Planning Team.

**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 sent annually to municipal solid waste landfills by the Waste Planning Team. The returned forms are reviewed for consistency with previously reported capacity data, as well as for consistency with related permit and fee data. Data is then entered into a computer database.

**Method of Calculation:** 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 this data, capacity is then converted to tons. Landfill life expectancy in years is then projected by dividing the capacity in tons by the number of tons disposed of in landfills during the annual reporting period.

**Data Limitations:** The number of capacity assessments depends wholly on the number of permitted landfills in the state. This number may be affected by the issuance of new permits as well as facility closures. Therefore, there may be some variance from the projected number of assessments. 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 waste disposal is determined by actual scale weight, with much of waste disposal in the state determined by volume estimates.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Efficiency 01-01-03.01 Average cost per municipal solid waste facility capacity assessment**

**Short Definition:** Average cost per municipal solid waste facility capacity assessment.

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

**Source/Collection of Data:** Using USAS expenditure figures maintained by the Office of Permitting, Remediation, and Registration, this measure will be reported by calculating the total funds expended and encumbered through the reporting period for municipal solid waste facility capacity management assessments performed, divided by the total number of municipal solid waste facility capacity assessments conducted through the reporting period.

**Method of Calculation:** Using USAS expenditure figures maintained by the Office of Permitting, Remediation, and Registration, this measure will be reported by calculating the funds expended and encumbered through the reporting period for municipal solid waste facility capacity management assessments performed, divided by the total number of municipal solid waste facility capacity assessments conducted through the reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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### **Explanatory 01-01-03.01 Number of council of government regions in the state with 10 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 is 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 this 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:** Yes.

**Desired Performance:** Above projections.

### **Outcome 01-02.01      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.

Target time frames for NSR Applications: New Permits—240 days; amendments—270 days; new federal permits (prevention of significant deterioration, nonattainment, 112(g), or 112(j), and their major modifications)—330 days; permits by rule, standard permits without public notice, changes to qualified facilities, and relocations—45 days; standard permits for concrete batch plant—150 days; multiple plant permits, voluntary emission-reduction permits, and electric generating facility permits (SB7)—330 days; alterations and other changes—120 days; renewals—270 days. target time frames for Title V Applications: Site Operating Permits (SOP) initial issuance, revisions, and renewals—330 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; GOP voids—60 days. Target 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 for this measure are APD's NSR and Title V Information Management Systems (IMS) databases. The data is retrieved by running the appropriate queries on the NSR and Title V Permits IMS databases.

**Method of Calculation:** The measure value is calculated by dividing the number of applications reviewed within the target time frame by the total number of applications reviewed. This procedure is conducted for all NSR and Title V application categories by queries on the NSR and Title V Permits IMS databases. The queries count each complete permit application and its respective number of days from the receipt date to the final action date. The processing times for each application are then compared to the respective target time frames, the number of applications processed within the target time frames is counted, and this number is then divided by the total number of applications to determine the percent of applications reviewed within the target time frames. NSR applications are considered reviewed when the permit action is signed by the Executive Director (or designee), or when the application is considered void. Title V applications are considered reviewed when a grant letter or permit is signed by the Executive Director (or designee) of the TCEQ, or the date on which the Executive Director (or designee) takes action to deny or 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.

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**Outcome 01-02.02      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 enter all pertinent application information into the wastewater permitting databases as the application is processed. Staff query this database and total the number of completed reviews within the fiscal year. Staff then subtract the completed date from the administratively complete 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. Staff then report the percent of wastewater permits reviewed within established time frames to Strategic Planning and Assessment.

**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.

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**Outcome 01-02.03      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 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 Supply Division's staff is in compliance in processing permit applications within established time frames.

**Source/Collection of Data:** Staff enter all pertinent application information into the water-rights permitting databases as the application is processed. Staff query this database and total the number of completed reviews within the fiscal year. Staff then subtract 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 number of reviews completed within established time frames are summed and divided by the total number of reviews completed. Staff then report the percent of water-rights permits reviewed within established time frames to Strategic Planning and Assessment.

**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.

**Outcome 01-02.04      Percent of waste management permit applications reviewed within established time frames**

**Short Definition:** Percent of waste management permit applications reviewed within established time frames.

**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 Permitting, Remediation and Registration, this measure will track the number of waste permit applications reviewed during the fiscal year and the number of waste permit applications that were reviewed within the prescribed agency time frames during the fiscal year. A reviewed application is defined as: transmittal of the final draft permit from the program to the Chief Clerk's Office (for those permit applications subject to notice requirements); completion of other final actions (for those permit applications not subject to notice requirements); 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. The percent of waste permit applications reviewed will be derived by dividing the total number of waste permit applications reviewed within the target time frames by the total number of waste permit applications reviewed for 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, and post closure orders for industrial nonhazardous solid waste facilities and hazardous waste treatment, storage, and disposal facilities, (2) regulatory flexibility orders for hazardous waste treatment, storage and disposal facilities and industrial nonhazardous waste facilities, (3) new, renewals, major and minor amendments, and minor modifications for UIC Class I Injection Well and Class III Injection Wells, (4) authorizations and new permits, renewals, major and minor amendments, and minor modifications for UIC Class V Injection Wells, (5) new, registrations, major and minor amendments, and notice and no-notice modifications for municipal solid waste, and (6) new, renewals, major and minor amendments for radioactive material licenses. Excluded are the delayed permit applications for interim status closures, protective filings for interim status units that will be permitted with renewals for the combustion strategy implementation.

**Method of Calculation:** Query agency databases for the number of applications reviewed and determine those reviewed within established time frames. Express as a percentage.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Output 01-02-01.01      Number of state and federal new source review air quality permit applications reviewed**

**Short Definition:** The total number of new permits, permit amendments, permit alterations, and permit-by-rule applications reviewed under the Texas Clean Air Act and the federal NSR permitting programs (\*see additional detail, next paragraph).

**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, and which therefore do not result in permit approval or issuance. Application types in this count include General Permits, Standard Permits, 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. 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 by data entry staff. Data entry for each project is closed at the time the project 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 value is calculated as the sum of the total number of applications for new permits, permit amendments, permit alterations and permit-by-rule registrations reviewed by the Air Permits Division. The necessary data is retrieved by query of the NSR IMS.

**Data Limitations:** A potential limitation of 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.

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## **Output 01-02-01.02      Number of federal air quality operating permits reviewed**

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

**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 FCAA. 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.



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### **Output 01-02-01.03      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 Emission Cap and Trade, Emissions Banking and Trading of Allowances, and System Cap Trading programs reviewed by the Air Permits Division (\*see additional detail, next paragraph).

**Purpose/Importance:** This measure quantifies the EBT workload of the Air Permits 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 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 by data entry staff. Data entry for each project is closed at the time the project is approved, denied, withdrawn, or issued. 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. This information is retrieved by running a query on the EBT database. 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:** Yes.

**Desired Performance:** Above projections.

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### **Explanatory 01-02-01.01      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, that 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.

---

**Explanatory 01-02-01.02 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 (FCAA) that were 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 Federal Clean Air Act, that 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.

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**Output 01-02-02.01 Number of applications to address water quality impacts reviewed**

**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 Wastewater Permitting Section will provide a number each reporting period that identifies the number of municipal and industrial wastewater permits it has drafted and filed with the Chief Clerk for public notice. Filing of draft permits with the Chief Clerk denotes completion of the program review process. This information is tracked on databases within the Wastewater Permitting Section. The total number of sewage sludge beneficial use registrations and permits, sewage sludge process and/or disposal permits, and water treatment sludge land application registrations and/or disposal permits will be included. In addition, the total number of general permits Notice of Intent (NOI), No Exposure Certifications (NECs), and Erosivity Waivers processed will be included. The mailing of the confirmation letter to the applicant denotes the completion of the program review.

This measure does not include authorizations by rule or pretreatment audits. In addition to the information provided by the Wastewater Permitting Section, this measure will include Edwards Aquifer (EA) protection plans reviewed and applications reviewed for on-site sewage facilities (OSSF) by the Field Operations Division (FOD). This information will be based on EA plan reviews that are completed and entered into the FOD water program databases during the reporting period and OSSF applications that are reviewed during the reporting period.

**Method of Calculation:** The wastewater permitting section provides data from their database and the Field Operations division provides their data to Strategic Planning and Assessment. 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.

---

**Output 01-02-02.02      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 Field Operations, 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 query these databases for application reviews completed this quarter and review monthly activity reports for ownership changes and supply contracts. The numbers reported by Water Rights Permitting do not include FOD numbers.

**Method of Calculation:** Applications completed this quarter are summed together with ownership changes and contracts as reported in monthly activity reports.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Output 01-02-02.03      Number of concentrated animal feeding operation (CAFO) authorizations reviewed**

**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 Wastewater Permitting 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 TRACS database for individual permits and the WWC 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 01-02-02.01      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.

---

### **Explanatory 01-02-02.02 Number of water-rights permits issued**

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

**Purpose/Importance:** To report the number of water-rights 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.

---

### **Output 01-02-03.01 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 is 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 is used. Waste streams are audited on a random basis or manually selected from the TRACS database 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 Quattro Pro spreadsheet. On a quarterly basis the total is derived, reconciled against information from the TRACS 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.

---

### **Output 01-02-03.02 Number of nonhazardous waste permit applications reviewed**

**Short Definition:** Number of nonhazardous waste permit applications reviewed. For the Municipal Solid Waste (MSW) Permit Section, includes the number of permit reviews for new, modified, or amended MSW storage, treatment, processing, and disposal facilities and renewed or amended commercial industrial nonhazardous waste landfill (CINWL) facilities.

**Purpose/Importance:** This measure quantifies the number of reviews conducted to ensure 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 or CINWL permit applications is maintained in a database maintained by the Office of Permitting, Remediation, and Registration, MSW Permits Section. 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 Office of Permitting, Remediation, and Registration, 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 final draft permits for new, renewed, and/or amended commercial industrial nonhazardous waste landfill facilities, (3) the number of technical completions prepared for municipal solid waste and commercial industrial nonhazardous waste landfills, (4) the number of municipal solid waste and commercial industrial nonhazardous waste landfill applications denied and withdrawn by the Commission, and (5) the number of new and modified MSW registrations.

**Method of Calculation:** Totals are calculated by adding the numbers for each category together.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

### **Output 01-02-03.03      Number of hazardous waste permit applications reviewed**

**Short Definition:** Number of permits, orders, licenses, and authorizations reviewed, denied, or withdrawn. Includes all permitting and authorization actions for hazardous waste facilities and industrial nonhazardous waste facilities. Permitting and authorization actions include 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), and post closure care orders and regulatory flexibility orders. They also include Class I, Class III, and Class V Underground Injection Control (UIC) wells (new, renewed, major and minor amendments, minor modifications, and regulatory flexibility orders), and radioactive material disposal facilities (new, renewed, and major and minor amendments).

**Purpose/Importance:** This measure quantifies the number of environmentally protective authorizations recommended by the TCEQ staff.

**Source/Collection of Data:** Using an agency database maintained by the Office of Permitting, Remediation, and Registration, this measure will calculate the total of (1) the number of final draft permits/orders for new, renewals, major and minor amendments, Class 1 ED, 2, 3 modifications, regulatory flexibility orders, and post closure care orders for hazardous and industrial waste storage, treatment and disposal facilities, (2) the number of Class 1 modifications for hazardous and industrial waste storage, treatment, and disposal facilities and (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.

A reviewed application is defined as: transmittal of the final draft permit, order or license 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 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.

**Method of Calculation:** Totals are calculated by adding the number of completed items together.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

### **Explanatory 01-02-03.01 Number of nonhazardous waste permits issued**

**Short Definition:** Number of nonhazardous 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 Office of Permitting, Remediation, and Registration, this measure will be reported by calculating the number of permits and registrations issued for municipal facilities and commercial industrial nonhazardous waste landfill 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 Section from the Chief Clerk's Office.

**Method of Calculation:** Query agency databases for reported performance. Totals are calculated by adding the number of issued permits together.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Explanatory 01-02-03.02 Number of hazardous waste permits issued**

**Short Definition:** Number of hazardous waste permits or orders; industrial nonhazardous waste permits or orders; UIC permits, orders, and authorizations; and radioactive material licenses issued.

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

**Source/Collection of Data:** Using an agency database maintained by the Office of Permitting, Remediation and Registration, this measure will be reported by calculating the number of permits, orders, authorizations, and licenses issued for hazardous waste facilities, industrial nonhazardous waste facilities, UIC Class I injection wells, UIC Class III injection wells, UIC Class V injection wells and low-level radioactive waste facilities. A permit, order, authorization or license 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 number of issued permits together.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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**Explanatory 01-02-03.03 Number of solid waste sites remediated by responsible parties**

**Short Definition:** Number of corrective actions at nonhazardous 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 nonhazardous waste landfills.

**Source/Collection of Data:** Using an agency tracking system and manual record reviews maintained by the Office of Permitting, Remediation, and Registration, this measure will be reported by calculating the number of municipal solid waste and commercial industrial nonhazardous 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 nonhazardous 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:** Yes.

**Desired Performance:** Above projections.

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**Output 01-02-04.01 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 either entered into the Consolidated Compliance and Enforcement Data System (CCEDS) or 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 Compliance Support Division staff scan or manually enter 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.

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**Output 01-02-04.02 Number of examinations administered**

**Short Definition:** The number of individual examinations administered by the agency during the reporting period.

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

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

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### **Output 01-02-04.03      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 Compliance Support Division staff generate 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:** Yes.

**Desired Performance:** Above projections.

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### **Efficiency 01-02-04.01      Average annualized cost per license and registration**

**Short Definition:** The average annualized cost per license and registration.

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

**Source/Collection of Data:** The Operator Licensing Section adjusted 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 taking the Operator Licensing Section adjusted annual budget and then dividing by the total number of licenses and registrations 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.

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### **Explanatory 01-02-04.01      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 Compliance 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.

### **Outcome 01-03.01      Percent of scheduled licensing activities completed**

**Short Definition:** Percent of scheduled licensing process milestones completed, based upon an estimated completion date of 2008.

**Purpose/Importance:** This measure will demonstrate the progress made toward licensing a low-level radioactive waste disposal facility.

**Source/Collection of Data:** Data will be provided by the Office of Permitting, Remediation, and Registration. Twenty-two milestones have been identified by the program area to show the progression of the licensing process.

The milestones are as follows: TCEQ Writes Rules to Implement Bill, 6/1/03–1/8/04, 222 days; Publish Notice to Receive Application, 1/9/04; Application Prepared by Applicant, 1/10/04–7/7/04, 180 days; TCEQ Accepts Applications, 7/8/04–8/6/04, 30 days; TCEQ Issues 1st Administrative Notice of Deficiency (ANOD), 8/7/04–9/20/04, 45 days; Applicant Responds to 1st ANOD, 9/21/04–10/20/04, 30 days; TCEQ Issues 2nd ANOD and 1st Comparative Merit (CM) Request for Info (RFI), 10/21/04–11/19/04, 30 days; Applicant Response to 2nd ANOD and 1st CM RFI, 11/20/04–12/19/04, 30 days; TCEQ Issues 3rd ANOD, if necessary, and 2nd CM RFI, 12/20/04–1/18/05, 30 days; Applicant Response to 3rd ANOD and 2nd CM RFI, 1/19/05–2/17/05, 30 days; TCEQ Issues Notice of Administrative Completeness, 2/18/05–3/19/05, 30 days; TCEQ Holds Public Meeting, 3/20/05–4/3/05, 15 days; TCEQ Executive Director Selects Applicant by CM, 4/4/05–5/3/05, 30 days; TCEQ Issues 1st Technical Notice of Deficiency (TNOD) 5/4/05–9/5/05, 125 days; Applicant Response to 1st TNOD, 9/6/05–11/19/05, 75 days; TCEQ Issues 2nd TNOD, 11/20/05–1/18/06, 60 days; Applicant Response to 2nd TNOD, 1/19/06–3/19/06, 60 days; TCEQ Issues Draft License to Chief Clerk, 3/20/06–7/27/06, 130 days; TCEQ Issues Notice of Draft License and Opportunity for Hearing, 7/28/06–9/10/06, 45 days; SOAH Hearing, 9/11/06–9/10/07, 365 days; TCEQ Issues License, 9/11/07–12/9/07, 90 days; License Takes Effect, 12/9/07.

**Method of Calculation:** The number of steps completed will be divided by the number of steps in the licensing process. This will yield the percent of completion of the licensing process. Results will be reported as a cumulative percent of the overall licensing process with the final step in the process being completed by fiscal 2008.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above Projections.

### **Outcome 02-01.01      Percent of Texas population served by public water systems that meet drinking water standards**

**Short Definition:** This measure will report the total Texas residential population of all community public water systems (PWSs) that have not had maximum contaminant level (MCL) violations.

**Purpose/Importance:** Measures the success of our performance outputs and all 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 percentage 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 data that is submitted to the TCEQ from certified laboratories after samples are collected by PWS personnel or by contract sample collectors. Chemical and microbiological data are kept in the TCEQ's Central Records. Population data is kept in a Water Utilities Data System (WUD), while violation data is kept in the legacy violation and chem tables.

**Method of Calculation:** Using the public water supply (PWS) inventory and the violation databases, the measures will report the total Texas residential population of all PWSs that have not had Maximum Contaminant Level (MCL) violations as described by the Drinking Water Standards. This population figure is divided by the total population served by all community water systems, multiplied by 100 to derive a percentage. (Total state population served by public water systems is defined from data projected by the Comptroller's Office and census data.)

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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## **Outcome 02-01.02      Percent of Texas public water systems protected by a source water protection program**

**Short Definition:** The percent of Texas community public water systems (PWS) that have been provided the tools to initiate a source water protection program. These tools include a detailed susceptibility assessment report for each system reporting their susceptibility to drinking water contaminants, locations of all potential contaminant sources, and recommended actions to address these potential contaminants.

**Purpose/Importance:** This measure addresses the extent to which source water protection services are being provided and targeted towards susceptible public water supply systems. These services include identification of the contributing area, identification of potential sources of contamination (PSOC), a site specific report that explains these PSOCs, and recommendations on how to eliminate or minimize these threats. It is far more cost-effective to prevent a water source from being contaminated than to remediate it or to find an alternative source.

**Source/Collection of Data:** Population information is gathered during each sanitary survey of PWS conducted by TCEQ field staff. Field staff also provide location of water sources and sanitary set back information for each well. Chemical data from the Water Utilities Data System (WUD) and other inter/intra agency databases are used to determine susceptibility through the Source Water Assessment and Protection software. Ground inventories of PSOCs will be conducted by TCEQ staff, outsource contractor, or PWS personnel/volunteers and incorporated into PSOC databases. Locations are derived through GPS and GIS technology.

**Method of Calculation:** A percentage is obtained by dividing the number of community PWS that have been provided the tools for participating in a protection program by the total number of community PWS, multiplied by 100. Participation is defined when one of the following is met: 1) has had a ground PSOC inventory conducted or updated within the last seven years, 2) has been provided the current assessment results with maps of PSOCs and associated best management practice (BMPs) strategies within three years, or 3) has actively initiated protection strategies and BMPs within the last seven years.

**Data Limitations:** Poor locational accuracy may affect the susceptibility determination.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Outcome 02-01.03      Percent of Texas population served by public water systems protected by a program that prevents connection between potable and non-potable water sources**

**Short Definition:** Percent of Texas population served by public water systems protected by a program that prevents connection between potable and non-potable water sources.

**Purpose/Importance:** To indicate what percentage of the population is served by public water systems that have viable cross-connection control programs. Having a viable cross-connection control program protects the public water system from contamination caused by siphonage or backflow of pollutants into the system as a result of low or inadequate pressure.

**Source/Collection of Data:** Data collected from cross-connection control program surveys that were mailed to all public water systems in the State of Texas, sanitary surveys completed by TCEQ regional staff, and on-site visits by central office staff to survey public water systems that did not respond to the mailed surveys.

**Method of Calculation:** Using public water supply databases, the total of the Texas residential population served by community water systems that have implemented a program that prevents connection between potable and non-potable water sources will be divided by the total residential population served by community public water systems, all of which are required by agency rule to have such a program to prevent connection between potable and non-potable water. This measure will track the compliance rates of such systems with this recently developed rule.

**Data Limitations:** Data limited by the information provided by the public water systems in the returned cross-connection surveys. Data is also limited by the accuracy of the reported population of the State of Texas.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Output 02-01-01.01      Number of public drinking water systems that meet primary drinking water standards**

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

**Purpose/Importance:** Measures the success of our performance outputs and all regulatory activities conducted by 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 community public water systems that have not had maximum contaminant level (MCL) 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 data that is submitted to TCEQ from certified laboratories after samples are collected by PWS personnel or by contract sample collectors. CCI reports as well as chemical and microbiological data are kept in the Central Records facility. Public water system data is kept in the Water Utilities Data System (WUD) while violation data is kept in the legacy violation and chem tables.

**Method of Calculation:** Using the PWS inventory and the violation databases, the measures will report the number of PWSs that have not had maximum contaminant level or Treatment Technique MCL violations as described by the Drinking Water Standards.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Output 02-01-01.02      Number of drinking water samples collected**

**Short Definition:** Number of drinking water samples collected.

**Purpose/Importance:** Chemical samples are collected from public water systems (PWSs) to assure safe drinking water and protect public health. Samples must be collected in order to be analyzed.

**Source/Collection of Data:** Chemical samples are collected by PWS personnel or contract sample collectors and the numbers are reported to the Public Drinking Water (PDW) Section's Drinking Water Quality (DWQ) Team on a monthly basis. Original data are kept in the Central Records facility located in Building F, first floor. It is also maintained electronically. Chemical data is kept in database tables. Field investigators enter investigation information into the monthly Workplan Commitment Report or its successor database. Each reporting period Field Operations retrieves from the report or its successor database the number of samples collected.

**Method of Calculation:** The number of chemical samples is set by the requirements of the Drinking Water Standards, and the anticipated number is maintained in the DWQ Team database, following team standard operating procedures. Chemical samples collected from PWSs are reported from two sources. The number of samples collected by the PDW Contractor is tracked by the chemical sample schedule coordinator on the DWQ Team and reported on the Public Drinking Water Section Monthly Activity Report while samples collected by TCEQ Field Operations Division will be reported as totals obtained from the Workplan Commitment Report or its successor database. The numbers are totaled on a monthly basis.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Output 02-01-02.01      Number of utility rate reviews performed**

**Short Definition:** Number of utility rate reviews performed.

**Purpose/Importance:** This measure reflects the number of requests from utilities for rates changes reviewed and audits of investor-owned utility rates.

**Source/Collection of Data:** Using the agency's Water Utilities Database (WUD) system, this measure will report on the number of all utility rate audits, appeals, and 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 rate reviews performed each quarter are summed and reported to Strategic Planning and Assessment.

**Data Limitations:** The number of rate applications and appeals received is related to the economic conditions in the state.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Output 02-01-02.02      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.

**Output 02-01-02.03      Number of Certificate of Convenience and Necessity applications processed**

**Short Definition:** Number of Certificate of Convenience and Necessity applications processed.

**Purpose/Importance:** This measure reflects the number of water or sewer service area Certificate of Convenience and Necessity applications reviewed.

**Source/Collection of Data:** Using the agency's Water Utilities Database (WUD) system, this measure will report on the total number of Certificate of Convenience and Necessity 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 Certificate of Convenience and Necessity applications reviewed each quarter are summed and reported to Strategic Planning and Assessment.

**Data Limitations:** This activity is related to the economy and development activity in the state.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Outcome 03-01.01      Percent of inspected or investigated air sites in compliance**

**Short Definition:** Percent of inspected or investigated air sites in compliance.

**Purpose/Importance:** The measure reflects inspection/investigation activity as regulated entities are inspected/investigated to assure compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates of sites following inspections/investigations allows the agency to determine if regulatory assistance, inspection/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 the databases in the Enforcement Division and Field Operations. An enforcement action is defined as issuance of an order, compliance agreement, or

referral to an appropriate agency or division (EPA, OAG, or Remediation Division or Field Operations for Superfund, voluntary cleanup, or emergency removal action).

**Method of Calculation:** The percent of inspected or investigated air sites in compliance is derived by calculating the total number of sites inspected/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 inspected/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.

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### **Outcome 03-01.02      Percent of inspected or investigated water sites and facilities in compliance**

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

**Purpose/Importance:** This measure reflects inspection/investigation activity as regulated entities are investigated to assure compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates following inspections/investigations allows the agency to determine if regulatory assistance, inspection/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 inspection/investigation information is tracked using databases in the Enforcement Division and Field Operations and the number of wastewater and water supply facilities is tracked using the Water Utilities Database, TRACS, and the Federal Permit Compliance System. 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 (EPA, OAG, or Remediation Division or Field Operations for Superfund, voluntary cleanup, or emergency removal action).

**Method of Calculation:** The percent of inspected or investigated water sites and facilities in compliance is derived by taking the total number of facilities inspected/investigated for compliance with water rules/regulations/statutes, including water-rights sites, wastewater treatment facilities, public water supply systems, sludge/septage transporters, beneficial use sites, and livestock and poultry operations; plus the number of wastewater and 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 inspected/investigated or evaluated for compliance with water rules/regulations/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.

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### **Outcome 03-01.03      Percent of inspected or investigated waste sites in compliance**

**Short Definition:** Percent of inspected or investigated waste sites in compliance.

**Purpose/Importance:** The measure reflects inspection/investigation activity as regulated entities are inspected/investigated to assure compliance with rules, regulations, and statutes designed to protect human health and the environment. Measuring compliance rates following inspections/investigations allows the agency to determine if regulatory assistance, inspection/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 databases in the Enforcement Division and Field Operations. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (EPA, OAG, or Remediation Division or Field Operations for Superfund, voluntary cleanup, or emergency removal action).

**Method of Calculation:** The percent of inspected or investigated waste sites in compliance is derived by calculating the total number of facilities inspected/investigated for compliance with waste rules/regulations/statutes minus the total number of cases screened and approved for enforcement action, dividing this difference by the total number of facilities inspected/investigated for compliance with waste rules/regulations/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.

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### **Outcome 03-01.04      Percent of identified noncompliant sites and facilities for which timely and appropriate enforcement action is taken**

**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 Enforcement Database, 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 (EPA, OAG, or Remediation Division or Field Operations 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.

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### **Outcome 03-01.05      Percent of investigated occupational licensees in compliance**

**Short Definition:** Percent of inspected or investigated licensees in compliance.

**Purpose/Importance:** The measure reflects inspection/investigation activity as occupational certification licensees are inspected/investigated to assure 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 databases in the Enforcement and Compliance Support Divisions. An enforcement action is defined as issuance of an order, compliance agreement, or referral to the OAG.

**Method of Calculation:** The percent of inspected licensees in compliance is derived by calculating the total number of licensees inspected/investigated by the Compliance Support Division plus the number of complaints investigated requiring no additional investigation (Total Investigations) minus the total number of occupational certification cases screened and approved for enforcement action, dividing this difference by the number of Total Investigations (as defined 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 licensees regarding their ability to comply.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Outcome 03-01.06      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 will be derived from the Enforcement Database.

**Method of Calculation:** Using computerized searches, the percent of administrative orders settled by the enforcement division will be 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 division” 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 then will be multiplied by 100.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.



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**Outcome 03-01.07      Percent of commitments between regulated entities and TCEQ voluntary programs that result in reported environmental improvements or progress toward improvements**

**Short Definition:** Percent of commitments between regulated entities and TCEQ voluntary programs that result in a reported pollution improvement or progress toward improvements.

**Purpose/Importance:** This measure provides an indication of Pollution Prevention and Industry Assistance staff's ability to encourage the regulated community to implement pollution prevention and waste minimization practices and technologies.

**Source/Collection of Data:** Participants of agency voluntary programs will be sent an annual survey to report improvements achieved or progress toward improvements as a result of participation in voluntary programs.

**Method of Calculation:** The percentage will be calculated by dividing the number of entities reporting by the total number of voluntary program participants surveyed.

**Data Limitations:** Since these programs are voluntary, not all participants are required to report improvements achieved. Staff will work to encourage all participants to report annually. Progress toward improvements will be accepted as long as they are verifiable or documented.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

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**Output 03-01-01.01      Number of inspections and investigations of air sites**

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

**Purpose/Importance:** Regulated entities are investigated to assure 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 inspections/investigations completed for air entities during the reporting period. An inspection/investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and manager's approval date has been reflected in the database.

An inspection/investigation is defined as the evaluation of a regulated entity against a standard and includes all (initial and follow up) compliance inspections, 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. Investigations are conducted to ensure compliance of regulated entities with rules, regulations and statutes designed to protect human health and the environment. An approved risk-based investigation strategy is used to assist in the selection of facilities for investigation. Number does not include citizen complaint investigations or emissions events investigations.

**Method of Calculation:** Each reporting period, Field Operations retrieves from the database the number of investigations completed in the field 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 the database.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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**Output 03-01-01.02      Number of inspections and investigations of water-rights sites**

**Short Definition:** Number of inspections/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/investigations performed as a result of a request to divert water.

**Method of Calculation:** Each reporting period, Field Operations retrieves from the database the number completed by the Water Masters.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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**Output 03-01-01.03      Number of inspections and investigations of water sites and facilities**

**Short Definition:** Number of inspections and investigations completed at regulated water sites and facilities.

**Purpose/Importance:** Regulated entities are investigated to assure 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 inspections/investigations completed for water entities during the reporting period. An inspection/investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and manager's approval date has been reflected in the database.

Inspection/investigation is defined as the evaluation of a regulated entity against a standards and includes all (initial and follow up) compliance inspections, file reviews, site assessments and agent evaluations. Water entities include, but are not limited to, domestic and industrial wastewater treatment plants, public water supply systems, sludge/septage transporters, beneficial use sites, on-site sewage facility (OSSF) sites, compliance review audits of on-site OSSF authorized agents, and municipal utility districts. Site is defined as a geographic location or place where regulatory activities of interest to the agency occur or have occurred.

This measure includes OSSF installation and follow-up investigations. Inspections/investigations are conducted to ensure compliance of regulated entities with rules, regulations and statutes designed to protect human health and the environment. An approved risk-based investigation strategy is used to assist in the selection of facilities for investigation. Number does not include citizen complaint investigations or investigations of livestock and poultry operations.

**Method of Calculation:** Each reporting period, Field Operations retrieves from the database the number of investigations completed in the field offices as well as those completed by 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 the database.

**Data Limitations:** None identified.  
**Calculation Type:** Cumulative.  
**New Measure:** No.  
**Desired Performance:** Above projections.

**Output 03-01-01.04      Number of inspections and investigations of livestock and poultry operation sites**

**Short Definition:** Number of inspections and investigations at livestock and poultry operation sites completed.

**Purpose/Importance:** Regulated entities are investigated to assure 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 inspections/investigations completed at livestock and poultry operations during the reporting period. An inspection/investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and manager's approval date has been reflected in the database.

Investigation is defined as the evaluation of a regulated entity against a standard and includes all (initial and follow up) compliance inspections, 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. Investigations are conducted to ensure compliance of regulated entities with rules, regulations and statutes designed to protect human health and the environment. An approved risk-based investigation strategy is used to assist in the selection of facilities for investigation. This definition formerly included investigations in the dairy outreach areas only. It now includes livestock and poultry investigations statewide. Number does not include citizen complaint investigations.

**Method of Calculation:** Each reporting period, Field Operations retrieves from the database the number of investigations completed. 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.

**Data Limitations:** None identified.  
**Calculation Type:** Cumulative.  
**New Measure:** No.  
**Desired Performance:** Above projections.

**Output 03-01-01.05      Number of inspections and investigations of waste sites**

**Short Definition:** Number of inspections and investigations completed at waste sites.

**Purpose/Importance:** Regulated entities are investigated to assure 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 inspections/investigations completed of regulated municipal solid waste (MSW), industrial and hazardous waste (IHW), petroleum storage tank (PST) and state II vapor recovery entities during the reporting period. An inspection/investigation is considered complete when the investigation has been conducted, a report has been written, management has approved, and manager's approval date has been reflected in the database.

Investigation is defined as the evaluation of a regulated entity against a standard and includes all (initial and follow up) compliance inspections, file reviews, site assessments and agent evaluations. MSW includes, but is not

limited to investigations of generators, storage sites, transporters and processors of waste tire entities and used oil/used oil filter facilities. IHW includes, but is not limited to, investigations of generators, treatment/storage, land disposal, boilers and industrial furnaces (BIF), underground injection control (UIC), Department of Defense/Department of Energy and border warehouses. Site is defined as a geographic location or place where regulatory activities of interest to the agency occur or have occurred. Investigations are conducted to ensure compliance of regulated entities with rules, regulations, and statutes designed to protect human health and the environment. An approved risk-based investigation strategy is used to assist in the selection of facilities for investigation. Number does not include citizen complaints investigations.

**Method of Calculation:** Each reporting period, Field Operations retrieves from the database the number of investigations completed in the field offices as well as those completed by 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 the database.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

#### **Output 03-01-01.06      Number of spill cleanup inspections**

**Short Definition:** Number of spill cleanup inspections.

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

**Source/Collection of Data:** Using the Field Operations spill database, this measure is calculated by adding the total number of initial, on-site spill incident inspections/investigations conducted. An inspection/investigation is defined as the evaluation of a regulated entity against a standard. Inspections/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:** During each reporting period, Field Operations retrieves from the database the number of initial, on-site spill investigations conducted.

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

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Efficiency 03-01-01.01      Average inspection and investigation cost of livestock and poultry operations**

**Short Definition:** The average cost per inspection/investigation of livestock and poultry operations.

**Purpose/Importance:** This measure reflects how efficiently the agency conducts investigations of livestock and poultry operations in the state. Regulated entities are investigated to assure compliance with rules, regulations and statutes designed to protect human health and the environment.

**Source/Collection of Data:** Using USAS expenditure figures and activity reports maintained by Field Operations, this measure will be reported by calculating the total funds expended during the reporting period for TCEQ monitoring of livestock and poultry operations, divided by the number of inspections/investigations, other

compliance inspections and complaint investigations for livestock and poultry operations completed during the reporting period.

**Method of Calculation:** Query of database for number of inspections/investigations divided into the amount of funds expended during the reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

### **Efficiency 03-01-01.02 Average time (days) from air, water, or waste inspection to report completion**

**Short Definition:** Average time to complete an inspection/investigation of air, water, or waste sites.

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

**Source/Collection of Data:** All inspection/investigation and report completion data is entered into program databases.

**Method of Calculation:** This measure is derived by calculating the total number of calendar days between date of investigation and date of completion divided by the total number of completed investigations reported during the reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Below projections.

### **Explanatory 03-01-01.01 Number of air sites in noncompliance**

**Short Definition:** Number of air sites in noncompliance.

**Purpose/Importance:** Reflects the number of enforcement cases required following investigations.

**Source/Collection of Data:** This measure will be derived by calculating the total number of air cases screened and approved for enforcement action during the fiscal year. This information is tracked using the Enforcement Database. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (EPA, OAG, or Remediation Division or Field Operations for Superfund, voluntary cleanup, or emergency removal action).

**Method of Calculation:** This measure will be derived by calculating the total number of air cases screened and approved for enforcement action.

**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:** Below projections.

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**Explanatory 03-01-01.02 Number of water sites and facilities in noncompliance**

**Short Definition:** Number of water sites and facilities in noncompliance.

**Purpose/Importance:** Reflects the number of enforcement cases required following investigations.

**Source/Collection of Data:** This measure will be derived by determining the total number of water cases screened and approved for enforcement action. Water cases include livestock and poultry operations, water rights, wastewater treatment facilities, sludge/septage transporters, beneficial use sites, and public water supply cases and does not include occupational certification cases. This information is tracked using the Enforcement Database. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (EPA, OAG, or Remediation Division or Field Operations for Superfund, voluntary cleanup, or emergency removal action).

**Method of Calculation:** This measure will be derived by determining the total number of water cases screened and approved for enforcement action.

**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:** Below projections.

---

**Explanatory 03-01-01.03 Number of waste sites in noncompliance**

**Short Definition:** Number of waste sites in noncompliance.

**Purpose/Importance:** Reflects the number of enforcement cases required following inspections or investigations.

**Source/Collection of Data:** This measure will be derived by calculating the total number of waste cases screened and approved for enforcement action. Waste cases includes industrial and hazardous waste, municipal solid waste, petroleum storage tank, underground injection control, and radioactive waste cases. This information is tracked using the Enforcement Database. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (EPA, OAG, or Remediation Division or Field Operations for Superfund, voluntary cleanup, or emergency removal action).

**Method of Calculation:** This measure will be derived by determining the total number of waste cases screened and approved for enforcement action.

**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:** Below projections.

---

**Explanatory 03-01-01.04 Number of citizen complaints investigations completed**

**Short Definition:** Number of citizen complaints investigations completed.

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

**Source/Collection of Data:** Using a Field Operations database, this measure is calculated by adding the total number of citizen complaints investigated.

**Method of Calculation:** Each reporting period, Field Operations retrieves from the database the number of investigations completed in the field offices as well as those completed by 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 the database.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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### **Explanatory 03-01-01.05 Number of occupational licensees in noncompliance**

**Short Definition:** Number of occupational licensees in noncompliance.

**Purpose/Importance:** This measure reflects agency investigation and enforcement efforts for licensees.

**Source/Collection of Data:** This measure will be derived by calculating the total number of cases screened and approved for enforcement action for occupational certification cases. This information will be tracked using the Enforcement Database. An enforcement action is defined as issuance of an order, compliance agreement, or referral to the OAG.

**Method of Calculation:** This measure will be derived by calculating the total number of cases screened and approved for enforcement action for occupational certification cases.

**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 licensees regarding their ability to comply.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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### **Explanatory 03-01-01.06 Number of emission events investigations**

**Short Definition:** Number of emissions events investigations.

**Purpose/Importance:** Regulated entities are investigated to assure compliance with rules, regulations, and statutes designed to protect human health and the environment. An emissions event is any breakdown, excursion, maintenance, startup, or shutdown of a process or operation resulting in unauthorized emissions of air contaminants. 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 Comprehensive Compliance and Enforcement Database, this measure is calculated by adding the total number of emissions events investigations. An inspection/investigation is defined as the evaluation of a regulated entity against a standard. Inspections/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:** During each reporting period, Field Operations retrieves from the database the number of emissions events investigations conducted.

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

**Calculation Type:** Cumulative.

**New Measure:** Yes.

**Desired Performance:** Below projections.

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### **Output 03-01-02.01      Number of environmental laboratories accredited**

**Short Definition:** Number of environmental laboratories accredited according to Texas Water Code Section 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 Compliance Support Division.

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

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

---

### **Output 03-01-02.02      Number of small businesses and local governments assisted**

**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; dispute resolution assistance to small businesses to resolve complaints against the agency; and government sponsored conferences; 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.

---

### **Output 03-01-02.03      Number of drinking water labs certified**

**Short Definition:** Number of laboratories certified by the state to analyze public water supply (PWS) samples.

**Purpose/Importance:** The measure reflects the number of laboratories certified according to the federal Safe Drinking Water Act and associated state laws and regulations to perform microbiological, chemical, and radiochemical analyses of PWS samples.



**Source/Collection of Data:** Using a spreadsheet maintained by the Compliance Support Division to calculate the number of certificates in force at the end of the each reporting period. A certificate is issued when signed by the Executive Director. Dates each certificate are issued and expire are entered into the spreadsheet by a TCEQ staff member when the certificate is issued.

**Method of Calculation:** Query the spreadsheet to calculate the number of certificates in force at the end of each reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

### **Efficiency 03-01-02.01 Average number of days to file the 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 will be derived from the Enforcement Database.

**Method of Calculation:** Using computerized searches, 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 (EAR) to the mailing date of the initial proposed order or the filing date of the initial Executive Director's Preliminary Report and Petition (EDPRP) on a case, divided by the total number of draft orders or 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:** Yes.

**Desired Performance:** Below projections.

---

### **Explanatory 03-01-02.01 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 Orders require to be paid; some may have payment schedules and some may be default orders.

**Source/Collection of Data:** Using the Enforcement Database, 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.

---

**Explanatory 03-01-02.02 Amount required to be paid for supplemental environmental projects issued in administrative orders**

**Short Definition:** Amount required to be paid for supplemental environmental projects 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 supplemental environmental projects are normally designed to benefit the communities or the environment where the violations occurred.

**Source/Collection of Data:** Using the Enforcement Database, 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 supplemental environmental projects approved by the agency.

**Method of Calculation:** 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 supplemental environmental projects approved by the agency.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** N/A.

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**Explanatory 03-01-02.03 Percent of administrative penalties collected**

**Short Definition:** Percent of administrative penalties collected.

**Purpose/Importance:** Reflects how much penalties are collected.

**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.

---

**Explanatory 03-01-02.04 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 the Enforcement Database, this measure will be derived by calculating the number of administrative orders issued.

**Method of Calculation:** This measure will be derived by calculating the number of administrative orders issued during the reporting period.

**Data Limitations:** The agency has very limited control over the number of administrative enforcement

orders that need to be 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 03-01-03.01      Number of on-site technical assistance visits, presentations, and workshops conducted on pollution prevention/waste minimization and voluntary program participation**

**Short Definition:** Total number of pollution prevention/waste minimization and environmental management systems on-site technical assistance visits, workshops and presentations conducted by Pollution Prevention and Industry Assistance staff for promotion of pollution prevention/waste minimization and voluntary program participation.

**Purpose/Importance:** This measure provides an indication of Pollution Prevention and Environmental Management staff's ability to conduct outreach and information dissemination of pollution prevention and environmental management systems information to Texas businesses and organizations.

**Source/Collection of Data:** Site visits, workshops, and presentations are tracked by Pollution Prevention and Environmental Management staff, who include workshop and presentation information into the section's weekly reports. This information is then pulled from the weeklies and entered into a Paradox database.

**Method of Calculation:** The number of site visits, workshops 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.

**Output 03-01-03.02      Number of quarts of used oil diverted from landfills and processed (in millions)**

**Short Definition:** Number of quarts of used oil diverted from landfills and processed

**Purpose/Importance:** This number indicates the amount of used oil that, if not received by the registered collection centers, would otherwise be delivered to landfills or improperly disposed, 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. The reports are due Jan. 25 of each year for the previous year's activity.

**Source/Collection of Data:** This number is obtained from the quantities of oil reported on TCEQ Form 0567, *Annual Report for Used Oil and Used Oil Filter Collection Centers*, from the box titled "Total Gallons of Used Oil Collected." Since the report is due on Jan. 25 of each year for the previous year's activity, only one number is used and is reported for the second quarter and again for the Year-to-Date Performance.

**Method of Calculation:** Performance data is obtained from the total quantities of oil reported on TCEQ Form 0567, *Annual Report for Used Oil and Used Oil Filter Collection Centers*, from the box titled “Total Gallons of Used Oil Collected.”

**Data Limitations:** Some collection centers in previous years have reported the same oil twice, including the oil they transport as oil collected. This would make the number larger than it actually is. 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.

---

### **Efficiency 03-01-03.01 Average cost per on-site technical assistance visit**

**Short Definition:** The average cost of each technical site assistance visit performed by Pollution Prevention and Environmental Management staff.

**Purpose/Importance:** This measure provides an indication of staff’s ability to provide pollution prevention assistance and training in a cost-effective, efficient manner.

**Source/Collection of Data:** Use USAS expenditure figures maintained by the Small Business and Environmental Assistance Division to calculate the total funds expended and encumbered through the reporting period for on-site technical assistance visits. This is then divided by the total number of on-site visits to determine an average cost per visit for the reporting period.

**Method of Calculation:** This measure will be calculated by totaling funds expended and encumbered through the reporting period and dividing by the number of visits conducted through the period.

**Data Limitations:** Average cost per site visit may not necessarily be an indicator of staff efficiency. Certain areas in Texas are more expensive to visit; travel to those locations incurs more costs than visits to other locations even when staff efficiency is high.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

---

### **Explanatory 03-01-03.01 Tons of waste collected by local and regional collection and cleanup events**

**Short Definition:** Number of entities participating in a voluntary programs that provide incentives to an entity in return for benefits to the environment that exceeds benefits that would result from minimum compliance with applicable legal requirements.

**Purpose/Importance:** This measure reflects the agency workload associated with commission programs authorized under the Texas Water Code, Subchapter Q, Performance Based Regulation.

**Source/Collection of Data:** This measure will be reported by calculating the number of participants in the agency’s Clean Texas Cleaner World Program, Site Assistance Visit Plus Program and other programs authorized as innovative by the Executive Director. This information is maintained by the Small Business and Environmental Assistance Division in a computerized database. The measure counts members participating in authorized voluntary programs during the reporting period.

**Method of Calculation:** Query of database.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

### **Explanatory 03-01-03.02 Number of entities participating in performance-based regulatory programs**

**Short Definition:** Number of entities participating in an innovative programs that provide incentives to a person in return for benefits to the environment that exceeds benefits that would result from compliance with applicable legal requirements.

**Purpose/Importance:** This measure reflects the agency workload associated with Commission programs authorized under the Texas Water Code, Subchapter Q, Performance Based Regulation.

**Source/Collection of Data:** This measure will be reported by calculating the number of participants in the agency's Clean Texas Cleaner World Program, declaration of commitment to implement an environmental management system, and other programs authorized as innovative by the Executive Director. This information is maintained by the Small Business and Environmental Assistance Division in a computerized database. The measure counts members participating in authorized innovative programs during the reporting period.

**Method of Calculation:** Query of database.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

### **Explanatory 03-01-03.03 Tons of agricultural waste chemicals collected by TCEQ-sponsored entities**

**Short definition:** The tons of agricultural waste chemicals collected by agency contractors. The contractor(s) will report to the agency the amount of all agricultural waste chemicals weighed and measured at each collection.

**Purpose/Importance:** This measure provides data on how much agricultural waste chemicals were collected and properly disposed of in Texas, thus reducing the impact on the environment.

**Source/Collection of Data:** The contractor(s) will report to the agency the amount of all agricultural waste chemicals weighed and measured at each collection. Staff maintains the data in a spreadsheet database.

**Method of Calculation:** Summation of weights of wastes collected at events reported by contractors.

**Data Limitations:** None.

**Calculation type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

### **Explanatory 03-01-03.04 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 a Paradox 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:** Field Operations 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.

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#### **Outcome 04-01.01      Percent of leaking petroleum storage tank sites cleaned up**

**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 does not 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.

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#### **Outcome 04-01.02      Percent of Superfund sites cleaned up**

**Short Definition:** The percentage of state and federal Superfund sites cleaned up 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 of the Office of Permitting, Remediation, and Registration, the percentage of state and federal Superfund sites cleaned up since program inception.

**Method of Calculation:** The total combined number of state and federal Superfund sites completed divided by the total combined number of state and federal Superfund sites listed or proposed for the State Registry and National Priorities List since program inception. The ratio of this cumulative data will be calculated at the end of each fiscal year/biennium. This number will be multiplied by 100 to derive a percentage.

**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 U.S. Environmental Protection Agency. 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.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Outcome 04-01.03      Percent of voluntary and brownfield cleanup properties made available for commercial/industrial redevelopment, community, or other economic reuse**

**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 site owners/operators and prospective purchasers 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 submitted by site owners/operators and prospective purchasers 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 received since the inception of the program, multiplied by 100.

**Data Limitations:** TCEQ has no control over the number of site owners/operators and prospective purchasers who voluntarily enter the VCP since their choice controls the number of sites that enter the VCP and the completion of the tasks necessary for issuance of a certificate of completion.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

**Output 04-01-01.01      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 system (TRACS and PDOX files) maintained by the Permitting and Remediation 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.

**Output 04-01-01.02      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/safety (i.e., 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/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:** Because most leaking petroleum storage tank emergency situations are reported by fire marshals, communities and/or the agency's regional offices, the number of sites that will require emergency response actions is unpredictable.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Output 04-01-01.03      Number of Petroleum Storage Tank Reimbursement Fund applications processed**

**Short Definition:** Number of Petroleum Storage Tank Remediation Fund reimbursement applications processed.

**Purpose/Importance:** This measure reflects agency workload in processing applications for reimbursements for petroleum storage tank remediation.

**Source/Collection of Data:** Using an automated agency system and manual computations conducted by the Remediation Division, this measure will report the number of Petroleum Storage Tank Remediation Fund reimbursement applications processed. Staff enter new and protested applications into the reimbursement process database. As applications are processed, staff update the database to indicate where the application is in the review process. When the application processing is complete a fund payment report is mailed to the applicant. For the reporting period, the number of fund payment reports mailed are calculated from the database and reported.

**Method of Calculation:** Automated agency systems maintained by the Remediation Division will be queried to obtain the number of fund payment reports mailed.

**Data Limitations:** None identified.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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#### **Output 04-01-01.04      Number of petroleum storage tank cleanups completed**

**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 does not 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 04-01-01.01 Average time (days) to review and respond to remedial action plans**

**Short Definition:** This measure provides the average number of days for the agency to review and respond to remedial action plans over the reporting period.

**Purpose/Importance:** House Bill 2587, 74th Legislature, 1995 mandates that agency review and response time for remedial action plans not exceed 30 days.

**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 remedial action plans received is tracked, the number of days to review and respond to each plan is recorded, and the average review/response time is calculated for the reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

#### **Efficiency 04-01-01.02 Average time (days) to review and respond to risk-based site assessments**

**Short Definition:** This measure provides the average number of days for the agency to review and respond to risk-based site assessment reports over the reporting period.

**Purpose/Importance:** House Bill 2587, 74th Legislature, 1995 mandates that agency review and response time for risk-based site assessment reports not exceed 30 days.

**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 risk-based site assessment reports received is tracked, the number of days to review and respond to each report is recorded, and the average review/response time is calculated for the reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

#### **Efficiency 04-01-01.03 Average time (days) to process Petroleum Storage Tank Remediation Fund claims**

**Short Definition:** The average number of days it takes to process Petroleum Storage Tank Remediation Fund reimbursement claims.

**Purpose/Importance:** This measure reflects how efficiently and quickly the agency processes claims for reimbursements from the Petroleum Storage Tank Remediation Fund.

**Source/Collection of Data:** Using manual calculations and automated information maintained by the Remediation Division, this measure will report the sum of the time from receipt of all applications to the mailing

of the Fund Payment Report, divided by the number of Fund Payments Reports mailed. Staff enter new applications including the date received into the reimbursement process database. As applications are processed, staff update the database to indicate where the application is in the review process. When the application processing is complete a fund payment report is mailed to the applicant.

**Method of Calculation:** Using manual calculations and automated information maintained by the Remediation Division, this measure will report the sum of the time from receipt of all applications to the mailing of the Fund Payment Report, divided by the number of Fund Payments Reports mailed. The number of days to complete the processing of an application is determined by calculating the number of days between the application received date and the date the fund payment report is mailed, for each application. To determine the average time to process applications, the sum of the number of days required to process the applications is divided by the number of applications processed during the reporting period.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Explanatory 04-01-01.01 Average cost per petroleum storage tank cleanup**

**Short Definition:** Average cost for cleanup of petroleum storage tank sites.

**Purpose/Importance:** This measure reflects the average amount of reimbursement for each petroleum storage tank site.

**Source/Collection of Data:** This measure will be calculated by reporting on the average amount of reimbursement for each petroleum storage tank site in the cleanup process by dividing the total amount paid in reimbursements for petroleum storage tank cleanups by the total number of reimbursements processed. This information is maintained on a Remediation Division database. Staff enter new applications including the requested amount into the reimbursement process database. As applications are processed, staff update the database to indicate where the application is in the review process. When the application processing is complete a fund payment report is mailed to the applicant. The amount paid to the applicant is listed in the database.

**Method of Calculation:** A Remediation Division database will be queried for and the total amount paid in reimbursements for petroleum storage tank cleanups will be divided by the total number of reimbursements processed. To determine the average cost to cleanup a petroleum storage tank site, a calculation is performed on the database to determine the amount paid on each storage tank site. The average is calculated by dividing the sum of the amounts paid on each site by the number of sites on which a payment was made.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Output 04-01-02.01 Number of immediate response actions completed to protect human health and the 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 removal 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. 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, an incident may be determined not to be time critical, magnitude of required response activities, and community involvement.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

#### **Output 04-01-02.02      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.

#### **Output 04-01-02.03      Number of voluntary and brownfield cleanups completed**

**Short Definition:** The number of voluntary cleanup and brownfields sites that have completed necessary response actions through either the removal or control of contamination to levels that are protective of human health and the environment.

**Purpose/Importance:** Upon completion of response action(s), a certificate of completion is given to the applicant which states that all nonresponsible parties are released from all liability to the state for any 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) and complete necessary cleanups.

**Source/Collection of Data:** Site owners/operators or prospective purchasers voluntarily submit an application and an agreement to the VCP for program eligibility evaluation. The applicant's goals for site cleanup, including their schedule for conducting necessary site investigation and cleanup are reviewed by VCP staff. Upon completion of site cleanup, VCP staff approve a final report based upon the applicant's meeting all of the necessary regulatory standards for the site. Once it has been determined that the site is protective of human health and the environment, a certificate of completion is issued to the applicant. The number of certificates of completion issued each quarter is reported in this performance measure.

**Method of Calculation:** The Voluntary Cleanup Program database is queried for the quarterly and cumulative totals of completion certifications issued for the fiscal year.

**Data Limitations:** TCEQ has no control over the number of site owners/operators and prospective purchasers who voluntarily enter the VCP since their choice controls the number of sites that enter the VCP and the completion of the tasks necessary for issuance of a certificate of completion.

**Calculation Type:** Cumulative

**New Measure:** No

**Desired Performance:** Above projections.

---

#### **Output 04-01-02.04      Number of Superfund sites in Texas undergoing evaluation and cleanup**

**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 cleanup completion 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 of the Office of Permitting, Remediation, and Registration, 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, progression of federal site cleanups, and deletions. The progression of sites through the federal Superfund program is directly related to federal funding issues and scheduling, and the final approval of submittals, which are reviewed by the U.S. Environmental Protection Agency. 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, each site is unique and has inherent unknowns (i.e., the nature and extent of the contamination problems) to be investigated before a remedy can be formulated. Since the program is required to investigate the nature and extent of the contamination for each site, there is not an accurate way of predicting when a site will move from an evaluation phase to a cleanup phase.

**Calculation Type:** Non-cumulative.

**New Measure:** Yes.

**Desired Performance:** Above projections.

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**Output 04-01-02.05      Number of Superfund cleanups completed**

**Short Definition:** The combined number of state and federal Superfund sites that were cleaned up during a reporting period that no longer pose an unacceptable risk to human health or the environment.

**Purpose/Importance:** Reflects the combined number of state and federal Superfund site cleanups completed during a reporting period.

**Source/Collection of Data:** Using an automated agency system maintained by the Remediation Division of the Office of Permitting, Remediation, and Registration, the combined number of state and federal Superfund sites attaining cleanup completion status in a reporting period.

**Method of Calculation:** Database query.

**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 U.S. Environmental Protection Agency, 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 cleanup completion date.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Output 04-01-02.06      Number of corrective action documents approved  
for industrial solid and municipal hazardous waste sites**

**Short definition:** Number of approvals of environmental assessment documents, determinations of no further action, notices of self-implemented cleanups, planning or interim measures documents, monitoring reports, and plans to take waste management units out of service at industrial solid and municipal hazardous waste sites.

**Purpose/Importance:** This measure tracks the number of corrective action document approvals demonstrating progress towards final cleanup of sites contaminated by industrial solid or municipal hazardous waste, as well as decommissioning (closure) of waste management units at these sites. The cleanup or closure process involves evaluating, planning, implementing, and monitoring. Tracking approvals of these steps helps ensure continued progress towards cleanup goals, which will in turn result in protection of human health and the environment. Also, proper closure of waste management units will help prevent future releases of contaminants into the environment.

**Source/Collection of Data:** Agency correspondence approving the corrective action documents are tracked in databases maintained by the Office of Permitting, Remediation, and Registration.

**Method of Calculation:** Totals are calculated by counting the number of approved corrective action documents meeting the definition above. The totals are reported on a quarterly basis.

**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, number of documents submitted, or and the types or quality of documentation submitted to pursue self-implemented cleanups.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Output 04-01-02.07      Number of Dry Cleaner Remediation Program applications received**

**Short Definition:** The number of Dry Cleaner Remediation Program applications received, ranked, prioritized, and scheduled for or undergoing corrective action activity.

**Purpose/Importance:** This measure provides an indication of the agency's efforts to clean up known dry cleaning facilities contaminated by perchloroethylene and associated industry chemicals.

**Source/Collection of Data:** The Dry Cleaner Remediation Program database, maintained by the Remediation Division, will house all program applicant and facility data.

**Method of Calculation:** The total number of applications received by the Dry Cleaner Remediation Program will be entered into the program's database. Quarterly and Year to Date totals will be generated for specific time periods as required by reporting schedules.

**Data Limitations:** This is a new program and no historical information exists to aid in formulating performance projections. Limitations are unknown at this time.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Efficiency 04-01-02.01      Average time (days) to process Dry Cleaner Remediation Program applications**

**Short Definition:** House Bill 1366, 78th Legislature, 2003 mandates that the agency's review and ranking of Dry Cleaner Remediation Program applications shall not exceed ninety (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 will utilize 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:** This is a new program and no historical information exists to aid in formulating performance projections. Limitations are unknown at this time.

**Calculation Type:** Non-cumulative

**New Measure:** No.

**Desired Performance:** Below projections.

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**Explanatory 04-01-02.01      Number of potential Superfund sites to be assessed**

**Short Definition:** The number of potential Superfund sites that have not undergone an eligibility assessment for either the state or federal Superfund program.

**Purpose/Importance:** At fiscal year end, this measure provides an indication of the number of known sites that are to be prioritized and assessed for Superfund eligibility in the subsequent fiscal year(s).

**Source/Collection of Data:** A program database query is conducted by the Remediation Division to determine the total number of known sites that have not undergone an eligibility assessment under Superfund program eligibility criteria.

**Method of Calculation:** At the end of each fiscal year, a program database is queried to determine the total number of site assessments that were completed during the fiscal year. This number is subtracted from the total number of known sites in the program database at the end of the fiscal year to determine the number of sites that have not undergone an eligibility assessment for either the state or federal Superfund program.

**Data Limitations:** Eligibility assessments are conducted on sites referred to the Remediation Division by various entities (consisting of but not limited to the U.S. Environmental Protection Agency, TCEQ Enforcement and Field Operations Emergency Response Programs, and the State Attorney General's Office, and bankruptcy courts). The number of eligibility assessments that are to be conducted each fiscal year is dependent on the number of referrals received by the program.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Explanatory 04-01-02.02 Number of federal Superfund sites**

**Short Definition:** Number of federal Superfund sites.

**Purpose/Importance:** Reflects the number of federal Superfund sites.

**Source/Collection of Data:** Using an automated agency system maintained by the Remediation Division of the Office of Permitting, Remediation, and Registration, the number of federal Superfund sites for which minimum hazard ranking scores have been determined and have been proposed for the National Priorities List (NPL) since program inception.

**Method of Calculation:** Database query.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Explanatory 04-01-02.03 Number of state Superfund sites**

**Short Definition:** Number of state Superfund sites.

**Purpose/Importance:** Reflects the number of state Superfund sites.

**Source/Collection of Data:** Using an automated agency system maintained by the Remediation Division of the Office of Permitting, Remediation, and Registration, the number of state Superfund sites for which minimum hazard ranking scores have been determined and have been proposed for the State Registry since program inception.

**Method of Calculation:** Database query.

**Data Limitations:** None identified.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Explanatory 04-01-02.04 Number of approved industrial solid and municipal hazardous waste cleanups**

**Short Definition:** The number of approvals of units or areas that have achieved cleanup goals at sites contaminated by industrial solid waste and municipal hazardous waste and approvals of waste management unit closures.

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

**Source/Collection of Data:** Agency correspondence approving the final cleanups and closures are tracked in databases maintained by the Office of Permitting, Remediation, and Registration.

**Method of Calculation:** Totals are calculated by counting the number of areas or units meeting the final cleanup or closure goals. The totals are reported annually.

**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, 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:** Below projections.

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**Outcome 05-01.01      The 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 Texas receives. Texas stores approximately 350,000 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:** 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/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:** Measure is calculated by dividing the actual amount of water stored in Texas' reservoirs (primarily Lake Meredith and Palo Duro Reservoir) by 350,000 acre-feet and converting to a percentage. The 350,000 acre-feet is the normal amount of water Texas has in storage during average runoff 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.



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**Outcome 05-01.02      The 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.

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**Outcome 05-01.03      The 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 basinwide 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.

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**Outcome 05-01.04      The percentage received of Texas’ equitable share of quality water annually as apportioned by the Rio Grande 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 underdelivery.

**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.

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**Outcome 05-01.05      The 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.

#### **Output 05-01-01.01      Number of accountings prepared and resolved annually**

**Short Definition:** Using the water accounting reports prepared by representatives of each State and presented at the annual meeting of the Canadian River Commission, the number of water accountings will be computed. The accounting is normally completed during the third quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show that the water accounting for the year has been completed and serves as an indicator of New Mexico’s compliance with compact terms. Performance of less than target in any given year may indicate that the commission could not agree on the water accounting and that compact-interpretation problems are occurring. Performance of less than target could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

**Source/Collection of Data:** Annual water accounting report prepared for the Canadian River Commission.

**Method of Calculation:** Measure is tabulated by counting the actual number of water accounting completed by the Canadian River Commission.

**Data Limitations:** Accounting of water is conducted by representatives of the compact during the third 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:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Output 05-01-01.02      Acre-feet of quality water impounded in Texas’ reservoirs as apportioned by the Canadian River Compact**

**Short Definition:** Using the water accounting report approved by the Canadian River Commission, the acre-feet of water stored in Texas’ reservoirs (primarily Lake Meredith and Palo Duro Reservoir) will be reported.

The accounting is normally completed during the third quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show the amount of water stored by Texas for the year. Performance of less than target in any given year could indicate that New Mexico failed to meet its compact delivery for that year and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

**Source/Collection of Data:** Annual water accounting report approved by the Commission.

**Method of Calculation:** Measure is tabulated based on actual water stored in Texas' reservoirs (primarily Lake Meredith and Palo Duro Reservoir) as reported and approved by the Commission.

**Data Limitations:** Accounting of water stored is completed during the third quarter. The accounting is for the previous calendar year, therefore information reported in a given year indicated actual performance for the prior year.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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#### **Efficiency 05-01-01.01 Average cost per acre-foot of water impounded in Texas' reservoirs as apportioned by the Canadian River Compact**

**Short Definition:** Using the storage water accounting approved by the Commission, the number of acre-feet of water stored in Texas' reservoirs will be computed. This number will be divided by the total expenditures for the CRCC to determine the actual cost per acre-foot of water stored. The average cost per acre-foot will be computed when the water accounting is finalized by the Commission and the annual costs of the CRCC for the fiscal year are complete. The water accounting is completed during the third quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show the cost of ensuring the water deliveries to Texas. Costs higher than target could mean that water deliveries are not being met by New Mexico and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

**Source/Collection of Data:** Annual water accounting report approved by the Canadian River Commission and the financial reports prepared for the CRCC.

**Method of Calculation:** Measure is calculated by dividing the amount of water stored in Texas' reservoirs by the annual costs to administer the Canadian River Compact.

**Data Limitations:** Accounting of water stored is from the accounting approved by the Commission during the third quarter. The expenditures for the CRCC are from fiscal reports prepared by the CRCC.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Explanatory 05-01-01.01 Number of active interstate disputes regarding the Canadian River Compact that could result in litigation involving Texas, Oklahoma, and/or New Mexico**

**Short Definition:** Using the records of the CRCC, the number of active Compact disputes being addressed by the Commission during the fiscal year will be reported. A dispute is considered to exist when an issue of differing Compact interpretation is brought before the Commission and resolution is not achieved. The issues will be reported annually.

**Purpose/Importance:** Measure is intended to show the number of disputes being addressed by the Commission that could result in litigation with Oklahoma or New Mexico.

**Source/Collection of Data:** Records maintained by the CRCC of disputes addressed by the Commission.

**Method of Calculation:** Measure is tabulated as the actual disputes addressed by the Commission.

**Data Limitations:** None.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

#### **Output 05-01-02.01      Number of accountings prepared and resolved annually**

**Short Definition:** Using the water accounting report prepared by the Pecos River Master and approved by the U.S. Supreme Court, the number of water accountings will be computed. The water accounting will be considered complete when finalized by the Pecos River Master. The accounting is normally completed during the fourth quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show that the water accounting for the year has been completed and serves as an indicator of New Mexico's compliance with compact terms. Performance of less than target in any given year indicates that the water accounting was contested to the U.S. Supreme Court. Performance of less than target could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

**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 tabulated by counting the actual number of water accountings completed by the Pecos River Master.

**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:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Output 05-01-02.02      Acre-feet of quality water received by Texas annually as apportioned by the Pecos River Compact**

**Short Definition:** Using the water accounting report prepared by the Pecos River Master and approved by the U.S. Supreme Court, the acre-feet of water will be reported. The water accounting will be considered complete when finalized by the Pecos River Master. The accounting is normally completed during the fourth quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show the amount of water Texas received for the year. Performance of less than target in any given year may indicate that New Mexico failed to meet its compact delivery for that year and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

**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 tabulated based on New Mexico's actual delivery of water as determined by the Pecos River Master

**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:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Output 05-01-02.03      Number of projects implemented to maximize  
water quality and water resource**

**Short Definition:** Using the records of the Pecos River Compact Commissioner and the Engineer advisor from the TCEQ, the number of special projects implemented to maximize Texas' water resources will be calculated.

**Purpose/Importance:** Measure is intended to show projects that are being implemented to maximize Texas' water resources. Performance of less than targeted in any given year indicates that the PRCC should look for additional ways to maximize Texas' water resources.

**Source/Collection of Data:** Records of the Pecos River Compact Commission and the Engineer Advisor from the TCEQ.

**Method of Calculation:** Measure is calculated by adding each project the PRCC implements to maximize Texas' water resources.

**Data Limitations:** None.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Efficiency 05-01-02.01      Average cost per acre-foot of quality water received by  
Texas annually as apportioned by the Pecos River Compact**

**Short Definition:** Using the water accounting report prepared by the Pecos River Master and approved by the U.S. Supreme Court, the number of acre-feet of water will be computed. This number will be divided by the total expenditures for the PRCC to determine the actual cost per acre-foot of water received. The average cost per acre-foot will be computed when the water accounting is finalized by the Pecos River Master and the annual costs of the PRCC for the fiscal year are complete. The water accounting is completed during the fourth quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show that the cost of ensuring the water deliveries to Texas. Costs higher than projected could mean that water deliveries are not being met by New Mexico and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

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

**Method of Calculation:** Measure is calculated by dividing the amount of water delivered to Texas by the annual costs to administer the Pecos River Compact.

**Data Limitations:** Water deliveries are from the accounting completed by the River Master and approved by the Supreme Court during the fourth quarter. The expenditures for the PRCC are from fiscal reports prepared by the PRCC.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

---

**Output 05-01-03.01 Rules developed and approved for compact defined by the Red River Compact**

**Short Definition:** Using the reports of the engineer and legal advisors to the commission, rules approved by the commission will be reported. The commission normally meets during the third quarter and rules reported will be effective for the next calendar year.

**Purpose/Importance:** Measure is intended to show that the commission is developing rules to administer the various reaches of the compact. Performance of less than target in any given year indicates that the commission did not complete or approve any rules related to the Red River Compact. Performance of less than target could serve as an indicator of increased resource needs to ensure protection of our water deliveries if Texas' users do not receive their full supply. Rule development will not affect Texas until our water supply is reduced by over use in another state.

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

**Method of Calculation:** Measure is tabulated by counting the actual number of rules approved by the commission for the various reaches of the compact.

**Data Limitations:** Rule development is an ongoing activity of the commission. The rules are developed per assignment by the commission to the engineering and legal committees. No new development has occurred for several years. Until water supply becomes more critical in more reaches of the compact, rule development will likely not be a high priority of the commission.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Output 05-01-03.02 Number of interstate compact meetings attended to administer the Red River Compact**

**Short Definition:** Using the records of the RRCC, the number of meetings attended to administer the compact by the commissioner, engineer advisor and/or legal advisor will be reported. The meetings will be reported quarterly and will be cumulative.

**Purpose/Importance:** Measure is intended to show the number of meetings attended by representatives of the RRCC to administer the compact. Performance of less than target in any given year indicates that the RRCC may be unable to attend the appropriate meetings to administer the compact. This could be the result of budgetary travel restraints by the commissioner or engineer/legal advisors. Performance of less than target could serve as an indicator of increased resource needs to ensure protection of our water supplies.

**Source/Collection of Data:** Records maintained by the RRCC of the meetings attended to administer the compact.

**Method of Calculation:** Measure is tabulated by counting the actual meetings attended from commission records.

**Data Limitations:** None.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Efficiency 05-01-03.01    Average cost per compact meeting attended to administer the Red River Compact**

**Short Definition:** The average cost per meeting attended to administer the Red River Compact.

**Purpose/Importance:** This measure shows the average cost for each meeting attended.

**Source/Collection of Data:** All Red River Compact expenditures will be totaled from spreadsheets maintained by the Water Supply Division.

**Method of Calculation:** Expenditures be calculated by the Water Supply Division and divided by the number of meetings attended during the fiscal year.

**Data Limitations:** None.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

---

**Output 05-01-04.01    Number of accountings prepared and resolved annually**

**Short Definition:** Using the water accounting report prepared by the engineer advisors and approved by the Commission, the number of water accountings will be computed. The water accounting will be considered complete when approved by the Commission. The accounting is normally completed during the third quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show that the water accounting for the year has been completed 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 indicates that the water accounting was not approved by the Commission and key issues are in dispute. Performance of less than target could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

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

**Method of Calculation:** Measure is tabulated by counting the actual number of water accountings completed and approved by the Commission.

**Data Limitations:** Accounting of water is conducted by the engineer advisors and approved by the Commission during the third 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:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

**Output 05-01-04.02    Acre-feet of quality water received by Texas annually  
as apportioned by the Rio Grande Compact**

**Short Definition:** Using the water accounting report prepared by the engineer advisors and approved by the Commission, the acre-feet of water will be reported. The water accounting will be considered complete when finalized by the Commission. The accounting is normally completed during the third quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show the amount of water Texas received for the year. Performance of less than target in any given year may indicate that Colorado and/or New Mexico failed to meet



its compact delivery for that year and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

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

**Method of Calculation:** Measure is tabulated based on Colorado's and New Mexico's actual delivery of water as determined by the accounting approved by the Commission.

**Data Limitations:** Accounting of water is conducted by the engineer advisors and approved by the Commission during the third 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:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Output 05-01-04.03      Number of projects implemented to maximize water quality and water resource**

**Short Definition:** Using the records of the Rio Grande Compact Commissioner and the Engineer Advisor from the TCEQ, the number of special projects implemented to maximize Texas' water resources will be calculated.

**Purpose/Importance:** Measure is intended to show projects that are being implemented to maximize Texas' water resources. Performance of less than target in any given year indicates that the RGCC should look for additional ways to maximize Texas' water resources.

**Source/Collection of Data:** Records of the Rio Grande Compact Commission and the Engineer Advisor from the TNRCC.

**Method of Calculation:** Measure is calculated by adding each project the RGCC implements to maximize Texas' water resources.

**Data Limitations:** None.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

#### **Efficiency 05-01-04.01      Average cost per acre-foot of quality water received by Texas as apportioned by the Rio Grande Compact**

**Short Definition:** Using the water accounting report prepared by the engineer advisors and approved by the Commission, the number of acre-feet of water received will be computed. This number will be divided by the total expenditures for the RGCC to determine the actual cost per acre-foot of water received. The average cost per acre-foot will be computed when the water accounting is finalized by the Commission and the annual costs of the RGCC for the fiscal year are complete. The water accounting is completed during the third quarter and will be for the previous calendar year.

**Purpose/Importance:** Measure is intended to show the cost of ensuring the water deliveries to Texas. Costs higher than target could mean that water deliveries are not being met by Colorado and/or New Mexico and could serve as an indicator of increased resource needs to ensure protection of our water deliveries.

**Source/Collection of Data:** Annual water accounting report prepared by the engineer advisors and approved by the Commission and the financial reports prepared for the RGCC.

**Method of Calculation:** Measure is calculated by dividing the amount of water delivered to Texas by the annual costs to administer the Rio Grande Compact.

**Data Limitations:** Water deliveries are from the accounting approved by the Commission during the third quarter. The expenditures for the RGCC are from fiscal reports prepared by the RGCC.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.

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#### **Output 05-01-05.01      Number of accountings prepared and resolved annually**

**Short Definition:** Using the annual report of the Sabine River Compact Administration, the acre-feet of water diverted by Texas published in the report will be considered to be the annual accounting. The publication of the report will be considered one accounting.

**Purpose/Importance:** Measure provides a means to show whether the Sabine River Compact Administration is keeping record of diversions, which can be used as an indicator of whether Texas is receiving its equitable share of quality water from the Sabine River. If this measure is less than target, we will have to find a new mechanism to evaluate whether our water supplies are being affected.

**Source/Collection of Data:** Annual report of the Sabine River Compact Administration.

**Method of Calculation:** Measure is calculated by considering the publication of the annual report to be one accounting.

**Data Limitations:** The Sabine River Compact Commission has not initiated formal accounting of water deliveries to each state. As a result, publication of the amount of water diverted is one of the few indicators (or proxies) available for doing an “annual accounting.” The Commission does not control water usage (diversions). Reporting will be on an annual basis for the previous calendar year.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

---

#### **Output 05-01-05.02      Acre-feet of water diversions by Texas as apportioned by the Sabine River Compact**

**Short Definition:** Using the 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 reported.

**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 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 determined from the annual report published by the Sabine River Compact Administration.

**Data Limitations:** None.

**Calculation Type:** Cumulative.

**New Measure:** No.

**Desired Performance:** Above projections.

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**Efficiency 05-01-05.01    Average cost per acre-foot of water diverted by  
Texas as apportioned by the Sabine River Compact**

**Short Definition:** Using the 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 divided by the total expenses for the Sabine River Compact Commission.

**Purpose/Importance:** Measure is intended to show the cost of water diversion by Texas in relation to the costs of the SRCC. Costs higher than target could mean that water diversions are falling.

**Source/Collection of Data:** Annual report of the Sabine River Compact Administration and financial records of the Sabine River Compact Commission.

**Method of Calculation:** Measure is determined by dividing the cost of administering the Sabine River Compact Commission by the acre-feet of water diverted by Texas as published in the annual report published by the Sabine River Compact Administration.

**Data Limitations:** None.

**Calculation Type:** Non-cumulative.

**New Measure:** No.

**Desired Performance:** Below projections.



# TCEQ Workforce Plan, Fiscal Years 2007-2011

## Overview of Texas Commission on Environmental Quality

The Legislature created the agency Sept. 1, 1993, by consolidating the Texas Water Commission, the Texas Air Control Board, and environmental programs from the Texas Department of Health. The agency's major responsibilities fall into the following categories.

- Implementing state and federal environmental regulatory laws by issuing permits and authorizations for: the control of air pollution; the safe operation of water and wastewater facilities; and the treatment, storage, and disposal of hazardous, industrial, and municipal waste and of low-level radioactive waste.
- Ensuring compliance with state and federal environmental laws and regulations by: conducting inspections of regulated facilities; monitoring air and water quality; providing technical assistance; encouraging voluntary compliance; and taking formal enforcement action against suspected violators.
- Developing plans for the cleanup and eventual reclamation of contaminated industrial and abandoned hazardous waste sites, and for the restoration of air and water quality.
- Setting water rates and allocating surface water rights.
- Planning for air quality, water quality, and waste management by: developing the State Implementation Plan for attainment of the National Ambient Air Quality Standards; developing total maximum daily loads to improve water quality; and analyzing solid waste generation and management in Texas.
- Ensuring that Texas receives its equitable share of water.

The TCEQ is funded primarily by fee revenues. The agency was appropriated \$970.9 million for the

2006–07 biennium, of which \$842.5 million—87 percent—was from dedicated fee revenues. The remainder of the appropriations consisted of \$90.2 million from federal funds, \$9.6 million from General Revenue, and \$28.6 million in interagency contracts and appropriated receipts.

In general terms, the agency's air activities and programs consume approximately 19 percent of the operating budget, while water programs use 16 percent and waste programs use 18 percent. The Texas Emissions Reduction Plan (TERP) consumes 25 percent of the agency's budget and the Petroleum Storage Tank (PST) program uses 19 percent. Of the remaining three percent, half is consumed by the Dry Cleaning Remediation Program, with the other half used for a variety of small programs.

While the TCEQ is primarily a fee-funded agency, many of the fees and funds have use restrictions that limit the ability of the TCEQ and the Legislature to allocate funds to meet challenging environmental needs. Some flexibility nonetheless is provided by Rider 17 in the TCEQ's General Appropriations Act, which allows for the reallocation of 7 percent of identified funds for other uses.

## Agency Mission

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.

## Goals and Objectives

The agency will accomplish its fiscal 2007–11 mission through the following goals and objectives:

- **Assessment, planning, and permitting.** To protect public health and the environment by accurately assessing environmental conditions, and 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.

- ▼ To decrease the amount of toxics released and disposed of in Texas by 40 percent by 2009 from the 1992 level, and reduce air, water and waste pollutants through assessing the environment.
- ▼ To review and process 90 percent of air, water, and waste authorization applications within established time frames.
- ▼ To ensure the proper and safe disposal of low-level radioactive waste.
- **Drinking water and water utilities.** 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 and sewer utilities; and by promoting regional water strategies.
  - ▼ To supply 95 percent of Texans served by public drinking water systems with drinking water consistent with requirements in the Safe Drinking Water Act. To provide regulatory oversight of water and sewer utilities and to promote regional water strategies.
- **Enforcement and compliance support.** To 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.
  - ▼ Through fiscal 2009, to 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

achieve pollution prevention, resource conservation, and enhanced compliance.

- **Pollution cleanup.** 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.
  - ▼ By fiscal 2009, to identify, assess and remediate up to 56 percent of the known superfund sites and/or other sites contaminated by hazardous materials. To identify, assess and remediate up to 91 percent of the known leaking petroleum storage tank sites.
- **Texas River Compacts.** To ensure the delivery of Texas' equitable share of water.
  - ▼ To ensure the delivery of 100 percent of Texas' equitable share of water as apportioned by the River Compacts.
- **Indirect administration.** To provide the essential infrastructure required to maintain an agency's day-to-day operations and to guarantee internal and external customers of the TCEQ the ability to conduct business in the most efficient manner for the state of Texas.

## Anticipated Changes to Mission, Goals, and Strategies

The agency does not anticipate significant changes to its primary programs and critical functions during the next five years, with the exception of the Petroleum Storage Tank Reimbursement Program, which is scheduled to end on Sept. 1, 2008.

## Agency Structure

The TCEQ carries out its mission under the direction of three full-time commissioners, who are appointed by the Governor. The commissioners are appointed for six-year terms with the consent of the Senate, and provide oversight to the seven offices of the agency. The offices, as identified in Table E.1, are each responsible for performing unique functions within the agency, and each office has its own workforce needs and considerations.

**Table E.1. TCEQ Offices and Functions**

Office	Composition and Role in the Agency
Office of the Commissioners (Commissioners)	<p>Three full-time commissioners are appointed by the governor to provide oversight to the agency. This office includes the Office of the General Counsel, Office of the Chief Clerk, Office of Internal Audit, Office of Public Assistance, and Office of Public Interest Counsel.</p> <p>The commissioners establish overall agency direction and policy and make final determinations on contested permitting and enforcement matters.</p>
Office of the Executive Director (Executive)	<p>The executive director is hired by the commissioners. This office includes Agency Communications, Budget and Planning, the Chief Financial Officer, Small Business and Environmental Assistance, and Intergovernmental Relations.</p> <p>The office implements commission policies; makes recommendations to the commissioners about contested permitting and enforcement matters; and approves uncontested permit applications and registrations.</p>
Office of Administrative Services (OAS)	<p>The deputy of OAS provides oversight to Financial Administration, Information Resources, Human Resources and Staff Development, and Support Services.</p> <p>The office provides service and support to agency staff and external customers, including providing essential infrastructure required to maintain business operations.</p>
Office of Compliance and Enforcement (OCE)	<p>The deputy of OCE provides oversight to Enforcement, Field Operations, Monitoring Operations, Emergency Response, and Compliance Support, as well as to 16 regional offices, two special project offices, and two laboratories.</p> <p>The office enforces compliance with the state's environmental laws, responds to emergency events and natural disasters that threaten human health and the environment, oversees dam safety, and monitors water quality within the state.</p>
Office of Legal Services (OLS)	<p>The deputy of OLS provides oversight to three divisions: Environmental Law, Litigation, and General Law.</p> <p>The office manages the legal services for the agency in the areas of environmental law, enforcement litigation, and general agency operations. The office also provides legal counsel and support to the executive director; the program areas; and, in conjunction with the Office of General Counsel and the Office of the Public Interest Counsel, the commissioners.</p>

**Table E.1. TCEQ Offices and Functions (continued)**

Office	Composition and Role in the Agency
Chief Engineer's Office (CEO)	<p>The Chief Engineer's Office (CEO) develops and implements statewide and regional plans, rules, strategies, and technical guidance to attain quality standards for air, surface water, and groundwater.</p> <p>This includes a broad range of specific responsibilities:</p> <ul style="list-style-type: none"> <li>■ Assess the status of air quality, and model outcomes of planning scenarios and compare them against real-world results.</li> <li>■ Assess risks to human health from air and water pollution, and from remediation of polluted sites.</li> <li>■ Implement plans to protect and restore air and water quality in cooperation with local, regional, state, and federal stakeholders.</li> <li>■ Track progress toward environmental goals and adapt plans as necessary.</li> <li>■ Advise the executive director and the deputy directors regarding uniform compliance with engineering standards, specifically regarding executive-level technical and policy matters.</li> <li>■ Review plans, processes, permits, and regulations for scientific accuracy and feasibility.</li> </ul>
Office of Permitting, Remediation, and Registration (OPRR)	<p>The deputy of OPRR provides oversight to Air Permits; Waste Permits; Water Quality; Water Supply; Remediation; and Registration, Review, and Reporting.</p> <p>The office implements federal and state laws and regulations governing all aspects of permitting for the air, water, and waste programs. The office also oversees the investigation and cleanup of hazardous pollutants; and registers and manages reporting requirements, the Central Registry, and other major database projects.</p>

## Key Factors Facing the Agency

During the next five years, the TCEQ expects a number of challenges as it proceeds to fulfill its mission and goals. Economic, environmental, and political trends indicate that the agency will experience program changes, process redesign initiatives, and technological advancements. New state and federal mandates will be challenging in the face of budget and FTE constraints. Retirements and competition for qualified applicants will present problems with our goal to maintain a diverse, well-qualified workforce.

## Retirement and Attrition

Concern about loss of institutional knowledge and skills due to retirement eligibility and turnover during

economic upswings is prevalent throughout the TCEQ. Approximately 768 employees are projected to be eligible to retire by the end of fiscal 2011. Additional losses are expected through attrition, depending on economic conditions. Competition for qualified applicants, changing job roles, and constraints on the number of full time equivalent (FTE) positions the agency can employ remain high on the list of issues as agency management endeavors to respond to the loss of employee skills. Workloads and travel restrictions have the potential to affect efforts to ensure that staff maintain current knowledge of scientific and technological changes. Non-competitive entry salaries relative to that of outside employers,



both public and private, continues to have an impact on retention and recruitment efforts.

## New Requirements and Initiatives

New federal and state requirements, as well as internal initiatives, will continue to have an agencywide impact. Program changes will occur that will require the changes to existing program coverage, the elimination of certain programs, and the addition of others. A major program change, resulting from HB 1516, requires the transition of agency data center services to a consolidated statewide data center.

Other expected program changes are the following:

- New changes in policy regarding compliance history will drive more businesses and governments to seek TCEQ assistance.
- Continuous increase in demand for compliance assistance, as regulations become increasingly complex and more regulated entities become aware of TCEQ changes via field staff.
- Creation of regulatory incentives will encourage the use of Environmental Management Systems (EMS).
- Air quality State Implementation Plan (SIP) revision requirements are increasing with newly defined federal mandates. SIPs are also becoming more complex and the technical requirements are expanding.
- The number of water quality impairments requiring Total Maximum Daily Load (TMDL) assessments is increasing. A TMDL is a technical analysis that determines the maximum amount of specified pollutants a body of water can receive and still meet the water quality standards for its intended use. Water quality issues addressed in future TMDLs, such as bacteria, nutrients, and aquatic toxicity, are likely to be more complicated than issues addressed in earlier TMDLs, which focused on legacy pollutants. Adaptive management strategies utilized in TMDLs will require ongoing TMDL development even after adoption of the initial TMDL.

- The health and productivity of Galveston Bay and surrounding tributaries is threatened by continued rapid population growth that is outpacing our ability to employ protection and restoration measures.
- Federal mandates require increased reporting via Program Activity Measures (PAMs).
- Changes to the Enforcement process, Administrative Penalty calculation rule, Compliance History rule, and Landscape Irrigation rule are being implemented.
- SB 485 sunsets the Petroleum Storage Tank (PST) Reimbursement Program on Aug. 31, 2008.
- New initiatives in Homeland Security for Public Water Systems will affect workforce needs.
- Federal mandated amendments to the Safe Drinking Water Act will be implemented.
- Redesign and expansion of the Certificate of Convenience and Necessity (CNN) application processes is expected.
- Efforts will continue to be directed to reducing Permit time frames, including e-filing and e-permitting.

## Information and Technology

To maintain the agency's level of service, respond to increasing customer demand, and implement legislative changes, the TCEQ must prepare for a number of issues in the field of information technology. They include:

- Implementation of several legislative projects, including addition of public information to the agency's web site and clarification of an individual's privacy rights in the area of e-mail and information submitted on agency forms. Multi-language and accessibility requirements for the web site will need to be addressed, as well.
- Analysis and documentation of the flow of electronic information to and from the regulated community and development of efficient and effective IT systems to automate that flow.
- Integration and automation of the grant and budget systems into one integrated system. Developing more efficient, integrated, and

automated financial, budget, and timekeeping systems and the expertise to maximize the use of such systems.

- Need for continued improvement in electronic reporting, data handling, and data management capabilities.
- Expanding continuous water monitoring technology to meet data user needs and modifying databases and water quality standards to use this information.
- Several of the databases currently being used in 2006 may be replaced or augmented with new applications/revisions by 2011.

### Demographic Trends

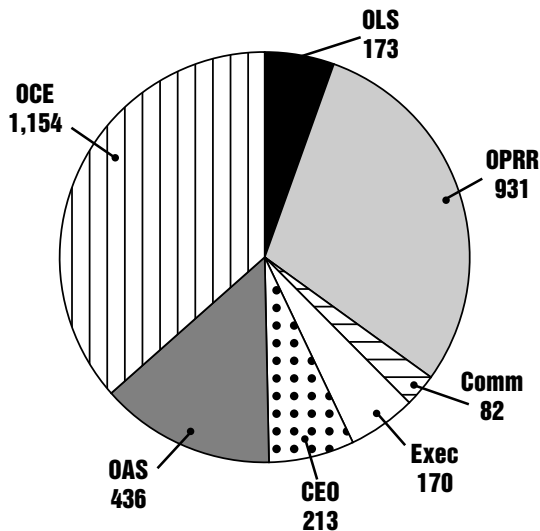
As the state’s minority population increases, managers will continually seek to hire a diverse and competent workforce that is representative of the state’s

available labor force. The overall aging of the workforce requires increased reliance on succession-planning processes to address potential skill gaps. The complexity of work continues to increase, driving a need to shift roles and responsibilities from generalist to specialist, however the need to transfer skills from veteran employees to less experienced staff demands that many employees remain or become generalists.

## Current Workforce Profile (Supply Analysis)

As of Aug. 31, 2005, the TCEQ employed a total of 3,159 employees, including separated employees (377 separations for fiscal 2005). The following chart (Figure E.1) profiles the agency workforce by office. The totals provide an actual head count of employees, not full-time equivalents (FTEs), and do not include contractors of temporary personnel.

**Figure E.1.  
TCEQ Workforce, by Office**



**LEGEND**

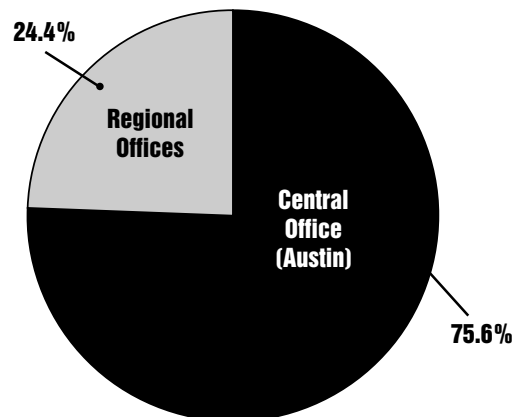
- Comm – Office of the Commissioners
- Exec – Office of the Executive Director
- CEO – Chief Engineer’s Office
- OAS – Office of Administrative Services
- OCE – Office of Compliance and Enforcement
- OLS – Office of Legal Services
- OPRR – Office of Permitting, Remediation, and Registration

Data captured from the Human Resources Information System, 8/31/05. Data includes separations.

### Workforce Demographics

The TCEQ continues to be tasked with additional responsibilities, requiring the agency to increase processing efficiencies to maintain the number of full-time equivalent positions within the legislative cap. The TCEQ is authorized in fiscal 2006 to employ 2,937 FTEs located in the Austin office and in the 16 regional

**Figure E.2.  
Location of TCEQ Employees**



Data captured from the Human Resources Information System, 8/31/05.

offices throughout the state. As of Aug. 31, 2005, 687 employees—or 24.4 percent of the total workforce—were located in the regional offices (see Figure E.2).

In response to the agency’s initiative to relocate employees to the field offices, 113 (16.45 percent) of the regional employees are matrix-managed staff who work in a regional office, but are supervised from the Austin office.

### Equal Employment Opportunity

The TCEQ provides equal employment opportunities to all employees and qualified applicants, regardless of race, color, national origin, sex, sexual orientation, age, disability, or veteran status. The agency aggressively seeks to identify and recruit a diverse workforce. In addition, all employees are provided equal employment opportunity (EEO) training to

make them aware of state and federal employment laws and regulations.

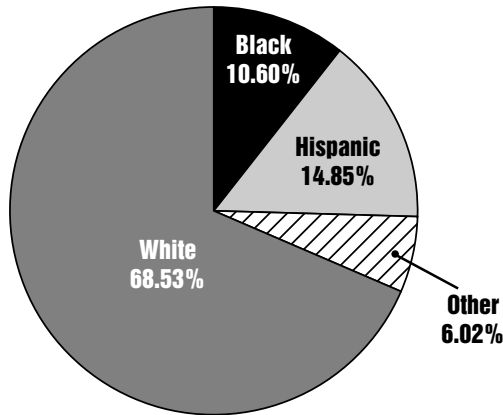
Figures E.3 and E.4 profile the agency’s workforce during fiscal 2005. Blacks and Hispanics made up over 25 percent of the agency’s workforce, with other ethnic groups representing 6 percent. The TCEQ workforce was 51.31 percent male and 48.69 percent female.

### TCEQ Workforce Compared to Available Texas Workforce

The TCEQ workforce is made up of five employee job categories, as established by the Equal Employment Opportunity Commission (EEOC). These categories are: official/administrator, professional, paraprofessional, technical, and administrative support.

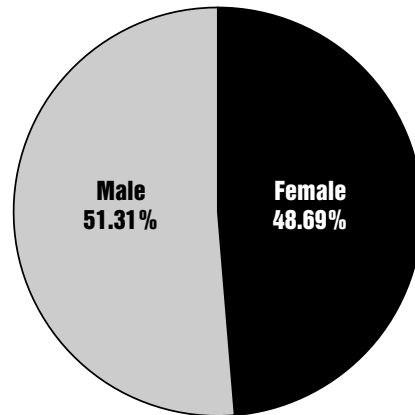
Table E.2 compares the agency’s workforce as of Aug. 31, 2005, to the qualified, available workforce

**Figure E.3.**  
Ethnicity of TCEQ Workforce, FY 2005



Data captured from the Human Resources Information System, 8/31/05.

**Figure E.4.**  
Gender of TCEQ Workforce, FY 2005



Data captured from the Human Resources Information System, 8/31/05.

**Table E.2. TCEQ Workforce Compared to Available Texas Workforce, 8/31/05**

EEO Job Category	Black		Hispanic		Female	
	EEOC	TCEQ	EEOC	TCEQ	EEOC	TCEQ
Official/Administrator	7.27%	7.42%	11.61%	12.58%	31.63%	33.23%
Professional	9.31%	8.23%	10.85%	11.91%	46.93%	40.48%
Paraprofessional	17.94%	12.07%	31.41%	15.52%	55.81%	79.31%
Technical	13.67%	11.39%	18.89%	20.25%	39.36%	31.01%
Administrative Support	19.59%	19.46%	25.62%	23.92%	79.87%	84.21%

identified by the EEOC. This table reflects the percentage of Blacks, Hispanics, and females within the statewide available workforce (EEOC column) and the TCEQ workforce, using five employee job categories.

### Workforce Qualifications

To implement, enforce, and manage the state’s permitting and regulatory programs for air, water, and waste, the TCEQ employs a highly qualified workforce.

Of the agency’s staff, approximately 23.9 percent is in a position for which a degree is required (see Figure E.5). Another 46.65 percent is in a position for which a degree is required but previous experience in the subject area may be substituted for the degree. The standard substitution allowed is one year of experience for 30 semester hours of the required education. Employees in positions not requiring a degree make up 29.45 percent of the agency’s workforce.

### Workforce Profile by Job Classification

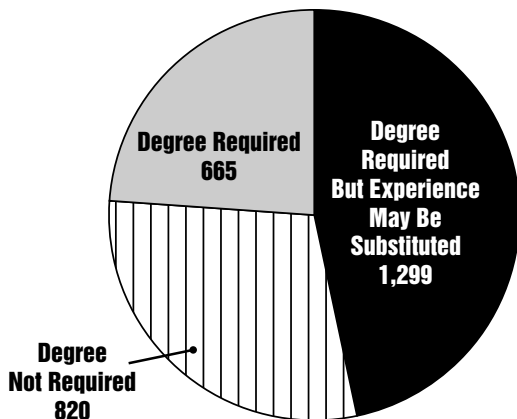
Although over 75 percent of the agency’s employees are categorized as officials/administrator, professional, and paraprofessional, the work completed by TCEQ employees is diverse, requiring the use of over 200 job classification titles and subtitles. Figure E.6 shows the number of employees working in the job classifications most commonly used by the TCEQ

during fiscal 2005: Administrative Assistant III and IV; Environmental Investigator III and IV; Geologist V; Manager IV; Natural Resources Specialist V; and Program Specialist III, IV, and VI.

The TCEQ also relies on contracted staff to provide vital administrative, technical, and professional program support and to perform various information technology functions. Contract staff provide services that are important to the work of the TCEQ when agency staff lack the required proficiency in a particular skill, or do not have the required background or expertise to complete work in certain strategic areas.

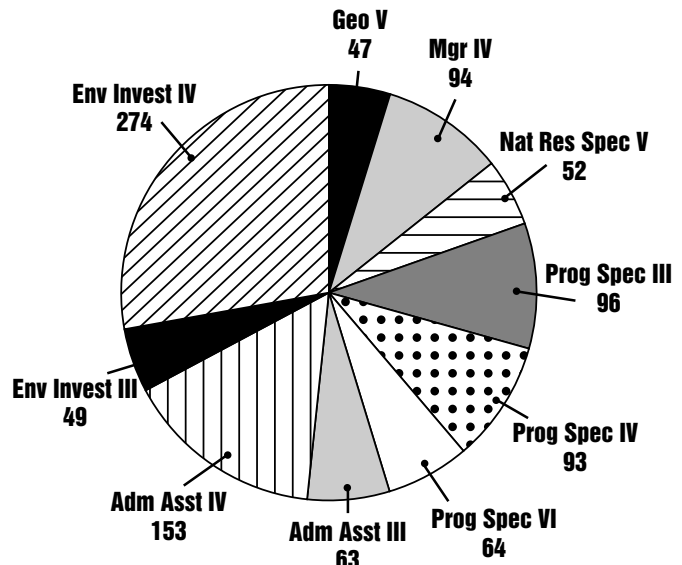
In addition, the TCEQ may also defer particular types of program-related analysis to contractors who are better equipped to perform such analyses. The use of a contracted worker is consistently based on a cost-benefit analysis, with a focus on the expected return on investment. The agency’s use of contracted workers increased slightly between fiscal 2003 and 2005 (from 134 to 148).

**Figure E.5.**  
**Education Requirements of TCEQ Employees**



Data captured from the Human Resources Information System, 8/31/05.

**Figure E.6.**  
**Number of Employees in Most Frequently Used Job Classifications at the TCEQ, FY 2005**



Data captured from the Human Resources Information System, 8/31/05.

## Employee Turnover

The turnover rate at the TCEQ reached a 10-year high of 16.05 percent in fiscal 2000 (see Figure E.7). Since then, until fiscal 2005, turnover at the TCEQ steadily declined. With a turnover rate of 12.69 percent in fiscal 2005, the TCEQ expects a number of challenges as it proceeds to fulfill its mission and goals.

Based on an average of the past five fiscal years, an attrition rate of 11.43 percent is projected. Economic, environmental, and political trends indicate that the agency will experience program changes, process-redesign initiatives, and technological advancements. New state and federal mandates will be challenging in the face of budget and FTE constraints. Retirements and competition for qualified applicants will present problems with our goal to maintain a diverse, well-qualified workforce.

In an effort to address these indicators, the agency is emphasizing 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 impart knowledge to their potential successors, as required by Section 2056.0021, Texas Government Code.

In other efforts to build the workforce representative of the state's available labor force, the agency participated in almost 70 recruitment events during

fiscal 2004 and 2005 and the first quarter of fiscal 2006. The agency chose these events to target students, as well as professionals, in the fields of engineering, science, accounting, finance, and information technology.

Retention also remains a focus of management. With well over 700 TCEQ employees eligible to retire in the next five years, a significant loss of critical skills is anticipated. In light of predictions by demographers of a shrinking workforce as "Baby Boomers" retire and smaller qualified labor pools emerge, the agency is emphasizing workforce and succession planning. This process involves building a viable talent pool that contributes to the current and future success of an organization, including the need for experienced employees to impart knowledge to their potential successors, as required by Section 2056.0021, Texas Government Code. Such initiatives will enable the agency to both develop and retain skilled employees.

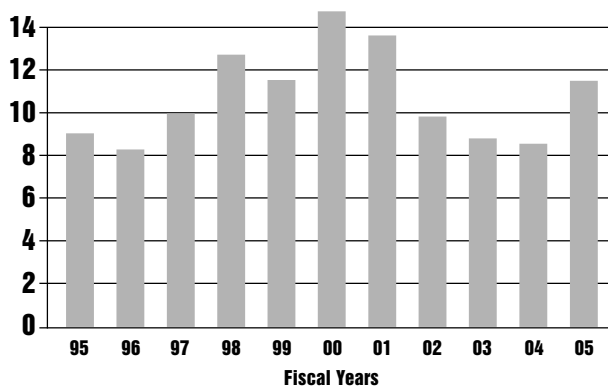
## Future Workforce Profile (Demand Analysis)

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. Table E.3 shows sets of critical "skill clusters" that have been identified as the skills sets needed to accomplish the agency's mission.

## Gap Analysis

Each of the seven offices within the TCEQ analyzed the likelihood of their need for each skill and the risk that the skill might not be available in the course of the next five-year planning period. Skills identified as "at risk" are expressed in Table E.4. According to this assessment, the agency anticipates significant shortages in the Information Management and Management/Leadership arenas. The availability of Technical Knowledge and Project Coordination skills pose a concern to a lesser degree.

**Figure E.7.**  
**TCEQ Employee Turnover Rate,**  
**Fiscal Years 1995-2005**



## Strategy Development

The TCEQ anticipates implementing key strategies, which are discussed in the following sections, to address expected skill gaps. The agency’s succession-planning team provides consulting to agency management on

effective succession-planning strategies to ensure that mechanisms are in place to build the necessary talent pool. Figure E.8 shows the strategies and which ones are more commonly identified by agency offices.

As in the past, Training/Mentoring, Hiring, and Work/Staff Allocation Changes will be used

**Table E.3. Critical Workforce Skill Clusters**

<p><b>Problem Solving</b>                  Analysis                  Critical thinking                  Decision making                  Innovation</p>	<p><b>Project Management</b>                  Organizing                  Planning                  Managing multiple priorities                  Quality analysis and process improvement                  Coordination</p>
<p><b>Information Management</b>                  Database development, management, and integration                  Software proficiency                  Web development and maintenance                  Computer assisted tools                  Graphic design                  Electronic reporting</p>	<p><b>Communication</b>                  Written (composition and editing)                  Verbal (public speaking and presentation)                  Interpersonal sensitivity                  Translating technical information into layperson’s terms                  Teamwork                  Marketing and public relations                  Customer service</p>
<p><b>Technical Knowledge</b>                  (may be unique to a certain office)                  Agency policies, procedures, and programs                  Local, state, and federal laws, rules and regulations                  Environmental knowledge (includes science; engineering; and air, water, and waste programs)                  Policy analysis and development                  Statistical analysis                  Regulation analysis and development                  Technical analysis                  Research                  Litigation skills                  Audit skills                  Inventory management</p>	<p><b>Management/Leadership</b>                  People skills                  Performance management                  Strategic planning                  Conducting training                  Mentoring                  Meeting planning/Facilitation                  Project management                  Contract management                  Grant management                  Financial management                  Delegation</p> <p><b>Administrative/Support</b>                  Word processing                  Tracking and record keeping                  Mail processing</p>

**Table E.4. Critical Skills Checklist and Gap Analysis**

LEGEND								
<b>COMM</b> – Office of the Commissioners			<b>OCE</b> – Office of Compliance and Enforcement					
<b>EXEC</b> – Office of the Executive Director			<b>OAS</b> – Office of Administrative Services					
<b>CEO</b> – Chief Engineer’s Office			<b>OPRR</b> – Office of Permitting, Remediation, and Registration					
<b>OLS</b> – Office of Legal Services								
Skill Category	Skill	COMM	EXEC	CEO	OLS	OCE	OAS	OPRR
<b>Problem solving</b>	Analysis	Med		Med				
	Critical thinking	Med						
	Decision making	Med						Med
	Innovation	Med		Med				Med
	Other							
<b>Information management</b>	Database development, management, and integration		High	Med		High		High
	Software proficiency		High	Med			High	High
	Web development and maintenance		Med					Med
	Computer-assisted tools	High	Med	Med				Med
	Graphic design		High	Med				
	Electronic reporting		Med	Med		High	High	High
	Other: HB1516							High
<b>Technical knowledge</b> (may be unique to a certain office)	Agency policies, procedures, and programs	Med		Med/High		Med		
	Local, state, and federal laws, rules, and regulations	Med	Low	Med		Med		
	Environmental knowledge (includes science; engineering; and air, water, and waste programs)	Med	Low	High		High		High
	Policy analysis and development	Med		High		Med		
	Statistical analysis	Med						Med
	Regulation analysis and development	Med		High		Med		High
	Technical analysis	High		Med		Med		Med
	Research							
	Litigation skills							
	Audit skills							
	Inventory management							
	Other							

continued on next page

**Table E.4. Critical Skills Checklist and Gap Analysis (continued)**

<b>Skill Category</b>	<b>Skill</b>	<b>COMM</b>	<b>EXEC</b>	<b>CEO</b>	<b>OLS</b>	<b>OCE</b>	<b>OAS</b>	<b>OPRR</b>
<b>Project management</b>	Organizing			Med				
	Planning			Med				
	Managing multiple priorities			Med				
	Quality analysis and process improvement			Med				
	Coordination		High	Med				
<b>Communication</b>	Written (composition and editing)	Med				Med		
	Verbal (public speaking and presentation)	Med				Med		
	Interpersonal sensitivity	Med						
	Translating technical information into layperson's terms	Med		Med				
	Teamwork	Med						
	Marketing and public relations	Med		Med				
	Customer service	Med						
	Other: Publications			Med				
<b>Management/Leadership</b>	People skills	Med						
	Performance management	High						
	Strategic planning	High	Low				High	
	Conducting training							
	Mentoring	Med	High	Med		High		
	Meeting planning/Facilitation	Med						
	Contract management		High			Med		
	Grant management		High	High		Med		
	Financial management	Med	High			Med		
	Delegation	High						
Other								
<b>Administrative/Support</b>	Word processing							
	Tracking and record keeping				Low			
	Mail processing							
	Other							
<b>Other types of skills</b>	Other							

most often to ensure that the TCEQ continues to have the right people with the right skills in the right job to fulfill the agency's core functions. Additional efforts will be placed on improving

documentation, increasing the use of existing technology, and applying innovative retention strategies to lessen the risk of knowledge/skill drain over time.



## Training and Mentoring

More than ever, shadowing and cross-training are emerging as developmental solutions to enhancing critical workforce skills. Employees are assigned to shadow experienced staff and subject-matter experts on special projects to develop and sharpen specific skills. Senior staff are increasingly relied on to cross-train less experienced employees. Staff also continue to participate in online, on-the-job, and classroom training. The TCEQ has implemented a pre-management development program that shows promise for providing increased training/mentoring opportunities for employees with potential to be future replacements for key positions. Use of this and similar “grow-our-own” processes is expected to increase.

## Hiring

Decision makers are balancing the need to hire more experienced staff, at a corresponding higher starting rate, with the need to budget salary dollars for merits and promotions. The re-hiring of retirees is used more frequently, not only to provide needed expertise in the short term, but to allow managers more opportunities to transfer needed skill sets from veteran

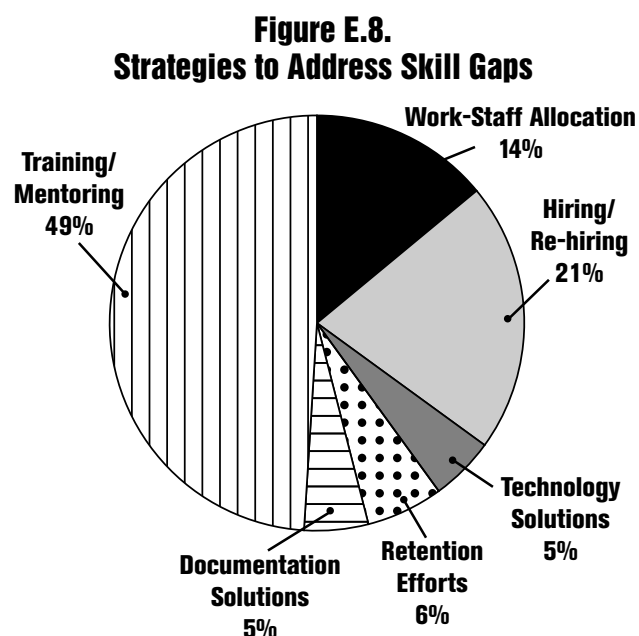
employees to less experienced staff. Emphasis will continue to be placed on recruitment to encourage a diverse, qualified labor pool to seek employment with the TCEQ. On a few projects, partnering with outside entities, such as universities, continues to provide options for meeting our most complex scientific and technical knowledge and skill needs.

## Work and Staff Allocation Changes

Managers are seeking more innovative ways to allocate work and staff to maintain or improve skill sets. For the next planning period, more managers are choosing to restructure jobs, involve subordinates in higher-level decision making, and allocate more backups to ensure coverage than ever before. Managers are also looking at ways to redesign processes to lessen the risk of losing specialized skill sets going forward.

## Retention Strategies

Strategies to retain individuals who possess essential skills include providing opportunities for increased responsibility and job growth and using reward and recognition programs. We can also expect to see increased reliance on flextime/alternative work hours and teleworking to provide managers with ways to attract and retain today’s more flexible, mobile workforce.



## Documentation and Technology Solutions

Managers throughout the agency have increased requirements for documenting job standards, operating processes and procedures, and policy development decisions in an attempt to reduce the risk of knowledge/skill loss as employees move up or on. This documentation serves as ‘job aids’ to help newer employees understand the best practices of their predecessors and help guide future decision making. Technology use is on the rise, and managers are seeking ways to make the most of existing resources in this area. Management will also request approval to upgrade existing technology, as required, and to research and purchase new technology, such as computer-assisted tools, where appropriate.

