

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Self-Evaluation Report

Chapter I. Key Functions, Powers, and Duties

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The Texas Natural Resource Conservation Commission (TNRCC) was established on September 1, 1993 by the consolidation of the Texas Air Control Board and Texas Water Commission, pursuant to Senate Bill 2 enacted by the 72nd Texas Legislature, First Called Session, in 1991. The legislation created a comprehensive natural resource protection agency with authority to make rules and execute most major state and federal environmental and water rights laws. One year prior to consolidation, several key environmental programs were merged with the Texas Water Commission from the Texas Department of Health (water hygiene, municipal solid waste and disposal of low-level radioactive waste); the Texas Water Well Drillers Board, and Board of Irrigators (concerned with the certification of drillers and landscape irrigators).

Mission Statement

According to its Mission Statement, the commission:

“Strives to protect our state’s precious human and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and safe management of waste with an emphasis on pollution prevention. We are committed to providing efficient, prompt and courteous service to the people of Texas, ever mindful that our decisions must be based on common sense, good science, and fiscal responsibility.”

Authority

Many of the TNRCC’s air, water, and waste regulatory and compliance activities are administered pursuant to state and federal law. The TNRCC’s water rights activities are established under state law. Citations for programs or portions of programs are given in Section G of this section, Chapter VI, “Guide to Agency Programs” of this report and in the appendices accompanying this report.

Powers and Duties

The TNRCC has broad responsibilities for the protection of the state’s natural resources. The agency’s statutorily authorized duties include the following:

- !** Issuance of permits and other authorizations for the control of air pollution, management of hazardous and non-hazardous waste generation, and for the safe operation of water and wastewater utilities.
- !** Inspection of facilities for compliance with environmental laws and regulations, and enforcement to correct noncompliance.

- ! Response to complaints and environmental concerns.
- ! Remediation of hazardous and non-hazardous waste contamination, and of leaking underground storage tanks.
- ! Granting and reviewing surface water rights.
- ! Determination of the ability of water and wastewater utility projects to provide adequate and affordable services to customers and set retail water and sewer rates.
- ! Assurance of adequate waste disposal capacity in Texas.
- ! Occupational certification of certain environmental professionals.
- ! Cooperation with federal, state and local agencies in implementing and enforcing state and federal environmental laws.
- ! Provision of training and technical assistance to the regulated community to promote high rates of compliance and voluntary efforts to reduce, reuse and recycle waste.

Non-statutory Duties

The TNRCC also fulfills a number of duties that are not specifically called for in statutes, but which are necessary to further the agency's performance of its statutory duties. These include planning, monitoring, assessment and certain administrative functions. The TNRCC also provides extensive technical assistance to local governments and compliance assistance to regulated facilities.

Functions

The TNRCC is a complex institution, and performs a large number of functions on a continuing basis in pursuit of its duties under state and federal law. The following represent the agency's chief functions, as outlined by the Information Strategic Plan project discussed in more detail in "Chapter X. Additional Information Concerning the TNRCC", and in the appendices to this report.

Program Operations Functions

- Compliance Inspections and Monitoring – The monitoring of the compliance of regulated entities through such activities as the review of reports and the conduct of site visits and inspections.
- Release Identification and Reporting – The identification and reporting of activities, processes, emissions, and environmental impacts associated with the regulated community.
- Violation and Enforcement Management – The identification, verification and tracking of violations of regulations, and initiating enforcement actions in response to violations.
- Corrective Action/Remediation Oversight and Reimbursement Administration – Overseeing cleanups made by responsible parties, local authorities and contractors, and ensuring that grants and funds authorized for cleanup reimbursements are disbursed appropriately.

- Emergency Response – Responding to environmental emergencies to coordinate evacuation, public health protection and spill cleanup.
- Permitting and Licensing Management – The issuance, administration, renewal and modification of permits, water rights, licenses, or certifications for entities and/or individuals whose activities have some potential or actual environmental impact that must be formally authorized by the agency.
- Public Assistance Management – Responding to requests for information by external parties and conducting outreach with regard to agency obligations. Responding to complaints lodged by affected or interested parties including addressing the cause of the complaint and notifying the complainant of action taken.
- Air Emissions Trading Administration – Tracking and verifying the trading of emissions credits to ensure that trading is done in compliance with the program charter.
- Evaluation of Public Health Effects – Assessing the impact on public health of toxic substance releases, transfers and disposal.
- Ambient Monitoring and Sampling; Laboratory Analysis – Monitoring the current condition of a geographic area or natural resource through sampling or surveys.
- Technical Data Gathering, Management and Analysis – Providing for scientific support for the design and implementation of specific strategies to address environmental improvements.
- Technical Assistance and Pollution Prevention – Agency activities or oversight of activities focused on helping a regulated facility achieve compliance and voluntary pollution reduction.
- Legal Support – Analyzing and interpreting statutes and regulations and representing the TNRCC in formal and informal settings.
- Bankruptcy Administration – Pursuing debtors who have filed for bankruptcy protection in U.S. bankruptcy courts in order to recover claims owed to the TNRCC.

Program Administration Functions

- Strategic Planning – Developing agency goals and objectives, and planning the allocation of staff and financial resources.
- Development of Regulations, Policies and Procedures – Creating rules and policies to guide agency activities.
- Program Management – Planning, reporting and tracking program activities.
- Budget Development – Preparation, modification and reporting of the agency budget.

- Grants and Contracts Administration – Administration of grants and contracts awarded to the agency or awarded by the agency to other entities.

Agency Administration Functions

- Fund Administration and Accounting/Disbursements/Payroll – Management of funds which are limited to specific uses and processing payroll.
- Revenue Estimating – Forecasting and monitoring agency revenues and funding.
- Purchasing and Asset Management – Administration of the purchase, use, location and status of all agency assets.
- Personnel Management Recruitment and Training – Providing and supporting a skilled work force for the agency.
- Information Resource Management – Defining, designing and maintaining agency information systems (automated or manual).
- Records Management – Managing physical document files; examples include maps, microfiche, manual files, etc.

B. Does the agency’s enabling law correctly reflect the agency’s mission, key functions, powers, and duties?

The enabling statute found in Chapter 5 of Texas Water Code largely supports the agency’s mission, key functions, powers and duties. In “Chapter IX. Policy Issues” of this report, however, the agency has identified additional options for further streamlining and consolidation of agency operations.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

The functions performed by the TNRCC are designed to protect the state’s air, water and land resources; and public health.

The TNRCC has been authorized the responsibility for executing most major federal environmental programs in Texas, as indicated in Table 1, below. 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.

<p>Table 1</p> <p>MAJOR FEDERAL LAWS</p> <p>FOR WHICH ALL OR PARTIAL RESPONSIBILITY</p> <p>IS AUTHORIZED TO TNRCC</p>
Federal Resource Conservation & Recovery Act (the major federal solid waste law)
Federal Clean Air Act
Federal Clean Water Act
Federal Safe Drinking Water Act
Federal Insecticide, Fungicide & Rodenticide Act (as it pertains to water quality)
Atomic Energy Act of 1954 (the major federal law concerning low level radioactive waste disposal)
Comprehensive Environmental Response, Compensation & Liability Act (the major Superfund law)

In 1997, the TNRCC and the U.S. Environmental Protection Agency (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 EPA, which provides opportunities to adjust planning and funding priorities between major delegated federal programs according to the unique needs of the state.

D. In general, how do other states carry out similar functions?

In general, most other states maintain environmental agencies with similar powers and responsibilities. Organizations vary from state to state, although the creation of the TNRCC followed a national trend toward the consolidation of state environmental agencies during the 1980s and 1990s. The environmental agencies of some states are charged solely with environmental regulation, as opposed to Texas, where the TNRCC also has some natural resource management, utility regulation, public education and other functions. In other states, portions of the environmental responsibilities are delegated to regional or local governments.

Some agencies in other states have additional responsibilities that in Texas are administered by agencies such as the Texas Parks and Wildlife Department, Texas Water Development Board, General Land Office of Texas, Texas Department of Agriculture, Texas Department of Health and local land use planning agencies.

E. Describe any major agency functions that are outsourced.

Nearly half of the TNRCC's FY1998 operating budget of approximately \$197 million was allocated to pass-through funds to grantees and public and private contractors who support many of the agency's key functions through outsourcing. Under TNRCC supervision, contractors are responsible for carrying out activities including remediation, monitoring and data assessment. Grantees, such as regional and local units

of government, receive funds for municipal solid waste management programs and projects, and for specific training and technical assistance projects. The following is a list of specific agency functions that are supported through outsourcing:

Regulatory

- Air quality planning activities in near nonattainment areas
- Air inspection and complaint response in certain local government jurisdictions

Remediation (when responsible party is unknown or unable to perform these activities)

- Superfund contaminated site remediation
- Leaking petroleum storage tank remediation

Other Regulatory

- Leaking petroleum storage tank emergency response (for hazardous materials spills)
- Petroleum storage tank and leaking petroleum storage tank site evaluations and activities (project management oversight)
- Public water system sampling
- Small business compliance audits

Non-Regulatory

- Review of TNRCC business process and organization (strategic assessment and management review of environmental and regulatory functions and processes carried out by the agency)
- Texas / Mexico border outreach (translation services for workshops, seminars, etc. in the border region)
- Analytical lab services (water sampling services for the Clean Rivers program)
- Some pollution prevention training activities (contractors coordinate promotional activities for the Smart Water program)
- Weather modification activities (grant administration for rain enhancement programs)
- Development of reservoir/river basin models (contractor performs assessments of the models for the Clean Rivers program)
- Some source water protection activities (contractor collects water samples at public water systems)
- Public water system technical assistance (contractor provides technical assistance to public water systems, on topics ranging from drought-related problems to the evaluation of financial, managerial and technical capabilities of a system)
- Development of public service announcements

Administrative

- Security guard services
- Grounds maintenance
- Janitorial services
- Some data entry services
- Moving services
- Modular furniture setup
- Agency mailouts / envelope stuffing
- Maintenance / repair of computer software
- Maintenance / repair of computer equipment

- Technical writing services
- Technical training
- Computer software training
- Writing skills workshop / training

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

Table 2
Outstanding Court Cases

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>ACCORD Agriculture, Inc. v. TNRCC, (No. 03-98-00340-CV)Third Court of Appeals:</p> <p>ACCORD challenged TNRCC's approval of several "permits-by-rule" to confined animal feeding operations (CAFOs) facilities under Subchapter K of Chapter 321 on the basis that the TNRCC: did not have authority to adopt the rules under Section 26.040 of the Water Code (See Historical Note under "1997 Legislation" for text of Section 26.040, titled 'Control of Certain Waste Discharges by Rule'); and did not comply with the rule when it approved the "permits-by-rule". The district court invalidated Subchapter K for failure to state a reasoned justification. The court did not rule on whether the TNRCC had the authority to adopt Subchapter K under Section 26.040 of the Texas Water Code or whether the TNRCC followed the rules when approving the "permits-by-rule." The TNRCC has since amended Subchapter K to regulate CAFOs.</p>	<p>On June 17, 1999 the Third Court of Appeals issued its opinion affirming in part, and reversing and remanding in part the district court judgment.</p>	<p>The court affirmed the trial court judgment that the CAFO rules do not substantially comply with the rulemaking requirements of the APA and that the CAFO rules are involved. It is anticipated that this decision will be appealed. The TNRCC recently adopted amendments to its rules regulating CAFOs, which should strongly minimize the impact of the ultimate decision in this case.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>American Trucking Associations v. EPA, Cause No. 97-1440, D.C. Circuit: A recent decision by the federal D.C. Court of Appeals remanding the 1997 revised PM and Ozone National Ambient Air Quality (NAAQS) standards to EPA for further consideration, and vacating one of the standards (PM₁₀) and requested additional briefing on possible vacating of the PM_{2.5} standard. The court subsequently ruled that the PM_{2.5} standard, like the 8-hour ozone standard, should remain in place, but not be enforced.</p>	<p>EPA has moved for rehearing and has appealed the decision. There is a strong possibility that this suit will end up being reheard by the entire DC Circuit panel (12 judges) and the US Supreme Court. Three DC Circuit judges retained jurisdiction over the case, and are expected to issue further clarifications and/or refinements of the decision.</p>	<p>The impacts of this decision on TNRCC operations are very speculative at this point. It is clear that some regulation will continue regarding all of the pollutants at issue (particulate matter and ozone) - the question will be at what levels and averaging times. The other significant outstanding issues include whether EPA can require designations of areas as in "nonattainment" of the standards and how much discretion EPA can have in rulemaking, in addition to and whether EPA can sanction states for failure to submit information.</p>
<p>Sierra Club, et al. v. EPA, (No. 99-60011) 5th Circuit Court of Appeals: Appellants filed an appeal of EPA's approval of the TPDES program. Texas has filed a motion to intervene in the case.</p>	<p>The appeal was stayed during the pendency of the legislative session.</p>	<p>The potential impact is EPA program approval withdrawal.</p>
<p>Harmon Industries, Inc. v. Carol Browner - 19 F. Supp. 2d 988 (W.D. Mo. 1998): This is a case out of a Missouri federal district court, which stated that EPA did not have authority to "overfile", that is bring a separate, additional action against Harmon, where the state had already brought an enforcement action against Harmon for the same violations.</p>	<p>The Court ruled that, because of the statute (RCRA) and the Memorandum of Agreement between EPA and Missouri, EPA's only recourse was to withdraw Missouri's authorization. This case has been appealed by EPA, and various entities, including the State of Texas, have filed amicus briefs in support of the Court's ruling.</p>	<p>The ruling, if affirmed, would significantly affect EPA's enforcement options, provided that the relevant statute and Memorandum of Agreement/Memorandum of Understanding was consistent with the situation which arose in Harmon. This would eliminate duplication of enforcement where the State of Texas had already pursued an enforcement action.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Texans United For a Safe Economy Education Fund, et al. v. TNRCC; Cause No. 98-11008, 126th Judicial District Travis County: This is a case of first impression arising out of an enforcement case in which the TNRCC obtained an Agreed Order assessing administrative penalties of \$1,055,425 in August 1998 against Crown Central Petroleum Corporation. The citizens group Texans United sued the TNRCC essentially appealing the Agreed Order claiming that its members are aggrieved by the agency's alleged failure to assess a penalty with an appropriate economic benefit component against Crown. Texans United was not a party to the Agreed Order and the agency does not recognize the group as a "person aggrieved."</p>	<p>The TNRCC has filed its response, and the parties are awaiting the assignment of a judge.</p>	<p>Any type of judicial recognition that Texans United is a "person aggrieved" by the Agreed Order would entitle Texans United and potentially other citizens and environmental groups entitlement to appeal enforcement orders of the Commission.</p>
<p>IT-Davy vs. Texas Natural Resource Conservation Commission, Cause No. 98-07589, 200th Judicial District Court, Travis County: IT-Davy has claimed approximately \$7.5 million in costs due to change orders under a remediation contract at the Sikes Federal Superfund Site in Harris County.</p>	<p>As IT-Davy did not have legislative permission to sue the TNRCC, the Attorney General's Office (AG), on behalf of the TNRCC, filed a Plea to the Jurisdiction. The judge ruled against the TNRCC on this jurisdictional claim and the AG has now appealed the matter to the Third Court of Appeals in Austin.</p>	<p>If IT-Davy wins, the case would provide additional case law on the subject of a state agency's sovereign immunity on a contract suit.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>Joe Grissom v. TNRCC, Ca. No. 98-06046, 98th District Court, Travis Co.; 03-99-00117-CV: This is an appeal of the denial of hearing requests and issuance of an air permit to United Copper Industries in Denton. Permit number 37222, TNRCC Docket number 98-0295-AIR.</p>	<p>Judgment rendered by Travis County District Court remanded the decision of the commissioners to the agency. The effect of the judgment was stayed when the TNRCC and the applicant appealed to the Austin Court of Appeals. Briefs were filed June 4, 1999.</p>	<p>Impact on future operations should be minimal regardless of outcome. HB 801, which was passed by the 76th Legislature, repealed the standards most at issue in the case (“reasonableness” of a hearing request and “competent evidence”).</p>
<p>Mary Louise Ladd Holton v. Texas Natural Resource Conservation Commission, No. 97-06408 (261st Dist. Ct., Travis County, Tex.) (Holton): <i>Holton</i> reversed the TNRCC’s decision to deny a contested case hearing based on the lack of competent evidence and its reasonableness of the hearing request.</p>	<p>The District Judge has issued a brief opinion letter but has not yet signed a Final Judgment, focused on a single sub-element which inquires whether the hearing request is based solely on a concern outside of the jurisdiction of the commission.</p>	<p>The potential impact on TNRCC key functions is limited due to the enactment of HB 801 which significantly changes the environmental permitting process.</p>
<p>Tejas Testing Technologies I and II v. TNRCC, Civil No. AU:96-CA-70-JRN, U.S. Distr. Crt-Western District; 03-97-00497-C, Third Court of Appeals: This was a significant case where the TNRCC was sued based on the cancellation of the automotive inspection and maintenance (I&M) program. The Tejas companies were the TNRCC contractors for running this program.</p>	<p>Settlements have been reached with all parties except for the operating contractors (“OCs”), whose judgment TNRCC appealed successfully to the state Court of Appeals. They have asked the Texas Supreme Court to review (no answer yet on whether that appeal will be granted). There is a parallel federal action that is set for trial October 12. Payments on all settlements are current.</p>	<p>None to future operations, only potential monetary damages on outstanding OCs’ claim.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>City of Austin vs. Horse Thief Hollow Ranch, Ltd. et al.; Cause No. 98-00248: Judge Paul Davis, Judge, 200th District Court, Travis County, Texas granted City of Austin’s Motion for Summary Judgment and found that Texas Water Code §26.179, which authorizes the creation of water quality protection zones are unconstitutional as a matter of law.</p>	<p>The case is on appeal with the Texas Supreme Court, and was argued on December 9, 1998.</p>	<p>The TNRCC’s responsibilities under Texas Water Code §26.179 and 30 TAC Chapter 216 would cease. These include review and approval of water quality plans for water quality protection zones, collection monitoring results from the Zones, and enforcing water quality protection measures.</p>
<p>Martha Cotera v. State of Texas; Civil No. A-98-CV-346 JN, United States District Court for the Western District of Texas Austin Division: Cotera sought an injunction against the State for violating the Federal Voting Rights Act in enacting Texas Water Code § 26.179 authorizing the creation of water quality protection zones.</p>	<p>The Circuit Judge denied the Plaintiff’s request for a preliminary injunction, and stayed the proceedings pending the disposition of the appeal in the City of Austin, Texas v. Horse Thief Hollow Ranches, LTD. et al. Case No. 98-0685.</p>	<p>Although the TNRCC was not directly named in <i>Cotera</i>, the TNRCC has responsibility under Texas Water Code § 26.179 to approve water quality plans for water quality protection zones, which would allow the zones to be created or add land to the zones. The outcome of the <i>Horse Thief Hollow Ranch</i> appeal will determine whether the <i>Cotera</i> case will continue. One potential outcome is that the TNRCC could be enjoined from administering or implementing Texas Water Code § 26.179 until the preclearance is obtained under the Federal Voting Rights Act § 5.</p>

Background	Status of Case	Potential Impact on TNRCC Key Functions
<p>State of Michigan v. Environmental Protection Agency; No. 98-1497: State of Michigan sought a motion for a partial stay of the submission of revised State Implementation Plans until April 27, 2000.</p>	<p>The court stayed the application of EPA rules requiring states to adopt rules to reduce NO_x attainment areas in order to assist nonattainment areas in achieving the ozone NAAQS.</p> <p>The substance of the case has not yet been decided by the court.</p>	<p>Impact on the TNRCC may be minimal as Texas is not at this time an OTAG state. The could, however, impact Texas if the EPA reopens OTAG modeling in order to expand the region to Texas.</p>
<p>United States Bureau of Reclamation v. Elephant Butte Irrigation District CV 97-0803, MV/RLP U.S. District Court, District of New Mexico: The Bureau has sued the New Mexico District, the El Paso County Water Improvement Dist. No. 1, and the City of El Paso, claiming that the water in Elephant Butte Reservoir belongs to the Bureau. The State of Texas has moved to intervene.</p>	<p>Intervention has not been ruled on. The parties have been in mediation for over a year. Recently, a draft settlement operating agreement between Texas and New Mexico has been sent to the mediator.</p>	<p>If there is an agreement or a ruling concerning the Bureau's ownership of the water rights in Elephant Butte, this would impact the Texas adjudication in the Upper Rio Grande which is pending at the State Office of Administrative Hearings. If it limits the State of Texas' ownership or right to regulate water in the Bureau's reservoirs, this case could also have more far reaching results.</p>

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency.

Table 3
Statutory Citations

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 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 welfare. This chapter ensures the public welfare is protected by establishing a permitting system for the use of surface water administered by the commission and by the previous adjudication of claims by state courts under the Water Rights Adjudication Act (Subchapter G).

Statutory Citation	Chapter Title	Brief Description
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 uses 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 assure rates, operations and services that are just and reasonable to consumers and utilities are provided.
Texas Water Code Chapter 16.236	Construction of Levees	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 a permitting system 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 subject to the jurisdiction of the Railroad Commission.

Statutory Citation	Chapter Title	Brief Description
Texas Water Code Chapter 34	Landscape Irrigators	Requires the commission to license landscape irrigators and adopt rules for landscape irrigators licensure program.
Texas Water Code Chapter 35	Groundwater Studies	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 of 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.
Texas Water Code Chapter 49	Provisions Applicable To All Districts	This chapter describes the rights, duties, and obligations of districts created by 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.

Statutory Citation	Chapter Title	Brief Description
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.
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. A permitting system governing the storage, processing and disposal of hazardous waste is defined. The chapter authorizes the commission to control all aspects of the management of municipal 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.

Statutory Citation	Chapter Title	Brief Description
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 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 promote the orderly regulation (as between 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, process or dispose of a source of radiation not exempted by law.
Health and Safety Code Chapter 402	Low-Level Radioactive Waste Disposal Authority	This chapter establishes the Texas Low-Level Radioactive Waste Disposal Authority with responsibility for assuring necessary disposal capability for specific categories of low-level radioactive waste.

Table 4
Attorney General Opinions

Attorney General Opinion No.	Impact of Agency
Opinion No. JC-0020	Re: Whether Texas Natural Resource Conservation Commission has authority under chapter 366 of the Texas Health and Safety Code to require certification of “site evaluators” (RQ-1090) (3/10/99)
Opinion No. JC-0017	Re: Whether section 361.0235 of the Health and Safety Code, banning the importation into Texas of hazardous waste generated in a foreign country, is constitutional (RQ-1165) (3/99)
Opinion No. DM-474	Re: Whether Water Code section 5.123, as enacted by Act of May 24, 1997, 75 th Leg., R.S., ch. 1203, § 1, violates the suspension of laws and separation of powers provisions of the Texas Constitution (RQ-975) (4/14/98)
Open Records Decision No. 652	Re: Whether Health and Safety Code section 382.041 supplants common law trade secret protection for certain information filed with the commission and related questions. (ORQ-2) (3/18/97)
Opinion No. DM-414	Re: Whether the state constitutionally may implement, as part of its vehicle emissions inspection and maintenance program, a federal requirement that state temporarily may suspend station or inspector licenses immediately upon finding a violation of the program or equipment failure (RQ-894) (9/23/96)
Opinion No. DM-343	Re: Authority of the Texas Natural Resources Conservation Commission to require a municipality to obtain permission to regulate on-site sewage facilities (RQ-588) (4/28/95)
Letter Opinion No. 90-20	Re: Whether a commissioners court may authorize the creation of a single- county underground water district under section 52.022 of the Water Code (4/26/90)
Opinion No. JM-1024	Re: Whether a commissioners court may authorize the creation of a single- county underground water district under section 52.022 of the Water Code (RQ-1606) (2/28/89) (Texas Water Commission is the only governmental body having jurisdiction of these districts.)
Attorney General’s Statement	Determination of Municipal Solid Waste Landfill (MSWLF) Permit Program Adequacy (Signed by Dan Morales, Attorney General, 7/29/93)
Attorney General’s Statement	Final Authorization for Used Oil (Signed by Dan Morales, Attorney General, 10/16/96)
Attorney General’s Statement	Final Authorization for RCRA Cluster I (Signed by Dan Morales, Attorney General, undated)
Attorney General’s Statement	Final Authorization for RCRA Cluster II and RCRA Cluster III (Signed by Dan Morales, Attorney General, 8/9/96)
Attorney General’s Statement	Final Authorization for RCRA Cluster IV (Signed by Dan Morales, Attorney General, 3/11/97)

Attorney General Opinion No.	Impact of Agency
Attorney General's Statement	Final Authorization for RCRA Cluster V (Signed by John Cornyn, Attorney General, 1/5/99)
Attorney General's Statement	Final Authorization for RCRA Cluster VI (Pending)
Attorney General's Statement	HSWA Cluster I (Signed by Jim Mattox, Attorney General, 12/4/89)
Revised Attorney General's Statement	HSWA Cluster I & Non-HSWA Cluster III (Signed by Jim Mattox, Attorney General, 4/11/90)
Attorney General's Statement	HSWA Cluster II (Signed by Dan Morales, Attorney General, 1/7/94)
Attorney General's Statement	Non-HSWA Cluster IV (No signature page)
Revised Attorney General's Statement	Non-HSWA Cluster IV (Signed by Jim Mattox, Attorney General - undated)
Attorney General's Statement	Non-HSWA Cluster V (Signed by Dan Morales, Attorney General, 3/8/93)
Attorney General's Statement	Non-HSWA Cluster VI (Unsigned; undated)
Statement of Legal Authority	Texas National Pollutant Discharge Elimination System Program (NPDES) (Signed by Dan Morales, 12/24/97)
Attorney General's Statement	Legal Authority for Federal Clean Air Act Title V Operating Permit Program (Signed by Dan Morales, Attorney General, 1993)
Revised Legal Opinion	Office of the Attorney General (Signed by Dan Morales, Attorney General, submitted to EPA on May 6, 1996)
Supplement to 1993 and 1996 Attorney General's Statements	Legal Authority for Texas' Federal Clean Air Act Title V Operating Permit Program (Signed by Dan Morales, Attorney General, 8/3/98)
Attorney General's Statement	Legal Authority for hazardous air pollutants for source categories for area sources (Pending)
Attorney General's Statement	Class I, III, IV and V Injection Wells (Signed by Mark White, Attorney General, 7/11/81)
Attorney General's Statement	Class I, III, IV and V Injection Wells (Unsigned; undated)
Attorney General's Statement	Class I, III, IV and V Injection Wells (Signed by Dan Morales, Attorney General, 1/23/97)
Attorney General's Statement	Class I, III, IV, and V Underground Injection Wells (Signed by Dan Morales, Attorney General, 6/30/98)
Attorney General's Certification	Underground Storage Tank Program - Program Authorization (Signed by Dan Morales, Attorney General, 1/11/94)

H. Please fill in the following chart

(Texas Natural Resource Conservation Commission) Table 5: Agency Contacts			
	Name	Address	Telephone Number Fax Number E-mail Address
Agency Head	Jeffrey A. Saitas, P.E., Executive Director	Texas Natural Resource Conservation Commission MC 109 P.O. Box 13087 Austin, TX 78711-3087	(512) 239-3900 FAX (512) 239-3939 jsaitas@tnrcc.state.tx.us
Agency's Sunset Liaison	Terri D. Seales Executive Assistant	Texas Natural Resource Conservation Commission MC 109 P.O. Box 13087 Austin TX 78711-3087	(512) 239-3900 FAX (512) 239-3939 tseales@tnrcc.state.tx.us